

SPECIAL CALLED CITY COUNCIL MEETING
September 10, 2015

MINUTES OF THE SPECIAL CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD ON SEPTEMBER 10, 2015 AT 7:00 P.M. IN THE COUNCIL CHAMBER, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

PRESENT:

C. R. Evans Jr., Mayor
 Philip Cox, Mayor Pro Tem
 Jerry Clark
 John Posey
 Lawrence Davis

ABSENT:

Pat Beets

Also in attendance were, Charles Cunningham, City Manager, Rachél Gafford, City Secretary and Clyde Carter, Chief of Police representing staff, and Donna Gilliland and Brenda Bell representing the public.

I. CALL TO ORDER – Mayor Evans called the meeting to order by at 7:00 p.m.

1. Invocation was given by Mayor Evans
2. Pledge of Allegiance was led by Councilman Clark

II. CONSENT AGENDA

1. Council to review and make possible corrections to minutes of the Regularly Called City Council meeting held on August 27, 2015.
2. Hear, consider and take action regarding RESOLUTION NO. 2015-09-10A; a resolution to approve the FY 2015-2016 Annual Operating Budget for Smith County 9-1-1 Communications District.
- ~~3. Hear, consider and take action regarding RESOLUTION NO. 2015-09-10B; a resolution to approve purchase of recording equipment by Smith County 9-1-1 for the City and award of bid to Commercial Electronics for said equipment.~~
4. Hear, consider and take action regarding RESOLUTION NO. 2015-09-10C; a resolution to ratify action of the Overton Municipal Development District (OMDD) on August 17, 2015 to approve a quote by BDC Services Ltd. To replace the tile floor at the Overton Community Center.

City Manager Cunningham recommended the removal of Item II.3 from the Consent Agenda so that the item may be discussed.

Mayor Pro Tem Cox made a motion to remove Item No. II.3: from the Consent Agenda for further discussion.

Councilman Posey seconded the motion.

Mayor Evans called for a vote.

Motion carried 4-0; Councilman Beets absent.

Mayor Pro Tem Cox made a motion to approve Item No.'s 1, 2, and 4 of the consent agenda.

Councilman Davis seconded the motion.

Mayor Evans called for discussion; no discussion.

Mayor Evans called for a vote. Motion carried 4 – 0. Councilman Beets absent

Item II.3 presented for discussion

Hear, consider and take action regarding RESOLUTION NO. 2015-09-10B; a resolution to approve purchase of recording equipment by Smith County 9-1-1 for the City and award of bid to Commercial Electronics for said equipment.

Chief Carter presented RESOLUTION NO. 2015-09-10B, explaining that Smith County had agreed to purchase phone line recording equipment for the City and the 911 equipment up to the amount of \$16,000 from the proposed two vendors. Chief Carter recommended the approval of the purchase of the equipment from Commercial Electronics.

Councilman Posey asked if both vendors offered the same features.

Chief Carter responded that Commercial Electronics offered 16 ports in their bid which is enough to record all City Hall, Police Department and 911 equipment calls. He further stated that the other vendor initially only offered 8 ports.

Councilman Posey asked what type of warranty would we received on the equipment.

Chief Carter replied that there would be a standard one year warranty, and all repairs would fall on the City.

III. CITIZEN FORUM

None

IV. OLD BUSINESS

OPEN PUBLIC HEARING - *Mayor Evans opened the Public Hearing at 7:10 P.M*

1. Receive public comments and consider first reading of **ORDINANCE 2015-09-17A**; an ordinance approving and adopting a budget for the City of Overton, Texas for the Fiscal Year beginning October 1, 2014, and ending September 30, 2015, in accordance with the Local Government Code of the State Of Texas and the ordinances and rules of the City of Overton, Texas; appropriating the various amounts thereof, and repealing all ordinances or parts of ordinances in conflict therewith; providing for an effective date; and directing the City Clerk to file a true copy of the budget with the County Clerks of Rusk and Smith County, Texas.

Staff Report was presented by City Manager Cunningham

No public comments made

2. Receive public comments and consider first reading of **ORDINANCE 2015-09-17B**; an ordinance levying *Ad Valorem Taxes* for the maintenance and operation of the Municipal Government of the City of Overton for the 2015-2016 Fiscal Year; providing for the Interest and Sinking Fund for the 2015 tax year; and providing for an effective date

Staff Report was presented by City Manager Cunningham

Public Comments:

Mayor Evans recognized Donna Gilliland, 310 E. Brandon St.

Ms. Gilliland addressed Council asking why there is not a tax exemption in place by the City of Overton for the elderly and disabled.

Mayor Evans responded that to his knowledge the City Council had never authorized the Tax Exemption.

City Manager Cunningham stated that prior the City Council instituting a tax exemption for the elderly and disabled the City would have to do an Impact Analysis to determine the amount of reduction of revenue from property taxes that an exemption like that would result in. Ultimately the Cities that typically have that freeze exemption in place for the elderly typically have a much higher overall tax rate to offset the difference or a much bigger tax base in which not to be as affected in the revenue of the City that a tax freeze on the elderly and the disabled may cause.

Mayor Evans recognized Brenda Bell, 312 E. Brandon St.

Ms. Bell stated that her house is valued at the same appraised value as her brother's house in Longview; however, she pays three times the amount in taxes than her brother.

Councilman Clark responded by saying that Tyler and Longview has many more commercial business to make up revenue in sales tax and property taxes to support the finances and functions of the City.

Mayor Evans stated that the average age of the population in Overton is 69 and has been since 1979. However, our current City tax rate is 30 cents less than that of Troup, Texas.

Mayor Pro Tem Cox responded by saying that when he first ran for City Council that he was firm on keeping the tax rate down. However, I am afraid that I as a Councilman had done a huge disservice to my City because there has not been enough money coming in to fix the basic needs of the City like the streets or the infrastructure. It took me being on Council for me to learn that if we roll back the taxes for freeze the taxes then the City will have to continue to cut back on the City services.

Councilman Posey responded by saying that he is proud to say that with the plan the current staff has proposed the City now has a ten to 15 year program to fix the things that we as a Council have not been able to address and maybe we can get this City back on the right track.

Councilman Davis said that even at the current proposed tax rate the City of Overton will be less than most areas such as Hallsville, Pine Tree and Spring Hill just to name a few. I had similar thinking as many of the Citizens when I first moved here. That is why I decided to get involved and run from Council so that I could get some changes made; however, I have since learned that we have to have the revenue raised through these proposed rate increases to fund the changes the citizens want.

3. Receive public comments and consider first reading of **ORDINANCE 2015-09-17C**; an ordinance levying *Ad Valorem Taxes* for the maintenance and operation of the City of Overton Municipal Cemetery for the 2015-2016 Fiscal Year; and providing for an effective date.

Staff Report was presented by City Manager Cunningham

Public Comments:

Mayor Evans recognized Brenda Bell, 312 E. Brandon St.

Ms. Bell stated that she did not see why the City needed to institute the Cemetery Tax, why could they do like the other county cemeteries and request Donations.

City Manager Cunningham responded that the Cemetery Association Board attempted to run the Cemetery on donations and when they took the Cemetery over from the Funeral Home that had a balance of \$100,000.00; however by the time they turned everything over to the City in 2012 the account had dwindled down to \$48,000.00. The Cemetery Association stated that they had been requesting donations every year; however with the economy they were no longer receiving hardly anything in donations. They could no longer maintain the cemetery and they asked that the City take it over. The City did not formerly accept the Trusteeship of the Cemetery until just recently. Cunningham stated that he gets complaints on a daily basis about how bad the Cemetery looks; however, without some way to fund the needed improvements the City can not make the necessary improvements.

Mayor Pro Tem Cox stated that it is his understanding that the Cemetery Tax is an ordinance that would have to be reviewed and re-adopted each year.

City Manager Cunningham confirmed that it does have to be review and adopted each year.

4. Receive public comments and consider first reading of **ORDINANCE 2015-09-17D**; an Ordinance amending APPENDIX A –“FEE SCHEDULE” of the City’s CODE OF ORDINANCES by changing fees imposed by the City for WATER and SEWER and other City Services.

Staff Report was presented by City Manager Cunningham

No public comments made

CLOSE PUBLIC HEARING - Mayor Evans thanked everyone for their comments and closed the public hearings at 7:52 P.M.

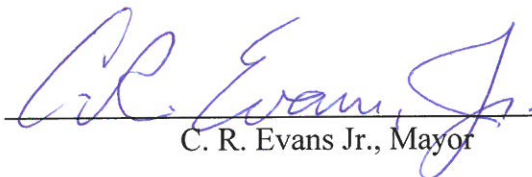
V. ADJOURNMENT

**Mayor Pro Tem Cox made a motion that the meeting be adjourned.
Councilman Clark seconded the motion.**

Motion carried 4 – 0, Councilman Beets absent.

With no further business, the meeting was adjourned at 7:55 P. M.

Minutes approved and submitted and/or corrected this 12th day of November, 2015.


C. R. Evans Jr., Mayor

Attested by:


Rachel Gafford, City Secretary

