

**REGULAR CALLED CITY COUNCIL MEETING
MAY 16, 2019**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **MAY 16, 2019 AT 7:00 PM** IN THE COUNCIL CHAMBERS, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

PRESENT:

ABSENT:

- C. R. Evans Jr., Mayor
- John Posey, Mayor Pro Tem
- Jerry Clark
- Trampas Freeman
- David Stone
- Michael Paul Williams

Also, in attendance were Clyde Carter, Interim City Manager / Police Chief, Wendy Bates, City Controller, Gabe Wallace, Police Captain and Rachél Gafford, City Secretary representing staff. Michael Vinson, representing the Overton Volunteer Fire Department, Scott Cargill, representing Christus Trinity EMS. Craig Steelman, Clifford Mauldin, Joshua Davis, Alexa Anderson, George Davis, Stephanie Davis, Stella Davis, Darlene Womak, Kelly Womack, Aaron Pirtle, Blake Pirtle and Sherri Pirtle representing the public.

A. CALL TO ORDER - Mayor Evans called the meeting to order at 7:01 p.m.

- 1. *Invocation was given by Councilmember Freeman*
- 2. *Pledge of Allegiance of the U. S. Flag and the Texas Flag was led by Councilmember Clark.*

B. CITIZEN FORUM – *No one spoke*

C. CITIZENS REQUESTS

- 1. Clifford Mauldin, Juneteenth Committee, request for permission to conduct a Juneteenth Parade beginning at the Dairy Queen and proceeding through Overton down Commerce Street, North Street and FM 3053 on June 19, 2019 and to utilize the City’s Police Department to provide escort and traffic control for the event.

Clifford Mauldin, on behalf of the Juneteenth Parade Committee, requested permission to hold the annual parade and requested City Council authorize the use of the City Streets and the Police Escort for the parade.

Mayor Pro-Tem Posey made a motion to approve the annual parade and use of City personnel for the escort of the parade through the City Streets.

Councilmember Stone seconded the motion.

Motion carried 5 – 0.

D. CONSENT AGENDA

1. City Council to take action to approve minutes from a Regular Called Meeting of the City Council on April 25, 2019.
2. Council to take action to approve minutes from a Joint Workshop of the City Council, OEDC, OMDD and the Planning & Zoning Commission held on May 9, 2019.

Mayor Pro Tem Posey made a motion to approve the Consent Agenda as submitted for approval.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

E. COMMUNITY DEVELOPMENT CASES**PUBLIC HEARING ITEM(S)**

- ***Mayor Evans opened the Public Hearing at 7:05 P.M.***

1. Council to hear staff report and receive public comments regarding Replat Application 2019-02—Michael Craig Steelman's request to final plat Lot 1R, Block 8, Hillcrest Addition.

City Secretary Gafford presented staff report.

Mayor Evans opened the floor for public comments. No public comments received.

- ***Mayor Evans closed the Public Hearing at 7:09 P.M.***

2. Council to hear staff report and act regarding Preliminary Plat Application 2019-01—Nick Shumake's request, on behalf of Landsmart Planning & Development Inc., to Preliminary Plat Lots 1 – 3, Block 1, Overton Front Street Development Addition. (*Planning & Zoning Commission recommended approval with a vote of 5 - 0, Chairman Raney present and not voting.*)

City Secretary Gafford presented staff report. Staff recommended approval

Mayor Pro Tem Posey made a motion to approve the Preliminary Plat Application 2019-01 as submitted for approval.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

3. Council to hear staff report and act regarding Variance Application 2019-04 Nick Shumake's request, on behalf of Landsmart Planning & Development Inc., for a variance from the City of Overton Design Standards Regulations, Section 106.1 – Sidewalk Requirements and Section 111.3 – Parking: Standard Curb and Gutter Requirements. Specifically, applicant is requesting a variance to not install a sidewalk, curb or gutter along South Front Street where adjacent to the subject property. (*Planning & Zoning Commission recommended approval with a vote of 5 - 0, Chairman Raney present and not voting.*)

City Secretary Gafford presented staff report. Staff recommended approval.

Councilmember Stone made a motion to discuss

Councilmember Freeman seconded the motion.

Motion carried 5 – 0.

After a brief discussion and explanation of why the variance process should remain in place versus the removal of the curb, gutter and sidewalk requirements being removed from the ordinance, the following action took place.

Councilmember Clark made a motion to approve the Variance Request Application 2019-04 as submitted for approval.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

4. Council to hear staff report and act regarding Final Plat Application 2019-03—Nick Shumake’s request, on behalf of Landsmart Planning & Development Inc., to Final Plat Lots 1 – 3, Block 1, Overton Front Street Development Addition. ***(Planning & Zoning Commission recommended approval with a vote of 5 - 0, Chairman Raney present and not voting.)***

City Secretary Gafford presented staff report. Staff recommended approval

Councilmember Clark made a motion to approve the Final Plat Application 2019-03 as submitted for approval.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

5. Council to hear staff report and act regarding Variance Application 2019-05 — Michael Craig Steelman’s request for a variance from the City of Overton Design Standards Regulations, Section 106.1 – Sidewalk Requirements and Section 111.3 – Parking: Standard Curb and Gutter Requirements. Specifically, applicant is requesting a variance to not install a sidewalk along Warren, Sweet Gum and Cedar Streets, not install curb or gutter along Warren Street, and not to install curb along Sweet Gum and Cedar Streets (gutter but no curb exists along Sweet Gum and Cedar Streets) adjacent to the subject property. ***(Planning & Zoning Commission recommended approval with a vote of 5 - 0, Chairman Raney present and not voting.)***

City Secretary Gafford presented staff report. Staff recommended approval.

Mayor Pro Tem Posey made a motion to approve the Variance Request Application 2019-05 as submitted for approval.

Councilmember Freeman seconded the motion.

Motion carried 5 – 0.

6. Commission to take action to make a recommendation to City Council regarding Replat Application 2019-02—Michael Craig Steelman’s request, to final plat Lot 1R, Block 8, Hillcrest Addition. ***(Planning & Zoning Commission recommended approval with a vote of 5 - 0, Chairman Raney present and not voting.)***

City Secretary Gafford presented staff report. Staff recommended approval

Councilmember Williams made a motion to approve the Replat Plat Application 2019-02 as submitted for approval.

Mayor Pro Tem Posey seconded the motion.

Motion carried 5 – 0.

F. BUSINESS

1. Presentation of Emergency Management Services monthly reports.
 - a. Christus EMS report

Scott Cargill, Christus Trinity EMS, presented the monthly EMS report

- b. Overton Volunteer Fire Department report

Michael Vinson, Overton VFD, presented the monthly Fire Department report.

2. City Council to hear, discuss and take action regarding an Ordinance of the City Council of the City of Overton, Texas, an Ordinance amending Chapter 90 of the City of Overton Code of Ordinances relating to the Relocating a Structure into, within or out of the corporate city limits of the City of Overton, Texas.

City Manager Carter and City Secretary Gafford presented staff report.

Mayor Pro-Tem Posey made a motion to discuss

Councilmember Clark seconded the motion.

Motion carried 5 – 0.

After a brief discussion the following action took place.

Councilmember Freeman made a motion to direct staff to consult with the City Attorney regarding the City’s liability on issuance of a permit if the mover was to damage property, to verify that the insurance and bonding section of the Ordinance is sufficient and to postpone this item until the next council meeting.

Councilmember Stone seconded the motion.

Motion carried 5 – 0.

3. Discuss and consider action regarding an Ordinance to amend the City of Overton – Schedule of Fees.

City Controller Bates presented staff report.

Councilmember Williams made a motion to discuss

Councilmember Stone seconded the motion.

Motion carried 5 – 0.

After a brief discussion the following action took place.

Mayor Pro-Tem Posey made a motion to approve Ordinance No. 2019.05.16A with the amendment for the City Manager to have the authority to reduce or waive the Police Escort fee, Cremains Burial by Staff fee and Marker Setting by Staff fee in situations he deems appropriate.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

ORDINANCE NO: 2019.05.16A

CODE OF ORDINANCE - APPENDIX A

City of Overton - Schedule of Fees

AN ORDINANCE AMENDING ORDINANCE NO. 2014-07-29B - "APPENDIX A" CITY OF OVERTON - SCHEDULE OF FEES, AND ALL AMENDMENTS MADE THERETO BY UPDATING FEES IMPOSED BY THE CITY REGARDING THE CEMETERY, POLICE DEPARTMENT, BUILDING PERMITS & INSPECTIONS AND FIRE MARSHAL INSPECTIONS; CONTAINING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

- 4. Council to hear, discuss and take action regarding the proposed FY 2019-20 Budget Planning & Meeting calendar.

City Controller Bates presented proposed calendar for the upcoming budget meetings for council approval.

Councilmember Freeman made a motion to approve the FY 2019-2020 Budget Planning Calendar as presented.

Councilmember Clark seconded the motion.

Motion carried 5 – 0.

- 5. Council to hear and discuss update regarding the following OMDD projects:
 - a. Painting of the wall and the electronic sign installation at Kennamer Square.
 - b. Severe Weather Warning Sirens installation and purchase.

City Manager Carter presented an update on the OMDD projects. No action taken.

- 6. Council to hear and discuss update regarding the following OEDC projects:
 - a. Overton North Lake Dam and Spillway project.
 - b. New / revised OEDC By-Laws to be in compliance with the State guidelines.

City Manager Carter presented an update on the OEDC projects. No action taken.

G. FUTURE MEETINGS

1. Present revised upcoming meetings and events schedule.
 - a. Verification of a quorum for Special Called Meeting for May 30, 2019.

Mayor Evans requested a show of hands for attendance of the May 30, 2019 Special Called meeting to verify a quorum. Then he went over the meetings calendar for next three months.

City Manager / Chief Carter presented a note on the Calendar stating that the Administrative Staff wanted to see if Council would be open to closing City Hall on Friday, July 5, 2019 since most of the staff would be working the Fireworks in the Park Festival on July 4th and would not be able to enjoy their day off for the Holiday as normal.

Mayor Evans polled Council and requested that Staff place the item on the next agenda for Council action.

- b. Mayor to receive request, if any, for leave of absence from any Council Member for future meetings.

No requests for excused absences received for the June meeting.

H. PROCLAMATION / RECOGNITION / APPOINTMENTS

Mayor Evans skipped to item #2 to present the proclamations in the following order:

2. Mayor to issue Proclamation in honor of Eagle Scout Aaron Pirtle.

Mayor Evans issued a Proclamation recognizing and honoring Eagle Scout Aaron Pirtle for his achievement and thanking him for his Eagle Scout Project contribution of three (3) picnic tables to the City's Municipal Park.

1. Mayor to issue Proclamation in honor of Eagle Scout Joshua Davis.

Mayor Evans issued a Proclamation recognizing and honoring Eagle Scout Joshua Davis for his achievement and thanking him for his Eagle Scout Project contribution of a new walk bridge with hand rails and repairs to the existing bridges in the City's Municipal Park.

I. CITY ADMINISTRATION'S MONTHLY REPORTS

City Council to hear and/or act if necessary, on the following items:

City Manager / Chief Carter presented and answered questions regarding the departmental reports.

1. Administration Monthly Reports
 - a. City Manager's Report
 - i. Brandon Street Warranty
 - ii. Barrett Lane repairs and easements
 - iii. Golf Cart Shed Demo / Fencing update
 - iv. Seasonal Employees
 - v. Sewer Line replacement Arcola
 - b. Police Department Report
 - c. Municipal Cemetery Report
 - d. Community Development Report

e. Public Works Department Report

No action taken.

City Controller Bates presented and answered questions regarding the following Finance department reports.

- 2. Finance Monthly Reports
 - a. City Controller’s Report
 - b. Accounts Payable Check Register
 - c. Statement of Revenue and Expenditures by Fund
 - d. Monthly Bank Statement

No action taken.

J. ADJOURNMENT

Councilman Williams made a motion to adjourn.

Councilman Freeman seconded the motion.

Motion carried 5 – 0.

With no further business, the meeting was adjourned at **8:57 p.m.**

Minutes submitted, approved and/or corrected this 27th day of **June, 2019.**



CITY OF OVRTON

C. R. Evans, Jr.

 C. R. Evans, Jr. MAYOR

ATTEST:

Rachel Gafford

 Rachel Gafford, TRMC, CITY SECRETARY

Council Action Items:

- 1. Ord. No. 2019.05.16A – Appendix A – Schedule of Fees Amended.