

**SPECIAL CALLED CITY COUNCIL MEETING
AUGUST 29, 2019**

MINUTES OF THE SPECIAL CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **AUGUST 29, 2019 AT 7:00 PM** IN THE COUNCIL CHAMBERS, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

<u>PRESENT:</u>	<u>Place</u>	<u>ABSENT:</u>	<u>Place</u>
C. R. Evans Jr., Mayor			
Trampas Freeman	1		
John Posey, Mayor Pro Tem	2		
Jerry Clark	3		
David Stone	4		
Michael Paul Williams	5		

Also, in attendance were Clyde Carter, Interim City Manager / Police Chief, Wendy Bates, City Controller, Gabriel Wallace, Police Captain and Rachél Gafford, City Secretary representing staff. Also, in attendance representing the public were Reginald Thompson, Shirley Shaw and Peggy Burnett.

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

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

B. CITIZEN FORUM

Shirley Shaw, 1201 E Price Lane, addressed Council requesting that the Council do something regarding demolishing the dilapidated residential structure located next to her home. She stated that she has been requesting the Code Enforcement address the decaying structure for years; however, they continue to state that they are unable to determine the actual owner of the property. Shaw stated that she had confirmed that George Gomez is listed as the owner of the property but has stated to the Rusk County Tax Office that he is no longer interested in making any improvements to the property. Shaw also requested that the City repair the bad potholes in the road at the corner of Price and Poplar that were left from repairs of a Water leak.

C. CITIZENS REQUESTS

1. City Council to hear, discuss and consider action on a request from Peggy & Cletus Burnett, City of Overton RV Park renters, for a waiver from the City of Overton RV Park Rules and Regulations specifically as it relates to the following:
 - a. Request to be exempt from having to move lots a minimum of every three (3) months per the City's rules and instead be allowed to remain in Lot 15.
 - b. Request to install a front porch with steps that will allow the RV located in Lot 15 be more disability accessible.

Peggy Burnett, current resident of the Overton RV Park located at 402 S. Pearl Street, presented her request to Council to be allowed to stay in Lot #15 and not have to move from lot to lot every three (3) months.

Burnett stated that she does not have a vehicle to move the RV and she would like to be allowed to install a 4' x 4' front porch with steps to the RV to assist her disabled husband with the entering and existing of the RV.

Interim City Manager / Police Chief Carter explained that the RV Park rules were adopted with the three (3) month requirement to prevent from long term residents in the RV Park. Carter stated that once the City allows the occupant to stay in one RV lot for excess of three (3) months the person has basically established residency and then the eviction laws and having to obtain the City Attorney to start eviction procedures would start to apply. Carter further stated that if the Council allowed the installation of the porch Mrs. Burnett is requesting this would further create an establishment of a permanent residence and this would set precedent that other RV Lot renters may also wish to install a permanent porch. Staff recommended denial of Mrs. Burnett's requests.

Councilmember Williams made a motion to discuss.

Councilmember Stone seconded the motion.

Motion carried 5 – 0.

A brief discussion between Mrs. Burnett, staff and Council took place and Council made the following motions:

- *Regarding Mrs. Burnett's first request to be exempt from having to move RV lots every three (3) months and instead be allowed to remain in Lot 15.*

Councilmember Freeman made a motion to deny the request to allow Mrs. Burnett's RV to remain in Lot #15 and not have to move every three (3) months.

Councilmember Williams seconded the motion.

Motion carried 5 – 0. (CA2019.08.29A)

- *Regarding Mrs. Burnett's first Request to install a 4' x 4' front porch with steps that will allow the RV located in Lot 15 be more disability accessible.*

Mayor Pro Tem Posey made a motion to deny the request to allow Mrs. Burnett to allow the 4'x4' porch to be installed; however, to allow the installation of a portable disability accessible step with a hand rail to be approved by Interim City Manager Carter to allow the RV to be more disability accessible.

Councilmember Freeman seconded the motion.

Motion carried 5 – 0. (CA2019.08.29B)

D. BUSINESS

1. Consider, discuss and take action to amend the Standard Operating Procedure regarding the waiver of certain fees by staff.

City Secretary Gafford presented Council with additional change to the SOP regarding wavier of fees to allow the City Manager and the City Secretary /Community Development Coordinator to reduce or waive fees in relation to Permit Plan Review fees. Gafford explained that the current fee schedule plan review fee for residential permits did not take in consideration small remodels where the minimum \$100 fee would be too high until the first proposed carport conversion remodel came in last week.

Councilmember Freeman made a motion to approve the amendment to the Standard Operating Procedure in regards to the reduction or waiver of permit

plan review fees by the City Manager or the City Secretary / Community Development Coordinator.

Councilmember Clark seconded the motion.

Motion carried 5 – 0. (CA2019.08.29C)

2. Hear, discuss and take action to direct staff regarding requesting Rusk and Smith County Elections Administrator to name the Overton City Hall as a branch early voting site for the November 5, 2019 Elections.

City Secretary Gafford presented Council with a cost estimate for conducting the 2019 General Election with and without offering a Branch Early Voting location inside the City limits of Overton. Gafford explained that if the City requested to be a Branch Early Voting site, then the City is responsible for staffing and paying the election workers for the site.

*Gafford further explained that recent legislature had changed and a Branch Early Voting location is now required to be in operation for the full two weeks with a minimum nine (9) hours each day and with the with a minimum of three (3) election workers for each County's polling location. Overton would have to offer both a polling location for Smith and Rusk County, meaning a minimum of six (6) election workers would be needed. Gafford further mentioned that per the Rusk County Elections Administrator, Rusk County **would not** be offering any Branch Early Voting locations and the Smith County probably would not either. However, they would conduct Early Voting at the Elections Offices for the full two weeks prior to Election Day in Henderson and Tyler.*

Mayor Pro Tem Posey made a motion to deny authorization to request Overton City Hall to be named as a Branch Early Voting location for either Rusk or Smith County for the November 5, 2019 Election.

Councilmember Williams seconded the motion.

Motion carried 5 – 0. (CA2019.08.29D)

3. Hear, discuss and take action to give staff direction regarding the addition of a proposed Personal Time Off (PTO) benefit for permanent part-time positions.

Interim City Manager / Police Chief Carter and City Controller Bates presented guidelines and an accrual chart for the addition of PTO benefits for permanent part-time positions in the Personnel Policy Manual. Bates explained that staff is recommending that the four (4) approved permanent part-time employees would be allowed to accrue up to twenty-six 26 hours per year (1 hour per pay period) and would not be allowed to exceed sixty (60) hours in their accrual bank. Also, the policy would include a maximum pay out cap not to exceed forty (40) hours in the event the employee separated employment with a full two-week written notice.

Mayor Pro Tem Posey made a motion to approve the addition of the proposed PTO policy for permanent part-time positions to the personnel policy manual.

Councilmember Clark seconded the motion.

Motion carried 5 – 0. (CA2019.08.29E)

4. Hear, discuss and take action to give staff feedback and direction regarding proposed personnel policy.

City Secretary Gafford and City Controller Bates presented Council with additional changes made to specific sections to the Table of Contents, Chapter 2, Chapter 3 and Chapter 6. Staff requested feedback from Council regarding the proposed changes to the Personnel Manual

No recommended changes were received by staff regarding the policy changes as presented.

No action taken.

5. Hear, discuss and take action to give staff direction regarding proposed authorized personnel positions for FY2019 - 2020.

Interim City Manager / Police Chief Carter and City Controller Bates presented the authorized personnel positions for the FY2019-2020 Budget as presented during the Budget Workshop.

City Controller Bates stated if there were no objections, then she would make the changes to the proposed budget freezing the proposed the new Public Works Department position until April 2020 at which point the position will come to Council for action to unfreeze the position. Bates also stated that the proposed PRN Janitorial Position will be removed from the budget.

No action taken.

6. Discuss and take action to direct staff regarding the implementation of the proposed cost of living adjustment raise for all employees the FY2019-2020 Budget.

Interim City Manager / Police Chief represented the options for implementation of the proposed COLA requesting that Council direct staff regarding the implementation of the COLA.

Councilmember Williams made a motion to direct staff to include a \$0.50 COLA for all full-time and permanent part-time employees in the FY2019-2020 to be implemented the first full pay period of October 2019.

Councilmember Clark seconded the motion.

Mayor Pro Tem Posey requested to be recognized by the Mayor.

Mayor Pro Tem Posey addressed the Mayor stating that because the Agenda Item 7 will have a direct impact on the decision to be made on this item, I move to lay the pending motion on the table until after discussion and action taken on Agenda Item 7.

Councilmember Freeman seconded the motion

Motion to lay Item 6 on the table carried 5 – 0, then Mayor Evans moved to Item 7.

7. Discuss and take action to direct staff regarding proposed changes to the current City's Schedule of Fees.

Interim City Manager / Police Chief and City Controller Bates requested direction from Council regarding the proposed changes to the fee schedule presented in the Budget Workshop. Bates reiterated that the proposed Budget would only be a balanced budget with the proposed rate increases to the Water and Sewer rates.

Mayor Pro Tem Posey made a motion to direct staff to proceed with drafting a proposed Ordinance with the fee schedule changes as presented to be adopted at a future meeting to be effective October 1, 2019.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

Councilmember Williams requested to be recognized by the Mayor.

Councilmember Williams made a motion to take from the table the pending motion on Agenda Item 6.

Councilmember Stone seconded the motion.

Motion carried 5 – 0.

Mayor Evans asked City Secretary Gafford to read back where the discussion for Agenda Item 6 was when it was tabled.

Gafford stated that there was a pending motion on Agenda Item 6 as follows:

“Councilmember Williams made a motion to direct staff to include a \$0.50 COLA for all full-time and permanent part-time employees in the FY2019-2020 to be implemented the first full pay period of October 2019. Councilmember Clark seconded the motion.”

Mayor Pro Tem Posey made a motion to call for a vote on Agenda Item 6.

Mayor Evans called for a vote on the motion as stated above.

Motion carried 5 – 0. (CA2019.08.29F)

8. Hear, discuss and/or take action to direct staff to make changes to the proposed FY2019-2020 Budget.

City Controller Bates requested direction from Council regarding the proposed changes to the FY 2019-2020 as discussed in the meeting.

Mayor Pro Tem Posey made a motion to direct staff to make the changes as discussed and voted on in the meeting.

Councilmember Freeman seconded the motion.

Motion carried 5 – 0.

E. PUBLIC HEARING ITEMS

- **Mayor Evans opened the Public Hearing at 8:12 p.m.**

1. City Council to hear public comments regarding first reading of an Ordinance levying Ad Valorem Taxes for Maintenance and Operation and the Interest and Sinking Fund of the Municipal Government of the City of Overton for the 2019-2020 Fiscal Year (Tax Year 2019).

City Controller Bates presented staff report.

Mayor Evans read the following statement:

THE PROPOSED TAX RATE OF \$0.727911 (\$0.475795 (M&O) AND \$0.252116 (I&S)) WILL RAISE MORE TAXES THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 1.37% PERCENT AND WILL LOWER TAXES ON A HOME ASSESSED AT \$72,649 BY APPROXIMATELY \$1.30.

No public comments received

2. City Council to hear public comments regarding first reading of Ordinance levying Ad Valorem Taxes for the Maintenance of the City of Overton Municipal Cemetery for the 2019 -2020 Fiscal Year (Tax Year 2019).

City Controller Bates presented staff report.

Mayor Evans read the following statement:

THE PROPOSED TAX RATE OF \$0.050000 (Cemetery) WILL RAISE MORE TAXES THAN LAST YEAR'S TAX RATE BY \$122.77 DUE TO NEW PROPERTY ADDED TO THE TAX ROLL.

No public comments received

- *Mayor Evans closed the Public Hearing at 8:14 p.m.*

Mayor Evans read the following statement:

The City Council of the City of Overton will vote on a proposed tax rate for general operation (M & O) and Debt (I & S) for the 2019 tax year that would increase total tax revenues. The Council will also vote on a proposed tax rate for the Cemetery Fund for the 2019 tax year. Both votes will occur at the Regularly Called City Council Meeting at 7:00 p.m., Thursday, September 12, 2019 in City Council Chambers located at City Hall, 1200 South Commerce Street, Overton, Texas 75684.

F. ADJOURNMENT

Mayor Pro Tem Posey made a motion to adjourn.

Councilman Clark seconded the motion.

Motion carried 5 – 0.

With no further business, the meeting was adjourned at **8:15 p.m.**

Minutes submitted, approved and/or corrected this **12th** day of **September, 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. CA2019.08.029A – Denial of request by Peggy Burnett to be exempt from the requirement to move RV to a different RV space every three months while leasing a space at the Overton RV Park.
2. CA2019.08.029B - Denial of request by Peggy Burnett to be allowed to install a 4' x 4' front porch on her RV, will allow a portable step to be installed
3. CA2019.08.029C - Amendment to SOP for waiver of certain fees approved.
4. CA2019.08.029D – Denial of request to authorize City Hall to be a Branch Early Voting site for Rusk and Smith County Early Voting for the November 5, 2019 General Election.
5. CA2019.08.029E – Adding PTO to the employee benefits for Permanent Part-Time Employees
6. CA2019.08.029F – Approving a \$0.50 COLA to the FY2020 Budget.