

**REGULAR CALLED CITY COUNCIL MEETING
NOVEMBER 21, 2019**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD NOVEMBER 21, 2019 AT 7:00 PM IN THE COUNCIL CHAMBERS, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

<u>PRESENT:</u>	<u>POSITION</u>	<u>ABSENT:</u>	<u>POSITION</u>
C. R. Evans Jr.	Mayor		
Trampas Freeman	1		
John Posey (Mayor Pro Tem)	2		
Jerry Clark	3		
Reggie Thompson	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 Michelle Williams, Elsie Hollis, Dale Grandstaff, Roger Moore, Jeannie Barber, Monte Barber, Jim Poole, Debbie Poole, Pamela Hampton, Michael Allen, Scott Cargil, Rob Hoover, Dale Cobbs, Sheryl Cobbs, Joel Cobbs, Don Eaves, Lane Schurbon, Nancy Williams, Scott Andrews, Kelvin Darden, Sara True, Casey True, Chad Adams and Jo McBride Porter.

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 Allegiances were led by Councilmember Clark*

B. PROCLAMATION / PRESENTATIONS / RECOGNITION / ANNOUNCEMENTS

1. *Mayor issued "A Day of Thanksgiving" Proclamation.*
2. *Mayor recognized Don Eaves and the Overton Housing Authority Board and Staff for being recognized as being a High Performer for 5 (five) years in a row with the 2019 PHAS Score of 97 out of a possible 100 by the U.S. Department of Housing and Urban Development (HUD).*

C. CITIZEN / CUSTOMER REQUESTS

1. *Elsie Hollis, 212 N Meadowbrook Dr., submitted Council with photos and reported code violations that she as a concerned citizen requested that the Interim City Manager have the Code Enforcement Officer address. Hollis went on to ask questions regarding the Code Enforcement monthly report which Interim City Manager Carter responded to.*

No action taken

2. *Debbie Poole, 1311 E. Hwy 135, made a public plea to Council to move the High Hill Sign to a location to where both the Citizens Information Sign (VFW Sign) and the High Hill Sign were both visible from all areas of the 4-way stop light at the corner of Henderson & Commerce. Poole plead that since the City no longer has a newspaper that this sign is the only public information announcement sign and is vital to the community.*

Roger Moore, 403 E. South Street, after having been recognized by the Mayor, stated that he agreed with the presentation and the plea on behalf of the citizens made by Mrs. Poole.

No action taken

Mayor Evans announced that the Council would now skip to Business Item H.1:

1. Hear and consider action regarding authorization to purchase a portable marquee sign for the Greenway to advertise non-profit and community informational events at the four-way intersection of Henderson & Commerce Streets.

Interim City Manager Carter presented staff report with a proposal and quotes to replace the VFW Sign if it was moved by Mr. Grandstaff.

Mayor Pro Tem Posey made a motion to discuss.

Councilmember Freeman seconded the motion.

Motion carried 5 – 0.

After a brief discussion by Council and Dale Grandstaff making the statement that he would remove his sign if the City wanted him to.

Mayor Pro Tem Posey made a motion to approve the purchase of the replacement sign “if” the existing VFW sign was removed and to move the High Hill Farm sign parallel with the VFW sign in the greenway.

Councilmember Thompson seconded the motion.

Motion carried 5 – 0.

Mayor Evans announced that the Council would resume the agenda with Item D: Public Forum

D. PUBLIC FORUM - Each individual will be allowed three (3) minutes.

Jeanie Barber, Overton – New London Chamber of Commerce, announced the Christmas Parade and invited and encouraged all Councilmembers to attend. Barber expressed her sincere appreciation to the City staff, Police Department and the Volunteer Fire Department for all their service and assistance with the parade.

E. APPOINTMENTS / ELECTIONS OF OFFICERS AND/OR BOARD MEMBERS

1. Council to review, interview and take action to appoint new Board Member(s) to the Overton Municipal Development Board and/or the Overton Economic Development Corporation Board.

Mayor Evans presented candidate applications for appointments to the open spaces on the OEDC and OMDD boards. Mayor Evans recommended appointing Deborah Poole to the OMDD Board and Roger Moore to the OEDC Board.

Mayor Pro Tem Posey made a nomination to appoint Deborah Poole to the OMDD Board

Councilmember Freeman made a nomination to appoint Roger Moore to the OEDC Board.

Mayor Evans then asked for any additional nominations, being none, he closed nominations and declared Deborah Poole appointed by acclamation to the OMDD Board and Roger Moore appointed by acclamation to the OEDC Board.

F. CONSENT AGENDA

Any or all items under Consent Agenda may be removed by the Mayor, any Council Member or the City Manager for discussion.

1. City Council to review and approve minutes from a Regular Called Meeting of the City Council October 17, 2019.
2. City Council to review and approve minutes from a Special Called Meeting of the City Council October 24, 2019.
3. City Council to review and approve minutes from a Special Canvass Meeting of the City Council November 14, 2019.

Mayor Evans informed Council that in the Consent Agenda a scrivener's error was corrected on the Minutes for the General Election Canvas meeting on November 14, 2019 after the draft minutes had been included in the packet.

City Secretary Gafford covered the corrections that were made.

Mayor Pro Tem Posey made a motion to approve the consent agenda as submitted.

Councilmember Freeman seconded the motion.

Motion carried 5 – 0.

G. COMMUNITY DEVELOPMENT CASES

Council was as the Zoning Board of Adjustment

Chairman Evans opened the Public Hearing at 7:58 p.m.

- **OPEN PUBLIC HEARING**

1. The City of Overton City Council seated as the Zoning Board of Adjustment will hold a public hearing on Thursday, November 21, 2019 at 7:00 p.m. at the City Hall Council Chambers located at 1200 South Commerce Street, Overton Texas, for the consideration of Nancy Williams' request, on behalf of Nancy Williams and the Robert

Williams Estate, for a Special Exception (ZBA2020-01) to the City of Overton Zoning Ordinance Regulations, Section 29 Allowable Land Use Table. Specifically, the applicant is seeking a Special Exception from the Zoning Ordinance Regulations which does not allow for a Restaurant to be located in an Agricultural – Open Space Zoning District (AO). The subject property is a 2.035-acre tract of land out of the G Berry Survey, Rusk County, Texas. The subject property legally described by Rusk County Appraisal District as Property ID 622210, Abstract 143 of the G Berry Survey, being the same parcel of land as deeded to Nancy Williams and Robert Williams Estate in Volume 2162, Page 536 of Deed Records, Rusk County, Texas and is currently more commonly referred to as 1011 ½ Joe Lee Road, Overton, Rusk County, Texas.

City Secretary Gafford presented staff report stating that there had been no public responses received from the legal notifications mailed out.

Applicant Williams gave a presentation of the proposed restaurant and showed photos of the establishment. Williams stated that she planned to have live music on Friday evenings and Karaoke on Saturday afternoons. They planned to only be open two (2) days a week, Friday closing around 10 p.m. and Saturday from 1 to 5 p.m.

Public Comments

Kelvin Darden, 408 Joe Lee Road, stated that he was concerned about the BYOB drinking taking place and is concerned for the children (his grandchildren) and drunk drivers leaving the restaurant.

Board Member Thompson made a motion to discuss.

Board Member Freeman seconded the motion.

Motion carried 6 – 0.

Board Member Thompson stated that he felt that Mr. Darden presented a valid concern for children in the area of the BBQ Restaurant with live entertainment that may be BYOB.

Board Member Posey stated that he had a concern with the noise level of the live entertainment and the karaoke; that the noise would travel at least ½ mile and would not only be a violation of the noise ordinance but also a nuisance to the other surrounding citizens.

Chairman Evans stated he would entertain a motion on how the Board would like to proceed with this Special Exception Case.

Item died from a lack of a motion by the Board.

Board Chairman Evans informed Nancy Williams that the item had died from a lack of a motion and the City Secretary Gafford would have to explain to her what her next step would be.

City Secretary Gafford stated that she would need to confer with the City Attorney and would be in contact with Nancy Williams on this case.

2. The City of Overton City Council seated as the Zoning Board of Adjustment will hold a public hearing on Thursday, November 21, 2019 at 7:00 p.m. at the City Hall Council Chambers located at 1200 South Commerce Street, Overton Texas, for the consideration of Dale Cobbs' request, for a Special Exception (ZBA2020-02) to the City of Overton Zoning Ordinance Regulations, Section 6 – Single-Family Residential Zoning District (SF) and Section 29 Allowable Land Use Table. Specifically, the applicant is seeking a Special Exception from the Zoning Ordinance Regulations which does not allow for a Manufactured Home or a Modular Home to be located in a Single-Family Residential Zoning District (SF). The subject property is a 0.400-acre tract of land legally described as Lot 8, Block 5, Rolling Hills Estates an Unrecorded Plat, Abstract Number 232 out of the H B Dance Survey, Rusk County Appraisal District Property ID 7629 as recorded in Volume 3115, Page 303, Volume 1653, Deed Records, Rusk County, Texas and is more commonly referred to as 901 South Redbud Lane, Overton, Rusk County, Texas.

City Secretary Gafford Presented staff report stating that there had been one public response in favor of the request received from the legal notifications mailed out.

Chad Adams, Solitaire Homes, made a presentation to the Board on behalf of Dale Cobbs.

Board Member Posey made a motion to approve the Special Exception for the Manufactured Home in the Single-Family Residential Zoning District with the conditions presented by Staff.

Board Member Williams seconded the motion.

Motion carried 6 – 0.

- **CLOSE PUBLIC HEARING**

Chairman Evans closed the public hearing at 8:46 p.m.

Council was reseated as the City Council

H. BUSINESS

2. Presentation of Emergency Management Services monthly reports for the previous month.
 - a. ~~Champion~~ Christus EMS report
 - b. Overton Volunteer Fire Department report

Interim City Manager / Police Chief Carter presented the EMS reports on behalf of Christus and OVFD.

No questions from Council regarding the EMS monthly reports.

3. Vernon Hughes, 7527 N CR 132, a residence located outside the Overton city limits, request to not be charged the Utility Rates for Residences Outside the Overton City Limits (double rate) for all three (3) utility accounts for his residence and rental units located on the same property which is located outside of the Overton city limits.

Interim City Manager / Police Chief Carter explained that he had been in contact with Mr. Hughes and he had his attorney review the Resolution drafted by the City's Attorney and they had some questions and revisions they wanted to discuss. Carter stated that he was working on getting the Attorneys in contact with each other regarding these items to be discussed.

Mayor Evans stated that Council would then skip this item.

4. Discuss and consider action regarding proposed Personnel Policy changes to include revisions to the following chapters:
 - a. Chapter 2 – Quit without notice
 - b. Chapter 4 – Compensatory Time
 - c. Chapter 6 – PTO and Comp Time
 - d. Appendix A – Definitions

City Controller Bates presented a brief summary of the proposed changes to the Personnel Policy Manual including the changes to the PTO buy down policy with implications of the proposed sale of PTO for the current City employees who now qualify.

Councilmember Thompson made a motion to discuss.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

The following summary of the discussion is shown below:

Councilmember Thompson asked staff if there is not a better way to spend the money that would be spent regarding the PTO buydown. Thompson stated that typically you use your vacation time or you lose your vacation time.

Mayor Pro Tem stated that given the workload on staff sometimes it is not possible for staff to take their time off. Due to being short staffed and the amount of time this staff has put in to help the City I do not feel it is right they should lose the time because they are unable to take time off.

Councilmember Thompson asked how many hours staff typically works Bates, Carter and Gafford responded an average of 55 to 60 hours per weeks not including taking work home and working remotely.

Controller Bates explained that the current policy already includes a PTO buy down for all employee's for up to 40 hours of PTO each December which has been accounted for. The Policy change is showing the increase of allowing hourly employees to sale 40 hours of PTO and 40 hours of Comp and salary employees to sale up to 80 hours of PTO since they are not allowed by law to earn Comp Time. Bates went on to say that the first spreadsheet presented is the cost implications with the current policy. She said the second spreadsheet presented would be the cost

implications under the new policy assuming each employee decided to take their max price which was a difference of approximately 2,000 increase in cost.

Mayor Pro Tem Posey to approve authorization of the two (2) proposed PTO buy down policies as submitted.

Councilmember Clark seconded the motion.

Motion carried 5 – 0.

Councilmember Clark made a motion to approve the personnel policy revisions as submitted.

Councilmember Thompson seconded the motion.

Motion carried 5 – 0.

5. Discuss and consider action regarding the addition and issuance of City Council email accounts to be used for Council communications.

City Controller Bates presented staff report.

Councilmember Williams made a motion to approve the addition and issuance of City Council emails as presented.

Councilmember Thompson seconded the motion.

Motion carried 5 – 0.

Councilmember Thompson requested a short break.

Mayor Evans announced that the Council would take a short break at 9:38.

Council resumed at 9:49 p.m.

6. Discuss and consider action authorizing the City Manager to enter into an agreement to with a text messaging archiving software vendor.

City Controller Bates presented staff report.

Mayor Pro Tem Posey made a motion to discuss.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

After a brief discussion which centered around looking at radios for communications and not the use of text messaging between staff.

Mayor Pro Tem Posey made a motion to postpone text message archiving software until the next December Council Meeting

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

7. Discuss and consider action regarding the plans for redevelopment and beautification of Kennemar Square into a City Park.

Pamela Hampton presented a concept plan for the redevelopment of Kennemar Square.

Interim City Manager Carter provided background on the previous plan submitted by the Queen Price Garden Club and then opened the floor for a question and answer session regarding the proposed project between Council and Hampton.

Mayor Pro Tem Posey raised the question about how the Garden Club felt about this revised plan as they have a currently approved plan that is pending funding from the OMDD.

Deborah Poole, President of the Queen Price Garden Club, responded that the Garden Club was under the impression that the plan had been abandoned by the OMDD and was no longer approved. Poole stated that she would need to meet with the Garden Club to see how they wanted to proceed as the Garden Club had voted to approve the plan and present it to OMDD for funding and she did not feel she could speak on behalf of the club without discussing it with them first.

Mayor Pro Tem Posey recommended that the item be tabled. Posey requested on behalf of the Council for the Queen Price Garden Club to meet with Pamela Hampton and discuss some sort of mutually approved project between the previous Queen Price Garden Club redevelopment plan and the newly proposed plan.

No action taken

8. Discuss and consider action to approve sending participants to the upcoming TML Newly Elected Officials workshop.

Mayor Evans presented information regarding upcoming Newly Elected Officials Training Seminars for 2020. Mayor Evans requested funding for two members to attend the July seminar in Allen, TX.

Mayor Pro Tem Posey made a motion to approve the funding to send two Councilmembers (Thompson and Evans) to the Newly Elected Officials Seminar in July 2020 in Allen, TX.

Councilmember Williams seconded the motion.

Motion Carried 5 – 0.

9. Discuss and consider taking action regarding a Resolution authorizing the casting of the City's 41 (Forty-One) entitlement votes for a seat on the Board of Directors of the Rusk County Appraisal District for the 2020-2021 term of office.

Mayor Evans presented the proposed Resolution.

Mayor Pro Tem Posey made a motion to approve Resolution No. 2019.11.21A as submitted casting all forty-one (41) entitlement votes for Gerald Waldon for a place on the RCAD Board of Directors for 2020-2021.

Councilmember Clark seconded the motion.

Motion Carried 5 – 0.

RESOLUTION NO. 2019.11.21A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, CASTING THEIR 41 (FORTY-ONE) ENTITLEMENT VOTES AS FOLLOWS FOR THE RUSK COUNTY APPRAISAL DISTRICT BOARD.

- 10. Consider, discuss and/or take action regarding a Resolution by the City of Overton, Texas, ("City") responding to the application of Centerpoint Energy Resources Corp., Beaumont/East Texas Division, to increase rates under the gas reliability infrastructure program; suspending the effective date of this rate application for forty-five days; authorizing the city to continue to participate in a coalition of cities known as the "Alliance of Centerpoint Municipalities"; requiring the reimbursement of costs; determining that the meeting at which the resolution was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and declaring an effective date.

City Controller Bates presented staff report submitted by the Alliance of Centerpoint Municipalities.

Councilmember Freeman made a motion to approve Resolution No. 2019.11.21B as submitted suspending the effective date of the Centerpoint application for forty-five (45) days.

Councilmember Thompson seconded the motion.

Motion Carried 5 – 0.

RESOLUTION NO. 2019.11.21B

RESOLUTION BY THE CITY OF OVERTON, TEXAS ("CITY") SUSPENDING THE EFFECTIVE DATE FOR NINETY DAYS IN CONNECTION WITH THE STATEMENT OF INTENT TO INCREASE RATES FILED BY CENTERPOINT ENERGY RESOURCES CORPORATION, D/B/A, CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS, FOR ITS BEAUMONT/EAST TEXAS DIVISION, ON OR ABOUT NOVEMBER 14, 2019; DIRECTING CENTERPOINT TO REIMBURSE THE CITY'S RATE-CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

- 11. Discuss and consider action regarding an Ordinance to amend Ordinance No. 2017.10.19A regarding the appointment and compensation of an Interim City Manager.

City Controller Bates presented staff report regarding the proposed Ordinance.

Mayor Pro Tem Posey made a motion to approve Ordinance No. 2019.11.21A as submitted.

Councilmember Clark seconded the motion.

Motion Carried 5 – 0.

ORDINANCE NO. 2019.11.21A**AN ORDINANCE OF THE CITY OF OVERTON AMENDING ORDINANCE NUMBER 2017.10.19A IN REGARDS TO THE APPOINTMENT OF AN INTERIM CITY MANAGER AND PROVIDING FOR THE COMPENSATION OF SAID POSITION.**

12. Discuss and consider action to appoint an Interim City Manager for FY 2020 and to set said compensation for said Interim City Manager duties.

City Controller Bates presented staff report regarding the proposed appointment, term and compensation for an Interim City Manager.

Councilmember Clark made a motion to appoint Clyde Carter as the Interim City Manager for FY2019-2020 and to set a monetary stipend for performing the duties of Interim City Manager of \$529.00 per bi-weekly pay period (\$13,754 annually).

Councilmember Thompson seconded the motion.

Motion Carried 5 – 0.

13. Discuss and consider action to direct staff regarding repeal of the Ordinance adopting and requiring building permits and how this would impact the Zoning and Related Ordinances.

City Controller Bates and City Secretary Gafford presented a staff report regarding the implications of just repealing the Chapter 90 Building Regulations which is the ordinance requiring building permits to be issued and inspections done by a qualified inspector along with other provisions. Gafford stated that there are many other ordinances that are intertwined with this ordinance such as the Zoning Ordinance that may need to be repealed or amended as well and that drafting the ordinance to do away with the permits would need to include the City Attorney and possibly have him draft the ordinance on behalf of the City. Therefore, the City Attorney recommended suspending the issuance of permits and associated inspections for ninety (90) days to allow staff and the City Attorney to meet and develop an Ordinance to achieve the goals of Council. Bates then stated that staff would need two separate motions on this item, first an item to suspend the permit issuance and inspections and then second a motion to direct staff of what portions of the ordinance(s) they wish to repeal and which they wish to retain.

Mayor Pro Tem Posey made a motion to suspend the issuance of all permits and inspections for the next ninety (90) days with the exception of plumbing inspections.

Councilmember Thompson seconded the motion.

Motion carried 5 - 0.

Mayor Pro Tem made a motion to direct staff and the city attorney to draft an ordinance(s) necessary to repeal the portion of Chapter 90 Building Regulations requiring the issuance of permits and requiring inspections; however, retain the following intact:

Zoning Ordinance, some semblance of a Certificate of Occupancy, Alcohol Permits, Moving a Structure Permits, Garage Sale Permits, Peddler / Solicitor / Itinerant – Merchant Permits, Moving a Structure Permit and to have remedies to address and go after blatant code violations.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

I. FUTURE MEETINGS

- 1. Present revised upcoming meetings and events schedule.

Mayor Evans presented the three-month calendar showing all upcoming meetings and community events.

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

No requests for excused absences were received.

- 2. Discuss and consider action to approve participants in upcoming webinar regarding Open Meetings Act Update: Walking Quorums.

Mayor Evans presented information regarding upcoming webinars and registration information.

No action taken

J. CITY ADMINISTRATION’S MONTHLY REPORTS

Mayor Evans skipped the monthly reports and stated that he would entertain a motion for adjournment.

K. ADJOURNMENT

Councilman Clark made a motion to adjourn.

Councilman Freeman seconded the motion.

Motion carried 5 – 0.

With no further business, the meeting was adjourned at **11:47 p.m.**

Minutes submitted, approved and/or corrected this **19th** day of **December, 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. Res. No. 2019.11.21A – RCAD Board of Directors Votes Cast
2. Res. No. 2019.11.21B – Centerpoint Grip Rate Application Suspended
3. Ord. No. 2019.11.21A – Interim City Manager Ordinance Amendment