

**CITY COUNCIL MINUTES
OCTOBER 19, 2020
SPECIAL CALLED MEETING 7:00 p.m.**

MINUTES OF THE *SPECIAL* CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **OCTOBER 19, 2020 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		

Staff in attendance were Clyde Carter, Interim City Manager/Police Chief, Police Chief Gabe Wallace, and Finance Director Sherry Roberts.

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

1. Invocation was given by Mayor Pro-Tem Posey.
2. Pledges of Allegiance were led by Councilmember Freeman.

B. PRESENTATION OF PROCLAMATION

Mayor Evans read the proclamation in honor of City Secretary Rachél Gafford out loud for everyone to hear.

C. PRESENTATIONS

1. Receive update/ presentation from OEDC President Philip Cox regarding OEDC activity and proposed OEDC projects; possible ACTION on OEDC projects proposed as listed below:
 - a. Fund Radio ads for City and Chamber Business of the Month
 - b. Accept Donation of Approximately \$106k from Industrial Foundation and apply to City Streets.
 - c. Fund trimming rights-of-ways on City Streets
 - d. Fund repaving City Oil Tops with Rusk Co via inter-local
 - e. Developing a close relationship with the Chamber of Commerce.
 - f. Funding for office supplies and Conference equipment for Chamber of Commerce Building
 - g. Presentation of OEDC Projects and general update. First reading of OEDC Project to spend \$1,000 per month on radio advertising for the City of Overton and including the Chamber of Commerce Business of the Month.
 - h. Second reading of OEDC Project to spend \$1,000 per month on radio advertising for the City of Overton and including the Chamber of Commerce Business of the Month.
 - i. First reading of an OEDC Project to trim the rights-of-way in the City, not to exceed \$10,000.

- j. Second reading of an OEDC Project to trim the rights-of-way in the City, not to exceed \$10,000.

Overton Economic Development Corporation (OEDC) President Philip Cox gave the Council an update of the upcoming plans involving the OEDC Board. He informed the Council about the Council's role in economic development and the law about projects outside of the City limits. He informed the Council about abolishment procedures and the purpose of an economic development corporation.

President Cox then explained that the OEDC plans to pay for radio ads to promote the City of Overton. Mayor Evans asked President Cox how much of the OEDC budget is allowed to be spent on advertising. President Cox answered 10 percent of sales tax revenues.

President Cox informed the Council that the Overton Industrial Foundation dissolved and the balance in the entity's bank account was transferred to the OEDC, which is approximately \$106,000. There was a restriction placed on the transfer that the money can only be spent on street improvements/repairs. The OEDC has formed a committee to choose which streets will be improved. Rusk County will donate labor and equipment for the repairs and the OEDC will pay for the material and rent a grinding machine. Mayor Evans asked for affirmation that the repairs can only be performed on oil top roads. President Cox agreed. Rusk County can only repair oil top roads and not asphalt. President Cox explained that they could choose to repair asphalt roads; however, the OEDC would have to spend a lot more money to rent more equipment and the funds would not go as far. The OEDC Board chose to focus on the oil top roads to get more repairs done for the amount of money received.

President Cox informed the Council that the OEDC plans to spend approximately \$10,000 to trim the rights-of-way within the City. He explained the importance of having a close relationship with the Overton-New London Area Chamber of Commerce. Mayor Evans asked if a Type B EDC can pay for a secretary to which President Cox answered yes.

President Cox read the first reading of OEDC Project to spend \$1,000 per month on radio advertising for the City of Overton and including the Chamber of Commerce Business of the Month. Mayor Evans explained this type of reading is where discussion would be held between staff then allow the citizens a chance to speak. Since no formal public hearing was included on the agenda, Mayor Evans asked each Councilmember if they had any questions about this particular project. Mayor Pro-Tem Posey did not have any questions, but expressed that it was a great idea. Mayor Evans asked what would happen if sales tax did not come in as predicted. President Cox explained that this amount is an estimate. Councilmember Freeman had no questions but also liked this idea. Councilmember Clark asked which radio stations would be chosen for advertising. President Cox answered with the stations of which he had made contact.

Mayor Evans opened an informal public hearing at 7:32 p.m. to allow citizens the opportunity to speak. The public hearing was immediately closed as no one chose to speak.

President Cox read the second reading of OEDC Project to spend \$1,000 per month on radio advertising for the City of Overton and including the Chamber of Commerce Business of the Month.

Mayor Evans opened an informal public hearing at 7:33 p.m. to allow citizens the opportunity to speak. The public hearing was immediately closed as no one chose to speak.

President Cox read the first reading of an OEDC Project to trim the rights-of-way in the City, not to exceed \$10,000. Mayor Evans opened an informal public hearing at 7:35 p.m. to allow citizens the opportunity to speak. Ms. Shirley Honeycutt asked about Holland Street and not being able to view the street lights. President Cox addressed her concerns.

President Cox read the second reading of an OEDC Project to trim the rights-of-way in the City, not to exceed \$10,000. Councilmember Freeman asked for more clarification on the bid in regards to branches that are outside of the rights-of-way. President Cox explained the project in more detail. Interim City Manager Carter explained that employees will follow behind with a chipper to dispose of the branches as they are being cut as to not leave behind a mess. Mayor Evans closed the second public hearing at 7:45 p.m.

Councilmember Freeman made the motion and Councilmember Clark seconded to approve the following:

- Radio ads and Business of the Month
- Accepting the donation from the Overton Industrial Foundation of \$106,000
- Funding the trimming of the rights-of way for \$10,000
- Funding the repaving of the City oil top roads with the Rusk County via the City's Interlocal Agreement

Motion approved 4-0.

D. PUBLIC FORUM

No citizens chose to speak during the public forum.

E. CONSENT AGENDA

Motion to approve made by Councilmember Clark, seconded by Councilmember Williams. Approved 4-0.

F. BUSINESS

1. Presentation of Emergency Management Services monthly reports.

a. Christus EMS report

Interim City Manager informed the Council that while there were some lengthy response times, the reasons were explained.

b. Overton Volunteer Fire Department report

There was not a report available at this time.

2. Discuss and possible action regarding a Lease Agreement between the City of Overton and American Tower for possible installation of a communications tower to

be built on City property, and further authorizing the Interim City Manager to sign the agreement.

American Tower representative, Mike Marr addressed the Council regarding the lease. He explained the lease is for a cell tower which will be built on E. Henderson. This will be a five-year lease for \$1,000 per month with a 10% increase every five years.

Councilmember Clark asked about the height of the tower. Mr. Marr answered 150 feet. Councilmember Williams asked how deep of a core sample will be taken. Mr. Marr answered 50-60 feet. Councilmember Clark asked if would have guywires. Mr. Marr answered no; it will all be contained within the fenced area. Councilmember Clark then asked how big of a fenced in area. Mr. Marr answered 100'x100'. Mayor Pro-Tem Posey asked if this would be strictly a cell tower. Mr. Marr answered yes and that AT&T will be the first tenant. Councilmember Freeman asked when the construction would begin. Mr. Marr stated that it is hard to say but hopefully within the first quarter of 2021; however, rent starts the minute construction begins.

Motion to approve made by Mayor Pro-Tem Posey, seconded by Councilmember Freeman. Approved 4-0.

3. Discuss and possible action on TCEQ Agreed Order 2009-1689-MWD-E Invoice.

Finance Director Sherry Roberts explained that she received a TCEQ invoice for \$26,471 from 2009. This invoice had nothing to do with the dam or spillway but with the aerators at the wastewater treatment plant. The fines were over \$40,000 initially but were paid down to the current balance. Payments were put on hold while the dam and spillway project were under construction. TCEQ would like the City to begin payments again. TCEQ offered the City four different payment plan options and Finance Director Sherry Roberts suggested the \$551.48 monthly payment for 48 months choice since there is no penalties or interest attached.

Motion to approve a monthly payment of \$551.48 to TCEQ for 48 months made by Mayor Pro-Tem Posey, seconded by Councilmember Williams. Approved 4-0.

4. Discuss and possible action to reopen the Overton Community Building at 75% occupancy.

Interim City Manager Carter explained to Council that since Governor Abbot has opened most facilities at 75% then the City should do the same for the community building.

Motion to approve made by Councilmember Williams, seconded by Councilmember Clark. Councilmember Williams asked if they open the building to a 75% capacity and they exceed the legal capacity, who gets into trouble. Interim City Manager Carter answered that it would be completely up to the person that leased the building. Mayor Pro-Tem Posey asked if anything was being done about the rate since there will be a limit on the number of people inside the building. Interim City Manager Carter answered that is completely up to the Council if they would like to adjust the rate; however, he does not see that there would be an event there that would exceed the 75% capacity. Mayor Evans stated that the City has rented it many times before to smaller groups where they do not have anywhere near the 75% capacity. Mayor Evans stated he believes the rate should remain the same.

As the motion to approve is already on the table, it is approved 4-0.

5. Discuss and possible action to approve the Affordable Small-Dollar Loan Program for employees by the East Texas Council of Governments.

Finance Director Sherry Roberts explained the program. This program does not cost the City anything and would not hold the City responsible for any terminated employees' loans but provides employees the opportunity to borrow \$1,000 at 18% interest for 24 months to repay. While 18% interest is still high, it is cheaper than pay-day loans. It is payroll deducted and the Program does all the paperwork through ETCOG. If the employee leaves or is terminated before the loan is paid off, the Program is responsible for retrieving payments. Mayor Evans stated that employees have previously asked for an advance on their paycheck. Finance Director Sherry Roberts stated that this is illegal. Mayor Evans stated that this would give the employees another option. Interim City Manager Carter added that employees could not participate within their 90-day probation period.

Motion to approve made by Councilmember Williams, seconded by Councilmember Freeman. Approved 4-0.

G. FUTURE MEETINGS

1. Present revised upcoming meetings and events schedule.

Mayor Evans reminded Council that the next regular meeting is November 19 and that the following Monday on October 26 is a special-called meeting which will be a closed session and a SWEPCO resolution.

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

No one provided a reason to miss the future meetings.

H. CITY ADMINISTRATION'S MONTHLY REPORTS

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

1. Administration Monthly Reports

- a. City Manager's Report**
- b. Police Department Report**
- c. Code Compliance/Enforcement Report**
- d. Public Works Department Report**

Interim City Manager Carter provided the Council with an update.

2. Finance Monthly Reports

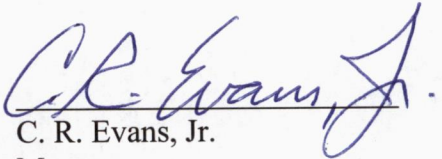
- a. Finance Director's Report**
- b. Expense Approval Report**
- c. Monthly Bank Statement**
- d. Overton Economic Development Corporation (OEDC) expenditures over \$50K**

Finance Director Sherry Roberts provided the Council with an update.

I. ADJOURNMENT

Motion to adjourn at 8:24 p.m. made by Councilmember Clark, seconded by Councilmember Freeman. Approved 4-0.

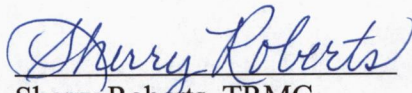
CITY OF OVERTON



C. R. Evans, Jr.
Mayor



ATTEST:



Sherry Roberts, TRMC
Finance Director