

**REGULAR CALLED CITY COUNCIL MEETING
DECEMBER 19, 2019**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **DECEMBER 19, 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	John Posey (Mayor Pro-Tem)	2
Trampas Freeman	1		
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, Shawn Solly, Patrol Officer, Blake Thompson, City Attorney, Carolyn Walters, Municipal Court Judge, Rand Cates, Associate Municipal Court Judge and Rachél Gafford, City Secretary representing staff, Kent Mahoney, Editor, representing the Henderson News. Also, in attendance representing the public were Michelle Williams, Elsie Hollis, Dale Grandstaff, Pamela Hampton, Michael Allen, Kelvin Darden, Nancy Williams, Mike McClure and Ronnie Howell.

A. CALL TO ORDER - Mayor Evans called the meeting to order at 7:02 p.m.

1. *Invocation was given by Mayor Evans*
2. *Pledge of Allegiances were led by Councilmember Clark*

B. PROCLAMATION / PRESENTATIONS / RECOGNITION / ANNOUNCEMENTS

1. *Mayor issued a "National School Choice Week 2020" Proclamation.*
2. *Mayor issued a "2020 Fair Housing Month" Proclamation.*
3. *Mayor issued a Proclamation honoring Clyde Carter for his twenty-five (25) years of service to the City of Overton.*

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 in regards to 102 S Front Street and Trash Cans left on streets after pick up date in violation of the City's Garbage & Refuse Ordinance. Hollis went on to request LED light bulbs in the downtown area on Henderson and Commerce streets and to add no littering signs.*

No action taken

D. PUBLIC FORUM – No one addressed Council

E. CONSENT AGENDA

1. City Council to approve minutes from a Regular Called Meeting of the City Council November 21, 2019.
2. Mayor to take action regarding the reappointment of an Emergency Management Director / Coordinator and / or an Assistant Director / Coordinator for the City of Overton.
3. Council to consider action to appoint a new Board Member to the Planning & Zoning Commission.
4. Council to consider action regarding a Resolution reappointing Municipal Court Judge and authorize the City Manager to enter into a Professional Services Agreement with the Municipal Court Judge with an effective date of January 1, 2020 through December 31, 2021.
5. Council to consider action regarding reappointment of an Associate Municipal Court Judge with mileage reimbursement per the current IRS Standard Mileage rate with an effective date of January 1, 2020 through December 31, 2021.

Mayor Evans informed Council that he was removing Agenda Item E.1 from the Consent Agenda to handle as a separate item.

Mayor Evans then proceeded to present the rest of the Consent Agenda to Council for action:

2. ***Appointing Clyde Carter as the Emergency Services Director and Sargent Todd Spakes as the Assistant Emergency Services Director from January 1, 2020 through December 31, 2020; and***
3. ***Appointing Pamela Hampton to the Planning & Zoning Commission for the remainder of a term of two years ending September 30, 2021.***
4. ***Appointing Carolyn Walters as the Overton Municipal Court Judge for a term of two years from January 1, 2020 through December 31, 2021 and authorizing the Interim City Manager to enter into the presented contract as presented.***
5. ***Appointing Rand Cates as the Overton Associate Municipal Court Judge for a term of two years from January 1, 2020 through December 31, 2021 and authorizing mileage reimbursement when applicable as presented.***

Councilmember Freeman made a motion to approve Consent Agenda Items 2 through 5 as presented.

Councilmember Clark seconded the motion.

Motion carried 4 – 0, Mayor Pro-Tem Posey absent.

RESOLUTION NO. 2019.12.19A

A RESOLUTION OF THE OVERTON CITY COUNCIL REAPPOINTING THE MUNICIPAL COURT JUDGE AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH THE MUNICIPAL COURT JUDGE; PROVIDING FOR AN EFFECTIVE AND AN EXPIRATION DATE.

Mayor Evans then presented the Council Minutes from the November 21, 2019 Regular Called Meeting for approval.

Councilmember Williams made a to approve Minutes for the November 21, 2019 meeting as submitted.

Councilmember Thompson seconded the motion.

Motion carried 4 – 0, Mayor Pro-Tem Posey absent.

F. INSTALLATION OF NEWLY APPOINTED OFFICIALS AND / OR BOARD MEMBERS

1. **Mayor Evans administered the Oath of Office to reappointed Judge Carolyn Walters, reappointed Associate Judge Rand Cates and then newly appointed Planning & Zoning Commissioner Pamela Hampton.**

G. COMMUNITY DEVELOPMENT CASES

Council was seated as the Zoning Board of Adjustment @ 7:27 p.m.

PUBLIC HEARING ITEM(S):

- **OPEN PUBLIC HEARING**

Chairman Evans opened the Public Hearing at 7:33 p.m.

1. Board to consider and act regarding a request by Nancy Williams', 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 explained that this item was being re-presented from the last meeting due to the item having died from the lack of a motion. Gafford stated that staff had consulted with the City Attorney on how to proceed with this case, per Chairman Evans' request, and that had discovered that the Board could not let a case die from a lack of a motion as the applicant has submitted payment for the case to have a decision made. Gafford then re-presented the staff report for the Boards review. Interim City Manager / Chief Carter presented support for approval of the request stating that the Police Department could increase patrols of this area during the restaurant is open hours on weekends.

Applicant Nancy Williams addressed the Board and requested approval for the request, she stated that she was trying to go through the correct process for approval; however she mentioned that

there was another property owner operating a business/restaurant down the road from her for years without any type of approval or permit.

Pamela Hampton asked where the parking for the restaurant would be located.

Williams responded that the lot had two acres for parking and a vacant field across the street that she owned.

Kelvin Darden asked what restaurant Ms. Williams was referring to as he stated the gentlemen who occasional fried fish out of his barn had not been open for over five (5) years.

Board Member Clark asked about the monitoring of the BYOB of patrons, asking if Ms. Williams planned to put her patrons up at her house if there had been too much drinking.

Williams responded that there should not be too much drinking, this establishment is mostly for food and entertainment.

Board Member Thompson requested clarification that Ms. Williams intended to hire security.

Ms. Williams responded that she was looking into hiring an off-duty police officer to work security.

- **CLOSE PUBLIC HEARING**

Chairman Evans closed the Public Hearing at 7:39 p.m.

Chairman Evans stated that he would entertain a motion on this item.

Board Member Freeman made a motion to approve Special Exception Application 2020-01 as submitted with the following conditions of approval:

- a. Applicant must final plat the property subdividing the commercial structure and property from the residential house; and*
- b. Applicant must obtain a Certificate of Occupancy from the City; and*
- c. Applicant must have security on the property when in operation with entertainment; and*
- d. Applicant must obey the noise ordinance or be subject to citations.*

Board Member Williams seconded the motion.

Motion carried 5 – 0, Board Member Posey absent

Board was reseated as the City Council at 7:41 p.m.

H. BUSINESS

1. Presentation of Emergency Management Services monthly reports for the previous month.
 - a. 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 or Fire Department monthly reports.

2. Discuss and consider action authorizing the City Manager to enter into an agreement with a text messaging archiving software vendor. *(This item postponed from the 11/21/2019 Meeting.)*

City Controller Bates presented an update, as requested by Council, regarding text message archiving software options. City Secretary Gafford stated that Ore City had recently received their first PIR regarding City personnel cell phones and text messages and due to not having any archival software in place, they were scrambling for ideas on how to fulfill the request for information.

Councilmember Freeman made a motion to approve Tele Message archiving software as presented and authorized the Interim City Manager to enter into the proposed agreement as submitted.

Councilmember Thompson seconded the motion.

Motion carried 4 – 0, Mayor Pro-Tem Posey absent.

3. Council to hear an update regarding the North Lake Dam project and proposed funding for dredging work needed for the project.

Interim City Manager Carter stating that the engineers have reported that the project completion should be by the end of January. Carter then stated that due to the lower volume of the lake after the project completion, lake dredging will be needed to clean up around the increased shoreline, support the upper lake dam and to make the lake usable for the public. Dredging quotes have been requested and OMDD has approved up to \$25,000 toward the funding of the project. Carter further stated that the City had just been awarded a \$20,000 grant toward the North Lake Dam/Spillway project.

No action required

4. Discuss and give staff direction regarding an Ordinance amending Chapter 90 Building Regulations and how this will impact the Zoning Ordinance and Fence Ordinance.

City Attorney Thompson and City Secretary Gafford presented a draft ordinance for Council's review. Gafford requested Council input for additional changes to the proposed ordinance to include: repealing the International Plumbing Code, the repeal of the requirements for certain permits be obtained and contractors registering with the City prior to performing construction related work to any property inside the city limits. Gafford stated that per Council direction this Ordinance would retain the requirement for a Certificate of Occupancy being obtained for both for new Commercial Businesses and new Residential homes and would add a requirement for a Site Plan Review for new construction and Demolition Notification and Inspection for properties being removed or demolished inside the City for protection of the City's utility systems.

No action taken

- 5. Discuss and give staff direction regarding an Ordinance amending the City’s Schedule of Fees related to fees that will need to be added or amending in relation to amending Chapter 90 Building Regulations.

City Attorney Thompson and City Controller Bates presented the current list of permit fees in the City’s fee schedule as related to Building Permits & Inspections requesting input from Council regarding changes to the fee schedule with the impending removal of permits. Staff recommended minimal fees ranging from \$25 to \$50 for the permits retained and the notification and review items added. City Attorney Thompson recommended that the Fire Marshal fees be removed and those services could be contracted without the involvement from the City.

There was brief discussion between Council and staff.

No action taken

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.

Mayor Evans stated that Mayor Pro-Tem Posey was called away suddenly on business out of town. Mayor Evans requested an excused absence on behalf of Mayor Pro-Tem Posey. No other requests received.

Councilmember Williams made a motion to approve and excused absence for Mayor Pro-Tem Posey for the December 19, 2019 Council Meeting.

Councilmember Thompson seconded the motion.

Motion carried 4 – 0, Mayor Pro-Tem Posey absent.

J. CONVENE TO EXECUTIVE SESSION

Council convened to closed session at 8:23 p.m.

- 1. City Council to retire to Executive Session to discuss and consider the status of the City Controller.

Council reconvened into open session at 9:14 p.m.

K. ACTION ON ITEM(S) DISCUSSED IN EXECUTIVE SESSION

Councilmember Thompson made a motion to accept the pending resignation of City Controller Bates and authorize staff to advertise for the position of a Finance Director.

Councilmember Williams seconded the motion.

Motion carried 4 – 0, Mayor Pro-Tem Posey absent.

L. CITY ADMINISTRATION'S MONTHLY REPORTS

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

1. Administration Monthly Reports
 1. City Manager's Report
 2. Police Department Report
 3. Code Compliance/Enforcement Report
 4. Municipal Cemetery Report
 5. Community Development Report
 6. Public Works Department Report
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
 - e. Overton Economic Development Corporation (OEDC) expenditures over \$50K

M. ADJOURNMENT

Councilman Clark made a motion to adjourn.

Councilman Thompson seconded the motion.

Motion carried 4 – 0, Mayor Pro-Tem Posey absent.

With no further business, the meeting was adjourned at **9:20 p.m.**

Minutes submitted, approved and/or corrected this 16th day of January, 2020.

CITY OF OVRTON


C. R. Evans, Jr., MAYOR

ATTEST:


Rachel Gafford, TRMC CITY SECRETARY

**Council Action Items:**

1. Res. No. 2019.12.19A – Contract with Municipal Court Judge Walters