

**REGULAR CALLED CITY COUNCIL MEETING  
JANUARY 16, 2020**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD JANUARY 16, 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		
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, and Rachél Gafford, City Secretary representing staff, Kent Mahoney, Editor, representing the Henderson News and Scott Cargil, representing Christus Trinity EMS. Also, in attendance representing the public were Michelle Williams, Elsie Hollis, Dale Grandstaff, Richard & Farris Stanley, Jacob & Sarah Brown, Rich Scott and Chelsea Johnson.

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

1. *Invocation was given by Councilmember Freeman*
2. *Pledge of Allegiances were led by Councilmember Williams*

**B. PROCLAMATION / PRESENTATIONS / RECOGNITION / ANNOUNCEMENTS**

1. *Mayor Evans re-appointed Scott Andrews and Bob Heath to the Overton Housing Authority Board of Commissioners, for another two-year term expiring December 31, 2021*

**C. PUBLIC FORUM – *No one addressed Council***

**D. REQUESTS OF COUNCIL**

1. City Council to hear and take action regarding request from Chelsea Johnson, 14993 S State Hwy 135, Acct # 07-072-03 for a waiver of a portion if not all of the excessive water bill due for the December 2019 water usage.

*Chelsea Johnson presented her request from a waiver of the excessive charges billed due to a water leak discovered by city staff and reported to her which was repaired by a plumber immediately. Johnson went on to say that the plumber had discovered that the leak was caused by a sub tapped water line that ran to a manufactured home (that had been removed prior to her ownership) that she was unaware of when she purchased the home.*

*Mayor Pro Tem Posey made a motion to postpone until .*

*Councilmember Thompson seconded the motion.*

*Motion carried 5 – 0.*

*After a brief discussion between Johnson, staff and council the following action was taken.*

***Mayor Pro Tem Posey made a motion to adjust the water bill for Utility Acct # 07-072-03 by \$725.20 to make the December bill be an average monthly bill.***

***Councilmember Clark seconded the motion.***

***Motion carried 5 – 0.***

2. City Council to hear and take action regarding request from Rich Scott, on behalf of the Heritage Group, to hold a Blue Grass Art Festival on Rusk Street from Henderson Street to Short Street on March 28, 2019 from 9 a.m. to 9 p.m., and approval of a possible request for various city streets and / or services to be utilized for the event.

*Rich Scott presented a request for approval for the Heritage Group to host a Blue Grass Arts Show and Festival downtown. Mr. Scott informed Council that the Heritage Group had yet to obtain their Non-Profit Organization status nor any event insurance. That being said Scott stated he would return to Council the following month with an update and a more formal request for pursuing approval of a festival for March.*

***Councilmember Williams made a motion to postpone to the February meeting.***

***Councilmember Freeman seconded the motion.***

***Motion carried 5 – 0.***

3. Council to hear a request from Elsie Hollis, 212 N. Meadowbrook, regarding the following City Code Violations within the city limits and requesting the City enforce the adopted codes.
  - a. Duplexes located on N. Meadowbrook (at the corner of N. Meadowbrook & North Streets; house numbers are needed and required for Emergency Services)
  - b. Dilapidated structured located at 204 N. Commerce Street

*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 trash and debris at the duplexes located on the corner of N. Meadowbrook and North Street. Hollis also requested an update regarding the dilapidated structure case on 204 N. Commerce. Finally, Hollis informed Council that she did notice that 605 Helen Street had Blue Tarps covering broken down cars and bedding and mattresses in the yard which are an eyesore.*

*Interim City Manager/Police Chief Carter stated that the City was waiting on the City Attorney to set the court date for the 204 N. Commerce St. case.*

***No action taken***

#### **E. CONSENT AGENDA**

1. City Council to approve minutes from a Regular Called Meeting of the City Council on December 19, 2019.

***Councilmember Williams made a motion to approve Consent Agenda as presented.***

***Councilmember Clark seconded the motion.***

*Motion carried 5 – 0.*

**F. BUSINESS**

1. Presentation of Emergency Management Services monthly reports.
  - a. ~~Champion~~ Christus Trinity EMS report
  - b. Overton Volunteer Fire Department report

*Scott Cargil, Christus Trinity EMS, presented the monthly report with explanations regarding any runs that exceeded 15 minutes response time.*

*Mayor Pro Tem Posey asked Cargil about scheduling community CPR Training. Cargil responded that he would get in touch with City staff to coordinate training courses for March.*

*Interim City Manager / Police Chief Carter presented the monthly report on behalf of the OVFD.*

2. Discuss and consider action regarding a Resolution approving the election of new officers of the Overton Volunteer Fire Department for the 2020 Calendar year.

*City Controller Bates presented the Resolution for approval.*

*Mayor Pro Tem Posey made a motion to approve Resolution No. 2020.01.16 as submitted.*

*Councilmember Williams seconded the motion.*

*Motion carried 5 - 0.*

**RESOLUTION NO. 2020.01.16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS APPROVING THE ELECTION OF NEW OFFICERS FOR THE OVERTON VOLUNTEER FIRE DEPARTMENT FOR THE 2020 CALENDAR YEAR.**

3. Discuss and consider action regarding an Ordinance amending Chapter 90 Building Regulations and repealing the 2012 International Plumbing Code.

*City Secretary / Community Development Coordinator Gafford presented the Ordinance for review and approval.*

*Mayor Pro Tem Posey made a motion to discuss.*

*Councilmember Thompson seconded the motion.*

*Motion carried 5 - 0.*

*After a brief discussion the following action was taken.*

*Mayor Pro Tem Posey made a motion to approve Ordinance No. 2020.01.16A as submitted.*

*Councilmember Williams seconded the motion.*

*Motion carried 5 - 0.*

**ORDINANCE NO. 2020.01.16A**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, WHICH SHALL REPEAL CHAPTER 90, SECTIONS 90.01, 90.06, 90.07, 90.08, 90.09, 90.10, 90.11, 90.12, 90.13, 90.15, 90.16, 90.17 AND 90.18 IN THEIR ENTIRETY AND ENACTING SECTIONS 90.21 SITE PLAN REVIEW, 90.22 DEMOLITION NOTIFICATION, 90.23 OFFENSES, 90.24 ENFORCEMENT, AMENDING SECTIONS 90.14 WORK STANDARDS, 90.19 CERTIFICATE OF OCCUPANCY, 90.20 PENALTY FOR VIOLATIONS AND CONTAINING SEVERABILITY AND CONFLICT CLAUSES HEREWITH; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE**

- 4. Discuss and consider action regarding an Ordinance amending the City’s Schedule of Fees related to fees for building permits and inspections.

*City Controller Bates presented staff report regarding changes to the fee schedule based on the approval of the Ordinance amending Chapter 90 Building Regulations and the repeal of the International Plumbing Code.*

*Councilmember Clark made a motion to approve Ordinance No. 2020.01.16B as submitted.*

*Councilmember Williams seconded the motion.*

*Motion carried 5 - 0.*

**ORDINANCE NO: 2020.01.16B  
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 FIRE MARSHALL FEES, BUILDING PERMITS & INSPECTION SERVICES, AND COMMUNITY DEVELOPMENT/PLANNING FEES; CONTAINING A SEVERABILITY AND CONFLICT CLAUSES HEREWITH; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE**

- 5. Discuss and consider action regarding an Ordinance amending Chapter 16 Garbage & Refuse Regulations.

*Interim City Manager / Police Chief Carter presented the Ordinance for review and approval. Carter stated that the Penalty section of the Ordinance is mainly legal jargon needed to be able to enforce a penalty if needed.*

*City Secretary Gafford stated that per the City Attorney, the maximum civil penalty for residential is \$500 and the maximum civil penalty on commercial property is \$2,000. The penalty clause needed to be worded this way for that reason. Gafford stated that City Attorney Thompson is currently reviewing the current fine schedule and intends to visit with the Court Clerk and Judge to set up a step-based approach of standardized penalties for Code Violations.*

*Councilmember Thompson made a motion to approve Ordinance No. 2020.01.16C as submitted.*

***Councilmember Thompson seconded the motion.***

***During a brief discussion, Councilmember Freeman asked what the plan was to notify the citizens of the amended Ordinance changes.***

***City Controller Bates stated that notice would be placed on the Water Bills as well as a notice to be placed on the downtown Kennamer Square sign and on the City's Website.***

***Motion carried 5 - 0.***

**ORDINANCE NO: 2020.01.16C**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVERTON, WHICH SHALL REPEAL CHAPTER 16 GARBAGE & REFUSE SERVICES, SECTIONS 16.1, 16.2, 16.3, 16.4, 16.5 16.6, AND 16.7 IN THEIR ENTIRETY AND FROM THE CITY OF OVERTON CODE OF ORDINANCES AND ENACTING 16.01 DEFINITIONS, 16.02 COLLECTION AND DIPOSAL GENERALLY, 16.03 CONTAINERS REQUIRED, 16.04 SEPCIFICATIONS FOR GARBAGE RECEPTACLES, 16.05 PREVENTION OF SCATTERING; CLEANLINES OF CONTAINERS, 16.06 PLACEMENT OF CONTAINERS OR RECEPTACLES FOR COLLECTION, 16.07 MEDDLING WITH CONTENTS OF CONTAINERS, 16.08 DISPOSAL OF DEAD ANIMALS, 16.09 DISPOSAL OF HEAVY ACCUMULATIONS, 16.10 IMPROPER PREPARATION OR PLACEMENT OF WASTE, 16.11 UNAUTHORIZED PRIVATE COLLECTIONS PROHIBITED, 16.12 DISPOSAL TO BE AT A SANITARY LANDFILL, 16.14 OFFENSES, 16.15 ENFORCEMENT, AND AMENDING SECTION 16.8 TO BE RENUMBERED AS SECTION 16.13 OUT OF CITY SERVICES; 16.16 PROVIDING FOR A PENALTY, CONTAINING SEVERABILITY AND CONFLICT CLAUSES HEREWITH; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE**

6. Council to hear an update regarding the North Lake Dam / Spillway project, Sabine River Authority Grant received and Overton Lake dredging project.

***Interim City Manager / Police Chief Carter informed Council that the Dam/Spillway project was nearing completion with an expected completion date near the end of February. That the City had applied for and received a \$20,000 grant towards the Dam/Spillway project from Sabine River Authority which will free up \$20,000 of OEDC funds for the project. These funds could be reallocated toward the lake dredging project that was needed as a result of the projected new lake borders being significantly changed by the new lake depth.***

***No action required***

7. Discuss and consider action authorizing the City Manager to enter into an agreement for the purchase of and authorization to pursue financing of a Sewer Jet Machine, attachments and a trailer to replace the Vac-Con Truck.

***Interim City Manager / Police Chief Carter presented a staff report containing several options for Council to review for purchase of much needed Public Works Equipment stating however there were several more quotes for optional equipment that were not submitted prior to this meeting.***

***Mayor Pro Tem Posey made a motion to discuss.***

***Councilmember Freeman seconded the motion.***

***Motion carried 5 - 0.***

*After a brief discussion the following action was taken.*

*Mayor Pro Tem Posey made a motion to postpone Agenda Item until a special called meeting can be scheduled to go over the additional quotes received.*

*Councilmember Williams seconded the motion.*

*Motion carried 5 - 0.*

8. Discuss and give staff direction regarding an Ordinance amending Chapter 76 Parks & Recreation to be the Overton Municipal Recreational Complex and to add and cover Rules & Regulations for the Park, Lake, Swim Area, Golf Course and RV Park.

*Mayor Pro Tem Posey made a motion to direct Mayor Evans to appoint a committee to review and make recommendation of things to be included in an Ordinance amending Chapter 76 Parks and Recreation.*

*Councilmember Thompson seconded the motion.*

*Motion carried 5 - 0.*

*Mayor Evans then appointed Michelle Williams, John Pose, Clyde Carter, Rachél Gafford to the Park Ordinance Committee and asked Reggie Thompson to ask his wife, Maggie Thompson, if she would also be willing to serve and report back to him.*

#### **G. FUTURE MEETINGS**

1. Present revised upcoming meetings and events schedule.

*Mayor Pro Tem Posey made a motion to schedule a Special Called Meeting for January 24, 2020 at 4 p.m. to go over the requested Public Works Equipment items for purchase postponed earlier in the meeting.*

*Councilmember Clark seconded the motion.*

*Motion carried 5 - 0.*

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

*No requests received for leave of absences for 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. Municipal Cemetery Report
  - e. Community Development Report
  - f. Public Works Department Report

*Interim City Manager / Police Chief Carter presented the departmental monthly reports*

2. Finance Monthly Reports
  - a. City Controller's Report

- b. Accounts Payable Check Register
- e. ~~Statement of Revenue and Expenditures by Fund~~
- d. Monthly Bank Statement
- e. Overton Economic Development Corporation (OEDC) expenditures over \$50K

*City Controller Bates presented the monthly finance reports*

**I. 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 **8:40 p.m.**

Minutes submitted, approved and/or corrected this 20<sup>th</sup> day of **February 2020.**

CITY OF OVRTON



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C. R. Evans, Jr., MAYOR

ATTEST:



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Rachel Gafford, TRMC, CITY SECRETARY



**Council Action Items:**

1. Res. No. 2020.01.16 – Approval of the 2020 OVFD Officers election.
2. Ord. No. 2020.01.16A – Approval of the Chapter 90 Building Regulations Amendments
3. Ord. No. 2020.01.16B - Approval of the Appendix A – Schedule of Fees Amendments
4. Ord. No. 2020.01.16C – Approval of the Chapter 16 Garbage & Refuse Regulations Amendments