

## REGULAR CALLED CITY COUNCIL MEETING JUNE 18, 2020

MINUTES OF THE REGULAR CALLED VIRTUAL MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **JUNE 18, 2020 AT 7:00 PM** IN THE COUNCIL CHAMBERS, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

<u><b>PRESENT:</b></u>	<u><b>POSITION</b></u>	<u><b>ABSENT:</b></u>	<u><b>POSITION</b></u>
C. R. Evans Jr.	Mayor	Trampas Freeman ( <i>excused 6/18/20</i> )	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, Sherry Roberts, Finance Director, Wendy Bates, City Controller, and Rachel Gafford, City Secretary. Guests in attendance were Dean Shattuck, ISO, and Elsie Hollis, Willie Toliver, Faye Tolliver and Jerry Watson representing the public.

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

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

**B. PUBLIC FORUM – Mayor Evans opened the floor for public comments.**

*Faye Tolliver, 1710 E. FM 850, made a request of Council to allow the Juneteenth Parade to take place the following day on Friday, June 19, 2020. She stated that the parade had been taking place in Overton for twenty years and they did not know that they needed to come before council for approval for the parade.*

*Kevin Smith stated that the route would be changed from the previous years to start at the Dairy Queen, proceed down Commerce Street to the 4-way and then turn East past the Cemetery. Mr. Smith stated that they would like to start the parade at noon.*

*Mayor Evans, after a brief consultation with Interim City Manager/Chief of Police Carter regarding staffing and traffic control, stated that he would approve and authorize the parade to take place.*

**C. REQUESTS OF COUNCIL**

1. 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. Comments regarding City Code 16.06 regarding downtown trash containers must be in alleys and not on the street.
  - b. Comments regarding City Code 75.10 & 75.16 allowing violators to cover up said violation with blue tarps.
  - c. Comments on building at 204 N. Commerce.
  - d. Citations sent to property owners since last summer.

*Elsie Hollis addressed Council requesting strict enforcement with the recently revised Trash Can Ordinance specifically requiring the businesses to locate their trash cans in the downtown alleyways instead of in the street in public view. She requested Council contact the trash service to see if they would pick up these businesses trash from the alleyway so they would not need to be in the street. Hollis further stated that she has seen no progress taking place regarding 204 N. Commerce where the building has caved in and needs to be demolished. Finally, Mrs. Hollis asked why the City could not do more to the people who are covering up violations with blue tarps. She did not think that covering the code violation with a blue tarp should be sufficient.*

*Interim City Manager/Police Chief Carter responded that as a General Law A City we are unable to create any Ordinances that are more restrictive than state law. State law allows screening to take place of nuisances with a tarp.*

#### **D. 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. Consider action to authorize and approve 2020 Fireworks in the Park event and related revenue and expenditures.
2. Consider action regarding approval of the FY2021 TML Health Renewal Rate and designating the Interim City Manager as the authorized signer for the contract.
3. Consider action regarding approval of the FY2021 Superior Vision Renewal Rate and designating the Interim City Manager as the authorized signer for the contract.
4. Council to review and approve the FY 2019 OEDC Annual Report.
5. Consider action to approve minutes from a Special Called Meeting of the City Council on May 28, 2020.

***Councilmember Williams made a motion to approve the consent agenda as submitted.***

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

***Motion carried 4 – 0, Councilmember Freeman absent.***

#### **E. COMMUNITY DEVELOPMENT CASES**

1. Council to hear and take action regarding Variance Application 2020-02—Vicki McClure's request for a variance from the City of Overton Design Standards Regulations, Section 106.1 – Sidewalk Requirements and Section 111.3 – Parking: Standard Curb and Gutter Requirements. Specifically, applicant is requesting a variance from the requirement to install curb, gutter and sidewalk along 185.39 linear feet on East Crews Street and a variance from the requirement to install sidewalk along 354 linear feet along North Rusk Street where adjacent to the subject properties. The three (3) subject properties are approximately a 1.332-acre tract of land out of the O. Waters Survey A-859, legally described as all those certain called 0.331 acre tract (Tract 1) of land and that certain called 0.107 acre tract (Tract 2) of land conveyed to Vicki McClure by Velma L. Spangler as recorded in Volume 3465, Page 426 and all



of that certain called 0.893 acre tract (Tract 3) of land conveyed to Vicki McClure by Michael L. Smith as recorded in Volume 3408, Page 64, Official Public Records, City of Overton, Rusk County, Texas and these properties are more commonly referred to as 108 East Crews Street (Tract 1), 502 North Rusk Street (Tract 2) and 411 North Rusk Street (Tract 3), Overton, Texas. This variance application is being processed concurrently with Preliminary Plat Application PP2020-02 and Final Plat Application 2020-02 to plat three lots. Tract 1 & 2 (108 East Crews and 502 North Rusk) are being combined into one (1) lot to all be addressed as 108 East Crews. ***The Planning and Zoning Commission recommended approval 4 – 0, Chairman Raney, Commissioners Cox and Garcia absent.***

*City Secretary/Community Development Coordinator Gafford presented staff report with the recommendation from the Planning and Zoning Commission.*

***Mayor Pro Tem Posey made a motion to approve Variance Application 2020-02 as submitted.***

***Councilmember Williams seconded the motion.***

***Motion carried 4 – 0, Councilmember Freeman absent.***

2. Council to hear and take action regarding Preliminary Plat Application 2020-02—Vicki McClure's request to Preliminary Plat Lots 1 & 2, Block 1, Vicki McClure Addition being a preliminary plat of an approximately 0.439-acre tract of land and approximately 0.892 acre tract of land both out of the O. Waters Survey A-859, legally described as all those certain called 0.331 acre tract (Tract 1) of land and that certain called 0.107 acre tract (Tract 2) of land conveyed to Vicki McClure by Velma L. Spangler as recorded in Volume 3465, Page 426 and all of that certain called 0.893 acre tract (Tract 3) conveyed to Vicki McClure by Michael L. Smith as recorded in Volume 3408, Page 64, Official Public Records, City of Overton, Rusk County, Texas and more commonly referred to as 108 East Crews Street, 502 North Rusk Street and 411 North Rusk Street, Overton, Texas. ***The Planning and Zoning Commission recommended approval 4 – 0, Chairman Raney, Commissioners Cox and Garcia absent.***

*City Secretary/Community Development Coordinator Gafford presented staff report with the recommendation from the Planning and Zoning Commission.*

***Councilmember Williams made a motion to approve Preliminary Plat Application 2020-02 as submitted.***

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

***Motion carried 4 – 0, Councilmember Freeman absent.***

3. Council to hear and take action regarding Final Plat Application 2020-02—Vicki McClure's request to Final Plat Lots 1 & 2, Block 1, Vicki McClure Addition being a final plat of an approximately 0.439-acre tract of land and approximately 0.892 acre tract of land both out of the O. Waters Survey A-859, legally described as all those certain called 0.331 acre tract (Tract 1) of land and that certain called 0.107 acre tract (Tract 2) of land conveyed to Vicki McClure by Velma L. Spangler as recorded in Volume 3465, Page 426 and all of that certain called 0.893 acre tract (Tract 3) conveyed to Vicki McClure by Michael L. Smith as recorded in Volume 3408, Page 64, Official

Public Records, City of Overton, Rusk County, Texas and more commonly referred to as 108 East Crews Street, 502 North Rusk Street and 411 North Rusk Street, Overton, Texas. ***The Planning and Zoning Commission recommended approval 4 – 0, Chairman Raney, Commissioners Cox and Garcia absent.***

*City Secretary/Community Development Coordinator Gafford presented staff report with the recommendation from the Planning and Zoning Commission.*

***Councilmember Thompson made a motion to approve Final Plat Application 2020-02 as submitted.***

***Councilmember Williams seconded the motion.***

***Motion carried 4 – 0, Councilmember Freeman absent.***

## **F. BUSINESS**

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

*Interim City Manager Carter presented the monthly reports for both EMS and the Volunteer Fire Department.*

***No action required.***

2. Council to hear and discuss presentation regarding enforcement of Building Permits and Inspection in regards to the adoption and enforcing the most current International Building Codes on the City's ISO Rating. (Presenter: W. Dean Shattuck, CFPS, CHCM, ISO Community Mitigation (BCEGS) & Christopher Wells, Building Inspector)

*Dean Shattuck presented results of the recent Insurance Services Office (ISO) audit conducted on the City. Shattuck stated that due to the fact that the City was still under the 2012 International Codes and the codes were older than five (5) years, the results of the audit are for the City to drop from a five (5) rating to a nine (9) rating. However, a ninety-nine rating is the worst rating which would mean that the City has no building code department and does not require the issuance of permits or require inspections on construction taking place in the City. Shattuck also stated that if the City was considering abolishing requirement for permits and inspections, that he would strongly advise against that decision as it may severely limit the City and citizens from being able to receive FEMA funds in the event of a catastrophic event such as a tornado or explosion occurring which is similar to what happened in West, Texas several years ago.*

***No action required***

3. Council to hear, discuss and take action regarding the proposed FY 2020-21 Budget Planning & Meeting calendar.

*Finance Director Roberts presented the proposed budget calendar for approval.*

***Councilmember Thompson made a motion to approve budget calendar with the acknowledgement that there could possibly be changes if needed.***

***Councilmember Williams seconded the motion.***



***Motion carried 4 – 0, Councilmember Freeman absent.***

4. Discuss and take action regarding closing of City Hall for Monday, July 6, 2020 and / or Tuesday, July 7, 2020 for staff holiday(s).

*Interim City Manager/Police Chief Carter presented the staff report requesting that Council approve closing of City Hall for both July 6th & July 7th.*

***Mayor Pro Tem Posey made a motion to approve the closing of City Hall for Monday, July 6<sup>th</sup> and Tuesday, July 7<sup>th</sup> so that staff may observe the holiday and have time off after working the July 4<sup>th</sup> event.***

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

***Motion carried 4 – 0, Councilmember Freeman absent.***

5. Discuss and take action regarding a Resolution to reschedule both the August and September Regular City Council meetings to August 13, 2020 and September 10, 2020.

*Finance Director Roberts and City Secretary Gafford presented a resolution to reschedule both the August and September Council meetings due to tax rate and budget adoption requirements by Rusk County and upcoming seminar trainings for staff.*

***Councilmember Thompson made a motion to approve Resolution No. 2020.06.18A to reschedule both the August and September Regular Council Meetings to August 13, 2020 and September 10, 2020.***

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

***Motion carried 4 – 0, Councilmember Freeman absent.*****RESOLUTION NO. 2020.06.18A**

**A RESOLUTION OF THE CITY OF OVERTON, TEXAS, RESCHEDULING THE AUGUST REGULAR CITY COUNCIL MEETING FROM THURSDAY, AUGUST 20, 2020 TO AUGUST 13, 2020 AT 7:00 P.M.; AND RESCHEDULING THE SEPTEMBER REGULAR CITY COUNCIL MEETING FROM THURSDAY, SEPTEMBER 17, 2020 TO THURSDAY, SEPTEMBER 10, 2020 AT 7:00 P.M.; AND REQUIRING POSTING OF PUBLIC NOTICE OF DATE CHANGES.**

***Mayor Evans stated that after having consulted with the City Attorney and hearing no objection, the following Agenda Items (Item F.6 & F.7) have been pulled from consideration as they are no longer relevant.***

- ~~6. Hear, discuss and act regarding a Resolution authorizing the purchase of two (2) used utility trucks for the Public Works department from Clary E & I Services LLC, dba: RSTO Services.~~
- ~~7. Rehear, discuss and act t regarding a Resolution authorizing a financing contract for the purchase of two (2) used utility trucks for the Public Works department and appointing the Interim City Manager as the authorized signer for the contract.~~

8. Discuss and consider action to direct staff for proposed revisions to the City's Code of Ordinances, Chapter 72 – Fire Prevention, specifically as it relates to fireworks inside the city limits.

*Interim City Manager / Police Chief Carter presented a staff report requesting direction regarding amending Chapter 72 of the City's Code of Ordinances to allow for the sale of fireworks in the city limits within state allowable guidelines.*

***Mayor Pro Tem Posey made a motion for staff to draft a proposed ordinance to amend Chapter 72 to allow for the sale of fireworks within the city limits within state regulations and bring it back to a future meeting.***

***Councilmember Williams seconded the motion.***

***Motion carried 4 – 0, Councilmember Freeman absent.***

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

1. Present revised upcoming meetings and events schedule.

***Mayor Evans went over the upcoming meetings calendar.***

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

*City Secretary Gafford stated that she had received a phone call earlier from Councilmember Freeman stating that he would not be able to attend today's meeting due to vehicle issues and that his work truck was in the shop and would not be completed in time for him to attend.*

***Councilmember Thompson made a motion to grant Councilmember Freeman and excused absence for the June 18, 2020 Council Meeting due to unforeseeable vehicle repairs.***

***Councilmember Williams seconded the motion.***

***Motion carried 4 – 0, Councilmember Freeman absent.***

#### **H. CONVENE TO EXECUTIVE SESSION**

***Mayor Evans convened into closed session at 8:09 p.m.***

1. Pursuant to TEXAS GOVERNMENT CODE, Section 551.074 (Evaluation of Employee; Closed Meeting) to discuss and evaluate the performance of the Finance Director during the period March 1, 2020 through May 30, 2020, pursuant to Section 551.074(A) (1) of the "TEXAS GOVERNMENT CODE".
2. Pursuant to TEXAS GOVERNMENT CODE, Section 551.074 (Evaluation of Employee; Closed Meeting) to discuss and consider the reassignment of duties of the Financial Consultant position as full time with benefits through 12/31/2020 if needed to assist with the administrative duties related to application for COVID-19 Grant Administration and Reimbursements.

***Mayor Evans reconvened into open session at 9:22 p.m.***



**I. ACTION ON ITEM(S) DISCUSSED IN EXECUTIVE SESSION**

1. Consider action regarding the evaluation of the Finance Director.

***No action taken***

2. Consider action to authorize the reassignment of duties of the Financial Consultant position as full time with benefits through 12/31/2020 if needed to assist with the administrative duties related to application for COVID-19 Grant Administration and Reimbursements.

***Councilmember Thompson made a motion to approve the change for the Financial Consultant authorized position to be a full-time hourly position effective June 20, 2020.***

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

***Motion carried 4 – 0, Councilmember Freeman absent.***

**J. 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 Carter presented the monthly report and acknowledged the sponsors who have committed to sponsoring the Fireworks in the Park 2020.*

2. Finance Monthly Reports
  - a. Finance Director'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

*Finance Director Roberts covered the financial reports, handing out the November 2019 Revenue and Expenditure report and gave a brief update on the audits.*

**K. ADJOURNMENT**

***Councilman Clark made a motion to adjourn.***

***Councilman Thompson seconded the motion.***


***Motion carried 4 – 0; Councilmember Freeman absent.***

With no further business, the meeting was adjourned at **9:28 p.m.**

Minutes submitted, approved and/or corrected this 16<sup>th</sup> day of July 2020.

CITY OF OVERTON



  
C. R. Evans, Jr., MAYOR

ATTEST:

  
Rachél Gafford, TRMC, CITY SECRETARY

**RESOLUTIONS:**

1. Res. No. 2020.06.18A – Rescheduling the August and September Regular Council Meetings to August 13 and September 10.

**COUNCIL ACTIONS:**

- Approval of the event and the related revenue and expense report for the Fireworks in the Park Event.
- Approval of the rerate renewal of TML-IEBP for employee health and dental coverage for FY2021.
- Approval of the rerate renewal of Superior Vision for employee vision coverage for FY2021 & FY2022.
- Approval and acceptance of the FY 2019 OEDC Annual Report as submitted.
- Approval of the FY2021 Budget Calendar
- Authorized the closing of City Hall for July 6 & 7 to observe holiday and staff time off for working holiday event.
- Directing staff to draft an Ordinance to revise Chapter 72 to allow for the sale of fireworks in the city limits.
- Authorized the Financial Consultant position as a full-time position effective 6/20/2020.

**COMMUNITY DEVELOPMENT CASES APPROVED:**

- **V2020-02** – 411 North Rusk Street – Sidewalk Variance & 108 E Crews Street – Curb, Gutter & Sidewalk Variance.
- **PP2020-02** – Lots 1 & 2, Block 1, Vicki McClure Addition
- **FP2020-02** – Lots 1 & 2, Block 1, Vicki McClure Addition