

**REGULAR CALLED CITY COUNCIL MEETING
SEPTEMBER 10, 2020**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **SEPTEMBER 10, 2020 AT 7:00 PM** AT THE OVERTON COMMUNITY CENTER, 505 SOUTH MEADOWBROOK DRIVE, OVERTON, TEXAS 75684.

<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	arrived 7:35 p.m.	
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, Financial Consultant, Gabe Wallace, Police Captain and Rachél Gafford, City Secretary. Guests who signed in their attendance were Terry Waggoner, Jill Waggoner, Wilma Kelly, Christopher Hall, Josh Hill, Denise Hill, Lane Schurbon, Maggie Thompson, Elena Cox, Philip Cox, Thomas Thurston, Cheryl Gardner, Delores Scott, Elsie Hollis, Nathan Kendall, Shirley Honeycutt, Cathy Hall, Michelle Williams, Raymond Moon, Vicki Hudson, Ronnie Hudson, Jean Beth Hamblen, Shirley Shaw, Skipper Honeycutt, Patricia York, Curtis Gilbert, Casey Tewell, Jessica Tewell and Lonetta Nelson.

A. CALL TO ORDER - Mayor Evans called the meeting to order at 7:06 p.m.

1. *Invocation was given by Councilmember Thompson*
2. *Pledge of Allegiance was led by Councilmember Williams*

B. MAYORAL PROCLAMATION / RECOGNITION / APPOINTMENTS

1. **Mayor Evans confirmed the appointment of Todd Meadows to the Overton Housing Authority Board.**
2. **Mayor Evans issued a Certificate of Appreciation for outgoing Board Member Courtney Cox, Overton Economic Development Corporation**

C. PUBLIC FORUM –

Shirley Shaw, 1201 E. Price Lane, stated that she had a received a Facebook communication from Code Enforcement Officer Bagley and felt like she had been retaliated on for comments made at the last Council meeting questioning the warnings given to her son to move a 18 – wheeler truck cab from a City street.

Shirley Honeycutt, 704 Holly St., complained to Council about the operation of the City, being behind on audits and the proposed budget and increase in the tax rate and recommended that City consider filing for Chapter 11 Bankruptcy.

D. PLANNING & ZONING REPORT

- **Mayor Evans opened the public hearing at 7:18 p.m. OPEN PUBLIC HEARING**

1. Hear staff report, receive public comments regarding Replat Application 2020-01 — Allan R. and Patti Torbert's request to final plat Lot 1R, Block 1, Greenwood Addition, being a replat of approximately 0.0785 acres of all that certain lot, tract or parcel of land a part of the E. Thompson Survey A-768, Rusk County, Texas. . The subject property is more commonly referred to as 305 Linda Lane, Overton, Rusk County, Texas.

Patricia York and Casey Tewell stated that they had not been notified about the replat as they both owns property within the neighborhood; however, they were neutral to the request.

City Secretary Gafford responded that she was not sure if they were not on the list provided by Rusk County Appraisal District or not; however, letters were sent to the property owners of record for the property tax roll for 2019 within 200 feet of the subject property and a legal notice was put in the Tyler Morning News Telegraph.

- **Mayor Evans closed the public hearing at 7:24 p.m.**

2. Hear and take action regarding Variance Application 2020-03 — Allan R. Torbert's request, on behalf of Allan R. and Patti Torbert, 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 approximately 150.51 linear feet on East Henderson Street and a variance from the requirement to install sidewalk along 229.21 linear feet along North Linda Lane where adjacent to the subject properties. The subject property is more commonly referred to as 305 Linda Lane, Overton, Rusk County, Texas. ***(The Planning & Zoning Commission recommends approval 4 – 0, Commissioner's Garcia And Cox Absent.)***

Motion by Councilman Williams to approve Variance Request 2020-03; seconded by Councilman Thompson.

Motion carried 4 – 0, Mayor Pro Tem Posey absent for the vote.

3. Act regarding a recommendation to the City Council regarding Replat Application 2020-01 — Allan R. Torbert's request, on behalf of Allan R. and Patti Torbert, to final plat Lot 1R, Block 1, Greenwood Addition. ***(The Planning & Zoning Commission recommends approval 4 – 0, Commissioner's Garcia And Cox Absent.)***

Motion by Councilman Williams to approve Replat Request 2020-01, seconded by Councilman Freeman.

Motion carried 4 – 0, Mayor Pro Tem Posey absent for the vote.

E. CONSENT AGENDA

1. Act on the approval of the minutes from the August 13, 2020 Special Called Council Budget Workshop
2. Act on the approval of the minutes from the August 13, 2020 Regular Council Meeting
3. Act on approval of the minutes from the August 31, 2020 Special Called Council Meeting and Budget Workshop.
4. Act on approval of the minutes of the September 3, 2020 Special Called Council Meeting.
5. Act upon approval of an agreement with the OMDD for Administrative Services to be provided by City Staff for Fiscal Year 2021.
6. Act upon approval of an agreement with the OEDC for Administrative Services to be provided by City Staff for Fiscal Year 2021.
7. Act on the reappointment of Robert Raney, Kim Cox and Lane Schurbon to additional two (2) year terms on the Planning & Zoning Commission.
8. Act on the reappointment of David Stone and Nathan Kendall to additional two (2) year terms on the Overton Municipal Development District Board.
9. Act on the reappointment of Joshua Stuart to a three (3) year term on the Overton Economic Development Corporation Board.

Motion by Councilman Freeman to approve as submitted; seconded by Councilman Clark.

Motion carried 4 – 0, Mayor Pro Tem Posey absent for the vote.

F. BUSINESS

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

Interim City Manager presented reports.

2. Discuss and act on appointment to fill Overton Economic Development Corporation Board vacancy.

Finance Director Roberts presented the one board application received for the vacancy as recommended and nominated by the OEDC Board.

Motion by Councilman Freeman to approve and appoint Elena Cox Senchenkova to the OEDC Board; seconded by Councilman Williams.

Motion carried 4 – 0, Mayor Pro Tem Posey absent for the vote.

Mayor Pro Tem Posey arrived at 7:35 p.m.

3. Discuss and act regarding a Resolution to authorize the Interim City Manager to enter into a contract with OpenEdge Payments, LLC to be the City's credit card processor.

Motion by Councilman Freeman to approve Resolution No. 2020.09.10A as submitted; seconded by Councilman Thompson.

Motion carried 5 – 0.

RESOLUTION NO. 2020.09.10A

A RESOLUTION OF THE OVERTON CITY COUNCIL AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO AN AGREEMENT WITH OPENEDGE PAYMENTS, LLC/GLOBAL PAYMENTS INTEGRATED TO PROVIDE CREDIT CARD PROCESSING SERVICES TO THE CITY OF OVERTON; PROVIDING FOR AN EFFECTIVE DATE.

4. Discuss and act regarding an Ordinance to amend the City of Overton Schedule of Fees for FY 2021.

Motion by Mayor Pro Tem Posey to approve Ordinance No. 2020.09.10A to amend the City of Overton Schedule of Fees for FY 2021 as submitted; seconded by Councilmember Williams.

After a brief discussion among Council.

Amending Motion by Mayor Pro Tem Posey to strike all residential water rate customer increases from the Ordinance; seconded by Councilmember Williams.

Mayor Evans called for a vote on amended motion to strike all residential water rate customer increases from the Ordinance.

Motion carried 5 – 0

Mayor Evans called for a reading of the motion as amended.

City Secretary Gafford read the following amended motion:

Motion to approve Ordinance No. 2020.09.10A to amend the City of Overton Schedule of Fees for FY 2021 as submitted striking all residential water rate customer increases from the Ordinance.

Mayor Evans called for a vote on the main motion as amended.

Motion carried 5 – 0.

ORDINANCE NO: 2020.09.10A

**CODE OF ORDINANCE - APPENDIX A
City of Overton - Schedule of Fees**

AN ORDINANCE AMENDING ORDINANCE NO. 2014-07-29B – CODE OF ORDINANCES - APPENDIX A - CITY OF OVERTON - SCHEDULE OF FEES, AND ALL AMENDMENTS MADE THERETO BY UPDATING FEES IMPOSED BY THE CITY REGARDING WATER RATES, SEWER RATES, SOLID WASTE DISPOSAL, AND THE ADDITION OF CREDIT CARD PROCESSING FEES; PROVIDING FOR A REPEALER CLAUSE FOR ALL ORDINANCES IN CONFLICT HEREWITH; CONTAINING A SEVERABILITY CLAUSE AND SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

5. Discuss and act regarding an Ordinance of the City of Overton to approve amendments and adjustments to Fiscal Year 2019 - 2020 Budget.

Motion by Councilmember Freeman made a motion to approve Ordinance No. 2020.09.10B as submitted; seconded by Mayor Pro Tem Posey.

Motion carried 5 – 0.

ORDINANCE NO. 2020.09.10B

AN ORDINANCE OF THE CITY OF OVERTON, TEXAS, AMENDING THE AMOUNT OF APPROPRIATIONS FOR THE GENERAL FUND AS WELL AS ALL FUNDS OF THE CITY INCLUDING THOSE THAT PROVIDE FOR THE PAYMENT OF OPERATING AND CAPITAL EXPENDITURES AND BY CHANGING THE AMOUNT APPROPRIATED FOR VARIOUS DEPARTMENTS AND FUNDS OF THE CITY AS ORIGINALLY ADOPTED BY ORDINANCE NO. 2019.09.12B ADOPTED SEPTEMBER 12, 2019; IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS AND THE ORDINANCES AND RULES OF THE CITY OF OVERTON, TEXAS; APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH, AND DIRECTING THE CITY SECRETARY TO FILE A TRUE COPY OF THE BUDGET WITH THE COUNTY CLERKS OF RUSK AND SMITH COUNTY, TEXAS.

6. Discuss and act regarding an Ordinance of the City of Overton approving and adopting a Budget for the City of Overton for the Fiscal Year 2020 -2021 (*Record vote required*).

Motion by Mayor Pro Tem Posey to approve Ordinance No. 2020.09.10C approving and adopting a Budget for the City of Overton for the Fiscal Year 2020 – 2021; seconded by Councilmember Williams seconded the motion.

Motion carried 5 – 0.

AYES: Freeman, Posey, Clark, Thompson and Williams.

NOES: None

ABSENT: None

PRESENT AND NOT VOTING: Mayor Evans (*Votes only in a tie*)

ORDINANCE NO. 2020.09.10C

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE CITY OF OVERTON, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021, IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS AND THE ORDINANCES AND RULES OF THE CITY OF OVERTON, TEXAS; APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR A SEVERABILITY

CLAUSE, AN EFFECTIVE DATE AND DIRECTING THE CITY SECRETARY TO FILE A TRUE COPY OF THE BUDGET WITH THE COUNTY CLERKS OF RUSK AND SMITH COUNTY, TEXAS.

- 7. Ratification Vote to adopt the budget for Fiscal Year 2020 – 2021 that will raise total property tax revenue (*Record vote required*).

Motion by Councilmember Freeman to approve Resolution No. 2020.09.10B ratifying approval of the property tax revenue increase as reflected in the Fiscal Year 2020 – 2021 budget as submitted; Seconded by Councilmember Thompson.

Motion carried 5 – 0.

AYES: Freeman, Posey, Clark, Thompson and Williams.
NOES: None
ABSENT: None

PRESENT AND NOT VOTING: Mayor Evans (*Votes only in a tie*)

RESOLUTION NO. 2020.09.10B

A RESOLUTION RATIFYING THE CITY OF CITY OF OVERTON, TEXAS 2020 – 2021 FISCAL YEAR ADOPTED BUDGET THAT CONTAINS A PROPERTY TAX RATE THAT RAISES MORE TOTAL PROPERTY TAXES THAN THE PREVIOUS YEAR.

- 8. Consider and act on an Ordinance approving the 2020 Certified Appraisal Rolls; to adopt and levy the ad valorem tax rate for Fiscal Year 2020 – 2021 for Maintenance and Operation and the Interest and Sinking fund of the City of Overton for the 2020 Tax Year (*Record Vote Required*).

Motion by Councilmember Freeman to approve Ordinance No. 2020.09.10D adopting and levying a 2020 tax rate of \$0.733022 (\$0.470339 M&O and \$0.262683 I & S; Seconded by Councilmember Thompson.

Motion carried 5 – 0.

AYES: Freeman, Posey, Clark, Thompson and Williams.
NOES: None
ABSENT: None

PRESENT AND NOT VOTING: Mayor Evans (*Votes only in a tie*)

ORDINANCE NO. 2020.09.10D

AN ORDINANCE ACCEPTING THE 2020 CERTIFIED APPRAISAL ROLLS; LEVYING AD VALOREM PROPERTY TAXES FOR 2020 AT \$0.733022/PER \$100 ASSESSED VALUATION (\$0.470339 FOR M & O AND \$0.262683 FOR I & S) ON ALL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY TO PROVIDE REVENUES FOR CURRENT EXPENSES AND INTEREST AND SINKING FUND REQUIREMENTS FOR FY 2021; PROVIDING DUE AND DELINQUENT DATES; PROVIDING FOR THE INCLUSION OF ALL PROPERTY INSIDE THE CITY LIMITS OF OVERTON;

PROVIDING A CUMULATIVE REPEALING CLAUSE; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROPER NOTICE AND OPEN MEETING.

Motion by Councilmember Freeman to ratify the 2020 Tax Rate in the amount of \$0.470339 at this rate the tax rate will effectively be raised by 3.5% and will raise taxes for Maintenance and Operations on a \$100,000 home by approximately \$15.91; seconded by Councilmember Thompson.

Motion carried 5 – 0.

AYES: Freeman, Posey, Clark, Thompson and Williams.

NOES: None

ABSENT: None

PRESENT AND NOT VOTING: Mayor Evans (Votes only in a tie)

9. Consider and act on an Ordinance approving the 2020 Certified Appraisal Rolls; to adopt and levy the ad valorem tax rate for Fiscal Year 2020 – 2021 for the Maintenance and Operations of the Overton Municipal Cemetery for the 2020 Tax Year (*Record Vote Required*).

Motion by Councilmember Freeman to approve Ordinance No. 2020.09.10E adopting and levying a 2020 cemetery tax rate of \$0.050000; seconded by Councilmember Williams seconded the motion.

Motion carried 5 – 0.

AYES: Freeman, Posey, Clark, Thompson and Williams.

NOES: None

ABSENT: None

PRESENT AND NOT VOTING: Mayor Evans (Votes only in a tie)

ORDINANCE NO. 2020.09.10E

AN ORDINANCE APPROVING THE 2020 CERTIFIED APPRAISAL ROLLS; LEVYING AD VALOREM PROPERTY TAXES FOR THE 2020 – 2021 FISCAL YEAR AT \$0.05000/PER \$100 ASSESSED VALUATION ON ALL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY TO PROVIDE FOR THE MAINTENANCE OF THE CITY OF OVERTON MUNICIPAL CEMETERY; PROVIDING DUE AND DELINQUENT DATES; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A CUMULATIVE REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

10. Discuss and act regarding the Texas Municipal Intergovernmental Risk Pool (IRP) Board of Trustees Election.

Motion by Mayor Pro Tem Posey to cast the City of Overton's vote in the TML-IRP Board of Trustees election as follows: Place 1 – Robert T. Herrera, Place 2 – John W. Fullen, Place 3 – Jeffrey Snyder, Place 4 – Robert S. Hauck; seconded by Councilmember Williams.

Motion carried 5 – 0.

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.

No requests excused absence received from Council.

H. CITY ADMINISTRATION'S MONTHLY REPORTS

Interim City Manager Carter presented the following administration reports:

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

Finance Director Roberts presented the following finance reports:

2. Finance Monthly Reports
 - a. Finance Director's Report
 - b. Accounts Payable Check Register
 - ~~c. Statement of Revenue and Expenditures by Fund - not presented~~
 - d. Monthly Bank Statement
 - e. Overton Economic Development Corporation (OEDC) expenditures over \$50K

No action

I. ADJOURNMENT

Motion to adjourn by Councilman Clark; seconded by Councilman Thompson.

Motion carried 5 – 0.

With no further business, the meeting was adjourned at **8:56 p.m.**

Minutes submitted, approved and/or corrected this **15th** day of **October, 2020.**

CITY OF OVERTON

C. R. Evans, Jr.

 C. R. Evans, Jr., MAYOR

ATTEST:

Sherry Roberts

 Sherry Roberts, TRMC
 FINANCE DIRECTOR



ORDINANCES:

1. Ord. No. 2020.09.10A – Schedule of Fees Amended
2. Ord. No. 2020.09.10B – FY2020 Budget Amendment
3. Ord. No. 2020.09.10C – FY2021 Budget Adoption
4. Ord. No. 2020.09.10D – Adopting and Levying the 2020 Tax Rate
5. Ord. No. 2020.09.10E – Adopting and Levying the 2020 Cemetery Tax Rate

RESOLUTIONS:

1. Res. No. 2020.09.10A – Authorizing contract with OpenEdge/Global Payments LLC.
2. Res. No. 2020.09.10B – Ratification of the FY2020 - 2021 Budget

COUNCIL ACTIONS:

1. V2020-03 – Variance of Sidewalk & Curb & Gutter for Lot 1R. Block 1, Greenwood Addition (305 Linda Lane)
2. RP2020-01 – Final Replat of Lot 1R. Block 1, Greenwood Addition (305 Linda Lane)
3. FY2020-2021 OMDD Administrative Services Agreement
4. FY2020-2021 OEDC Administrative Services Agreement
5. Cast vote for the 2020 TML-IRP Board of Trustee Election
6. Reappointment of P & Z members: Robert Raney, Kim Cox and Lane Schurbon.
7. Reappointment of OMDD Board Members: David Stone and Nathan Kendall
8. Reappointment of OEDC Board Member: Joshua Stuart
9. Appointment of OEDC Board Member: Elena Cox Senchenkova
10. Ratification of the 2020 Tax Rate