



CITY OF OVERTON

1200 South Commerce Street ★ Overton, TX 75684 ★ 903.834.3171 ★ www.cityofoverton.com

CITY COUNCIL REGULAR MEETING MINUTES DECEMBER 17, 2020 7:00 p.m.

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD DECEMBER 17, 2020 AT 7:00 PM IN THE COUNCIL CHAMBERS, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

<u>NAME</u>	<u>POSITION</u>	<u>ATTENDED</u>
C. R. Evans Jr.	Mayor	Y
Josh Hill	1	Y
John Posey (Mayor Pro-Tem)	2	Y
Lane Schurbon	3	Y
Reggie Thompson	4	Y
Michael Paul Williams	5	Y

Staff in attendance were Interim City Manager/Police Chief Clyde Carter, Captain Gabe Wallace, Financial Consultant Wendy Bates, and Finance Director/Interim City Secretary Sherry Roberts.

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

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

B. PUBLIC FORUM

Ms. Shirley Shaw – 1201 E. Price Lane, addressed the Council about the lack of police patrol around the school. She informed the Council that she has been patrolling the school and has stopped the local marijuana dealer from hanging around the school by posting his description and the description of his car on Facebook. Now there is a meth dealer hanging around the school.

C. CONSENT AGENDA

1. Act on the approval of the minutes from the October 26, 2020 Special Called Council Meeting.
2. Act on the approval of the minutes from the November 19, 2020 Regular Called Council Meeting.
3. Act on the approval of an excused absence for Councilmember Reggie Thompson from the October 19, 2020 Special Called Council Meeting.

Motion to approve made by Councilmember Williams, seconded by Mayor Pro-Tem Posey. Carried unanimously.

D. BUSINESS

1. Presentation of Emergency Management Services monthly reports.
 - a. Christus EMS report
Champion EMS representative Scott Cargill presented the monthly report to the City Council.
 - b. Overton Volunteer Fire Department report
2. Mayor's update on the first 2021 Texas Parks & Wildlife Recreational Trails Grant Committee meeting.



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Mayor Evans informed the Council that the TP&W Ad Hoc Committee is very excited about the possibility of receiving a grant for a trail on the west-side of the lake. There is a letter of support that is needed by citizens and businesses to turn in with the grant application before February 1, 2020. Texas Parks & Wildlife will announce grant recipients in May 2020. The Overton Economic Development Corporation (OEDC) and the Overton Municipal Development District (OMDD) will split the 20% grant match. Further discussion was held regarding the logistics of paying construction expenses between the City, OEDC, and the OMDD.

3. **CONSIDER AND/OR ACT** on a Professional Services Agreement with Schaumburg & Polk, Inc. (SPI) related to planning and review services.

Interim City Manager Clyde Carter informed the Council that the late City Secretary, Rachél Gafford, was great at conducting site reviews and remaining staff does not have this knowledge. Therefore, staff is requesting assistance from SPI with site reviews and other planning issues that may arise.

SPI Representative Robert Haberle addressed the Council and confirmed that Ms. Gafford did most of the work for plan and plat reviews with little assistance from SPI. The scope of this agreement will assure that there is consistency between what the developers present meets the codes and requirements of the City. Mr. Haberle explained that the cost of their services should be passed on to the customer and not be consumed by the City.

Motion to approve made by Mayor Pro-Tem Posey, seconded by Councilmember Hill. Mayor Pro-Tem Posey asked what the charge is for this service. Financial Consultant Wendy Bates explained that the amount varies depending on the service which are included in the Schedule of Fees. Rachél was very knowledgeable of City codes and was able to do most of the work herself and SPI never billed the City for answering questions here and there. She further explained that when she does the same type of work, she is not as knowledgeable and has many questions. Councilmember Schurbon asked Ms. Bates if there is a backlog of plans or plat reviews. Ms. Bates answered that there is currently one case, but she receives questions off and on regarding new cases.

With a motion and second on the table, Mayor Evans asked for a vote. The motion was approved 5-0.

4. **CONSIDER AND/OR ACT** on the request by Rusk County Emergency Service District #1 regarding the Overton Volunteer Fire Department.

Mr. Burks addressed the City Council regarding the Overton Volunteer Fire Department (OVFD) and the separation of their finances from the City. The OVFD would like to pay their own bills with the money received by the Rusk County Emergency Service District (ESD). The Rusk County ESD would like to request a joint workshop with the Overton City Council and discuss options that would benefit the residents and all three entities. Mayor Evans suggested a date and time be discussed under the Future Events section of the agenda.

Councilmember Hill asked Mr. Burks how much money the Rusk County ESD provides the Overton Volunteer Fire Department every year. Mr. Burks answered an annual payment of \$20,000 plus quarterly run money, which varies. The Rusk County ESD pays for the OVFD's bunker gear and they are paying the grant match of \$37,000 for a new fire truck. Councilmember Hill asked Mr. Burks if the OVFD is on board with this to which Mr. Burks answered yes; the OVFD requested the ESD address the City Council. Mayor Pro-Tem Posey asked what the gain was for separating the finances from the City. Mr. Burks answered that their support is supposed to go towards volunteer fire departments, which allows the departments to pay their own bills.

Councilmember Hill made the motion to set a workshop date, seconded by Councilmember Thompson. Carried 5-0.



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5. **CONSIDER AND/OR ACT** on the resignation of City Attorney Blake Thompson.

Motion to approve made by Mayor Pro-Tem Posey, seconded by Councilmember Schurbon. Councilmember Hill asked Mayor Evans if anyone knew why Mr. Thompson resigned. Mayor Evans answered that none of which he can confirm. Carried 5-0.

6. **CONSIDER AND/OR ACT** on the purchase of a social archiving software.

Interim City Manager Carter explained that Senate Bill 944 requires for every City to archive all social media activity and it would be easier to have a software that does it for us. Interim City Secretary Sherry Roberts explained that the software captures everything, regardless if the posts or comments were edited or deleted. She further explained this relates to the Public Information Act and being able to fill open records requests. This software will capture every City Facebook account. This law went into effect September 1, 2019. Staff does not have time to physically capture all social media activity; therefore, we are out of compliance. Mayor Evans asked about the cost. Ms. Roberts answered that it is \$1,592 for the first year which includes two months free. After year one, it goes to \$199 per month or \$2,388 per year. This would only capture social media activity, not phone text messages, etc. Discussion was held regarding other companies that provide the same service.

Motion to approve made by Mayor Pro-Tem Posey, seconded by Councilmember Williams. Councilmember Hill explained that on the law enforcement side, unless Facebook is told by law enforcement to retain certain activity, the platform purges itself every 90-120 days. Mr. Hill explained that he does not like the idea of the cost but will support it if it is something the City needs to do to stay in compliance and to avoid additional penalties.

Councilmember Williams asked if the City cannot afford to purchase the software to include phone activity, are we still in compliance. Interim City Secretary Roberts answered yes because according to the law, any city-related text messages by staff and Councilmembers are supposed to be retained by the person and not deleted or send them to her and that makes her the legal recordholder. Councilmember Thompson stated it does seem like a lot of money to keep up with social media. He asked if we had been doing anything at all for archiving. Mayor Evans answered not on social media. Financial Consultant Wendy Bates explained that there is a not a nice way to capture Facebook activity without the software. It is rather complicated and time-consuming and is not searchable. Facebook was not designed to be records compliant. Councilmember Hill asked Interim City Secretary Roberts if the City Facebook has a lot of activity. Ms. Roberts answered not like the Overton Neighbors Facebook Group and Ms. Bates added that there is a lot more activity than a year ago. There was further discussion regarding the pros and cons of the expense. Mayor Pro-Tem Posey asked if we could use Facebook to only disseminate information and not allow comments by others. Interim City Secretary answered yes.

Mayor Pro-Tem Posey made the motion to amend the motion to change the Facebook settings to not allow comments and not to purchase the software, seconded by Councilmember Hill. Carried 5-0.

7. **CONSIDER AND/OR ACT** on a City of Overton motto.

Interim City Manager Carter explained that the Overton Economic Development Corporation will be doing radio advertising and the radio station has asked for a City motto. OEDC President Philip Cox has suggested the City adopt "The Heart of East Texas." Mr. Carter opines that this motto is geographically appropriate.

Motion to approve made by Mayor Pro-Tem Posey, seconded by Councilmember Williams. Carried 5-0.

8. **CONSIDER AND OR ACT** on a Personal Time Off (PTO) holiday gift for employees.



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Interim City Manager Carter requested that once again, the Council approve an extra day off in lieu of a monetary gift like years past. Eight hours would be added to full-time employees and four hours for part-time employees.

Motion to approve made by Councilmember Hill, seconded by Mayor Pro-Tem Posey. Carried 5-0.

9. **CONSIDER AND OR ACT** on the 90-day moratorium on planning and development activity approved October 19, 2020.

Interim City Manager Carter explained that staff is looking for directions on this previous motion.

Motion to postpone another 90 days made by Mayor Pro-Tem Posey, seconded by Councilmember Williams. Carried 5-0.

E. FUTURE MEETINGS

1. Present revised upcoming meetings and events schedule.

Mayor Evans explained that our next meeting is January 21, 2021; therefore, a workshop needs to happen before that day.

Motion was made by Councilmember Hill to have a joint workshop with Rusk County ESD on January 12, 2021 at 7:00 p.m. if Rusk County ESD can attend, seconded by Councilmember Thompson. Carried 5-0.

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

None.

F. CONVENE TO EXECUTIVE SESSION

The Overton City Council will convene in an Executive Session to discuss the following matters as authorized by §551.074 of the Texas Government Code – regarding personnel matters including the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

1. City Council to deliberate regarding a) the employment, evaluation, reassignment, duties, discipline, or dismissal of the City Attorney, City Manager, Police Chief, and Financial Consultant positions.

City Council exited the open session into closed session at 8:04 p.m.

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

1. City Council to take action deemed appropriate in the City Council's discretion as a result of the executive session regarding a) the employment, evaluation, reassignment, duties, discipline, or dismissal of the City Attorney, City Manager position, Police Chief, and Financial Consultant positions.

City Council reconvened into open session at 10:14 p.m.

Motion to approve Blake Armstrong as the City Attorney made by Councilmember Schurbon, seconded by Councilmember Williams. Carried 5-0.



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Motion to change Ms. Wendy Bates from the Financial Consultant position to the Senior Finance Clerk/Utility Billing Clerk with no pay increase at a full-time rate of \$22/hr made by Councilmember Thompson, seconded by Councilmember Hill. Carried 5-0.

Motion to make Clyde Carter the permanent City Manager as of February 27, 2021 with a salary of \$65,000 pending a six-month evaluation after his appointment as City Manager at that time made by Councilmember Hill, seconded by Councilmember Thompson. Carried 5-0.

Motion to open applications for the Police Chief position until January 17, 2021 at 5:00 p.m. made by Councilmember Hill, seconded by Councilmember Thompson. Carried 5-0.

H. CITY ADMINISTRATION'S MONTHLY REPORTS

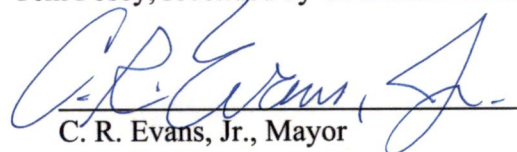
City Council to hear and/or act if necessary, on the following items:

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
2. Finance Monthly Reports
 - a. Finance Director's Report
 - b. Statement of Revenues & Expenditures for October & November 2020
 - c. Accounts Payable Check Register
 - d. Monthly Bank Statement

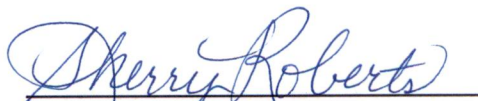
With such a late meeting, Mayor Evans asked the department heads for only the most important items be reported. Finance Director Sherry Roberts brought attention to the financial reports and reported that the budget is now uploaded into Incode and the financial reports were complete.

I. ADJOURNMENT

Motion to adjourn at 10:16 p.m. made by Mayor Pro-Tem Posey, seconded by Councilmember Schurbon. Carried unanimously.


C. R. Evans, Jr., Mayor

ATTEST:


Sherry Roberts, TRMC
Interim City Secretary

