



# CITY OF OVERTON

1200 South Commerce Street ★ Overton, TX 75684 ★ 903.834.3171 ★ [www.cityofoverton.com](http://www.cityofoverton.com)

## CITY COUNCIL REGULAR MEETING MINUTES MAY 20, 2021 7:00 p.m.

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD MAY 20, 2021 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
Chris Hall	2	Y
Curtis Gilbert	3	Y
Reggie Thompson	4	Y
Michael Paul Williams	5	Y

Staff in attendance were City Manager/Police Chief Clyde Carter, and Finance Director/Interim City Secretary Sherry Roberts, and Senior Finance Clerk/UB Clerk Wendy Bates.

**A. CALL TO ORDER** Mayor Evans called the meeting to order at 7:10 p.m.

1. Invocation was led by Councilmember Gilbert.
2. Pledges of Allegiance were led by Councilmember Williams.

**B. PUBLIC FORUM**

None.

**C. CONSENT AGENDA**

1. Act on the approval of the minutes from the April 15, 2021 Regular Called Council Meeting.
2. Consider and/or approve Resolution 2021.05.20A regarding an extension of the Disaster Declaration issued by Mayor Evans on February 19, 2021.

Interim City Secretary Sherry Roberts explained that the Disaster Declaration resolution extends it until Mayor Evans discontinues it. This is so the Council does not have to extend it every month.

Motion to approve made by Councilmember Gilbert, seconded by Councilmember Williams. Carried unanimously.

**D. REQUESTS OF COUNCIL**

1. Request from Raymond G. "Tuck" Moon to allow the private repair of West Brown Street and relocation of dead-end street sign on West Brown Street.

Mr. Moon, 402 W. Brown St., explained his family has been there since 1901. There is a live spring in a segment of that road. They are the only ones that live at the end of the road. It would cost too much money for the city to repair a one-person road. He wants it done right and put down 6" of concrete with rebar. That would adequately hold any normal traffic that would come down the road. There is no way for the city to justify this type of expenditure and he wants to take care of it before it passes down to another generation.



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Motion to approve made by Councilmember Thompson, seconded by Councilmember Gilbert.

Councilmember Thompson asked Mr. Moon if he has an issue with any big trucks. Mr. Moon said no and explained where he lives. Even the trash trucks don't come down the road. People start sinking when you vacate the oil dirt road because of a live spring on the side of the road.

Councilmember Gilbert explained he went down the road and thanked him. Councilmember Gilbert asked if he planned to move the dead-end sign. Mayor said the city would do have to do that.

Councilmember Hill appreciates him but disagrees with him that as a citizen and taxpayer of this community, you have every right that everyone else does.

The motion to approve was carried unanimously.

Request from Reggie Thompson regarding the construction of new baseball fields.

Mayor Evans stated that this item was not needed.

## E. BUSINESS

1. Consider and/or Act on the appointment of a Mayor Pro-tem.

Motion to appoint Councilmember Gilbert made by Mayor Evans as Mayor Pro-tem.

Councilmember Hill nominated Councilmember Thompson to be Mayor Pro-tem.

Motion to appoint Councilmember Thompson as Mayor Pro-tem made by Councilmember Hill, seconded by Councilmember Williams.

Carried 4-0 with Councilmember Thompson abstaining.

2. Overton Economic Development Corporation update by President Philip Cox.

President Cox was not present; therefore, this item was skipped.

3. Consider and/or possibly act on a contract for mowing the park for the months of June through August 2021.

City Manager Carter explained the City Council previously requested a scope of work. He stated that two bids were received:

- A&M Lawn Care's bid was \$1,450 each time
- K. Darden Lawn Care's bid was \$2,500 once a month for May – September 2021 with two (2) mowings each in June and July.

Motion to approve K. Darden Lawn Care for the park lawn care made by Councilmember Williams, seconded by Mayor Pro-tem Thompson. Carried unanimously.

Councilmember Hill spoke with the warden at the Billy Moore Correctional Facility. Once the Texas Department of Corrections lifts some of their COVID-19 restrictions, the inmates will start picking up the park, free of charge to the City.

The motion to approve was carried unanimously.

4. Act on the approval of Resolution 2021.05.20B regarding the application of CenterPoint Energy to increase rates under the Gas Reliability Infrastructure Program.

Interim City Secretary Sherry Roberts explained that the incorrect language was used last month for the suspension of the application.



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Motion to suspend the application made by Mayor Pro-tem Thompson, seconded by Councilmember Hill. Carried unanimously.

5. Consider and/or Act on the Council Agenda Item Request by Ms. Shirley Shaw regarding the enforcement of City ordinances.

Ms. Shaw at 1201 E. Price Lane, informed the Council that the Code is not being enforced on her neighbors. She presented paperwork proving who owns the property and pictures of the house. She stated that she brings this issue up every year and it is unbearable to live next to.

Councilmember Hill stated he would like to see the warranty deed. Ms. Shaw passed out the pictures and proof of ownership to the Council. She said she had a misunderstanding on how Code Enforcement worked. Code Officer Bagley issued citations to the owners numerous times and they went to court. She stated that Officer Bagley did her job and does not understand why nothing was done when it went to court.

Councilmember Hill read §73.04 and §73.05 of the Texas Health & Safety Code. He said this should be the responsibility of the City to take care of this problem.

Councilmember Hill said they do have a judgment against them but it probably won't go to court until next year.

Councilmember Williams asked if the owner has been notified. City manager Carter said yes, several times.

6. Consider and/or Act on Ordinance 2021.05.20A regarding FY 20/21 Budget Amendment #1.

Motion to approve the budget amendment made Councilmember Gilbert, seconded by Councilmember Hill. Carried unanimously.

7. Consider and/or Act on the FY 21/22 Budget Calendar.

Mayor Evans stated this item has been moved to the Special Meeting Agenda for May 25, 2021.

8. Consider and/or Act on the Utility Billing Clerk Job Description.

Finance Director/Interim City Secretary Sherry Roberts explained that since there was miscommunication with the Police Chief Job Description, she would feel more comfortable if Council would approve each job description as a vacancy occurs.

Councilmember Hill stated that he believes the Council is responsible for the appointed positions. Other job descriptions are the duties of the City Manager and HR Director.

No action taken.

9. Consider and/or Act on the Cemetery Clerk Job Description.

No action taken.

10. Consider and/or Act on the Code Enforcement Job Description.

No action taken.

11. Consider and/or Act on placing a radio antenna on the City's water tower for Rusk County Emergency Services at their expense. (moved to Business Item #1)

Sheriff Johnwayne Valdez explained to the Council his main concern is the County's communication system. He stated the Sheriff's office is using the fire department's communication system. He and a Henderson City Councilmember are working together to



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create a decent communication system with as little as taxpayer money as possible. He passed out a map that covers the Tex-Warn System. The Sheriff's Department has to use a set of towers that is already in existence. He stated he sought the same approval from the City of Tatum. They are asking to build an antenna on top of the City's water tower. The pine trees cause a line-of-sight issue. He stated that this would be at no cost to the City of Overton. They will place the system and a generator to increase their range to what is on the map. Portable radios do not have the wattage that are in the cars. They want a system to be used in the seven ESD towers inside the County of Rusk. The City's tower fits their need. Police officers are a target and they need to be able to call for help when outside of the vehicle. The County is aware that their radio system is out of compliance and if an officer was killed in the line of duty, a judge will award the family and dictate the County install this system and time will not be on their side. He stated they are also looking at a ETCOG grant.

Councilmember Williams questioned the height of the antenna when added to the water tower. After explaining the difference in towers, Sheriff Valdez answered that the only problem they will have will be wind.

Motion to approve made by Councilmember Hill, seconded by Councilmember Williams. Carried unanimously.

Councilmember Hill explained the importance of this issue related to communication.

12. Consider and/or Act to exempt Accessory Structures from the platting requirement.

Mayor Pro-tem Thompson made the motion to approve, seconded by Councilmember Hill.

Interim City Secretary Sherry Roberts explained that because this is in the subdivision ordinance an amendment to the ordinance will be required to make this change. She stated she would like a consensus to give the city attorney the permission to make the change. If Council chooses to make each person plat their property before adding an accessory building, then the subdivision ordinance does not need to be changed.

Mayor Pro-tem Thompson made the same motion and Interim City Secretary Roberts clarified that she is to give direction to the city attorney to amend the Subdivision Ordinance. Councilmember Hill seconded again. Motion carries unanimously.

13. Consider and/or Act to appoint two (2) City Councilmembers to the OEDC Board.

Motion to appoint Councilmember Gilbert and Mayor Pro-tem Thompson made by Councilmember Hill, seconded by Councilmember Williams.

Councilmember Williams stated that he does not agree with having councilmembers on other boards because it keeps the same mindset.

The motion carried unanimously.

## **F. FUTURE MEETINGS**

1. Present revised upcoming meetings and events schedule.
  - a. OEDC Meeting – May 25, 2021 at 6:00 p.m.



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

## **G. 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. Public Works Department Report
  - f. Christus EMS report
  - g. Overton Volunteer Fire Department report

City Manager Carter stated that Officer Overman passed away after a short illness and announced the visitation and service. He announced that the recreational trail grant more than likely will be approved. OMDD has asked for him to get a cost estimate to tear out Kennemar Square to make it additional parking. Mayor Pro-tem Thompson asked City Manager Carter if he was sending out bids for this project. He answered that the engineers will provide a cost estimate and design at this time then it will go out for bids if the OMDD Board decides to proceed with the project.

2. Finance Monthly Reports
  - a. Finance Director's Report
  - b. Income Statement
  - c. Expense Approval Report
  - d. Monthly Bank Statement
  - e. Sales Tax Report

Finance Director Sherry Roberts explained the City should received one-half of the American Rescue Plan Act funds mid-June. The City's allotment is \$545,700. She then informed the Council of her resignation and that June 18, 2021 will be her last day.

Councilmember Hill stated he saw where the current auditors dropped the City as a client and asked if there was a plan. Finance Director Roberts stated that she had a plan before she decided to resign and that this will be a part of the executive session discussion.

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

Council went into executive session at 8:04 p.m.

Council reconvened at 9:24 pm.

*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. Discussion regarding the Senior Finance Clerk/UB Clerk position.

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



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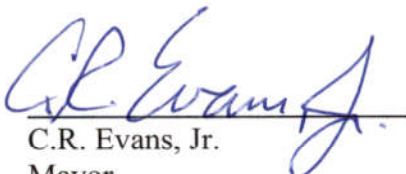
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1. City Council to take action deemed appropriate in the City Council's discretion as a result of the executive session regarding a) the employment, evaluation, reassignment, duties, discipline, or dismissal of the Senior Finance Clerk/UB Clerk position.


No action to be taken.

## J. ADJOURNMENT

Motion to adjourn at 9:24 p.m. made by Mayor Pro-tem Thompson, seconded by Councilmember Gilbert. Carried unanimously.

  
C.R. Evans, Jr.  
Mayor

ATTEST:

  
Sherry Roberts, TRMC  
Interim City Secretary

