

**SPECIAL CALLED CITY COUNCIL MEETING
November 13, 2014**

MINUTES OF THE SPECIAL CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD ON **NOVEMBER 13, 2014** AT 7:00 PM IN THE COUNCIL CHAMBER, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

PRESENT:

C. R. Evans Jr., Mayor
John Ed Welch, Mayor Pro-Tem
Pat Beets (arrived at 7:10 P.M.)
Jerry Clark
Philip Cox
John Posey

ABSENT:

Also in attendance were, Charles Cunningham, City Manager, and Rachél Gafford, City Secretary representing staff.

ITEM I: CALL TO ORDER - Mayor Evans called the meeting to order at 7:00 P.M.

1. Invocation was given Mayor Evans
2. Pledge of Allegiance was led by Councilman Posey

ITEM II: CONSENT AGENDA

None

ITEM III: CITIZEN FORUM

None

ITEM IV: NEW BUSINESS_(CONSIDER AND/OR ACTION)

1. CONSIDER AND/OR TAKE ACTION ON RESOLUTION #: 2014-11-13; A RESOLUTION TO CANVASS VOTES OF NOVEMBER 4, 2014 SPECIAL ELECTION.

Councilman Posey made a motion to approve RESOLUTION #: 2014-11-13 with the correction to the headings above the Smith County and Rusk County Vote totals. Councilman Cox seconded the Motion. Motion carried 4 – 0, Councilman Beets absent. (Attachment 1)

2. DISCUSS AND / OR GIVE STAFF DIRECTION FOR CHANGES REGARDING PROPOSED RESOLUTION NO. 2014-11-20A; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS LEGALIZING THE SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION ONLY INSIDE THE CITY LIMITS OF THE CITY OF OVERTON, TEXAS; PROVIDED FOR AN EFFECTIVE DATE HEREOF.

City Secretary Gafford presented proposed Resolution No. 2014-11-20A.

No action taken

3. REVIEW AND DISCUSS THE EMAIL COMMUNICATIONS PROVIDED BY TEXAS PETITION STRATEGIES AND T.A.B.C. CONCERNING A MUNICIPALITIES OPTIONS WHEN CONSIDERING THE ADOPTION OF ORDINANCES REGULATING DISTANCE REQUIREMENTS AND THE SALE OF ALCOHOLIC BEVERAGES.

City Secretary Gafford presented email communications received concerning distance guidelines that the City could place in the proposed ordinances for the regulation of the sale of Beer & Wine.

No action taken

4. DISCUSS AND / OR GIVE STAFF DIRECTION FOR CHANGES REGARDING PROPOSED ORDINANCE NO. 2014-11-20A; AN ORDINANCE AN ORDINANCE ADDING CHAPTER 86 OF THE OVERTON CODE OF ORDINANCES; REGULATING THE LOCATION OF ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES; REGULATING THE HOURS DURING WHICH BEER AND WINE MAY BE SOLD FOR OFF PREMISE CONSUMPTION; PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN CITY FACILITIES; ESTABLISHING A PENALTY, PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING FOR PUBLICATION.

City Manager presented proposed Ordinance No. 2014-11-20A; regulating the sale of Beer & Wine for off-premise consumption and reviewed some specific sections of concern to the council members.

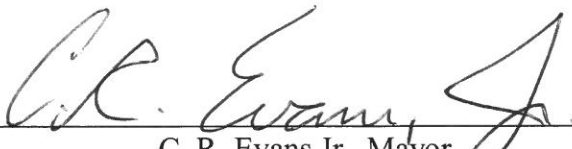
No action taken

ITEM VI: ADJOURNMENT


Councilman Cox made a motion that the meeting be adjourned. Mayor Pro Tem Welch seconded the Motion. Motion carried 5 – 0.

With no further business, the meeting was adjourned at 7:30 P. M.

Minutes approved and submitted and/or corrected this 18th day of December, 2014.


C. R. Evans Jr., Mayor

Attested by:


Rachel Gafford, City Secretary



ATTACHMENT 1

RESOLUTION NO: 2014-11-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS CANVASSING THE VOTES FOR THE LEGALIZATION OF THE SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION ONLY INSIDE THE CITY LIMITS OF THE CITY OF OVERTON, TEXAS; PROVIDED FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, a local option election on the issues of legalization of the sale of beer and wine for off-premise consumption only was held on November 4, 2014; and

WHEREAS, the City Council has met and canvassed the voters on such issue; and

WHEREAS, the canvass shows the following results:

ITEM ON BALLOT	TOTAL VOTES	MAIL IN VOTES RECEIVED	EARLY VOTES RECEIVED	ELECTION DAY VOTES RECEIVED	ELECTION DAY VOTES RECEIVED
				SMITH COUNTY Precincts 10 & 26	RUSK COUNTY Precincts 112 & 114
<u>PROPOSITION #1</u>					
LOCAL OPTION ELECTION FOR THE LEGAL SALE OF BEER & WINE FOR OFF-PREMISE CONSUMPTION ONLY					
FOR	313	17	26	13	257
AGAINST	170	22	20	8	120
VOTE TOTALS	483	39	46	21	377

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS:

SECTION 1: THAT the above canvass be and the same is hereby approved.

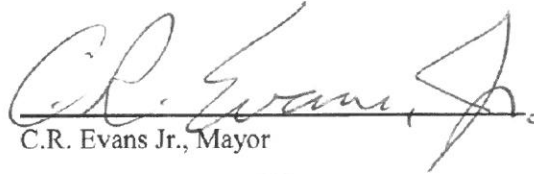
SECTION 2: THAT the sale of beer and wine for off-premise consumption only are hereby declared legal within the city limits of the City of Overton subject to compliance with applicable state and city regulations. The Resolution shall become effective immediately upon its passage and execution.

AND IT IS SO RESOLVED.

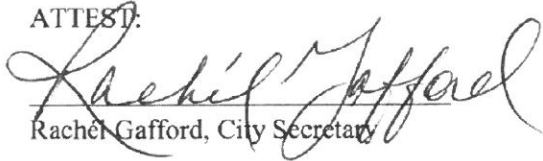
APPROVED AND ADOPTED by the city council of the City of Overton, Texas on this 13th day of November, 2014.

CITY OF OVERTON

By:



C.R. Evans Jr., Mayor

ATTEST:


Rachel Gafford, City Secretary



APPROVED AS TO FORM AND LEGALITY:

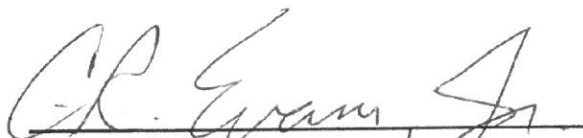

Blake Thompson, City Attorney

**CITY OF OVERTON, TX
CANVAS OF SPECIAL ELECTION
HELD NOVEMBER 4, 2014**

I, C. R. Evans, Jr., Mayor of the City of Overton, Texas, met with the City Council sitting as the canvassing board to canvass the Special Election of November 4, 2014 on November 13, 2014 at City Hall (1200 S. Commerce Street, Overton, Texas 75684).

I, certify that the figures on the tally sheets below correspond with the figures on the election returns.

Witness my hand this 13th day of November, 2014.


Presiding Officer of Canvassing Authority

ITEM ON BALLOT	TOTAL VOTES	MAIL IN VOTES RECEIVED	EARLY VOTES RECEIVED	ELECTION DAY VOTES RECEIVED	ELECTION DAY VOTES RECEIVED
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SUMMARY REPT-GROUP DETAIL

GENERAL AND SPECIAL ELECTION
 RUSK COUNTY, TEXAS
 NOVEMBER 4, 2014

REPORT-EL45A PAGE 007

RUN DATE:11/05/14 12:52 PM

	TOTAL VOTES	%	EV	EV IVO	ED	ED IVO
PROPOSITION 1						
VOTE FOR 1						
(WITH 22 OF 22 PRECINCTS COUNTED)						

LOCAL OPTION ELECTION - RUSK COUNTY
 VOTE FOR 1
 (WITH 2 OF 2 PRECINCTS COUNTED)

LOCAL OPTION ELECTION OVERTON

	TOTAL VOTES	%	EV	EV IVO	ED	ED IVO
VOTE FOR 1						
(WITH 1 OF 1 PRECINCTS COUNTED)						
For	313	64.80	17	26	13	257
Against	170	35.20	22	20	8	120
Total	483		39	46	21	377
Over Votes	0		0	0	0	0
Under Votes	14		1	4	0	9

MEISD Full Term Trustees
 VOTE FOR 2

West Rusk CCISD Trustee
 VOTE FOR 2
 (WITH 9 OF 9 PRECINCTS COUNTED)