

**SPECIAL CALLED CANVASS MEETING OF THE CITY COUNCIL
NOVEMBER 14, 2019**

MINUTES OF THE SPECIAL CALLED CANVASS MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **NOVEMBER 14, 2019 AT 7:00 PM** IN THE COUNCIL CHAMBERS, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

<u>PRESENT:</u>	<u>Place</u>	<u>ABSENT:</u>	<u>Place</u>
C. R. Evans Jr.	Mayor		
Trampas Freeman	1		
John Posey, Mayor Pro Tem	2		
Jerry Clark	3		
David Stone (Outgoing Councilmember)	4		
Reggie Thompson (Councilmember Elect)	4		
Michael Paul Williams	5		

Also, in attendance were Clyde Carter, Interim City Manager / Police Chief, Wendy Bates, City Controller, Gabe Wallace, Police Captain and Rachél Gafford, City Secretary representing staff. Also, in attendance representing the public was Maggie Thompson and Kelvin Darden.

A. CALL TO ORDER - Mayor Evans called the meeting to order at 7:03 p.m.

Mayor Evans acknowledged that a quorum was present for the Canvass Meeting

B. PUBLIC FORUM - Each individual will be allowed three (3) minutes.

Mayor Pro Tem Posey stepped down from the Dias to make a presentation to City Council as a concerned citizen.

John Posey addressed Council stating that after having listening to the voters on Election Day he had calculated that over 30% of the voters were against the City of Overton requiring Building Permits and that they would like to see the City repeal the Ordinance requiring permits. He went on to state that in this month's issue of Texas Town & City there is an article by Scott Houston, TML Deputy Executive Director and General Counsel. TML has advised its General Law members cities lacking resources to enforce building codes not to adopt the codes or to adopt the building codes and delete the provisions that require the City to issue a permit or perform inspection. TML advises that this arrangement appears to comply with the requirements of the state law and places the burden of compliance on the builder. Posey stated that Home Rule Cities (cities with populations of 5,000 and greater who have adopted a Charter) must adopt the codes and require permits; however, as staff has presented before as a General Law City, Overton is not required to issue and enforce permits.

Posey went on to state that if other members of Council believe that the City does not possess the staff nor the resources to continue the issuance of building permits and requiring inspections, that at least two (2) members of Council submit in writing a request to have the item for the repeal of the Ordinance requiring building permits be placed on the Council Agenda for discussion.

Mayor Pro Tem resumed his seat on the Dias.

C. CANVASS GENERAL ELECTION

1. City Council, acting as the Canvassing Board to discuss and take action regarding Canvassing the results of the November 5, 2019 General Election.

City Secretary Gafford presented the unofficial results submitted by Rusk County and Smith County Elections Administrators for the November 5, 2019 General Election for the Canvassing Board review and approval.

Canvass of Votes for General Election Held November 5, 2019 Mayor and City Council Member Places #2 and #4 Overton, Texas								
Council Member Place	Candidate	Total Votes	Rusk County Precincts 112 EXHIBIT A			Smith County Precincts 10 & 26 EXHIBIT B		
			Early Votes		Election Day Votes	Early Votes		Election Day Votes
			By Mail	In Person	In Person	By Mail	In Person	In Person
Mayor	C. R. Evans, Jr.	269	3	28	221	0	4	13
	Susan Bobbitt	138	0	13	123	0	0	2
Place #2	John Posey	223	3	18	189	0	3	10
	Lane Schurbon	118	0	17	97	0	1	3
	Crawford Bobbitt	59	0	5	52	0	0	2
Place #4	Write-In Candidate Reginald Thompson	280	2	21	251	0	1	5

Mayor Pro Tem Posey made a motion to approve election results as submitted.

Councilman Williams seconded the motion.

Motion carried 5 – 0.

2. City Council to consider and/or take action regarding a **Resolution** to canvass votes of the November 5, 2019 General Election and proclaim the following members of City Council duly elected.

City Secretary Gafford presented a Resolution to certify and canvass the elections results and to declare C.R. Evans, Jr. as Mayor, John Posey as Council Member Place #2 and Reggie Thompson, as Council Member Place #4 as duly elected according to the Official Canvassed Election Results of the November 5, 2019 General Election.

Councilman Williams made a motion to approve Resolution Number 2019.11.14A declaring the 2019 November 5th Election Results officially canvassed and the candidates duly elected.

Councilman Freeman seconded the motion.

Motion carried 5 – 0.

Mayor Evans then skipped to Agenda Item D.1

D. PROCLAMATION / PRESENTATIONS / RECOGNITION / ANNOUNCEMENTS

1. Mayor to issue a certificate of appreciation honoring outgoing Council Member David Stone.

Mayor Evans presented a Certificate of Appreciation to outgoing Councilmember Stone thanking him for his service to the City of Overton.

Mayor Evans then returned to Agenda Item C.3

3. Presentation of Certificates of Election.

City Secretary Gafford presented Mayor C. R. Evans, Jr. with his Certificate of Election, Mayor Evans then presented John Posey and Reggie Thompson with their Certificates of Election.

David Stone then stepped down from the Dias.

Council Member Reggie Thompson then took his seat as Councilmember Place 4 on the Dias.

E. ADMINISTRATION OF THE OATH OF OFFICE

1. Administration of the "Statement of Officer" and "Oath of Office" of the duly elected Mayor and City Council Members.

Interim City Manager Carter administered the Oath of Office to C. R. Evans, Jr. as Mayor.

Mayor Evans then administered the Oath of Offices to John Posey and Reggie Thompson.

F. BUSINESS

1. Consider, and act upon, the election of Mayor Pro Tempore for a one-year term beginning November 2019 and ending November 2020.

Councilman Williams nominated John Posey to the office of Mayor Pro Tem.

Councilman Clark seconded the nomination.

Nomination carried 4 – 0, Councilmember Posey abstained.

With no other nominations, Mayor Evans declared Councilmember Posey as elected as Mayor Pro Tem by acclamation.

G. ADJOURNMENT

Councilman Clark made a motion to adjourn.

Councilman Freeman seconded the motion.

Motion carried 5 – 0.

With no further business, the meeting was adjourned at 7:24 p.m.

Minutes submitted, approved and/or corrected this 21st day of November, 2019.



CITY OF OVRTON

C. R. Evans, Jr.

C. R. Evans, Jr., MAYOR

ATTEST:

Rachel Gafford

Rachel Gafford, TRMC, CITY SECRETARY

Council Action Items:

1. Resolution No. 2019.11.14A – Official Canvass of the November 5, 2019 General Election.