

COMMISSIONER'S COURT

REGULAR SESSION

APRIL 10, 2012

Attachments

The Hunt County Commissioners Court met this day at 10:00 a.m. with Commissioners Kenneth Thornton, Jay Atkins, Larry Middlebrooks, and Jim Latham present. Judge John Horn was presiding. Jimmy Hamilton, County Auditor and Jennifer Lindenzweig, County Clerk were also present. Invocation was given by Commissioner Middlebrooks.

12,310 On the motion by Atkins, second by Thornton, the Court approved the minutes as written for March 27, 2012 Regular Session.

CITIZENS TO BE HEARD:

_____ **Debbie McKee** addressed the Court regarding Rails to Trails. Thank you for letting me have this opportunity. I am not well versed in the issue I am about to speak about, but the basic principles are the same no matter if the details are understood by me. I'm here about the Rails to Trails, I understand it was defeated in the 90s by the Commissioner's Court and I urge you to do something to stop it now. It's a property owner's issue, it's a land rights issue, and like I said I don't know all the details but I'm sure we can come to some kind of agreement and some conclusion of what we can do to protect people and we can weed out, rather flush out and find the people who stand to benefit from this kind of operation. I know you can't interact or answer questions, but I intend to pursue this and make sure to follow up and see what can be done. Thank you.

_____ **Cheryl Lahar** addressed the Court regarding Rails to Trails. Last Tuesday, my husband and I came in to visit with Mr. Thornton about this issue of Rails to Trails, but my real concern was the trash and I took him pictures of the trash that had been dumped on it from one end to the other along three thousand feet that I own along this trail, or proposed trail. I asked for help and Mr. Thornton was very gracious to grant me a time to come in last Tuesday and he also had the EPA Officer there, but unfortunately there is no money and there is no help so I have the trash to deal with and there's no clean up. Celeste usually has a clean up once a year and I was thinking that with a front end loader, because I'm afraid of snakes, there are water moccasins, there's a puddle down there that you don't want to ride through so I didn't want to be out there picking it up myself. There are deer blinds, there's trash, somebody dumped a whole house full of old carpeting and somebody remodeled and backed the truck up and unloaded all of it. Any way, my real concern is, if this trail does happen to go in, I know 15 years ago

there was a paper that was signed saying that opposed this, but I would like for a new one to be drafted because that other one is 15 years old and I would like for it to say it opposes the money being spent on this trail when we have roads that we don't have kept up now. Thank you very much gentleman.

_____ **Cindy Carroll** addressed the Court regarding Rails to Trails. I would ask that you do your duties in protecting your citizens. This deal is becoming like a cancer. As I understand it now, the city of Farmersville is coming out and trying to annex a big area of the little town of Merit and all the little country roads around there, bringing their boundaries out I think to meet the city of Greenville, is what we are being told. Their real push on this Rails to Trails is to get more people into their town, everything they do is to benefit the Collin County people, the people that tend to stick the money in their pockets and go off and leave us with the trash. I'm very concerned because there's going to be no protection from fire, from theft, from anything else on this trail. What we went through this past year with the drought, all it took was one bicycle rider or one hiker or whatever to flip a cigarette over there, and there would be no way the fire department could get in to fight the fires until it got over into our properties and burned us out. I would ask that you please pass this resolution to stop the funding from the Texas Department of Parks and Wildlife or whatever it takes to stop the funding with our U.S. tax dollars and use those in a place in Hunt County that makes a difference to more people, to the Hunt County people and not Collin County people. Thank you.

_____ **Thomas Willess** addressed the Court regarding Rails to Trails. The Hogeeye Handyman, been in business for myself a little over 34 years, collecting taxes, feeding the sharks in Washington, Austin, locally and the thing we dealt with this basically 15 years ago, the issues with the Court was addressed then. I'm still concerned that we are being misrepresented rather than represented in our government and I've stated in correspondence both verbally and writing to Washington D.C. there's finishing school for liars and beggars and anybody that's been there more than 30 minutes is a suspect. Judge, I want to thank you for the time that you allowed me one time, you may not remember it but I do, when I addressed you personally in regard to the booze situation in Greenville. The letter that I wrote about the ongoing booze debate, the Herald Banner was gracious enough to print every word, did not edit one iota of anything. My concern about booze, but this is just what I'm talking about now and dealing with this is because you told me, face to face that you had the last decision in regard to the beer barn and my understanding it went into business. I'm a teetotaler so I don't have anything to do with it, but the point made is this, are we the citizens being represented for our good, are our tax dollars being used to the maximum benefit of all in an honorable way. This is my concern. I'm 74 years old, have health issues, according the doctors I've got one foot in the grave and the other on a banana peel, but I basically said this in correspondence to Congressman Mike Pence, the fact that the only thing in hope that true believers have is according to Romans 8:28 "all things work together for good than that love the Lord, those that are called according to

purpose”, and death’s door looks more appealing to me because of the way our so called government is misrepresenting. I thank you for your time.

 Sherwood McCloud addressed the Court regarding Rails to Trails. I have lived in Hunt County all my life. I was born on the piece of property that I live on right now. I chose to live where I live because it was in the country, it’s peace and quiet. Yes, it has its downfalls, we have to drive the closest 6 miles to buy a gallon of milk, cold drink and if you need anything much more than that then you have to drive about 20 miles. That was our choice then and it ought to be our choice now. Back when I was kid, I was raised and taught that a man’s word and his handshake was his bond. I still believe that. I have always tried to be a law abiding citizen. I’ve always tried to have good relationship with the County officials, who were representing us, but there are two things that I would like to address this morning and I want no misunderstanding of where I stand on either one of them. We have been told by this Court that yall oppose the Rails to Trails. Yall have passed resolutions that, I don’t know whether yall thought it stopped it or whether yall were just trying to appease us until it happened, I don’t know. We were told yesterday by Constable Joe Barton who has a lot of power, got way to much power in Collin County that he did not care whether we wanted that trail in our backyard or whether we didn’t, that it was going to Celeste, Texas right now. Told us there was nothing we could do about it, that it was going to leave Farmersville and it was going to Celeste and when it got to Celeste it would go on the rest of the way through Hunt County. I’m asking this Court, who is our only representation of an unincorporated rural area, to pass a resolution to stop the funding of anybody putting that trail through there and destroying our life style that we have in the country. The second thing that I want to approach is I live in the Merit community, lived there all my life. I am appalled that the city of Farmersville can do a survey basis over into Hunt County and come to FM 2194, which is the farm road that comes from Merit to Farmersville and goes all the way over to 69 over by Kingston and Kellogg to 903 which starts at 380 goes all the way to 69 at Kingston through Wagner and FM 36. That is a pretty good chunk of Hunt County. I am appalled that no one that is supposed to be representing us has heard anything about this, that we find something like this off the internet and the survey’s done, nobody’s been notified and none of the county commissioners knows anything about it. If this is the way that business is done in 2012 when a handshake and a man’s word does not mean anything, are we really going in the wrong direction in the name of progress? If that’s progress, that we have go to the point that the people that are supposed to be representing us would tell us one thing, and yall may be telling us the truth, I don’t know, but yall are telling us one thing and we’re getting it shoved down our throat and if that’s progress, and we call that progress in the name of greed for someone else’s personal benefit, I think we’ve gone the wrong direction in my 62 years. I thank you.

Mike Lewis addressed the Court regarding Rails to Trails. Thank you Judge, Commissioners. Mine is mainly a show and tell, I'm not going to talk a whole lot. We have a non profit group south of us, the Chaparral Rails to Trails. I'm gonna bring it up, but I've got some pictures. Now, this one here, Cheryl Lahar talked about this one, and this is the debris that is laying on the back of our property and Cheryl Lahar property that nobody is responsible for, and Cheryl tried to get it straightened out, we've gone to Thornton and Thornton says to go wherever, but now we're back to Joe Barton and the Directors on board to clean it up. They had clean up this last weekend, but they only cleaned up the Farmersville trail that they built. Now this is pitiful for people to have access to this property and they have the right of way, we own the land, they have the right of way and they drive down and dump this stuff in our back yards. Now this is not right, they do not patrol it and they do not take care of it. Now further pictures, they are on the website advertising this trail to be open through Hunt County and I want to show you what it looks like when they took \$110,000.00 and sold the ballasts, the non profit group sold the ballasts on the railroad for \$110,000.00 and they were supposed only to get the ballasts on the top, not the slag and when the rock remover broke the (inaudible) this was supposed to be moved and the slag was to supposed to be graded up to make a hike and bike trail and they were not supposed to do the middle of the track, and if you see, there's water. This is the middle of the track all the way through, this is the bridge trestle that's one mile off 1562 just south of Celeste where they went and cut through the trail about a gulge about 7 foot deep and 14 to 20 foot wide so the gravel trucks could get through to load up gravel and they did not come back and fix this. They had a contract, they had an overseer, they hired and they're still looking for him. I've got more pictures, this is some more and one of these comes right behind our new high school, this is the high school right here in the background. This is what we have in our backyard and have had for 16 years when they took the rock off. We live with this stuff everyday and this is the lawless spot for people to come through with their bike, cars, jeeps, whatever and the only people who take care of this land are the farmers that block it off to keep these trucks from coming through in the middle of the night, drunks driving down these mud road because there is no more gravel, it's gone, but they come through 2 o'clock in the morning, we should not have to put up with this stuff. They dug this thing and got \$110,000.00 I call it the 30 pieces of silver to take it to Farmersville for their start up money to get their hunting shed and stuff started. Now they want more federal money from Texas Parks and Wildlife to come in and fix this thing and I'll be reluctant to let them do that and cover their sins with my highway tax money diverted to do this stuff. This is Farmersville, both of them are in the city, but it comes out to the county road, and this is what they have in Farmersville and mainly it's about 2 ½ miles. They have lighted in the city, and this is up by the complex. Now this is what they've lived with all this time, and you can tell they had a clean up this weekend because that's a garbage bag, now they didn't come and pick our stuff up, they just picked this stuff up off this trail. They advertise this trail being opened and I see blogs on the internet on Rails to Trails links and you can see where people are making fun of our county coming through and trying to figure out how to get through the water, how to get around the

bridges and it's making a mockery of our county. These people are non profit and now they want more federal money to fix up what they did 16 years ago and I'm tired of it. This is not right. Somebody has to pass a resolution to stop the funding of this Texas Parks and Wildlife project for this non profit group. You are the only guys we know that can do that and that's all I got, thank you.

OLD BUSINESS:

A. ACTION ITEMS – Discuss and possibly take action on the following:

 None

NEW BUSINESS:

A. CONSENT CALENDAR – All items listed are considered to be routine by the Commissioners Court and will be enacted by one motion.

1. The acceptance of continuing education hours from the School for County Commissioners Courts presented to Kenneth D. Thornton – Commissioner Thornton. *See attachment.*
2. The acceptance of continuing education hours from the School for County Commissioners Courts presented to Jay C. Atkins – Commissioner Atkins. *See attachment.*
3. The acceptance of continuing education hours from the School for County Commissioners Courts presented to Larry M. Middlebrooks – Commissioner Middlebrooks. *See attachment.*
4. The acceptance of continuing education hours from the School for County Commissioners Courts presented to Jim B. Latham - Commissioner Latham. *See attachment.*
5. The approval of contributing \$1000.00 to Texas Rangers Major Crime Scene Team for Crime Scene Trailer from the Forfeiture Fund Budget – Nobie Walker, District Attorney
6. The renewal of the Annual Vehicle Oil/Filter Change and Wash for the period of April 1, 2012 through May 31, 2013 with Valvoline Express at no increase in cost – Cheryl Blue, Purchasing Agent

12,311 On the motion by Atkins, second by Middlebrooks, the Court approved all items as listed above.

B. ACTION ITEMS – Discuss and possibly take action on the following:

12,312 On the motion by Atkins, second by Thornton, the Court approved the award of Formal Bid #080-12, Premix Oil and Sand to all responsive vendors, twelve (12) month contract effective April 13, 2012 through April 12, 2013 – Cheryl Blue, Purchasing Assistant. *Bids on file in the Purchasing Department.*

12,313 On the motion by Middlebrooks, second by Atkins, the Court approved the award of Formal Bid #081-12, Clear Span Concrete Bridges and Concrete Culverts to Yoder Construction, twelve (12) month contract effective April 14, 2012 through April 13, 2013 – Cheryl Blue, Purchasing Assistant. *Bids on file in the Purchasing Department.*

12,314 On the motion by Thornton, second by Atkins, with Middlebrooks abstaining, the Court approved the award of Formal Bid #082-12, Road Oil and Emulsion for Seal Coat. Award Road Oil to Bryan & Bryan the only responsive vendor, award emulsions to Ergon Asphalt the only responsive vendor for emulsions, award road glue to EP&A Envirotac the only responsive vendor for road glue, for twelve(12) month contract effective April 23, 2012 through April 22, 2013 – Cheryl Blue, Purchasing Assistant. *Bids on file in the Purchasing Department.*

12,315 On the motion by Middlebrooks, second by Atkins, the Court approved the award of Formal Bid #083-12, Steel Culverts to Contech Solutions and Wilson Culverts Inc, twenty-four(24) month contract effective April 23, 2012 through April 22, 2014 – Cheryl Blue, Purchasing Assistant. *Bids on file in the Purchasing Department.*

12,316 On the motion by Thornton, second by Atkins, the Court approved of the Monthly Treasurer's Report for February 2012 – Delores Shelton, Treasurer. *See attachment.*

12,317 On the motion by Latham, second by Middlebrooks, the Court approved the upgrading approximately 7/10 mile of CR4721 from dirt to rock for the TXDOT Off-Site Bridge Program in Precinct 4 – Jim Latham, Commissioner Precinct 4

12,318 On the motion by Atkins, second by Middlebrooks, the Court approved the acceptance of high bids received on Resale Properties as follows:

<u>Acct #</u>	<u>Purchaser</u>	<u>Min Requested</u>	<u>High Bid</u>
43580	Lawrence Pare	\$191.00	\$191.00
Property Address: E-Z Living Acres East Addition, Lot 160, Quinlan, TX 75474			
39186	Absolute Lee, LLC	\$4000.00	\$4000.00
Property Address: 1200 Kennie Dr., Commerce, TX 75428			
38778	Jasiel Collins	\$3000.00	\$3000.00
Property Address: CR 4509, Commerce, TX 75428			
72845	Denita Brown	\$840.00	\$840.00
Property Address: 1202 Wesley St., Greenville, TX 75401			

ADDENDUM:

8. The approval of ordinance enabling County Civil Attorney to draft, obtain execution, and file title documents in Hunt County Real Property records transferring county real property to Weatherford International Ltd. for economic development purposes – Daniel Ray, County Civil Attorney

_____ NO ACTION TAKEN

12,319 On the motion by Atkins, second by Middlebrooks, the Court approved accounts payable.

12,320 On the motion by Atkins, second by Thornton, the Court approved line item budget transfers.

PAYROLL & PERSONNEL:

<u>COUNTY ATTORNEY</u>	<p>Change Amenda Arnold from G4 to G6 position, Office Manager, at \$30,102.00. Effective 4-16-2012.</p> <p>Remove Heather Murdock, Office Manager, due to resignation. Effective 4-13-2012.</p>
<u>DISTRICT ATTORNEY</u>	<p>Add Claudia Tarrant, File Clerk, part time at \$10.00 per hour. Effective 4-2-2012.</p>
<u>JAIL</u>	<p>Add Patrick Gregorich, Detention Officer, at \$25,941.24. Effective 4-11-2012.</p> <p>Add Harrison Sparks, Detention Officer, at \$25,941.24. Effective 4-16-2012.</p>
<u>JP 1, PLACE 2</u>	<p>Remove Leah Compton, Clerk, due to resignation. Effective 3-30-2012.</p>
<u>JUVENILE</u>	<p>Change Lavonda Carnes, Supervision Officer, to \$25,941.00 for certification. Effective 4-16-2012.</p> <p>Add Matthew Hammock, Supervision Officer, at \$24,516.00. Effective date 4-16-2012.</p> <p>Add Leonard Jimmerson, Supervision Officer, at \$24,516.00. Effective 4-16-2012.</p> <p>Change Albert Mitchell, Supervision Officer, to \$25,941.24 for certification. Effective 4-16-2012.</p> <p>Change Joceylin Palmer from Detention to Probation Officer at \$30,000.00. Effective 4-16-2012.</p> <p>Change Lori Raiburn, Supervision Officer, to \$25,941.00 for certification. Effective 4-16-2012.</p> <p>Remove Carl Ricky Warren, Supervision Officer, due to resignation. Effective 4-6-2012.</p>

<u>PRECINCT 3</u>	Add Allan Malone, Equipment Operator, at \$27,040.00. Effective 4-16-2012. Remove Ronnie Morgan, Pct Worker/Driver, due to resignation. Effective 3-30-2012.
<u>SHERIFF</u>	Add Carmen DeBolt, part time at \$10.00 per hour. Effective 4-16-2012.

12,321 On the motion by Atkins, second by Thornton, the Court approved payroll and personnel changes.

12,322 On the motion by Middlebrooks, second by Latham, the Court adjourned to Executive Session at 10:28 a.m.

VII. EXECUTIVE SESSIONS

1. As permitted by Texas Government Code Section 551.071 (2) Consultation with County Civil Attorney on any regular session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed) – Daniel Ray, County Civil Attorney
2. As permitted by Texas Government Code Section 551.071, Consults with Attorney Concerning Pending or Contemplative Litigation, regarding the Hunt County Criminal Justice Center – Daniel Ray, County Civil Attorney
3. As permitted by Texas Government Code Section 551.072, Real Property, regarding the Hunt County Criminal Justice Center – Daniel Ray, County Civil Attorney
4. As permitted by Texas Government Code Section 551.071, Consults with Attorney Concerning Pending or Contemplative Litigation, regarding alleged improper award of seized trailer to Hunt County – Daniel Ray, County Civil Attorney
5. As permitted by Texas Government Code Section 551.071 (1) and (2) Consultation with County Civil Attorney on tax refund issues requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items – Daniel Ray, County Civil Attorney

12,323 On the motion by Atkins, second by Thornton, the Court adjourned to Regular Session at 11:10 a.m.

IX. TAKE ANY ACTION ON ANY ITEM DISCUSSED IN EXECUTIVE SESSION AS NEEDED.

_____ None

12,324 On the motion by Atkins, second by Middlebrooks, the Court adjourned at 11:10 a.m.

Minutes approved this _____ day of _____, 2012.

Hunt County Judge

Attest:

Hunt County Clerk