

Franklin County Commissioners' Court
Commissioner Court Minutes
Regular Session
March 24, 2014

The Franklin County Commissioners' Court met in Regular Session March 24, 2014 at 9:00 AM at the District Courtroom at the Franklin County Courthouse Annex located at 208 Highway 37, Mount Vernon, Texas

Members present: Paul Lovier, County Judge
Danny Chitsey, Commissioner, Precinct 1
Donnie Surratt, Commissioner, Precinct 2
Deryl Carr, Commissioner, Precinct 3
Sam Young, Commissioner, Precinct 4
Betty Crane, County Clerk

VISITORS: Willie Bane, Margaret Sears, Sandra Dunn, Vivian Rhoades, Pam Duke, Harold Duke, Leon Pless, Chuck Armstrong, Paul Fletcher, Shelby Harper, Dixie Harper, Jimmy Harper, Van Stanley, J. D. Baumgardner, Genea Burnaman, Annetta Hamilton, Patrick McFeely, Bert Edmondson, Pat Wright, Steve Wright, Diane Newsom, Cecil Franzini, Pat Franzini, Jerry Cooper, Donna Mcfarland, Bob Mcfarland, Gene Stump, Sue Ann Harper, Jim Alford, Ellen Jagers, Ricky Jones, Lisa Lawrence, Bill Wilson, Stephen Boorman, Bryan Giguere, Lou Antonelli, and Lillie Bush-Reves

Judge Lovier called the meeting to order and Commissioner Young offered prayer.

APPROVE MINUTES FROM THE FEBRUARY 10, 2014, FEBRUARY 24, 2014 AND MARCH 10, REGULAR SESSIONS– COUNTY CLERK – Commissioner Young made a motion to approve the minutes from the February 10 and 24, 2014 regular sessions, and March 10, 2014 regular session. Commissioner Surratt seconded the motion and the motion carried unanimously.

AUDIT CLAIMS AGAINST THE COUNTY AND AUTHORIZE THEIR PAYMENT – TREASURER - Commissioner Surratt made a motion to approve all the claims against the county and Commissioner Chitsey seconded the motion. Motion carried unanimously. See Vol. 1W Page _____

MONTHLY REPORTS - County Treasurer Betty Sue Allen presented the February 2014 monthly reports. Commissioner Carr made a motion to approve the February 2014 monthly reports as presented and Commissioner Surratt seconded the motion. Motion carried unanimously. See Volume 1W Page _____

PRESENT MARCH 4, 2014 DEMOCRATIC AND REPUBLICAN PRIMARY ELECTION CANVASS REPORT – COUNTY CLERK - County Clerk, Betty Crane presented the March 4, 2014 Democratic and Republican Primary Election Canvass Report to be put on record in the Commissioner Court Minutes. See Volume 1W Page _____

RECORD CERTIFICATE OF COMPLETION OF 20 CONTINUING EDUCATION HOURS AT 2014 JUSTICE OF THE PEACE SEMINAR FOR JIM ALFORD- JUSTICE OF THE PEACE - Judge Alford presented his Certificate of Completion of 20 Continuing Education Hours at the 2014 Justice of the Peace Seminar to be put on record in the Commissioner Court minutes. See Volume 1W Page _____

CONSIDER AND TAKE ACTION ON APPROVING CONTRACT WITH TXDOT TO CONTINUE MAINTAINING FRANKLIN COUNTY ROAD SIGNS – COUNTY JUDGE – Commissioner Carr made a motion to NOT approve the contract with TXDOT to continue maintaining Franklin County Road Signs and Commissioner Surratt seconded the motion. Motion carried unanimously. See Volume 1W Page _____

CONSIDER AND TAKE ACTION ON APPROVING FRANKLIN COUNTY APPRAISAL DISTRICT'S 2014 – 2015 ADOPTED BUDGET – GENE BURNAMAN, CHIEF APPRAISER - Franklin County Appraisal District's Chief Appraiser, Genea Burnaman reported an increase of \$2,601.00 in the budget and most of it was for the newly required certified mail fee. Commissioner Surratt made a motion to approve the Franklin County Appraisal District's 2014 – 2015 adopted budget and Commissioner Carr seconded the motion. Motion carried unanimously. See Volume 1W Page _____

COURTHOUSE RESTORATION – COUNTY JUDGE – Bill Wilson from MMI updated the court on the latest activity going on in the courthouse restoration project. Mr. Wilson reported they had started sanding the wood floors as well as putting a prime coat on the plaster. They are still ahead of schedule. He reported he had not heard anything from the IT or telephone people. He reported 359 Solutions, Cross Country and Network Technologies had been invited to the owners meeting that will be held on April 4, 2014.

CONSIDER AND TAKE ACTION ON APPROVING LEASE AGREEMENT FOR THE FRANKLIN COUNTY AIRPORT COMMUNITY ROOM - TREASURER – Treasurer, Betty Sue Allen reported having problems with breakers being thrown when musical instruments / amplifiers are used at the community room. It was suggested an electrician needed to see what it will take to fix that problem. After discussion, Commissioner Surratt made a motion to table approving the lease agreement for the Franklin County Airport Community Room and Commissioner Young seconded the motion. Motion carried unanimously.

CONSIDER AND TAKE ACTION ON APPROVING CHANGING VENDORS USED FOR APPROVED HOTEL/MOTEL OCCUPANCY TAX BOARD FUNDS FRO THE AMATEUR WORLD DOUBLES EVENT DUE TO UNEXPECTED DONATION FROM MAGAZINE ADVERTISING – DIANE NEWSOM, CHAMBER OF COMMERCE – Diane Newsom requested changing vendors from the original Hotel / Motel Funding Application from 2x2 and radio advertising to a player package that would include discs and t-shirts instead. A member of the Hotel / Motel Tax Occupancy Board, Bob McFarland stated this is an unintended turn of events since the request for funding is done months or the year before an actual event. He said they would try to provide some flexibility and handle the requests differently at the next application period. Mr. Willie Bane suggested the Chamber of Commerce needed to file a new request of funds. He stated he would call a meeting as soon as the new request for funds was received. Mr. Bane noted a meeting cannot be held until 72 hours after a meeting has been posted. See Volume 1W Page _____

PRESENT FRANKLIN COUNTY FIRE MARSHAL'S RACIAL PROFILING REPORT TO COMMISSIONERS' COURT AS REQUIRED BY HB 3389 - SHERIFF – Sheriff Jones reported the Racial Profiling Report is now under the Sheriff's Office, and there is not a Fire Marshall racial profiling report. Sheriff Jones requested no action taken at this time since the agenda item did not state the Sheriff's Office Profile Report.

CONSIDER AND TAKE ACTION ON APPROVING COUNTY ROAD IN NORTHWEST PART OF FRANKLIN COUNTY – PRECINCT 1

Commissioner Chitsey reported he had cleaned some brush on a county road right of way when the question came up if it was a county road or a private road. Since the question came up he had researched it. He reported getting deeds, maps, and minutes. He reported his crew had cleaned it off in two days and had cleaned 3/10^{ths} of a mile. Commissioner Chitsey reported some people wanted to talk about the importance of the road being open. He assumed it was a road when he started working on it. Harold Duke asked Commissioner Chitsey if he had legal proof that is it a road. Commissioner Chitsey reported he had a map from 1936 up until current. He reported getting some maps and pictures that he had gotten from the appraisal office and it looked like it indicated it was a county road. Mr. Duke stated he would like to see the letter Commissioner Chitsey had told him about where “a gate had to be removed to open up a county road.” Commissioner Chitsey said he did not want to present the letter at this time.

Judge Lovier asked if anyone wanted to speak in favor of the road and Commissioner Carr stated he could probably shed some light on the matter. Judge Lovier requested to go ahead and let the public speak in favor and against.

Van Stanley stated he owned property down the road and had leased the property for about thirty years before purchasing the property. He was under the impression it was an unmaintained county road. He reported he worked for the county in 1977 under R. D. Crowston and remembered working on the road. Mr. Stanley said he did not want the county to spend any money on it and did not want the county to do anything to it. He requested it to be an open road. He wanted something in writing where he could get to his property.

Steve Wright reported he had sold the property to Van Stanley and it was a concern the whole time he owned it. He said if the road gets closed Van Stanley has no access to 42 acres. He did report the road was closed for about three years in the 1990s. He reported they were concerned about it being closed and they did research and talked to an attorney and the gate came down and they did not pursue it anymore. He agreed with Mr. Stanley that it was an unimproved county road for a long time but the Commissioners’ court decided it was not a county road several years ago.

Jimmy Harper reported his family owned part of the land being discussed and the road in question. He reported he had no problem if Van Stanley wanted to access the road going to his property. He said he didn’t think it needed to be deemed a county road for the county to do work on. He said the county didn’t need to take any action as far as he was concerned. Mr. Harper said he owned half of the road and he would do what he wanted on his half. Commissioner Chitsey reported he failed to put that particular road on the map in 2005 or 2006. Jimmy Harper reported his survey was recently done and it states the road in question is an unimproved county road.

Harold and Pam Duke presented a letter from Rodney Edge to the Commissioners’ Court that was written on October 18, 1991. In the letter Mr. Edge requested an iron gate with a padlock across the county road (Commissioner Young verified the road to be CR 1090) that goes to his property be removed. See Volume 1W Page _____ to see the letter from Rodney Edge to Commissioners’ Court. The Dukes’ also presented a letter from the County Attorney Walt Sears, Jr. to Rodney Edge dated October 28, 1991 in response to Mr. Edge’s request. See Volume 1W Page _____ to see the County Attorney’s response letter written with the findings of the October 28, 1991 Commissioners’ Court. The Dukes’ also presented a copy of the Minutes from the October 28, 1991 Commissioners’ Court meeting (Volume P Page 737) where Commissioner’s Court did not find sufficient evidence to show there was a county road at the location where R. M. Harper erected a metal gate. On October 28, 1991, the Commissioner’s Court unanimously voted and declared the said road was not a county road. See Volume 1W Page _____ to see the October 28, 1991 Commissioner Court Minutes which also includes exhibits A, B, and C. Mr. Duke reported all of his documentation and title policy

does not indicate it to be a county road but a private road. His indicated on their paper work it was a lane. He reported they have been allowing Van Stanley to use the lane. He indicated he had no problem and gives Mr. Stanley verbal access to use the lane to go to his property but he could not speak for future generations. He indicated he did not feel he had to grant an easement or to give it to the county because he purchased the land. He indicated his issue was Commissioner Chitsey spending two days using tax payer's money cleaning the property up and Chitsey stating he had legal documentation it was a county road. Mr. Duke said Commissioner Chitsey may have made a mistake but a mistake does not make it a county road. Mr. Duke stated he did not want the road to be a public road.

Shelby Harper addressed the court by stating he was not against or for the road. He was at the meeting to tell the truth. He said he had lived in the area all of his life and he was familiar with the road and the property. He wanted to set the record straight about the gate being removed. He reported the gate was removed when Weyerhaeuser Timber Company came in and cut the timber. He also reported his brother (R. M. Harper) and himself were the one's that had erected the gate originally. He indicated he never thought it was a county road and never knew of any easements being made.

Judge Lovier asked Commissioner Chitsey about his proof that he had that the road is a county road. Commissioner Chitsey responded by saying he did not have any proof. Commissioner Chitsey reported at the time he was doing the work on the road he did not know about the 1991 minutes but had gotten them the next day. Commissioner Chitsey said he did tell Mr. Duke he did have proof that it was a county road and Commissioner Chitsey admitted he was wrong. Commissioner Chitsey indicated he didn't think it was fair that future generations possibly could make it where future land owners could be land locked.

Commissioner Carr stated this is the reason the state legislature came up with the law where every county had to certify their roads back in 2002 or 2003. A jury of review with advertised hearings had to be held and lots of research had to be done to certify all the county roads. He said once the county map had been certified and approved, the certified map was the Bible on roads. Any other road after that time had to go through the process just like opening a new county road. You did not go back and get on any of those roads. Allison and Bass was the TAC attorney and specialists and they are the one's who prepared the certified map.

Judge Lovier asked what the court wanted to do about this agenda item. Van Stanley reported what ever it took, he wanted to do it. Commissioner Chitsey suggested a written agreement and the County Attorney Gene Stump said it would be an easement between the parties. Mr. Stump said if an easement is done, the county will not have any authority to come onto the property. Commissioner Carr stated it would be a civil action between the parties and no action can be done on this agenda item since this is not a county road.

DISCUSSION ITEMS: Commissioner Chitsey wanted to know about working on the airport and they thought the electrical needed to be checked out first.

Sheriff Jones expressed concern about a networking system problem since the Tax Assessor is going with another IT company. His understanding is Orion and Odyssey share some hardware and if they remove Orion, the Odyssey system will not work. Steve Boorman with Network Technologies stated BIS wants to remove Orion and the tax office from the rest of the county. Mr. Boorman explained Orion and Odyssey share the same domain controller server. The person at BIS told Mr. Boorman he needed to find a new place for Odyssey. Steve Boorman requested guidance on how to handle this situation. Commissioner Young suggested the Tax Office getting another server and to not do anything with the one in question. Mr. Boorman stated if this takes place he stated Orion will have to

stay on the server. BIS intends to take over the entire server and remove all the county services off this hardware. District Clerk Ellen Jagers expressed concerns about records being lost if this should happen. Tax Assessor Sue Ann Harper stated she did not know about this issue and did not know it was going to be a problem. Steve Boorman stated he would work with BIS if needed. Steve Boorman reported what works here will stay here and no plans to interfere with Odyssey even after the move back to the courthouse. Concerning e-filing, Mr. Boorman also reported he had gotten the hardware requirements from Tyler Technologies for e-filing and it could cost up to \$10,000 for the hardware.

Treasurer Betty Sue Allen reported the outside audit is still progressing. Judge Lovier announced the workshop meeting at 2:00 this afternoon is cancelled.

Commissioner Surratt made a motion to adjourn the meeting and Commissioner Young seconded the motion. Motion carried.

I, Betty Crane, County Clerk certify that this is an accurate accounting of the proceedings of Commissioner's Court Regular meeting on March 24, 2014.

Witnessed and recorded this 24th day of March, 2014.

Betty Crane, County Clerk