

**THE STATE OF TEXAS
COUNTY OF FANNIN**

**IN COMMISSIONERS COURT
FANNIN COUNTY, TEXAS**

On this 29th day of July, 2013 the Fannin County Commissioners Court met in a Regular Meeting after public notice was posted on the 25th day of July 2013 at 3:34 p.m. with the following members being present:

Creta L. Carter II	County Judge
Gary Whitlock	Commissioner, Precinct 1
Stan Barker	Commissioner, Precinct 2
Jerry Magness	Commissioner, Precinct 3
Dean Lackey	Commissioner, Precinct 4

The following business was transacted to-wit:

CALL TO ORDER

Judge Carter called the meeting to order at 9:00 a.m.

INVOCATION

Commissioner Dean Lackey.

ITEM 2. ESTABLISH A QUORUM

Judge Carter declared a quorum has been established.

ITEM 3. PUBLIC FORUM

Judge Carter stated a meeting will be held on August 26, 2013 in Rockwall with regard to Lake Fannin.

ITEM 4. APPROVE MINUTES OF PREVIOUS MEETING(S)

Judge Carter stated Minutes presented are for July 22, 2013 and the June 24th Minutes are being presented for correction; the correction pertains to the the spelling of Mr. Carey's name [in Public Forum Mr. William Carey had been spelled 'Kerry' in error].

Commissioner Barker moved to approve correction for June 24, 2013 and the Minutes for July 22, 2013.

Motion By: Commissioner Stan Barker
Second By: Commissioner Jerry Magness
Vote: 4-0 Passed

ITEM 5. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING BONHAM WATER TREATMENT PLANT, HAULING SLUDGE TO RANCH ON CR 2225 – CITIZENS

Ms. Francis McDonald stated there has been 53 trucks travel down County Road 2225 and are overloaded, there has been a mail box torn up; there is concern by some citizens that they may lose their black top roads for white rock roads if they complain.

Mr. James Doyle stated 5 million pounds per day of sludge is being transported; the trucks weigh approximately 150,000 pounds including water weight, over 30 days that is over 50 million pounds of sludge; the sludge originates from the North Texas Water Treatment District and could be toxic; the sludge is delivered to tanks and then sprayed out in rows out in fields; County Road 2225 is now rutted up and difficult to travel.

Judge Carter stated concerns over [the asphalt roads being turned back into rock roads] retaliation are taken very seriously; the commissioners do not retaliate when a concern is voiced by the public; the Court is in place to serve the public and help whenever possible.

Mr. Larry Jones stated concern the sludge may impact the aquifer.

Mr. Doyle asked if the County will follow-up on the issue of determining if a permit has been issued.

Commissioner Whitlock stated the trucks cannot legally be stopped unless it is a "load limit" road such as the highway; the route has been changed; a rock road can be repaired much cheaper than an oil road.

Ms. McDonald stated a new road is needed. Commissioner Whitlock stated the funds were not available to build a new road.

Commissioner Magness stated the route is the best possible route which will allow for repairs; oil roads have been damaged and there is not sufficient money in the budget to replace the oil roads; Precinct 3 consists of 335 miles of road that must also be maintained; the Department of Transportation has been out checking the weight of the trucks and not found them to be out of compliance; there are also currently issues with loggers tearing up roads in Telephone.

Commissioner Barker stated the County does not have the authority to grant permits to trucks, the State issues permits; DPS has made inspections, the trucks can have a 5% over load permit meaning the truck, trailer and contents cannot weigh more than 84,000 lbs, other than that safety checks can be made and have been done this past week; the waste facility belongs to the City of Bonham; the City would have to pay astronomical fines for any violations found by the EPA and TCEQ.

Commissioner Barker stated new legislation has been introduced with regard to fracking, there is no current law that protects counties from this specific type of damage; additionally the trucking companies in particular have lobbyists working on their behalf; state legislators would be the point of contact for the County with sufficient outcry.

ITEM 6. CONSIDERATION AND ACTION REGARDING RELEASE OF EASEMENT OF 2.936 ACRES LOCATED ON PILOT GROVE WATERSHED STRUCTURE #47 TO OWNER OF LAND – FANNIN SOIL & WATER CONSERVATION DISTRICT

Randy Moore, representing the Fannin Soil and Water Conservation District stated there are five easements with regard to Harold Spiegel's property; Mr. Spiegel would like to bring in a mobile home, the easement owned by the County and District is not meets and bounds; the Conservation District is not advised to release any easement that is in the breach area of the structure; a breach analysis has been completed for all flood controlled structures, the breach area has been defined and a Release and survey have been completed; the structure has been moved in and is outside the breach area.

Motion By: Commissioner Stan Barker
Second By: Commissioner Gary Whitlock
Vote: 4-0 Passed

ITEM 7. DISCUSSION AND PRESENTATION FROM BEES COMMITTEE - COMMITTEE REPRESENTATIVE

Leroy Cirkles, Chairman of the Fannin County Bees Association and David Trout, Municipal Solid Waste Manager for TCOG presented. Mr. Cirkles stated BEES stands for Beautification, Education and Enforcement Strategies which originated from citizen complaints regarding illegal dumping in 1996; Judge Derrell Hall appointed six members at that time; funding has come in part through Municipal Solid Waste Management at TCOG and County Precinct 3 and 4 scrap sales

Mr. Cirkles stated some of the projects the BEES have participated in are the Texas Trash-Off, recycling competition through schools and Adopt A County Road as well as fund raisers like the sale of rain barrels; scholarships to school children are also provided.

Mr. Cirkles stated the BEES meet monthly; the next meeting will be held September 10th at 9:00 a.m. at the Bonham City Hall and will eventually meet at the new AgriLife building.

ITEM 8. CONSIDERATION AND ACTION TO APPROVE RENEWAL OF ESTRAY SERVICES CONTRACT FOR NEXT TWELVE MONTHS, AS PER TERMS AND CONDITIONS OF SERVICES AGREEMENT ARTICLE II WITH BUTCH EASTMAN AND AUTHORIZE COUNTY JUDGE TO SIGN ON BEHALF OF FANNIN COUNTY – PURCHASING AGENT

Jill Holmes, Purchasing Agent stated the renewal agreement is due; the current provider has provided satisfactory services and the renewal is recommended with request for the county judge to sign the contract.

Commissioner Magness asked if the County had any liability. Ms. Holmes stated the contractor is bonded and insured.

Motion By: Commissioner Jerry Magness
Second By: Commissioner Gary Whitlock
Vote: 4-0 Passed

ITEM 9. CONSIDERATION AND ACTION TO APPROVE INDIGENT BURIAL INVOICE – COUNTY JUDGE

Judge Carter stated the deceased's wife is unable to pay for cremation; actual costs incurred are \$225.

Commissioner Barker moved to approve the payment of \$225.00.

Motion By: Commissioner Stan Barker
Second By: Commissioner Gary Whitlock
Vote: 4-0 Passed

ITEM 10. DISCUSSION REGARDING APPOINTMENT TO BOARD OF TRUSTEES FOR TEXOMA COMMUNITY CENTER FOR A TWO YEAR TERM – COUNTY JUDGE

Judge Carter stated Kenny Karl has held this position in the past and is the only person who has requested to serve.

Motion By: Commissioner Stan Barker
Second By: Commissioner Jerry Magness
Vote: 4-0 Passed

ITEM 11. CONSIDERATION AND ACTION TO PURCHASE LAPTOP COMPUTER FROM TEXAS A&M AGRILIFE COST SHARE PROGRAM AND TO APPROVE BUDGET AMENDMENT FROM IN/OUT-OF-COUNTY TRAVEL (10-665-427) TO COMPUTER EQUIPMENT (10-665-574) – AUDITOR

Bethany Aries, AgriLife Extension Agent stated the current laptop computer will be decommissioned in April 2014 since the Microsoft XP program will no longer be supported resulting in security issues; the laptop cost will be \$600 and a \$100 discount may be available.

Commissioner Barker moved to approve the purchase not to exceed \$600.00.

Motion By: Commissioner Stan Barker
Second By: Commissioner Dean Lackey
Vote: 4-0 Passed

ITEM 12. CONSIDERATION AND ACTION TO APPROVE BUDGET AMENDMENTS FROM FANNIN COUNTY AUDITOR'S OFFICE FOR FISCAL YEAR 2012/2013 – AUDITOR

Motion By: Commissioner Jerry Magness
Second By: Commissioner Gary Whitlock
Vote: 4-0 Passed

ITEM 13. CONSIDERATION AND ACTION TO APPROVE PAYMENT OF BILLS – AUDITOR

Motion By: Commissioner Gary Whitlock
Second By: Commissioner Jerry Magness
Vote: 4-0 Passed

ITEM 14. ADJOURN

Motion By: Commissioner Gary Whitlock
Second By: Commissioner Jerry Magness
Vote: 4-0 Passed

Adjourned at 10:10 a.m.

The above and foregoing represents true and correct minutes of the Fannin County Commissioner's Court meeting in Regular Session the 29th day of July, 2013.

(LGC 81.003)

ATTEST:



Tammy Biggar
Fannin County Clerk

