

JANUARY 25, 2016

WISE COUNTY COMMISSIONERS' COURT MEETING

On this the 25th day of January, A.D., 2016 at 9:00 A.M. came on to be had a Special Meeting of the Commissioners' Court of Wise County, Texas held in the County Court at Law Jury Room (3rd) Floor in County Courthouse of said County in the town of Decatur with the following members present and presiding:

J.D. Clark	County Judge
Danny White	Commissioner, Precinct No. 1
Kevin Burns	Commissioner, Precinct No. 2
Harry Lamance	Commissioner, Precinct No. 3
Gaylord Kennedy	Commissioner, Precinct No. 4

Sherry Lemon, County Clerk and Ex-Officio Clerk of Commissioners' Court when and where the following proceedings were had, to-wit:

All attachments referred to in the minutes of the Wise County Commissioners' Court are designated original or copy and are provided at the time of action by the Court unless otherwise indicated by provider.

County Judge Clark votes aye on all agenda items unless otherwise indicated.

- 1) Clark called the meeting to order at 9:00 AM. All court members were present.
- 2) Pledge of Allegiance
- 3) Moment of Silence
- 4) Community Forum:

Precinct No. 3 resident Kirt Shaw (resided at 2700 Peel Road, Springtown, TX for 21 years) appeared before the court to seek help for an issue he's been dealing with for a year and a half (with no good resolution) with a neighbor who owns 3.7 acres. Shaw stated the neighbor and neighbor's friends come out to the property and discharge firearms, drink and party near a stock tank that is 100' from Shaw's front door. Shaw stated that about a year ago the neighbors were discharging firearms while his daughter was in the living room, and some of the bullets were found in his yard. Shaw commented the man is new to the neighborhood so he (Shaw) went over to the man's property and asked him to stop because Shaw didn't feel it was safe. Shaw stated the man did not shoot his gun again until Shaw was back on his own property.

Shaw stated around Easter of the same year Shaw was having a family get-together (with about 20 children and eight families present) and the children were hunting Easter eggs in the front yard when the neighbor decided to have a party and brought out AK-47 guns and began firing approximately 60 feet from where the Easter egg hunt was taking place. Shaw called the Sheriff

to come and look at it and was told they couldn't do anything about it because "it hadn't hit anybody or struck anything on my property that they could tell." Shaw that when he has get-togethers "the neighbor thinks it's time to go out and shoot." Shaw stated on the 10th his neighbor shot hundreds of rounds and when Shaw called the Sheriff's department to come out the neighbor was still shooting when the deputy drove up. Shaw stated the deputy stated "he felt unsafe but didn't really think he had the right to tell them they couldn't shoot."

Shaw stated he was floored because there is no regulation regarding the safe discharge of firearms and they can't really do anything about it until someone gets hurt or property is damaged. Shaw stated he has called the FBI, ATF, his congressman and Parker County Commissioner Conley (Precinct No. 1). Conley told Shaw that in 2009 Parker County adopted a resolution passing ordinance that you can't discharge a firearm on less than ten acres in a subdivision. Shaw confirmed the neighbor is in a subdivision. Shaw requested the court to consider adopting a similar ordinance in Wise County to stop people from thinking they can shoot guns whenever they want. Shaw stated he doesn't have anything against guns and discussed his background with firearms and gun safety. Shaw stated the neighbor is not being safe and requested help from the court. Shaw provided state ordinance that gives the county authority as well as a copy of Parker County's ordinance. Shaw stated his willingness to help the county with this issue. (No attachment provided for court record; copy provided to Clark.)

Kennedy asked Shaw if he works for Springtown ISD? Shaw stated he has worked for Springtown ISD in various areas and is currently an Assistant Principal.

Shaw stated he will check back with Lamance and Kennedy at a later time.

No action taken by the court.

5) Correspondence:

Clark stated for court record the annual Eminent Domain report is due to the state on February 1, 2016. Clark stated that Commissioners Court Attorney Thomas Aaberg has been assisting with this report and discussed the purpose of reporting whether the county has exercised eminent domain rights.

Clark reminded the court of the Monday, February 29, 2016 Wise County Council on Alcohol and Drug Abuse luncheon at 12:00 PM at the First United Methodist Church in Decatur.

6) Precinct Coordination/Cooperation:

Burns stated he will need to use a laydown machine in February of this year that is currently at Precinct No. 1.

7) Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to approve the minutes of the meetings December 14, 2015; December 17, 2015; January 4, 2016; and January 11, 2016, as printed. (No attachments)

8) Motion made by White seconded by Burns and unanimously adopted by the Court to approve the re-plat of Southfork Addition, Lots 4R1 and 4R2 located in Precinct No. 1 and granting variances on a drainage study and lot frontage and including a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)

9) Motion made by Burns seconded by White and unanimously adopted by the Court to approve the re-plat of Silver Lakes Ranch, Phase 1, Lot 128R1 located in Precinct No. 2, as presented, including a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)

10) Motion made by Burns seconded by Lamance and unanimously adopted by the Court to award tax sale bid on Suit #TX11039 Chico ISD v. S.J. Bachman (Lots 56-57, Block 2, Park Acres Subdivision, Wise County, Texas) to Charles M Vess for \$1,879.57. (See attachment)

11) Motion made by Kennedy seconded by Lamance and unanimously adopted by the Court to award tax sale bid on Suit #TX11229 Chico ISD v. William T Donald (Lot 143 Grand Harbor, Lake Bridgeport, Wise County, Texas) to Philip B. Hamby for \$300.00. (See attachment)

12) Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to award tax sale bid on Suit #TX11295 Chico ISD v. Southern Lakes & Leisure (Lot 29AR North Star Pointe, Phase 1, Section 3, Wise County, Texas) to Philip B. Hamby for \$300.00. (See attachment)

13) Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to award tax sale bid on Suit #TX11652; Chico ISD v. Southern Lakes & Leisure (Tract 3; 1.006 acres, Lot 224 North Star Pointe Subdivision, Section 2, Phase 1, Wise County, Texas) to Philip B. Hamby for \$300.00. (See attachment)

14) Motion made by Burns seconded by Lamance and unanimously adopted by the Court to award tax sale bid on Suit # TX11652; Chico ISD v Southern Lakes & Leisure (Tract 4; 1006 acres, Lot 225, North Star Pointe Subdivision, Section 2, Phase 1, Wise County, Texas) to Philip B. Hamby for \$300.00. (See attachment)

15) Motion made by Lamance seconded by White and unanimously adopted by the Court to award tax sale bid on Suit # TX11910; Chico ISD v Joe Ortiz, et al (Tract 1; Lot 273, Block North Star Pointe, Section 2, Phase 1, an addition to Wise County, Texas) to Philip B. Hamby for \$300.00. (See attachment)

16) Motion made by Lamance seconded by Burns and unanimously adopted by the Court to award tax sale bid on Suit #TX11910; Chico ISD v Joe Ortiz, et al (Tract 2; Lot 230, Block,

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North Star Pointe, Section 2, Phase 1, an addition to Wise County, Texas) to Philip B. Hamby for \$300.00. (See attachment)

17/18) Motion made by Burns seconded by Lamance and unanimously adopted by the Court to award tax sale bid Suit #TX10873; Poolville ISD v Melinda Busby (Tract of land, Jose Maria Mora Survey, Abstract 542, Wise County, Texas) to Charles M. Vess for \$2,979.67. (See attachment)

19) Dam Maintenance Agreement and Funding:

Clark stated this is regarding funding from the USDA for dam maintenance. Clark stated the county has to provide an assurance relating to real property acquisition that County Attorney James Stainton is working on that "yes, the county still has rights to the land where the sites are" and the county still intends to cooperate on dam projects with the 75%/25% funding split. Clark confirmed with Public Works Director Tom Goode that the State Board has agreed to fund 95% of the county's 25% (funding) for the four large flood prevention sites in the county. Clark stated that Stainton is still working on writing the opinions of the seven sites he's working on and requested the county give Clark and Stainton the authorization to finish the agreement for dam maintenance funding.

Goode stated there are nine (9) sites: four are Flood Prevention sites and five are Land Stabilization Treatment Areas (LSTAs). Goode stated they are all in Denton Creek. Goode stated the state board will cover 95% of the county's 25% on the four large sites. Goode stated he was told the county can do the work on many of the smaller sites. Goode stated the area has been surveyed.

County Auditor Ann McCuiston asked Goode if there is a dollar amount (for the county's 25%)? Goode told McCuiston that each site is going to be different and will be determined when the sites are viewed. Goode stated the county will be responsible for the 5% (on the large structures) and isn't sure if this can be done "in-kind" like the last time.

Burns stated the projects were approved because of the farm bill and "we got \$157 million put in there in EWT because of the visits in December". Goode stated the majority is due February 1, 2016 and doesn't think the attorney opinion will be held on the February 1, 2016 deadline.

White confirmed that Public Works will be doing any "in-kind" work depending on what needs to be done.

Motion made by Burns seconded by Lamance and unanimously adopted by the Court to authorize Clark to take all necessary steps to execute the maintenance and funding agreements.

20) Motion made by White seconded by Kennedy and unanimously adopted by the Court to appoint Elections Administrator Sabra Srader as the Early Voting Clerk for the March 1, 2016 Democratic and Republican Primary Elections. (See attachment for 20-22)

21) Motion made by Kennedy seconded by Lamance and unanimously adopted by the Court to have 200 S Trinity Street, Decatur (Elections Administration Office) to serve as the main early voting polling location for the March 1, 2016 Democratic and Republican Primary Elections. (See attachment for 20-22)

22) Srader requested to add Saturday voting from 8:00a-5:00p at all three locations. Srader stated the county would lose a day during early voting due to the February 15, 2016 Presidents Day holiday.

Srader discussed the cost to county and the parties during the Primary Election, party reimbursement; and, how every county loses money on Election Day (rentals, poll worker cost, etc).

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve the dates, times and locations for the early voting period for the March 1, 2016 Democratic and Republican Primary Elections, as presented. (See attachment)

23) Srader requested the court TABLE action regarding appointment of Srader as Central Counting Station Manager, Karen Valenzuela as Tabulation Supervisor; John "Skip" Matthews as Presiding Judge and Gene King as Alternate Judge for the Central Counting Station for the March 1, 2016 Democratic and Republican Primary Elections until the next meeting.

Action TABLED.

24) Srader requested the court TABLE action regarding appointment of John "Skip" Matthews, Gene King and Katy Marquis as Early Voting Ballot Board for the March 1, 2016 Primary Election until the next meeting.

Action TABLED.

25) Donations: None

26) Bids: None

27) Consent Agenda Item:

A) Department Head Reports:

- Auditor Report for December 2015 (See attachment)

McCuiston stated for the Wise County Sheriff's Office close out audit there is a \$100.00 camera that they can't find and a \$3,900.00 thermal imager that was disposed because it didn't work.

White asked how it was disposed? McCuiston stated it was accidently pulled out and thrown into a dumpster. McCuiston stated this is in the written audit letter.

- Treasurer's Report for November 2015 (See attachment)
- Animal Control Report for December 2015 (See attachment)

B) Budget Amendments:

- FY16-04 for various line item transfers (See attachment)

C) FY14 & F15 and FY15 & FY16 3 Year Capital Expenditure Plan:

Clark stated that the county will pour concrete at the Fairgrounds around the Show Barns. Project Manager Glenn Hughes told the court the locations (north end of the Beef Barn and pour a 30'X30' slab; pour a 6' walkway and a 20' slab beside the buildings) and the total cost \$23,500.00.

White and the court discussed ADA accessibility in the barns. Hughes stated that he will get with Goode to discuss any more concrete projects on the Fairgrounds.

Clark requested approval of these projects and stated there is \$1.4 million in Fairgrounds capital expenditures.

Hughes discussed installing heaters in the show arena bleacher area and the court discussed re-skinning and insulation of the Show Barn.

D) Claims/Payroll:

- Claims and Walk-to-Court registers (See attachment)
Burns asked about the rental equipment on the claims register. White stated the business is in Denton or Lewisville and rental can be done with only an invoice.
- Payroll registers for December 23, 2015; January 6, 2016; and January 20, 2016. (See attachment)

E) Utility Permits/Right-of-Way: None

F) Interlocal Agreements: None

G) Contracts:

(Original Contracts are filed in the Asset Control Office by Diana Alexander.)

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- TAC Automobile Physical Proof of Loss for a 2013 Ford Explorer (See attachment)
- Fully Executed: Novacopy (County Attorney Copier) See attachment)
- LexisNexis for Wise County Law Library (See attachment)

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve all items listed under agenda item 27, as presented.

28) Project Agreement for Road Repair:

Motion made by Kennedy seconded by Lamance and unanimously adopted by the Court to approve the Project Agreement for Paradise ISD in Precinct No. 4 for the baseball field parking lot to be bladed and packed down.

29) Right-of-Way:

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to approve Kennedy's request to enter on to private property at County Road 3418 at FM 2123 Meadow's property to trim brush to clear the corner.

30) Burn Ban:

Fire Marshal/Emergency Management Coordinator Chuck Beard stated that grass fires have increased and the county is still low on the KBDI state index.

Beard also stated the Sheriff's Department switched over to the new digital radio system. Beard stated he hopes to switch over the Fire Departments and Emergency Medical Services (EMS) in the next two weeks.

31) Committee Reports:

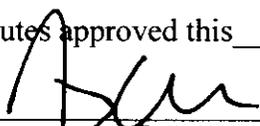
Clark announced a vacancy in Wise County representation on the NCTCOG Area Agency on Aging stating that Don Majka is off the committee. Clark stated that Kelly Jones (Director of social services at Wise Regional Health System) has been nominated and her nomination will go before NCTCOG on Thursday, January 28, 2016.

32) Clark announced the next meetings as Wednesday, February 10, 2016 and Monday, February, 29, 2016.

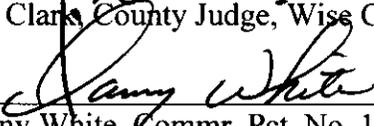
Clark told the court he has discussed with White about the next mobile meeting and discussed scheduling it for Tuesday, February 9, 2016 at 7:00 PM at the Decatur City Hall (if available) with an alternate location being the Elections Administration office if City Hall is not available.

Clark adjourned the meeting at 9:40 AM there being no further business to be had.

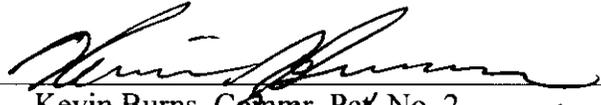
Minutes approved this 10 day of February, 2016, as printed.



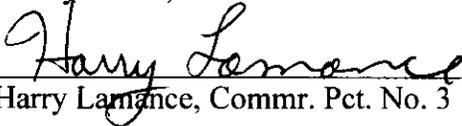
J.D. Clark, County Judge, Wise County



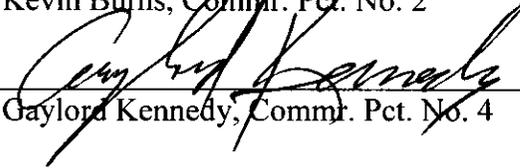
Danny White, Commr. Pct. No. 1



Kevin Burns, Commr. Pct. No. 2



Harry Lamance, Commr. Pct. No. 3



Gaylord Kennedy, Commr. Pct. No. 4

ATTEST:



Sherry Lemon, County Clerk and Ex-Officio Clerk of Commissioners' Court,
Wise County, Texas.

The Wise County Commissioners' Court adopted the *Rules of Procedures, Conduct & Decorum at Meetings of Wise County Commissioners' Court* on February 28, 1994 and the rules have not been revised.

Addendum

The following abbreviations are used in reference to current Wise County projects.

WCCAB – Wise County Courthouse Annex at Bridgeport

SWA – Southwest Architects Inc.

TxDOT/DPS - Texas Department of Transportation/Department of Public Safety

TAC – Texas Association of Counties

TFP – Wise County Thoroughfare Plan

WHJ – Wiginton, Hooker and Jeffry, P.C. (in relation to Wise County facilities Master Study Plan)

WCWC – Weatherford College Wise County campus