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COMMISSIONERS' COURT

REGULAR MEETING

JULY II, 2011

Notice is hereby given that the Titus County Commissioners' Court met in a regular meeting on Monday, July 11, 2011 at 9:00a.m. in the Titus County Courtroom, with the following members present:

Brian P. Lee	County Judge
Don Boggs	Commissioner Precinct 1
Mike Fields	Commissioner Precinct 2
Thomas Hockaday	Commissioner Precinct 4
Sheryl Preddy	County Treasurer
Dianne Norris	County Clerk

Public Attending Meeting:

Carolyn Norman	Michelle Woodruff	Gina Law
Carolann Garwood	Shirley Greenwood	Christie Davis
Barbara Bruechner	Steve Austin	Mary McLennan
Sheryl Preddy	Mike Ahrens	

Pledge of Allegiance led by:	Judge Lee
Invocation by:	Judge Lee

1) Pursuant to section 551.042, Texas Open Meeting Act, the Court is open to hear public comments and/or requests for information on non-agenda items.

- a. Carolann Garwood: I come before the Commissioners' to express a concern regarding firework displays out in our County, especially during burn bans. We own 15 Y2 acres and since we moved here in 2009 we have had homeowners out in the County shoot off and discharge fireworks on top of our house and by our windows. This past July 4th I contacted the Sheriffs Department between times; there are no codes against displaying and discharging onto another person's property. They have also shot these and discharged them over our county roads. This Fourth of July they have exploded across our trees, and we have down trees and burn bans. We are concerned about our own welfare and safety as well as other landowners around us. Mr. White has 109 acres directly behind me and he just finished haying. I have hay and livestock as well as other neighbors in this particular area in Cookeville. Our concern is our livestock getting out, destroying our property as well as harming other homes in our neighborhood. I am asking the Commissioners to put a ban on fireworks in our area during burn bans and to put a code out there that will enforce and give the rights to the Sheriffs Department to cease any fireworks coming onto our home. My Mother uses oxygen, I can imagine how the fireworks go through our bedroom window and get to her tanks, and she has oxygen tanks in her home. We are trying to do this for our safety and for everyone concerned. Thank you.
- b. Judge Lee: Would you elaborate for me, I think that it is important that the Commissioner's know a little more background about your situation before they just make a generic ban of fireworks; because you and I have visited about this; your situation is unique and is not typical.
- c. Carolann Garwood: We have some problems with a neighbor, and we have been threatened to get out of Cookeville, or else and there were other words used for that; or regret living here and we do regret living here. We felt that the animosity with one of our neighbors and the discharging of firearms to harass and invade our privacy and right to feel safe.

- d. Judge Lee: I wanted you to hear that because this is not; correct me if I am wrong, your concerns about fireworks are coming up now because you are having a feud with a neighbor and they have chosen to use fireworks as a way of pestering you or whatever. I wish we could find a way to solve the feud rather than just say that nobody can shoot fireworks because you and your neighbor are having problems.
- e. Carolann Garwood: We have other neighbors that have discharged fireworks from their porch and have gone over to other properties. They have, in fact, from shot fireworks from across the road off their porch, which came across our house and exploded outside my bedroom window that faces the back of our property. It is not just one neighbor it is several neighbors. We also have a street that runs off FM 1000 to where you can go out there today and see the residue of rocket fireworks that were shot off over county property with two homes neighboring by the railroad tracks. It is not just us; it is also other neighbors in that area.
- f. Judge Lee: Were those others directed at you individually as a way of going
- g. Carolann Garwood: No, there is just a vacant property but with this burn ban, the dryness of that area, and the heavy brush and trees, that is also a concern.
- h. Commissioner Fields: People that use fireworks are responsible for any damages that they cause. If your hay catches on fire or your house or a shed, they are still responsible regardless of what they do. Now, your situation does not sound good and I hate that you have to go through this...
- i. Carolann Garwood: I understand, I am not asking for a total ban on fireworks; what I am asking for is that we put limitation on how you use your fireworks. If you want to use it to show a display on your property, keep it on your property, do not cross over and hit our homes. We have to take some responsibility.
- J. Commissioner Fields: I do have a problem if they are shooting it on your property or towards your home or your barns or anything else.
- k. Carolann Garwood: That is what we are asking for is a limitation of how you use your fireworks. I am not saying do not ever, I am not asking that because people enjoy it. It is also invading our privacy and our overall safety when they are coming onto our house or shooting onto the front of our yard.

- l. Commissioner Fields: Paula, could you enlighten us little bit on this if somebody is deliberately shooting fireworks towards another piece of property? The best solution would be to talk with them and see if they would respect each other, but it does not sound like your neighbors are going to do this so, is there some other action that we might look at?
- m. Paula Dyke: You might want to ask the Sheriffs Department.
- n. Harry McDowell: Not until there is any damage on the property, can we do anything about it.
- o. Commissioner Fields: But if they damage other property, they are held responsible for it.
- p. Judge Lee: I can fire Bottle Rockets at my neighbor as a way of aggravating him and that is okay?
- q. Harry McDowell: As long as you are not intentionally pointing straight at the person. Now, if you shoot it up and it lands on that property as long as you do that and it does not damage the property.
- r. Judge Lee: Can I do that in the city?
- s. Harry McDowell: No, sir.
- t. Commissioner Hockaday: We are talking about two different things here, the City is different from the County. they can put an ordinance on there but we do not have that authority.
- u. Carolann Garwood: They cannot lob a rock at our home, they cannot put a slingshot and aim it at the house in the County, but they can do it with fireworks.
- v. Commissioner Boggs: During the discussion of whether or not to put on a bum ban, before, when Judge Russell was here, there was a person that has the big store down on 271 South, they put a ban on aerial fireworks, and that might be a solution that will work. By putting a ban on aerial fireworks prior to the Fourth of July.
- w. Judge Lee: That gets back to that June 15th deadline. You have to address that sometime around the first of June.
- x. Commissioner Fields: Let me say this right now, there does not need to be any fireworks used. We have a very dangerous situation out there and that the bum

ban has been placed out there and the Fourth of July is over, so we are going to have to wait until next June to vote on this again. Right now people really need to use smart caution, it is just too dangerous. If we have any wind, a lot of this County will burn. When you use common sense, common sense tells me not to be shooting any fireworks.

- y. Carolann Garwood: Exactly, but may I address your issue about insurance. Most average people out there rent, they do not have insurance to cover that type of liability. Many of your homeowner's policies will not cover the extended damages that can be caused to our homes, our personal wellbeing and our livestock and farm equipment. They are not going to be able to compensate and it will be years to collect.
- z. Judge Lee: Anyone else? Thank you Carolann we appreciate your time.
- aa. Shirley Greenwood: We have a 12-mile stretch of Hwy 1000; there are twenty homes next to each other. Five of those homes have pastures behind them and we have horses in those pastures. Carolann has two horses, of those horses, what happens is that horses get scared when fireworks are going off, another reason for your Bottle Rocket ban. When the horses get scared they run, when they run they stampede, when they stampede they go through fences. Because we are right there on Hwy 1000, there is another liability issue, because when they run into oncoming traffic then we have the issue of people being killed behind the steering wheel when the horse goes through the windshield or maimed for life. As Carolann says, we cannot buy enough liability insurance to cover that kind of risk. We would hope that our neighbors would be respectful but, when they are not then we are really on the hook and we see a real risk so we need our Court, if you can help us in any. I have been there for 15 years and every Fourth of July and Labor Day, I just cringe and get my horses in the barn as much as I can to protect them so that they are not out running. If I do not do that then I have a real risk.
- bb. Commissioner Boggs: Would an aerial firework ban be sufficient?
- cc. Shirley Greenwood: That would help, because that is what really gets the horses attention. There are three houses, one of them we call the meth house because the Sheriff's Department has been there a number of times and that is the first house

that we had the problem with. This last Fourth of July we had two others. Out of twenty homes, we have three houses, and none of them has property, they are all on a little lot the same size as the city lots. We really have a neighborhood that is more like a city neighborhood. In the old days, you used to have 100 acres and your nearest neighbor was three miles away, so it did not matter if you set your own place on fire or run your livestock; but that is not the situation here.

Respectfully we are asking if there is anything, you can do to help us.

- dd. Commissioner Fields: Sounds like these lots are not very big anyway and they are coming over on other people's property, is there not a law or something...
- ee. Harry McDowell: Now with firearms there is, but not with fireworks.
- ff. Shirley Greenwood: No, their hands are tied and I understand why they cannot do anything. Is there an ordinance that the Commissioners could...do we get John Mark Cobern to look into it and see if there is something that we can do legally. mean, it would be ideal if you said we have a minimum number of acres, if you have 100 acres then shoot your fireworks off, but if you do not then be respectful of your neighbors and failing that then we need some sort of law.
- gg. Commissioner Fields: I would very upset too if somebody was shooting fireworks and it was coming over on my property, this is something that we need to talk to Senator Eltife about this. If you do not have area large enough to shoot fireworks...that is not good.
- hh. Shirley Greenwood: Well none of these three homes has anything larger than a city size lot.
- ii. Judge Lee: You just have some disrespectful neighbors.
- JJ. Shirley Greenwood: Unfortunately, right. But there is not a lot we can do about that. We have asked them to be respectful and they you know, they are going to do what they are going to do, and their answer is there is no law against it. Thank you. (Listen to audio track 1, 00:14:26)

- 2) Consider and possibly approve minutes from June 27, 2011 Special Meeting of the Commissioners' Court. (Listen to audio track **1**, 00:14:33)

Motion made by Commissioner Boggs and seconded by Commissioner Fields to approve that we accept the minutes from the last meeting. Motion carried unanimously. (Listen to audio track 1, 00:15:04).

- 3) Update from Jennie Taraborelli regarding the Loop Project. (Listen to audio 1, 00:15:24)

- a. Jennie Taraborelli discusses the activities involving the Loop Project. (Listen to audio track 1, 00:31:28 and/or see attachment **1**)

- 4) Consider and possibly approve action on a change order covering additional work necessary for the completion of the FM 2348 clearing and grubbing contract – H H Howard & Sons, Inc. (Jennie Taraborelli).

Motion made by Commissioner Hockaday and seconded by Judge Lee to approve that change order. Motion carried unanimously. (Listen to audio track **1**, 00:31:53)

- 5) Consider and possibly approve Arnold, Walker, Arnold CPA's to perform the 2010-11 audits (Lanny Walker) (Listen to audio track **1**, 00:31:58)

- a. Lanny Walker discusses the contract terms for his service in the upcoming year.

Motion made by Commissioner Hockaday and seconded by Commissioner Fields that we approve hiring Arnold, Walker, and Arnold CPA firm to perform our audits. Motion carried unanimously. (Listen to audio track 1, 00:37:17).

- 6) Presentation by Michelle Woodruff with CASA (Court Appointed Special Advocate). (Listen to audio track 1, 00:37:19)

- a. Gina Law gives presentation regarding CASA in Titus County. (Listen to audio track 1, 00:44:18)

- 7) Consider and possibly approve a grant application for purchase of vests for the Sheriffs Office, \$3,586.00 county commitment. (Listen to track 1, 00:44:21).

Motion made by Commissioner Fields and seconded by Commissioner Boggs to approve grant application for the purchase of vests. Motion carried unanimously. (Listen to audio track 1, 00:48:34)

- 8) Consider and possibly approve repairs to the Justice Center (roof vents, insulation, attic



barriers, ceiling tiles). (Listen to audio track L 00:48:40).

- a. Commissioner Boggs moves that a motion be made for the lowest cost, and for William White to make that decision on both aspects.
 - b. Judge Dyke makes presentation regarding the conditions of the Justice Center. Motion made by Commissioner Boggs to approve the repairs for the Justice Center to the Contractor designated by William White and seconded by Commissioner Fields. Motion carried unanimously. (Listen to audio track 1, 01:00:07)
- 9) Open and review bids for Crushed Iron Ore (maximum 1" screen size). (Listen to audio track 1, 01:06:11)

Motion made by Commissioner Boggs to approve proposal from Seaton Construction, Inc. and seconded by Commissioner Fields. Motion carried unanimously. (Listen to audio track 1, 01:07:48)
- 10) Open and review bids for Steel Culverts (16 gauge galvanized steel, 2.66 x spiral, lock seam construction, all diameters). (Listen to audio track 1, 01:07:53)

Motion made by Commissioner Boggs to approve proposal from ConTech Construction Products Inc. and seconded by Judge Lee. Motion carried unanimously. (Listen to audio track 1, 01:09:42).
- 11) Open and review bids for Concrete Culverts with reinforced steel wire, all diameters. (Listen to audio track 1, 01:09:46)

Motion made by Commissioner Boggs to approve proposal from Cox Concrete Products and seconded by Commissioner Fields. Motion carried unanimously. (Listen to audio track 1, 01:10:34)
- 12) Open and review bids for Gasoline and Diesel. (Listen to audio track 1, 01:10:35)

Motion made by Commissioner Boggs to approve Jackson Oil bid for Gasoline and Diesel and seconded by Judge Lee. Motion carried unanimously. (Listen to audio track 1, 01:12:08)
- 13) Consider and possibly approve travel seminars for Titus County Employees and Elected Officials. (Listen to audio track 1, 01:12:09)

Motion made by Judge Lee to approve travel seminars for Titus County Employees and Elected Officials and seconded by Commissioner Boggs. Motion carried unanimously. (Listen to audio track 1, 01:14:08 and/or see attachment 2)
- 14) Approve oral and written reports from County Officials. (Listen to audio track 1, 01:

Motion made by Commissioner Fields and seconded by Commissioner Boggs. Motion carried unanimously. (Listen to audio track L 01:15:50 and/or see attachment 3)

15) Consider and possibly approve Treasurer's report.

Motion made by Commissioner Boggs and seconded by Commissioner Fields. Motion carried unanimously. (Listen to audio track I 01:16:39 and/or see attachment 4)

16) Approve budget amendments. (Listen to audio track I, 01:16:42)

a. None

17) Sign pay orders and approve payments. (Listen to audio track I, 01:16:46)

Motion made by Commissioner Boggs and seconded by Judge Lee. Motion carried unanimously. (Listen to audio track I, 01:17:00)

18) County Judge and Commissioners' closing comments, if any. (Listen to audio track I, 01:17:10)

a. Commissioner Boggs: We finished the section of County Road 1400.

b. Judge Lee: I am grateful to the residents of our County for behaving during the July 4th celebration, despite the fact that we were very vulnerable to fires.

Everybody was prudent with their firework use and we escaped without any major fires.

c. Commissioner Hockaday: Inquires about the status of the bail bonds collection fees.

(Listen to audio track I, 1:21:25)

19) Adjournment.

Motion made by Commissioner Boggs and seconded by Commissioner Fields. Motion carried unanimously. (Listen to audio track 1, 01:21:33)

STATE OF TEXAS

COUNTY OF TITUS

The above and foregoing is a true and complete Transcription of my notes taken in my capacity as
Clerk of the Commissioners Court of Titus County, Texas, on the 1st day of
July 2011 at the time and place heretofore set forth.

Attested to this 25th day of July, 2011.

Dianne Norris

DIANNE NORRIS, Titus County Clerk