



Minutes for the
Madison County Commissioners Court
Monday, July 11, 2022

THE STATE OF TEXAS
COUNTY OF MADISON

IN COMMISSIONERS COURT
OF MADISON COUNTY TEXAS

The Madison County Commissioners Court met in Regular Session the 11th day of July 2022, 8:32 a.m., at the Madison County Courthouse Annex, County Courtroom, 103 W. Trinity Street, Suite 106, Madisonville, Texas with the following members:

	County Judge	Vacant Position
Billy McNutt	Commissioner, Precinct 1	Present
Carl Wiseman	Commissioner, Precinct 2	Present
Carl Cannon	Senior Commissioner, Precinct 3	Present
David Pohorelsky	Commissioner, Precinct 4	Present

ITEM 1. INVOCATION AND PLEDGES OF ALLEGIANCE TO THE FLAGS

Commissioner Cannon gave the invocation. The pledges of allegiance to the United States and Texas flags were led by Commissioner Cannon.

ITEM 2. CALL THE MEETING TO ORDER

Commissioner Cannon called the meeting to order with a quorum present.

COUNTY CLERK – SUSANNE MORRIS

ITEM 3. Review and/or correct minutes of Regular Meeting held June 27, 2022, Regular Session Meeting. See attached.

Commissioner Cannon asked for any comments or corrections to the minutes, there were none, the minutes stand as presented.

ITEM 4. COLLECTION REPORTS

a) Approve collection reports for County Clerk and County Criminal Court
Adrian Lawson, Chief Deputy for County Clerk reported collections for June 2022, \$18,662.75; and County Criminal Court Collections, June 2022, \$463.66. See attached.

b) Approve Collection Reports for District Attorney
No reports were submitted.

c) Approve Collection Report for District Clerk
No report was submitted

TREASURER – JUDI DELESANDRI

ITEM 5. Approve paying County bills.

Accounts Payable Claims List for July 11, 2022, was submitted by Judi Delesandri, County Treasurer. See A/P Claims List attached.

Commissioner Pohorelsky made a motion to approve; Commissioner Wiseman gave a second; and Commissioner Cannon said we have a motion and second and called for a vote to approve paying July 11, 2022, county bills.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
County Judge, Vacant Position				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in favor, motion carried.

ITEM 6. Approve bills paid since last court date June 27, 2022. See attached.

Commissioner Wiseman made a motion to approve; Commissioner McNutt gave a second; and Commissioner Cannon called for a vote to approve bills paid since last court date June 27, 2022, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
County Judge, Vacant Position				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

No one opposed, motion carried.

ITEM 7. Approve Treasurer's Report.

Judi Delesandri, County Treasurer presented Treasurer's Monthly Report for June 2022, a Combined Statement of Cash Receipts and Disbursements. See attached.

Commissioner Pohorelsky moved to approve Treasurer's Report; Commissioner Wiseman gave a second; and Commissioner Cannon called for a vote to approve Treasurer's Report, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
County Judge, Vacant Position				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in favor, motion carried.

ITEM 8. Approve personnel changes.

Judi Delesandri, Treasurer reported no Personnel Changes.

AUDITOR – TONI JOYNER

ITEM 9. Auditor's Report

A budget analysis report was provided by auditor's office. A copy is included in these minutes for review.

ITEM 10. Budget Amendments

No budget amendments were submitted.

DEPARTMENTAL REPORTS

ITEM 11. Designated Representative Monthly Report - Lynn Jeffries

Jeffries reported issuing 12 septic applications and received \$2,760.00 in fees. Jeffries also reported 6 health permits were turned in and received \$1,392.00 in fees.

ITEM 12. Tax Assessor/Collector Monthly Report – Karen Lane, TAC

Karen Lane, TAC, reported total funds collected for June 2022, Taxes, \$38,148.50, Registration and Title Fees, \$784,238.98; and Boat Titles, Motor Titles, and Renewals for Texas Parks & Wildlife, \$5,536.88. see attached.

ITEM 13. Emergency Management Report – Shelly Butts

Shelly Butts report that for June 2022, 28 new Electric permits, 25 address signs for the general public, completed 6 subdivisions, 32 pending, and 4 were closed after one year for no action or filings.

ITEM 14. County Extension Agent Monthly Report-Allen Homann

No report was submitted.

ITEM 15. Veterans Affairs – Danny Singletary

No report was submitted.

ITEM 16. Elections Administrator-Bobbie Duke

No report was submitted.

ITEM 17. Justice of the Peace – Steve Cole/Jon Stevens

Jon Stevens, J.P. Pct. 1, was not present but submitted a June 2022, report for review. Steven Cole, J.P. Pct. 2, was not present but submitted a June 2022, report for review. See attached.

ITEM 18. Sheriff's Department – Bobby Adams

Sheriff Adams submitted Patrol Division, Deputy Monthly Activity Report for June 2022. A detailed report of 339 total calls, 20,789.6 total miles, 23 arrests, 55 charges, 43 citations, 109 warnings, 44 total arrests to jail, and 0 serious incidents in jail. See attached.

ITEM 19. Historical Commission – Clark Osborne

Osborne said he heard back from TDC, Community Squad, they are off of lock down and he is going to meet with them and try to get a contract in place for two separate issues, one for the big Cemetery and the other with the Historical Commission to clean up some of the rural cemeteries.

ITEM 20. Public Comment – Hear Comments in reference to the *following Agenda Items Only – time limit 3 minutes, one person at a time will be called from the Public Participation Forms submitted. Move to the front of the Court and stand at the podium.*

One Public Participation Form was Submitted by Frank Cannon, 9198 Fm 1428, Midway, Texas who spoke in reference to Agenda Item 27.

ITEM 21. Discuss and consider request for approval from Madison County Sheriff's Department to apply for and obtain a Visa Business credit card to be used for travel expenses, training, and purchases for the Madison County Sheriff's Department.

Sheriff Adams stated they had a couple of incidents where they had to send someone out of state to pick up an inmate, not everyone has a personal credit card to be able to pay for hotel reservations, gas, and food. It is good to have for emergencies, and a policy will be put in place for the credit card usage.

Toni Joyner, Auditor, stated that the credit card needs to meet the state purchasing guidelines and anything on that card that is not within guidelines as the elected official Sheriff Adams will be held accountable. Judi Delesandri, County Treasurer, added that if time permits to get an advancement unless it is an emergency.

Commissioner Wiseman made a motion; Commissioner McNutt seconded the motion; and Commissioner Cannon called for a vote to approve Madison County Sheriff's Department to apply for and obtain a Visa Business credit card to be used for travel expenses, training, and purchases for the Madison County Sheriff's Department, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
County Judge, Vacant Position				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All agreed, motion carried.

ITEM 22. Discuss and consider accepting a donation from Daniel Bracewell, LLC in the amount of \$10,000.00 to the Madison County for the use of a K9 Unit. See attached.

Sheriff Adams said that a K9 has been donated to Madison County and all we have to do is pay for the room and board for the Deputy that will be handling the K9. Mr. Bracewell has donated this for the continued training for the K9 and his Handler and the care such as the specialty cage in the vehicle. The K9 is already trained now we just need to train the Deputy to the K9, Adams said.

Commissioner Wiseman made a motion; Commissioner Pohorelsky gave a second and Commissioner Cannon called for a vote to accept a donation from Daniel Bracewell, LLC in the Amount of \$10,000.00 for the use of a K9 Unit, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
County Judge, Vacant Position				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in agreement, motion carried.

ITEM 23. Discuss and consider loan agreement in the amount of \$196,017.10 with Welch State Bank for the purchase of Two (2) Case tractors and Two (2) Alamo Boom Mowers for Precinct 1 and 2. See attached.

Toni Joyner, Auditor, asked about the down payment. Commissioner McNutt stated that they are trading in a Gradall, and it will be accepted as a down payment.

Commissioner Pohorelsky moved to approve; Commissioner McNutt seconded the motion; and Commissioner Cannon called for a vote to accept loan agreement in the amount of \$196,017.10 with

Welch State Bank for the purchase of Two (2) Case Tractors and Two (2) Alamo Boom Mowers for Precinct 1 and 2, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
County Judge, Vacant Position				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in favor, motion carried.

ITEM 24. Discuss and consider request from “Change the World Mission” permission to use Madison County property located on School Street to conduct a faith-based day camp mission for children in Madison County for the time period beginning July 11,2022 through July 15,2022. See attached. Commissioner Cannon stated that we have already received a waiver of liability from “Change the World Mission” and there will be a peace officer there every day during the mission program.

Commissioner Wiseman made a motion; Commissioner McNutt gave a second; and Commissioner Cannon said we have a motion and second to approve “Change the World Mission” permission to use Madison County property located on School Street to Conduct a faith-based day camp mission for children in Madison County for the time period beginning July 11,2022 through July 15,2022, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
County Judge, Vacant Position				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All agreed, motion carried.

ITEM 25. Discuss and consider closing the 30-day comment period and approving Minor Final Re-Plat Application of Carter Creek Estates Tract 5=-/13.30 acres tract 5-A & tract 5-b out of a called 79.22 acre tract and a called 79.53 acre tract located in the John Payne League Survey, A-25, Madison County, Texas. See attached.

Shelly Butts states since this was a re-plat, they had to send notice to everyone within 200 feet about the proposed change and there was no feedback.

Commissioner Wiseman made a motion; Commissioner McNutt gave a second to the motion; and Commissioner Cannon said we have a motion and a second to approve closing the 30-day comment period and approving Minor Final Re-Plat Application of Carter Creek Estates Tract 5=-/13.30 acres tract 5-A & tract 5-b out of a called 79.22-acre tract and a called 79.53 acre tract located in the John Payne League Survey, A-25, Madison County, Texas, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
County Judge, Vacant Position				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in agreement, motion carried.

ITEM 26. Discuss and consider Application for Minor Plat with Variances for property recorded in Volume 408, Page 44 of the Madison County Clerk Records. Located in the William F. Young Survey, Abstract 0245, Tracts 29 (24.7 acres), tract 28 (15.5 acres), tract 5 (24.7 acres) and tract 6 (74.1 acres). See attached.

Shelly Butts stated that this is combining and redividing a strip of land that shows the tree line the family has been taking care of to block the smells from Monterey Mushroom and they want to keep it, so they don't have to worry about the new owners removing it. The part that is on Highway 75 is a separate tract they want to join that tract, but Laura from the Appraisal District said she can create a new account and link it to another account, but she can not join them without having a whole new survey done. So that is why they are asking for a variance. The properties are adjacent, and the same owner will own both tracts, but one does not have road frontage. Commissioner Cannon asked about not being able to sell the tract with no road frontage. Shelly said by state law they can not sell land lock property without providing an easement.

Commissioner Wiseman made a motion; Commissioner McNutt gave a second to the motion; and Commissioner Cannon said we have a motion and a second to approve Application for Minor Plat with Variances for property recorded in Volume 408, Page 44 of the Madison County Clerk Records. Located in the William F. Young Survey, Abstract 0245, Tracts 29 (24.7 acres), tract 28 (15.5 acres), tract 5 (24.7 acres) and tract 6 (74.1 acres), all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
County Judge, Vacant Position				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in agreement, motion carried.

ITEM 27. Discuss and consider Application for Minor Plat with Variances for property recorded in Volume 1640, Page 70, Number 105261 of the Madison County Records. Located in the Jeremiah Worsham Survey, Abstract 0231, Tract 3, being 140.5 acres more or less, along Rocky Ridge Lane, Madisonville, Texas. See attached.

Shelly Butts said this is the division Mr. Frank Cannon spoke about earlier. Shelly then asked Mr. Cannon if he had the new survey. Mr. Cannon stated that he has not received the new survey as of yet. Commissioner Cannon asked if they could wait to approve until the survey came in. Mr. Cannon did not have a problem with waiting.

Commissioner Pohorelsky made a motion to table; Commissioner Wiseman gave a second to the motion; and Commissioner Cannon said we have a motion and a second to table Application for Minor Plat with Variances for property recorded in Volume 1640, Page 70, Number 105261 of the Madison County Records. Located in the Jeremiah Worsham Survey, Abstract 0231, Tract 3, being 140.5 acres more or less, along Rocky Ridge Lane, Madisonville, Texas, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
County Judge, Vacant Position				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in agreement, motion carried.

ITEM 28 Discuss and consider Application for HOT funds from City of Madisonville in the amount of \$5,000.00 for the Annual July 4th Celebration held on July 4, 2022, to be used for advertisement and promotion. See attached.

Commissioner Cannon stated that we gave them this last year and they are asking for this money after the fact. Toni Joyner, Auditor, stated that they did not file a report from last year and the policy is to apply 90 days prior to the event. There are also a lot of things that don't conform to our policy and that is something the Commissioners need to take into consideration.

Commissioner Wiseman made a motion to table; Commissioner McNutt gave a second to the motion; and Commissioner Cannon said we have a motion and a second to table Application for HOT funds from City of Madisonville in the amount of \$5,000.00 for the Annual July 4th Celebration held on July 4, 2022, to be used for advertisement and promotion, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
County Judge, Vacant Position				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in agreement, motion carried.

ITEM 29 Discuss and consider allowing Commissioner Carl Cannon authority to sign all Madison County documents during the vacancy of the County Judge.

Toni Joyner, Auditor, asked for the item to be rephrased to normal day to day operating documents.

Commissioner Pohorelsky asked what happens if there is something to sign that doesn't meet day to day operating. Toni stated that it is covered by statute with an Emergency Commissioners Court.

Commissioner Cannon said this is only going on for a couple of more weeks and he doesn't believe that it will be an issue.

Commissioner Pohorelsky made a motion; Commissioner Wiseman gave a second to the motion; and Commissioner Cannon said we have a motion and a second to approve allowing Commissioner Carl Cannon authority to sign all Madison County documents during the vacancy of the County Judge, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
County Judge, Vacant Position				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in agreement, motion carried.

ITEM 30 Discuss and consider using funds from the American Rescue Plan to replace the roof at the Madison County Courthouse.

Donna Cuevas stated that there is an estimate of what it will cost and then it will go out for bids, this is just for approval to give the Architects and Engineers authority to go out for the bidding. Commissioner Cannon said this is an estimated price \$95,000.00 to 115,000.00 plus architects' fee \$18,500.00.

Commissioner Cannon believes that the Courthouse roof is in really bad condition.

Commissioner Pohorelsky made a motion; Commissioner Wiseman gave a second to the motion; and Commissioner Cannon said we have a motion and a second to approve using funds from the American Rescue Plan to replace the roof at the Madison County Courthouse, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
County Judge, Vacant Position				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in agreement, motion carried.

ITEM 31. Public Comment- No Discussion or Action will be taken at this time by the Court – A three (3) minute limit per speaker. One person at a time will be called from the Public Participation submitted. Move to the front of the Court and stand at the podium. Please address your comments to your commissioner.

No Public Participation Forms were submitted to Clerk of Court.

ITEM 32. ADJOURN:

Commissioner Wiseman made a motion to adjourn; Commissioner Pohorelsky gave a second; and Commissioner Cannon called for a vote to adjourn.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
County Judge, Vacant Position				
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All approved, motion carried.

Meeting was adjourned Monday, July 11, 2022, at 9:15 A.M.

I, Susanne Morris, Madison County Clerk, do hereby attest that the foregoing is a true and accurate accounting of the Commissioners Court's authorized proceedings for July 11, 2022.

Approved and signed this 25th day of July 2022.



Susanne Morris, Clerk
Commissioners Court
Madison County, Texas

