



**Minutes for the
Madison County Commissioners Court
Monday, July 25, 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 25th day of July 2022, 8:30 a.m., at the Madison County Courthouse Annex, County Courtroom, 103 W. Trinity Street, Suite 106, Madisonville, Texas with the following members:

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

ITEM 1. INVOCATION AND PLEDGES OF ALLEGIANCE TO THE FLAGS

Commissioner Cannon called on Curtis Klinge, Chief Deputy Sheriff to give 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 July 11, 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
No reports were submitted.

- 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 25, 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 25, 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 July 11, 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 July 11, 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.

No report was submitted.

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

No report was submitted.

ITEM 12. Tax Assessor/Collector Monthly Report – Karen Lane, TAC
No report was submitted.

ITEM 13. Emergency Management Report – Shelly Butts
No report was submitted.

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
No report was submitted.

ITEM 18. Sheriff's Department – Bobby Adams
No report was submitted.

ITEM 19. Historical Commission – Clark Osborne
Osborne said Madisonville Cemetery Association signed a contract with Texas Department of Criminal Justice last week for maintenance services; and asked TDCJ if Madison County Historical Commission could have a contract for care of county rural cemeteries, but have not heard back from them, he said.

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.**

Two Public Participation Forms were submitted to the County Clerk. Kevin Council requested to speak on Agenda Item 21; and Arnold Foster asked to speak on Agenda Item 24.

Kevin Council, Republican Party Chairman and Election Executive Committee Chairman said the committee met Sunday, July 24, 2022, from 3 p.m. to 10 p.m. interviewing Madison County Judge candidates, there were fantastic applicants. The committee vetted them on their criminal history, voting history, community involvement and posed other questions. County commissioners were invited to attend and observe the interview process. Election Executive Committee came to a unanimous decision that Clark Osborne will be the Republican candidate for the office of Madison County Judge on the General Election ballot, November 8, 2022.

Arnold Foster representing Jozye Cemetery Association member of the Board of Directors for over twenty years began his comments by giving the history of Jozye community and cemetery created in the early 1900's. He voiced his objection and concern to Agenda Item 24, a 1.218-acre plat for a livestock holding pen adjoining the cemetery. The sight, sound and smell will be a nuisance for our cemetery. A cemetery should have an atmosphere of a peaceful place where family members may come to visit, and meditate, he said.

ITEM 21. Discuss and consider appointing Interim County Judge to serve the remainder of the current unexpired term.

Commissioner Wiseman made a motion to nominate Clark Osborne; Commissioner McNutt seconded the motion; and Commissioner Cannon said there is a motion and second to appoint Clark Osborne as County Judge to serve the remainder of the current unexpired term, 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 and vote on proposed tax rate for FY2023.

Commissioner Cannon called on Karen Lane, Tax Assessor-Collector to comment on the proposed tax rate for FY 2023. Lane said she has not received certified numbers to prepare calculations for truth-in-taxation. Whatever the court proposes for FY 2023 tax rate cannot go above that figure, you can go below, but once you decide on the tax rate you cannot go above it. Lane said she will need a record vote by the court. Commissioner Cannon said Toni Joyner, Auditor and Lane, TAC had advised \$.55 per \$100 evaluation for FY 2023 proposed tax rate.

Commissioner Pohorelsky made a motion to set the FY 2023 proposed tax rate at \$.55 per \$100 evaluation; Commissioner Wiseman gave a second to the motion; and Commissioner Cannon said we have a motion and second to set the proposed tax rate for FY 2023 at \$.55 per \$100 evaluation and called for a vote by each commissioner as follows:

Commissioner Wiseman, Yea

Commissioner Pohorelsky, Yea

Commissioner McNutt, Yea

Commissioner Cannon, Yea

All in agreement, motion carried.

ITEM 23. 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, Subdivisions/Rural Development Coordinator explained this division is for 13.875 acres together with a 30' wide access easement from a 140.5-acre tract. The request for variance conforms with width to depth ratio subdivision rules, she said.

Commissioner Wiseman moved to approve; Commissioner Pohorelsky gave a second and Commissioner Cannon call for a vote to approve 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 favor, motion carried.

ITEM 24. Discuss and consider Application for Final Minor Plat with Variance for property recorded in Volume 1636, Page 280, Number 105032 of the Madison County Records. Located in the Eduardo Arriola Survey, Abstract 0004, Tract 48, being 4.93 acres more or less known as 4747 Jozye Road, Madisonville, Texas 77864. See attached.

Shelly Butts, Subdivisions/Rural Development Coordinator explained this property is along Jozye Road, owner is taking 1.281 acres out of a 4.93 tract which is currently being used as a livestock transfer lot. Applicant is requesting a variance for width to depth ratio, 130' across the road frontage to a depth of 454'. The property meets all subdivision rules and regulations except for the width to depth variance. Commissioner Wiseman moved to deny this application for variance, width to depth ratio does not meet the 80' road frontage subdivision requirement; Commissioner Pohorelsky seconded the motion; and Commissioner Cannon called for a vote to deny Application for Final Minor Plat with Variance for property recorded in Volume 1636, Page 280, Number 105032 of the Madison County Records. Located in the Eduardo Arriola Survey, Abstract 0004, Tract 48, being 4.93 acres more or less known as 4747 Jozye Road, Madisonville, Texas 77864, 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 Application for Final Minor Plat for property recorded in Volume 1838, Page 106 of the Madison County Records. Located in the John L. Sleight Survey, Abstract 208, 19.05 acres more or less, 5541 1-45 North, Madisonville, Texas 77864. See attached.

Shelly Butts, Subdivisions/Rural Development Coordinator said this is a division off I45 feeder road where there have been a series of divisions on the property you may know as Archery RV & Storage building. They are preparing to sell the property creating two lots, 1) 4.366-acre tract 2) residual. There is current development on the property, and it meets rules and regulations with no variance being requested, she said.

Commissioner Wiseman moved to approve; Commissioner Pohorelsky seconded the motion; and Commissioner Cannon called for a vote to approve the Application for Final Minor Plat for property recorded in Volume 1838, Page 106 of the Madison County Records. Located in the John L. Sleight Survey, Abstract 208, 19.05 acres more or less, 5541 1-45 North, Madisonville, Texas 77864, 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 Final Minor Plat for property recorded in Volume 1004, Page 163 Number 62613 of the Madison County Clerk Records, located in the Augustus Hotchkiss Survey, A-0017. See attached.

Shelly Butts, Subdivisions/Rural Development Coordinator said this is out of a non-recorded subdivision along Largo Lane and currently a 20.55-acre tract, applicant wants to divide 8.00 acres of the property. It complies with the subdivision rules and regulations with no variance being requested, she said.

Commissioner Wiseman moved to approve; Commissioner McNutt gave a second to the motion; and Commissioner Cannon called for a vote to approve Application for Final Minor Plat for property recorded in Volume 1004, Page 163 Number 62613 of the Madison County Clerk Records, located in the Augustus Hotchkiss Survey, A-0017, 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 HOT funds from City of Madisonville in the amount of \$5,000 for the Annual July 4th Celebration held on July 4, 2022, to be used for advertisement and promotion. See attached.

Hillary Graham, Marketing & Tourism Director, City of Madisonville in her new position said she did not understand the county's procedure to request HOT funds prior to the Fourth of July annual event. The county has always provided HOT funds for this free event to the public and we are requesting to be reimbursed for expenses, she said.

Commissioner Pohorelsky moved to approve; Commissioner Wiseman seconded the motion; and Commissioner Cannon called for a vote to approve Application for HOT funds from City of Madisonville in the amount of \$5,000 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 28. Discuss and consider Application for HOT funds from City of Madisonville in the amount of \$3,000 for the 1st Annual Glow in the Park event to be held September 24, 2022. See attached. Hillary Graham, Marketing and Tourism Director, City of Madisonville, explained this is a new event other cities do with their local parks, it will be from 5:00 p.m. to 10:00 p.m. It will be a community get-to-gather with a fun run, vendors, food trucks, music, and DJ, it is free to the public. Participants from Houston, Dallas and San Antonio have registered for the fun run, and we have room blocks at two hotels, she said. Commissioner Cannon commented that the \$3,000 is a large amount to consider for this first year event. Commissioner Wiseman made a motion to approve \$1,500, but Toni Joyner, Auditor said county policy says \$1,000 for a one-day event. Commissioner Wiseman rescinded his motion to approve \$1,000; Commissioner McNutt gave a second; and Commissioner Cannon called for a vote to approve and contribute \$1,000 from HOT funds to City of Madisonville for the 1st Annual Glow in the Park event to be held September 24, 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 in agreement, motion carried.

ITEM 29. Discuss and consider construction quotes to close off the hallway leading to the County Judge's Office for security reasons. See attached.

Commissioner Wiseman made a motion to accept quote from Crouch Construction; Commissioner Pohorelsky gave a second; and Commissioner Cannon said we have a motion and second to approve construction quote from Crouch Construction, \$5,175.82, to close off the hallway leading to the County Judge's Office for security reasons, 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 30. Discuss and consider using funds from the American Rescue Plan to pay for the cost of closing off the hallway leading to the County Judge's Office for security reasons.

Donna Cuevas, Assistant to County Judge, said the Grant Administrator says this project is allowable under American Rescue Plan funds.

Commissioner Wiseman moved to approve; Commissioner McNutt seconded the motion; and Commissioner Cannon called for a vote to approve using funds from the American Rescue Plan to pay for the cost of closing off the hallway leading to the County Judge's Office for security reasons, 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. Discuss and consider Interlocal Agreement between Madison County Sheriff's Department and North Zulch ISD for School Resource Officer. See attached.

Commissioner Cannon asked Curtis Klinge, Chief Deputy Sheriff to respond to this item. Klinge said North Zulch School approached the Sheriff's Department in regard to hiring a school resource officer. They have proposed paying 75% of the deputy's salary, benefits, as well as vehicle and equipment. They would have the deputy during the school year and the remainder of time the Sheriff's Office would have them for patrol duties or where every needed. The school would have an officer there all the time and they do have armed teachers as well. The goal here is school security, protect our kids and teachers, everyone working together, he said.

Commissioner Wiseman made a motion to approve; Commissioner McNutt gave a second; and Commissioner Cannon called for a vote to approve the Interlocal Agreement between Madison County Sheriff's Department and North Zulch ISD for School Resource Officer, 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 approved, motion carried.

ITEM 32. Discuss and consider a 60-month lease with UBEO for three (3) Kyocera printers for the District Clerk's office.

Commissioner Pohorelsky made a motion to approve; Commissioner Wiseman gave a second; and Commissioner Cannon said we have a motion and second to approve 60-month lease with UBEO for three (3) Kyocera printers for the District Clerk's office, 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 approved, motion carried.

ITEM 33. 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 34. ADJOURN:

Commissioner Wiseman made a motion to adjourn; Commissioner McNutt 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 25, 2022, at 9:16 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 25, 2022.

Approved and signed this 8th day of August 2022.



Susanne Morris, Clerk
Commissioners Court
Madison County, Texas

