

**THE STATE OF TEXAS  
COUNTY OF FANNIN**

**IN COMMISSIONERS COURT  
FANNIN COUNTY, TEXAS**

On Monday, December 08, 2014 the Fannin County Commissioners Court met in a Regular Meeting after public notice was posted on December 4, 2014 at 4:38 p.m. with the following members being present:

**Creta L. Carter II  
Gary Whitlock  
Stan Barker  
Jerry Magness  
Dean Lackey**

**County Judge  
Commissioner, Precinct 1  
Commissioner, Precinct 2  
Commissioner, Precinct 3  
Commissioner, Precinct 4**

The following business was transacted to-wit:

AGENDA

**ITEM A. INVOCATION**

Mike Towery, Treasurer

**ITEM 2. ESTABLISH QUORUM**

Judge Carter stated all commissioners are present.

**ITEM 3. PUBLIC FORUM**

Dale McQueen, Bonham Chamber of Commerce Executive Director stated BestFest will be held Thursday, December 11, 2014 at 8:30 a.m. all are welcome; speakers will include Paul Montgomery of TxDot as well as a Dallas-TxDot representative, the Highway 121 project will be discussed.

**ITEM 4. APPROVE MINUTES OF PREVIOUS MEETING(S) - COUNTY CLERK**

Minutes were presented for October 20, 2014 and October 27, 2014.  
Commissioner Barker moved to approve the Minutes.

[Attachments -- 2]

VOTING

Motion by: Commissioner, Pct. 2 Stan Barker  
Second by: Commissioner, Pct. 1 Gary Whitlock

Commissioner	YES	NO	ABSTAIN	RECUSE
Carter II, Creta L.			x	
Barker, Stan	x			
Lackey, Dean	x			
Magness, Jerry	x			
Whitlock, Gary	x			

**ITEM 5. CONSIDERATION AND ACTION REGARDING STATUS AND NECESSARY STEPS FOR AN OFFICE LOCATION FOR JUSTICE OF PEACE, PCT. 3, STARTING JANUARY 1, 2015 - JP, PCT. 3 ELECT**

Kenneth Karl, Justice of the Peace, Pct. 3 – Elect stated appreciation for provision for training and travel this month and asked the current status of an office location.

Commissioner Magness stated the [Honey Grove] Chamber President has an office space that is available and asked what other items may be needed.

Mr. Karl stated provisions have been made for file cabinets and furniture.

No action was taken.

**ITEM 6. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE YEARLY REPORT OF THE FANNIN COUNTY SUBDIVISION COMMITTEE - FANNIN COUNTY SUBDIVISION COMMITTEE CHAIR**

Elaine Peebles, Committee Chair stated changes made through the year regard membership, road construction, re-plats and drafting/amending of the By-Laws.

Commissioner Barker moved to approve the annual report.

**VOTING**

Motion by: Commissioner, Pct. 2 Stan Barker  
 Second by: Commissioner, Pct. 1 Gary Whitlock

Commissioner	YES	NO	ABSTAIN	RECUSE
Carter II, Creta L.			x	
Barker, Stan	x			
Lackey, Dean	x			
Magness, Jerry	x			
Whitlock, Gary	x			

**ITEM 7. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE FANNIN COUNTY SUBDIVISION COMMITTEE'S RECOMMENDATION FOR SIX (6) UNSOLD LOTS IN COMINI ADDITION, BE COMBINED TO MAKE ONE (1) LOT - CITIZEN AND FANNIN COUNTY SUBDIVISION COMMITTEE CHAIR**

Commissioner Barker stated the combining of 6 lots are due to the culverts having been placed too close together to comply with TxDot requirements regarding access to a highway, if the plots are combined into one, the individual lot will have access to a county road.

Commissioner Whitlock moved to approve the combining of the lots.

**VOTING**

Motion by: Commissioner, Pct. 1 Gary Whitlock  
Second by: Commissioner, Pct. 4 Dean Lackey

Commissioner	YES	NO	ABSTAIN	RECUSE
Carter II, Creta L.			x	
Barker, Stan	x			
Lackey, Dean	x			
Magness, Jerry	x			
Whitlock, Gary	x			

**ITEM 8. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE FANNIN COUNTY SUBDIVISION COMMITTEE'S RECOMMENDATION TO MAKE A CHANGE IN THE FANNIN COUNTY SUBDIVISION REGULATION BOOK, TO MAKE ALL ROADS IN SUBDIVISIONS 60' WIDE, FOR MAINTENANCE AND EMERGENCY EQUIPMENT - FANNIN COUNTY SUBDIVISION COMMITTEE CHAIR**

Commissioner Barker stated the current easement is 50' for a subdivision, a 60' easement would be more conducive to the slope and use of a maintainer.

Commissioner Barker moved to approve the recommendation.

**VOTING**

Motion by: Commissioner, Pct. 2 Stan Barker  
Second by: Commissioner, Pct. 4 Dean Lackey

Commissioner	YES	NO	ABSTAIN	RECUSE
Carter II, Creta L.			x	
Barker, Stan	x			
Lackey, Dean	x			
Magness, Jerry	x			
Whitlock, Gary	x			

**ITEM 9. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE CHANGE OF BYLAW RECOMMENDATIONS, SO THAT SUBDIVISION COMMITTEE HAVE SEVEN (7) MEMBERS INSTEAD OF NINE (9) MEMBERS - FANNIN COUNTY SUBDIVISION COMMITTEE CHAIR**

Commissioner Barker stated the original By-Laws required 9 members, some members have been unable to come and often permanent members are not able to attend; a request for resignation has been accepted for the District Attorney and Chris Littrell of the Appraisal District; 7 members are recommended.

Commissioner Barker moved to approve 7 members for the Subdivision Committee.

**VOTING**

Motion by: Commissioner, Pct. 2 Stan Barker  
Second by: Commissioner, Pct. 4 Dean Lackey

Commissioner	YES	NO	ABSTAIN	RECUSE
Carter II, Creta L.			x	
Barker, Stan	x			
Lackey, Dean	x			
Magness, Jerry	x			
Whitlock, Gary	x			

**ITEM 10. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE COMMITTEE'S RECOMMENDATION TO REPLACE MEMBERS WHOSE THREE (3) YEAR TERMS HAVE EXPIRED - STAN BARKER AND RODGER ALEXANDER REPLACE WITH DEAN LACKEY AND JIM SIMPSON - FANNIN COUNTY SUBDIVISION COMMITTEE CHAIR**

Commissioner Barker stated he and Rodger Alexander have held (2) 3-year terms which is the maximum allowed consecutively; Commissioner Lackey and Mr. Jim Simpson have volunteered to serve.

Commissioner Barker moved to approve Commissioner Lackey and Mr. Jim Simpson as committee members.

**VOTING**

Motion by: Commissioner, Pct. 2 Stan Barker  
Second by: Commissioner, Pct. 3 Jerry Magness

Commissioner	YES	NO	ABSTAIN	RECUSE
Carter II, Creta L.			x	
Barker, Stan	x			
Lackey, Dean	x			
Magness, Jerry	x			
Whitlock, Gary	x			

**ITEM 11. DISCUSSION REGARDING FILING OF CONTINUING EDUCATION CERTIFICATE OF COMPLETION FOR FANNIN COUNTY TAX ASSESSOR-COLLECTOR PURSUANT TO SB 546(D) - A COUNTY ASSESSOR-COLLECTOR SHALL FILE ANNUALLY A CONTINUING EDUCATION CERTIFICATE OF COMPLETION WITH COMMISSIONERS COURT OF THE COUNTY IN WHICH THE COUNTY ASSESSOR-COLLECTOR HOLDS OFFICE - FANNIN COUNTY TAX ASSESSOR-COLLECTOR**

Gail Young, Tax Assessor-Collector stated an informational requirement was passed last year stipulating continuing education certificates be submitted to the Court record reflecting 20 hours of education.

[Attachments – 1]

The transcript was accepted, no action was taken.

**ITEM 12. CONSIDERATION AND ACTION REGARDING TXDOT SURPLUS PROPERTY - COMMISSIONER, PCT. 4**

Commissioner Lackey stated Tammy Hudson of TxDot called stating a very small portion of land was purchased as a right of way and is not needed, the owner on either side of the land is Gene Rayden who asked how he might obtain the property; TxDot advises the County may claim the property or provide a letter giving up any right to the property. Commissioner Lackey stated the size is so small and steeped as to be of no use.

Commissioner Lackey moved Fannin County does not want the property; a letter is to be sent to TxDot and authorizing the judge to sign.

**VOTING**

Motion by: Commissioner, Pct. 4 Dean Lackey

Second by: Commissioner, Pct. 2 Stan Barker

Commissioner	YES	NO	ABSTAIN	RECUSE
Carter II, Creta L.			x	
Barker, Stan	x			
Lackey, Dean	x			
Magness, Jerry	x			
Whitlock, Gary	x			

**ITEM 13. CONSIDERATION AND ACTION TO APPROVE ORDER PROHIBITING OR RESTRICTING CERTAIN FIREWORKS IN UNINCORPORATED AREAS OF FANNIN COUNTY, TEXAS – COUNTY JUDGE**

Judge Carter stated no action is required if no prohibition is needed. Commissioner Barker stated there is sufficient rain at this time.

No action was taken.

**ITEM 14. CONSIDERATION AND ACTION TO APPROVE FANNIN COUNTY AUDITOR'S MONTHLY REPORTS FOR NOVEMBER 2014 - AUDITOR**

Scott Dyer, Auditor submitted the report for review.

[Attachments-2]

Commissioner Barker moved to approve the monthly report.

**VOTING**

Motion by: Commissioner, Pct. 2 Stan Barker  
Second by: Commissioner, Pct. 4 Dean Lackey

Commissioner	YES	NO	ABSTAIN	RECUSE
Carter II, Creta L.			x	
Barker, Stan	x			
Lackey, Dean	x			
Magness, Jerry	x			
Whitlock, Gary	x			

**ITEM 15. CONSIDERATION AND ACTION TO APPROVE PAYMENT OF BILLS - AUDITOR**

Scott Dyer, Auditor submitted bills for payment.

[Attachment]

Commissioner Whitlock moved to approve payment of bills.

**VOTING**

Motion by: Commissioner, Pct. 1 Gary Whitlock  
Second by: Commissioner, Pct. 2 Stan Barker

Commissioner	YES	NO	ABSTAIN	RECUSE
Carter II, Creta L.			x	
Barker, Stan	x			
Lackey, Dean	x			
Magness, Jerry	x			
Whitlock, Gary	x			

**ITEM 16. ADJOURN**

Commissioner Lackey moved to adjourn.

**VOTING**

Motion by: Commissioner, Pct. 4 Dean Lackey  
Second by: Commissioner, Pct. 1 Gary Whitlock

Commissioner	YES	NO	ABSTAIN	RECUSE
Carter II, Creta L.			x	
Barker, Stan	x			
Lackey, Dean	x			
Magness, Jerry	x			
Whitlock, Gary	x			

Adjourned at 9:23 a.m.

The above and foregoing represents true and correct minutes of the Fannin County Commissioner's Court meeting in Regular Session the 8th day of December, 2014.

(LGC 81.003)

ATTEST:

*Tammy Biggar*

Tammy Biggar  
Fannin County Clerk

