

STATE OF TEXAS §

COUNTY OF HENDERSON §

BE IT REMEMBERED, that the Commissioner's Court met in **Regular Session on October 8th, 2024 @ 9:00 A.M.** with the following members present, to-wit:

Wade McKinney	County Judge
Wendy Spivey	Comm. Pct. # 1
Scott Tuley	Comm. Pct. # 2
Charles McHam	Comm. Pct. # 3
Mark Richardson	Comm. Pct. # 4

And transacted the following business, to-wit:

Judge McKinney called the meeting to order @ 9:02 A.M.

Citizen's comments: Valerie Bahm – Seven Points, Texas, has questions in regards to zoning and plating in the new subdivision regulations. What are the road restrictions and frontage requirements on county and farm to market roads?

Motion made by Comm. Spivey and seconded by Comm. Richardson to approve the minutes from the previous meeting of Commissioner Court held on October 1st, 2024. Motion carries 4 and 1, Comm. Tuley abstained.

Motion made by Comm. McHam and seconded by Comm. Richardson to approve the annual software maintenance support agreement with OpenGov for Financials Contract for Software Support Services, giving Judge McKinney authorization to sign. Voted unanimously by the court.

Motion made by Comm. Tuley and seconded by Comm. Spivey to move into public hearing at 9:07 A.M. on newly proposed Henderson County Subdivision Regulation which would govern plats, subdivisions of land, throughfare right of ways, lot frontages, and set-backs, and if approved would replace the current Henderson County Subdivision Regulations. Voted unanimously by the court.

David Dees, Debra Dees and W. C. "Chip" Perryman, III had questions on the Henderson County Subdivision Regulations and were discussed in court.

David Dees, Athens, TX – submitted a request for an addition to the regulations that any tracks of land that have power utilities or underground easements or pipelines that go through numerous parcels of land. It is suggested to include in the regulations that the developers must communicate during this phase a plan on how they would address these specific utilities. The current regulations that are written address new easements, new utilities, communication, electrical, water and sewer and does so in a detailed way. There is no mention of existing regulations, we all know in Henderson County there are numerous pipelines and may or may not been established as far back as 75 years earlier. My request is that I want the commission in these regulations to require to developers to notify you of these existing utilities before you approve the subdivision plats and that it not be an afterthought. I've suggested some language is the plat must so any existing electrical, aerial, buried utilities, underground pipelines, gas, oil or water that traverses the subject property where such utilities that extend to properties adjacent to subject parcel of land. Should the developer choose to remove or relocate any of these existing utilities they must work with the appropriate utility to design and relocate these utilities underground or aerial that will not affect adjacent land owners, such plans should be included with the submittal to the county officials via the utility certification that appendix E that already exist. I appreciate your consideration of this change to the Subdivision Regulations.

Debra Dees, Athens, TX – I would like to add I do not want the direction of the electricity to be moved just because the developers want to move the electrical poles around. I have talked with Oncor about this as well. I want something in the regulation that we have easements when there are already powerlines to our property. This is one thing I would like to ask; I did read the subdivision regulations and did not see anything about powerlines; the second thing I want to address is the City of Athens has passed an ordinance and it's on the City of Athens website and is clearly shows a loop that goes through many county properties including one that is adjacent to my property. I saw a plat earlier this year from one of the Commissioners and it did not address any kind of easement in this throughfare. I want to be sure that you all consider the City's plans for throughfares and make sure any future development includes easements and for their road plans, because this particular loop from Highway 31 to Highway 175 will go through many county properties. I would like this to be added to the subdivision regulations, when approving a plat for the City of Athens for future throughfares.

W.C. "Chip" Perryman III, Athens, TX

Section 2.5

- 2.5 a. 10' vs 15' utility easement – 10' is what we typically use.
- 3.1 a. consider 50' instead of 60' this is what the City of Dallas uses.
- 3.1 c. consider does have to paved? Can it be caliche or gravel?
- 3.1 f. consider 15'
- 3.1 g. cul-de-sac parking consider a variance for an extra 15' radius for parking.
- 3.3 c. a lot of roads in the county cross dams including TXD on FM 317 Athens Fish and Game Lake dam
 - 5' Topo are expensive are they really necessary?
 - 24-month completion
 - Financial guarantees is a great idea
 - Notice requirement to the address of the lot owner, a lot of the properties are vacant lots consider an appraisal district address. Some of the provisions consume so much of our development land that we are left with compromised lot size because of size of road widths, easements and cul-de-sacs.

Motion made by Comm. Tuley and seconded by Comm. Richardson to close public hearing at 9:16 A.M. Voted unanimously by the court.

B. G. Pierce, Tool, TX – the provision about the space for the entryway into the developments, if the space is going to be 450' per driveway, I would like it to be lower or more clarified for tracts are split up. I know there is a 10-acre rule, this going to be tough on rectangular tracts of land.

Ken Strawn – with the County Attorney's Office worked on the Subdivision Regulations and we worked with outside experts in workshops using their expertise. The addition of appendix T is going to be the legal exception form, Statue 232. Appendix T is a way for the County or homeowner looking into subdividing can look if the exception applies if they don't need a plat. This allows the Clerk's Office to look at this quickly and doesn't require any signatures from the County and it doesn't have to go through court or the Development Office. We also added Appendix U. This is where a subdivision definition does apply and would need a plat, but there may be a need for discretionary exception and that would have to through the court. This would allow for the smaller subdivisions that may not need as much regulations as a 200-lot subdivision. This would allow the court to issue a discretionary exemption plat to be presented to the Clerk's Office. The new regulations differentiate between Tier One and Tier Two type of developments so this is another added benefit of these proposed subdivision regulations. We have added the bond forms for the proposed subdivision regulations. This will be a 24-month construction process. The County has gotten in compliance with HB 3167 which eliminated the preliminary plat process and changed some of the time line. Appendix S the filing fees has gone up. The fees are easier to understand now that we don't have the preliminary process. The County can regulate RV park through Chapter 5.2 this will get more uniform regulations for RV parks. The Development Office has been implemented in this county so is utilized in the proposed subdivision regulations. This makes it uniform from precinct to precinct. Easements

should already be regulated. I had discussions with Oncor and TVEC representatives and they work with developers within a platted area. We have differentiated between private and public easements.

Motion made by Comm. Tuley and seconded by Comm. McHam to approve the newly proposed Henderson County Subdivision Regulations which would govern plats, subdivisions of land, throughfare right of ways, lot frontages and set-backs and if approved would replace the current Henderson County Subdivision Regulations. Voted unanimously by the court.

Motion made by Comm. McHam and seconded by Comm. Tuley to approve a contract with APPRISS for the maintenance of FY2025 Statewide Automated Victim Notification Service Data, giving Judge McKinney authorization to sign. Voted unanimously by the court.

Motion made by Comm. Richardson and seconded by Comm. Spivey to approve the grant award for the FY2024 Bulletproof Vest Partnership funding. Voted unanimously by the court.

No action required at this time acknowledging the resignation letter from Justice of the Peace Precinct #2, effective January 5th, 2025.

Motion made by Comm. McHam and seconded by Comm. Richardson to accept applications and resumes for Henderson County Justice of the Peace Precinct #2, after January 5th, 2025. Voted unanimously by the court.

Motion made by Comm. Tuley and seconded by Comm. Richardson to approve the Memorandum of Understanding and authorize County Judge to execute the entities receiving ARPA Water System Generator Grants, giving Judge McKinney authorization to sign. Voted unanimously by the court.

Motion made by Comm. McHam and seconded by Comm. Tuley to approve to award ARPA Water Supply Generator bid 1 – 12 and 14 – 25 with substitute item 12.02 a. and 14.02 a. for Duplichain Contractors in the amount of \$3,217,000.00. Voted unanimously by those present. Comm. Spivey excused herself.

Financial Reports was received from JP #1, JP #2, JP #3, JP #4, JP #5, County and District Courts.

There was no Payroll Distributions or Account Cash Sheets submitted.

There was no Contracts submitted.

There was no Right-of-Way permits submitted.

There was no Budget Amendments submitted.

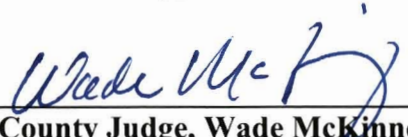
Motion made by Comm. Richardson and seconded by Comm. Spivey to approve the payment of bills for **FY2024** in the amount of \$455,680.44. Voted unanimously by the court.

There was no Plats submitted.

There was no Bids submitted.

Motion made by Comm. Tuley and seconded by Comm. McHam to approve to adjourn the meeting at 10:35 A.M. Voted unanimously by the court.

Read and Approved:


County Judge, Wade McKinney