

**COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS
FRIDAY, MARCH 15, 2024
10:00 A.M. REGULAR SESSION**

A regular meeting of the Commissioners' Court of Upshur County, Texas was held on Friday, March 15, 2024 at 10:00 a.m., with the following members of the Court being present, to-wit:

Present: Todd Tefteller – County Judge presiding,
 Gene Dolle – Commissioner Pct. #1
 Dustin Nicholson – Commissioner Pct. #2
 Mike Ashley – Commissioner Pct. #3
 Jay W. Miller – Commissioner Pct. #4

Judge Tefteller called the regular meeting to order at 10:00 a.m.

1. Invocation and Pledges

Prayer was led by Gene Dolle.

Pledges to the U.S. & Texas flags led by Dustin Nicholson.

2. Citizens comments.

Kelly Heitkamp, attorney representing some of the family members present, asked that the Judge not mention the name of the murderer but rather refer to him as "it" as the name is upsetting to most of those present in the courtroom.

3. Consider and take action on approval of:

- A. The minutes of previous meetings;**
- B. Payroll changes;**
- C. Payroll;**
- D. Budget amendments;**
- E. Accounts Payable;**
- F. Accept for recording: Auditor reports; Treasurer reports; Bonds; Oaths; Deputations; Certificates; State and County Taxes Summary; refund of overpayment or erroneous tax payments in excess of \$2500.00; and applications for use of Upshur County roads and rights-of way and permit requests.**

Motion by Mike Ashley with a second by Dustin Nicholson to approve items A-F.
Motion carried 5-0. Unanimous vote in favor.
(SEE ATTACHED)

- 11. Hear from Suzanne Harrison's family members concerning the jail cell to be left in the renovation of the Upshur County Courthouse. Discuss and take action to demolish the**

Jerry (Animal) McFadden jail cell at the Upshur County Courthouse.

The family members of the victims were present in the courtroom to speak on behalf of their opposition to leaving the jail cell in place as a memoriam to their family members.

First to speak was Dan Spence, husband of Rachel Lange Spence, who is first cousin to Suzanne Harrison. He read a letter representing the family of Suzanne Harrison.

Calvin Turner, father of Gina Turner, spoke about the heartache and grief that they have suffered and expressed his opposition to the Court's plan to preserve the jail cell in memoriam to their daughter.

Mary Laschinger Kirby spoke in regards to the history of the school bank depository in Dallas where Lee Harvey Oswald shot President John F. Kennedy. She further stated that the jail cell occupied by Lee Harvey Oswald before he was shot was part of the Dallas Police Department Headquarters. She further stated that Upshur County had not been the site of an assassination of a President or any other leading official and that there is no clamor to visit old jail cells in Upshur County.

Darlene Steadman, first cousin to Suzanne Harrison's mother, spoke and told the Court that their family wants nothing to do with a memoriam for Suzanne. She told the Court that it seems that they are trying to make it a historical site and she feels it would be a detriment to Gilmer. Glenda Lange, Suzanne Harrison's aunt, showed a picture of Suzanne Harrison to the Court. She expressed her frustration with the Court by trying to put Suzanne's name on the cell. She told the Court that she wants to destroy the cell. She further stated that the State of Texas parole board is responsible for this. She further informed the Court that the family went to Austin and met with the Governor and had the State of Texas pass the "Three strikes and you are out" law.

Chief David Hazel, Upshur County Sheriff's Office, admitted to those present that it was his idea to preserve the jail cell over three years ago. He further gave a brief history of the law enforcement events that took place during the manhunt of Jerry McFadden. He stated that he wants the cell preserved for history of the courthouse. He further stated that to demolish the jail cell during the renovation would be to deny that building's history. He asked the families and Court to consider his request to not destroy the jail cell.

Judge Tefteller offered his apologies to the family and those present as it was partly his idea. He expressed that he got carried away with the history end of it.

Helen Turner, mother of Gina Turner, also spoke and told the Court that anything that has to do with the person that killed her daughter is honoring and glorifying evil and she did not want her daughter's name associated with that person.

Richard Smith addressed the Court and told them that this was disrespectful to the family for

what was done. He asked if this matter was put on an agenda and was informed that it had not been. He expressed his frustration with the Judge and the Court for bringing the family through this. He felt that this was the Judge's decision before thinking of the family. He also agreed with the family that the names of these victims should not be tied with that jail cell.

Dustin Nicholson made a motion with a second by Jay W. Miller to demolish the jail cell entirely and move on with the renovation. Motion carried 5-0. Unanimous vote in favor.

In closing, Dan Spence, on behalf of the family, appreciated the apology and thanked the Court for their time and consideration.

4. Hear from Community Healthcore concerning a Proclamation from Governor Greg Abbott proclaiming March as Developmental Disabilities Awareness Month.

Mr. Brent Lively with Community Healthcore presented a Proclamation from Governor Greg Abbott to the Court. Motion by Mike Ashley with a second by Gene Dolle to approve the Proclamation from Governor Greg Abbott proclaiming March as Developmental Disabilities Awareness Month. Motion carried 5-0. Unanimous vote in favor.

5. Discuss and take action to approve the designation of two (2) handicap parking spaces on E. Jefferson Street in front of the Upshur County Courthouse.

Judge Tefteller informed the Court that he had spoken with the City Manager regarding designating handicap parking spaces in front of the Courthouse. Motion by Dustin Nicholson with a second by Gene Dolle to designate two (2) handicap parking spaces on East Jefferson Street in front of the Upshur County Courthouse. Motion carried 5-0. Unanimous vote in favor.

6. Discuss and take action to accept for recording the plat for Mistletoe Manor Subdivision.

Motion by Dustin Nicholson with a second by Mike Ashley to accept for recording the plat for Mistletoe Manor Subdivision. Motion carried 5-0. Unanimous vote in favor.

7. Hear from Sheriff Larry Webb concerning the award of the Jail Commissary bid. Discuss and take necessary action.

Chief James Grunden announced to the Court of the award of the Jail Commissary bid to Keefe. Connie Williams, County Auditor, had a question for Chief Grunden regarding the lower amount of commission. Chief Grunden will look into this matter for the Auditor. No action necessary.

8. Discuss and take action to reassign the Upshur County Crimestoppers office located at the Rock Building to the Veterans office so as to allow the Maintenance Department full use of

their office at the Rock Building.

Several options were discussed to relocate the Veterans office. Cynthia Clark with Crimestoppers was also present. Motion by Jay W. Miller with a second by Mike Ashley to table this matter to allow them to explore options for both the Upshur County Crimestoppers and the Veterans Officer. Motion carried 5-0. Unanimous vote in favor.

9. Discuss and take action to approve renewal of the Pitney Bowes Leasing Agreement Renewal for lease on postage machines used by the County.

Motion by Mike Ashley with a second by Dustin Nicholson to approve renewal of the Pitney Bowes Leasing Agreement Renewal for lease on postage machines used by the County. Motion carried 5-0. Unanimous vote in favor.

10. Hear any updates and discuss and take necessary action concerning the Round XII Courthouse Grant Renovation and/or the Courthouse employee relocation during the renovation.

No updates for discussion.

12. The Court will go into CLOSED SESSION under Texas Open Meetings Act, Texas Government Code, Chapter 551 as indicated:

 Section 551.071 (consultation with attorney(s));

 A,B,C Section 551.072 (deliberation regarding real property);

 A,B,C, Section 551.0725 (deliberation and discussion of contracts being negotiated);

 Section 551.073 (deliberation about gifts and donations);

 A Section 551.074 and 551.0745 (personnel matters);

 Section 551.076 (deliberation about security audits or security devices).

TO WIT:

- A. Consideration of the Round XII Project administration in reference to the Courthouse Renovation.**
- B. Consideration of terms and conditions of the contract between Upshur County and J.C. Stoddard Const. Co. relative to the Round XII Courthouse Renovation.**
- C. Discussion of the Renovation of the Fifth Floor of the Upshur County Courthouse.**


The Court went into **CLOSED SESSION** at 11:10 a.m.

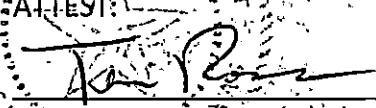
12. The Court will re-convene into open session and take any action necessary as a result of Executive Session.

The Court reconvened into **OPEN SESSION** at 12:02 p.m.
No action to be taken as a result of closed session.

13. Adjourn.

Motion by Mike Ashley with a second by Jay W. Miller to adjourn the meeting.
Motion carried 5-0. Unanimous vote in favor. Meeting adjourned at 12:03 p.m.



ATTEST:


TERRI ROSS, LUSHUR COUNTY CLERK

Attendance sheet placed into minutes for recording purposes only.
Bills previously approved placed into minutes for recording purposes only.
Jury payroll placed into minutes for recording purposes only.