

## COMMISSIONERS COURT MINUTES

Order # 26-009

April 27, 2026 Austin County Commissioners Court met in the 2nd floor Courtroom at the Austin County Courthouse with the following present:

County Judge Tim Lapham  
Commissioner, Precinct 1 Greg Mikel  
Commissioner, Precinct 2 Bobby Rinn  
Commissioner, Precinct 3 Leroy Cerny  
Commissioner, Precinct 4 Chip Reed  
County Clerk Diane Day  
Deputy Clerk Kayla Whitley

OPENING

CALL TO ORDER

INVOCATION

PLEDGES OF ALLEGIANCE

ROLL CALL AND CERTIFICATION OF QUORUM

CONSIDERATION/ADOPTION OF AGENDA

*Motion to Approve: Commissioner Reed, 2nd Commissioner Mikel, passed (4-0)*

Roy Mercer (Austin County Emergency Management Coordinator) spoke about the Rock the Country concert coming to Bellville this weekend on May 1, 2026, and May 2, 2026. He asked that the public be cautious around the area of the fairground as setup is already underway in preparations for the event. He also publicly thanked all first responders as well as Austin County road and bridge for all the help in planning this event.

OPEN AGENDA ITEMS

1. 9:00 am - Public Hearing regarding Battery Energy Storage Systems and Data Centers

Judge Lapham inquired if the Commissioners had anything to say first before opening for public comment. Then, following public comment, a short break will be taken for anyone that would like to meet with the judge in the basement.

Commissioner Reed stated he knows everyone is upset about this possibly coming, and the commissioners have a lot of things on their minds as well that worry them. Things they have read in articles, seen in the news, newspapers, magazines, etc. He stated the thing that worries him the most is power, and how it could potentially limit our growth. He stated he understands the public's concerns and would love to hear what the public has to say.

Commissioner Rinn agreed with what Commissioner Reed said and that he also has concerns regarding the environmental impact as well as water resources and electricity. He thanked the public for coming out to show support and said how much it means to the court for them to show up.

Judge Lapham then opened for public comment.

Sally Goodwin addressed the court with her concerns about her living in the impact zone and had little to no information on the project. She inquired whether the county will either do studies or look into studies on these facilities, and what the county will do and what are the options to prevent this.

Commissioner Reed stated that's why we are here right now.

Sally Goodwin inquired whether there are any visible studies that show the safety for humans or wildlife. She is aware of other counties where it got shut down. She asked how our County could shut it down.

Commissioner Reed stated that the county is working on it and that is why they are here today.

Sally Goodwin stated she is here to help the County work on it, as much as it takes. She also inquired what this would do to our water reservoir or to the well water.

Judge Lapham clarified that they can take public comments, but this would not be a question-and-answer forum. However, as he stated before, he is willing to talk to the public after the public hearing.

Tommy Johnson inquired who authorized them to come in and do this and if they have permits for anything they are doing.

Rebekah Goodwin spoke about her concerns about the health impacts this could have on the public and the livestock, as well as the impact it will have on our water. She encourages people to stand up against this to safeguard this area for the next generations.

Elizabeth McCann stated that she moved here in 2023 for quiet and sustainable living and bringing this type of infrastructure makes things grow and causes prices to increase. She hopes that we can keep our small town environment.

Alissa Nixon (Terraflow Energy Director of Government Relations) stated that they have a facility here in Bellville, and they hope to be a solution to infrastructure for the data centers if they do end up coming here. She said Terraflow supports the counties goals around safety, transparency, and responsible development.

Judge Lapham stated he appreciates her coming out and speaking and that he understands there are different technologies and would like to talk more about that after the public hearing as well.

Lisa Hicks addressed the court with her concerns about these facilities and the health risk they can cause. She also stated she was concerned about the water pollution as well. She encourages the public to do their research and stand against this and feels the taxpayers should have been made aware earlier.

Philip Brooks encouraged the county to weigh the good and the bad and gave some examples of those to determine whether a facility like this would do more harm than good.

John Stork stated he doesn't ever want to leave this place, but if water runs out and prices go up, it won't give him much of a choice, so he is here to stand up and fight this, and he encourages the public to do the

same thing.

Don Bleil said he isn't asking the county to ban these facilities. However, he asks for the county to take into account what they can do for our county versus the amount of damage they can cause. Some of the negative impacts he spoke about were taxes, workforce, electricity costs, fresh water supply, and our land usage. He also spoke about his concerns about material and weather risk associated with this project. He ended by thanking the county for protecting the county's citizens and determining whether Austin County will gain or lose from these projects.

Jon Rice stated him and his family are moving here from Houston in the next month and his request would be to make any planning documentation accessible to the public. He also inquired whether the county would hire a lawyer or if that is something the public should do.

A letter was given to Judge Lapham from Alton Ehler.

Donna Jacob stated that she is hearing the same concerns from everyone, and we all know that we don't want these data centers here, but she is here to figure out what commissioners court can do to regulate or restrict this. She stated that the public needs to call the state officials as they are the ones offering the tax incentives. She inquired how the public could help the court, whether it be financially or however. She wants to help in whatever way she can to protect our community and our neighborhoods.

Bridget Kourik said she sees that our commissioners and our judge have been trying to come up with resolutions, however the county only has so much power. She stated that today she is here to give another resolution for the court to consider forming a regional planning commission with the city of Bellville under chapter 391 of the Texas local government code. She encourages the public to help the court come up with resolutions.

Kelly Kaminski stated that the fact the public hearing was held in the morning makes it difficult for all the ranchers and farmers to attend this. She said her main concern is the water and how it will impact livestock and the farmers. She stated she is willing to help with whatever is needed to help keep this out of our county.

Alexa Aschenbeck stated that people are saying AI is the future, but she sees the negative impact it has on her classroom. She stated that the AI data centers do not offer our community anything of substance, but do promise increased water and electric bills, less water for livestock and farmers in this area.

James Ferreri addressed the court with his concerns about the impact this will have on our water. He is also concerned about the chemicals that will be used to spray down these systems and the descaling agents they will use and how they will contain those things. He inquired whether the county would do a study to see what this facility would actually use for these things and the impact they would have.

Kristi Smith spoke about how we are on the largest bird migration trail in the state of Texas and facilities like these data centers have a negative impact on that. She encourages the public to stand against this in the way her own county in Simonton did by using signs and banners, as well as a public hearing with the company present to answer any questions.

David Rogers stated that a lot of people are moving to Texas for jobs, taxes, and resources. He stated that

we need transparency and communication to determine what will benefit us and what will negatively impact us, because the companies who truly want to benefit our county will provide that transparency.

Candace Cornell stated that she is a local realtor and having this data center here will decrease home values nearby, and if people want to prevent this in the future, they need to put land restrictions on their properties. She encourages the public to let other property owners know to do this as well.

Patricia Hardmeyer expressed her concerns about AI being so new and that we don't truly know much about it or what the effects will be as it's still a newer technology.

Michelle Pujet addressed the court about her concerns about the county becoming more like the big cities and losing the close community feeling that we currently have.

Kimberly House spoke about her concerns regarding the environment, water levels, and taxes. She encourages people to educate young people on these things to prepare them for what will one day be theirs.

Karen Zarnicky encourages people to stand up and fight against this and keep it out of our county.

Bob Harvey thanked the court for previously standing up to another developer to discourage other developers from coming in. He also spoke about how these facilities won't provide anything for our communities. He recommends that the county either deny them permits or add more requirements in order to get these permits.

Larry Zardicky spoke about his concerns regarding water usage and contamination, as well as the noise pollution and the effect it will have on both wildlife and people nearby.

Reagan Crook says it's encouraging to see so many people come out to stand for what they believe in, and she likes the idea of protesting this coming to our county.

Arty Frost stated that the county needs to put several requirements on these facilities if they want to be here. She agrees growth is needed but needs to be planned properly.

Laticias Hess asked the court to hold a public hearing in the afternoon so that more young working parents can attend and to have more transparency.

Pat Dennen spoke about his concerns about the fire risk and how our county will exhaust its resources quickly trying to deal with a fire in one of these facilities.

Kristi Anatoavar said she loves Austin county and wants to keep it as is for her kids, so she is willing to do whatever it takes to support the commissioners in opposing this.

Dawana Gajewski addressed her concerns about just how much land these facilities take up and if we allow them to build here in our county it will take the land from future generations.

Sidney Levine encourages the public to get in touch with the state legislators to get them to back us on keeping these facilities away.

Tommy Johnson spoke about wanting to keep Austin county the way it is and to do that we need to stick together.

James Ferreri inquired whether there is legislation in place at the county level to protect local water.

Bridget Kourik encouraged the public to know their neighbors and what they stand for.

Court recessed at 10:53 am.

Court reconvened at 1:05 pm.

**2. Proclamations and Special Recognitions**

None.

**3. Petitions or Requests from the Public**

(In accordance with the Texas Attorney General's opinion, any public comment that is made on an item that is not on the posted final agenda will only be heard by the Commissioners Court. No formal action, discussion, deliberation, nor comment will be made by the Commissioners Court.)

None.

**4. Discussion and action regarding the use of tobacco funds to provide training to form a multi-agency peer support team.**

Walter Morrow (EMS Director) and Candi Havemann (Assistant Department Coordinator) are seeking approval to start a support team for all of Austin county first responders.

Candi Havemann (Assistant Department Coordinator) stated that a lot of first responders are afraid to come forward to their commanding officers because of potential consequences and studies have shown peer support is more beneficial. The cost would be \$4,000, and they want to use tobacco funds to fund it. She hopes to have the program going by the end of September.

Judge Lapham thanked them for starting this as he agrees it's needed to help first responders. He thinks having something small and local would be great and asked what training it would take and what it entails.

Candi Havemann (Assistant Department Coordinator) explained the process would include sending applications out and then reviewing them, then having 10 percent of every department on the team, then training will be 2 days long for those who are selected, and then they will look into continual training as well.

Judge Lapham inquired if they are looking for upper management or peers at a neutral level.

Candi Havemann (Assistant Department Coordinator) stated they are looking for both so that everyone has someone to talk to, including the department heads.

Judge Lapham thanked her for looking into this, as he thinks it will do great things for our local first responders.

Walter Morrow (EMS Director) stated that in the last five to six years there have been several first responders who have needed help.

Judge Lapham agreed and said he doesn't want one bad outcome to be the reason they quit.

Walter Morrow (EMS Director) explained the main goal is to provide all the departments with education to handle these situations.

*Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (4-0)*

5. Discussion and action to approve a one-time variance from subdivision regulations to divide an 11.0192 parent tract on Newberg Rd, Pct. 2, into one (1) 5.8 acre tract, one (1) 2.8 acre tract, and one (1) 1.7 acre tract with a .5367 acre residue tract donation to Austin County for ROW.

Johnathan Hopko (Austin County Engineer) is seeking approval from the court on a one-time variance from subdivision regulations to divide an 11.0192 parent tract on Newberg Rd, Pct 2 into one 5.8 acre tract, one 2.8 acre tract, and one 1.7 acre tract with a .5367 acre residue tract donation to Austin County for right of way.

Commissioner Rinn stated that both him and Johnathan Hopko had reviewed it and were good with it and motioned to approve.

*Motion to Approve: Commissioner Rinn, 2nd Commissioner Cerny passed (4-0)*

6. Discussion regarding Commercial Development Permit at 2995 FM 1094 and action as appropriate.

Johnathan Hopko (Austin County Engineer) spoke about a 5-acre commercial tract stating that it meets all the criteria and seeks approval from the court.

*Motion to Approve: Commissioner Cerny, 2nd Commissioner Mikel passed (4-0)*

7. Discussion and action to vacate Subdivision Plat for The Ranches of Bellville

Johnathan Hopko (Austin County Engineer) stated the property in which the subdivision was being put on has been sold, and the new landowner wishes to vacate the plat for The Ranches of Bellville.

*Motion to Approve: Commissioner Mikel, 2nd Commissioner Rinn passed (4-0)*

8. Discussion and action to approve a Tower Lease Agreement between Lower Colorado River Authority and Austin County, Bleiberville Tower, Pct. 2.

Judge Lapham stated he reached out to LCRA, since they were taking public comment on building a tower close by our current tower and asked about leasing space from ours instead of building another, and they agreed to do that, and they came up with a lease agreement and everyone is good with it.

*Motion to Approve: Commissioner Rinn, 2nd commissioner Mikel, passed (4-0)*

9. Discussion and action to approve a Tower Lease Agreement between Rise Broadband and Austin County, Bellville Tower, Pct. 1.

Judge Lapham inquired whether Dianna Grobe had any knowledge of the tower lease agreement between Rise Broadband and Austin County, Bellville Tower, Precinct 1.

Dianna Grobe (Chief of staff) stated that the original contract agreement was a 10-year agreement, and this one is just to update the dates as everyone was still happy with all the terms.

*Motion to Approve: Commissioner Reed, 2nd Commissioner Mikel, passed (4-0)*

10. Discussion and action to approve ACSO renewal of the LESO application

Judge Lapham spoke on behalf of the sheriff's office, stating that the reason we have to have this application is that the county has the MRAP truck.

*Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (4-0)*

11. Discussion and action to add an additional credit card vendor for Tax Office.

Kim Rinn (Austin County Tax Assessor Collector) stated that they have been speaking with Grant Street Group, and they would like to add them as a credit card vendor.

Commissioner Reed inquired if this was similar to what they had before.

Kim Rinn (Austin County Tax Assessor Collector) said that the fees associated with the charges are a little less.

Commissioner Cerny inquired whether this would be in addition to the current vendor her office has now.

Kim Rinn (Austin County Tax Assessor Collector) said that is correct as they are still under contract with the other one.

*Motion to Approve: Commissioner Cerny, 2nd Commissioner Reed, passed (4-0)*

12. Consideration and action to approve compensation rate for Auditor's Office new hire above 2025-2026 Compensation Order Entry Level / Introductory Level Rate.

Billy Doherty (Austin County Auditor) said they have hired someone, and she is qualified to start above the starting rate and would like to start her at \$19.50 per hour.

*Motion to Approve: Commissioner Rinn, 2nd Commissioner Cerny, passed (4-0)*

13. Consideration and action to grant 5 sick days to Auditor's Office new hire.

Billy Doherty (Austin County Auditor) stated that the new hire does have a one-year-old son, so he would like to request her to start with 5 days of sick time instead of just one day, just in case she needed to take him to the doctor or something.

Commissioner Rinn stated that last time Billy Doherty brought this request to court, policy was changed to one day of sick time upon hire date.

Commissioner Reed inquired what is in policy currently.

Tara Wise (Austin County Human Resources Director) clarified that the policy gives one sick day the day they start and then eight hours on the second of every month after that.

Billy Doherty (Austin County Auditor) stated that, in the past, this door has been open to vacation time, and he is only asking for sick days, which don't get paid out like vacation does when someone leaves.

Commissioner Rinn stated that was put into policy.

Billy Doherty (Austin County Auditor) said that was given as part of a hiring package and not in policy.

Commissioner Rinn inquired about the court approving vacation time upon hiring.

Judge Lapham clarified that there have been a couple of people who have been hired with vacation time.

Commissioner Rinn stated that last year, in one of the February meetings, the court approved 3 days of sick time for the new hire but that they addressed the policy after that.

Judge Lapham inquired whether there would be a motion. If not, it would die for lack of motion.

Commissioner Rinn stated that we should go by policy.

*No Action.*

14. Discussion and action to approve purchase of 2026 model, Skid Loader, for Pct. 3 Road and Bridge

Commissioner Cerny stated they looked into several options and Bobcat had everything they were looking for, so he motions to approve not to exceed \$85,000.

*Motion to Approve: Commissioner Cerny, 2nd Commissioner Reed, passed (4-0)*

15. Consideration to increase 911 fees and action as appropriate.

Walter Morrow (Austin County EMS Director) spoke about how Austin county 911 district sets the rates for landline telephones and the taxes collected off of them to support the 911 system. However, over the years, the public has gotten away from landlines and switched to cell phones and the state sets the cellphone rate, which hasn't been increased in about 30 years. He is asking for the county's support in a resolution to provide to the state to increase cell phone rates.

*Motion to Approve: Commissioner Cerny, 2nd Commissioner Mikel, passed (4-0)*

16. **CONSENT AGENDA**

- a. Discussion and action to accept Texas Comptroller of Public Accounts Grant in the amount of \$80,000 for the ACSO

- b. Consideration and action to ratify Interoperable Communications Grant Resolution.
- c. Consideration and action to approve temporary access agreement between Marsha Jasek and Austin County, Pct. 2, Krebs Rd.

*Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn*

- 17. **BUDGETARY AND FINANCIAL CLAIMS** - action as appropriate
  - a. Payment of Claims

Total: \$1,430,739.00

*Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (4-0)*

- b. Fund Transfers

Total: \$838,429.05 (4/27/2026)

*Motion to Approve: Commissioner Cerny, 2nd Commissioner Mikel, passed (4-0)*

- c. Budget Amendments

None.

- d. County Auditor's Review of Finances
- e. County Treasurer's
  - i. Payroll and Escrow Report

1.04.08.2026

2.04.17.2026

*Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (4-0)*

- ii. Monthly Report - March 2026

*Motion to Approve: Commissioner Cerny, 2nd Commissioner Mikel, passed (4-0)*

- 18. Written end-of-the-month reports submitted by County Offices
  - a. Justice of the Peace, Pct. 4 - March 2026
  - b. Constable Pct. 4 - March 2026
  - c. TxDMV - March 2026
  - d. TCEQ/OSSF - March 2026

*Motion to Approve Commissioner Rinn, 2nd Commissioner Mikel passed (4-0)*

Court recessed at 1:46 pm.

- 19. **EXECUTIVE SESSION** - A closed meeting (in accordance with Texas Local Government Code, Section 551.087) will be held concerning the following items:

a. Economic Development Matter - BC

Court reconvened at 2:32 pm.

20. Action as appropriate on Executive Session

No action.

21. **Commissioners' Court Inquiry**

*(Pursuant to Texas Government Code Section 551.042, the Commissioners Court may inquire about a subject not specifically listed factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place the subject on the agenda of a future meeting.)*

*Motion to Adjourn: Commissioner Cerny, 2nd Commissioner Reed, passed (4-0)*

Court Adjourned at 2:35 pm.

**ALL SUPPORTING DOCUMENTS ON FILE WITH COUNTY CLERK AS PROVIDED  
BY  
COMMISSIONERS COURT**

**I, Diane Day, Austin County Clerk, attest to the minutes of the Commissioners Court proceedings for April 27, 2026.**

Date: 5-11-2026  
Diane Day, Austin County Clerk  
Clerk of Commissioners Court  
Austin County, Texas

By: Kayla Whitley  
Deputy Clerk

**FILED**  
2026 MAY 11 PM 1:23

*Diane Day*  
COUNTY CLERK  
AUSTIN COUNTY, TEXAS

