

**HARRIS COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION**

January 18, 2011  
7:00 P.M.

Commissioners Present: J. Harry Lange, Joey M. Loudermilk, Becky Langston, Jim Woods, Charles Wyatt. Staff Present: Daniel B. Bridges, County Manager; Nancy D. McMichael, County Clerk. Staff Absent: John M. Taylor, County Attorney.

1. **CALL TO ORDER**. Chairman Lange called the Regular Session to order.
2. **MINUTES**. The motion to approve the minutes of the January 4, 2011, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.
3. **APPEARANCE OF CITIZENS**
  - A. **Paving of Mountain Road: Wesley Tyus and Matt Wyatt**. Wesley Tyus and Matt Wyatt, citizens who live on Mountain Road, appeared before the Board regarding their request to pave 1.7 miles of Mountain Road. Mr. Tyus reiterated, as mentioned in his letter of January 6, the need to pave the road due to road conditions, dangerous curves and hills, damages to vehicles as a result of the condition of the road, and that numerous property owners had been told that the road would be paved time and again by the former Public Works Director. He also said that he understands Mountain Road is on the County's list to be paved, but requested that the Board consider moving it up on the list for paving. Chairman Lange said that time frames for paving really can't be promised until we are ready to start the project; that the submitted petition signed by all the property owners was to request the paving of the road and did not indicate agreement to provide any right of way that may be necessary in order to meet road requirements; and that there is no reason the County can't move ahead to get everything in order so that when we are ready to do the paving, it can be done. Danny Bridges, County Manager, said that funds are not available for paving roads at this time, and that since the property owners appear to be willing, he suggested that the County move forward with having the survey updated due to change in ownership and parcels, obtaining the necessary right of way deeds, trying to resolve some issues with curves and hills, so that when funds are available for paving, the deeds will be in place and the project could move forward without delay. He also said that Mountain Road is on the approved list of roads to be paved further than five years out (last year) with no funding assigned. Mr. Tyus indicated that he would be willing to assist in getting the right of way deeds executed. Mr. Bridges also cautioned the Board about moving roads up on the list or adding roads to the list, which could result in numerous citizens coming before the Board regarding their roads. There were no objections with moving forward regarding the survey update, obtaining the necessary right of way deeds, and addressing the curves and hills.
4. **OLD BUSINESS**
  - A. **Recreation Board: Discussion Regarding Dissolution**. Chairman Lange said that this matter has been briefly discussed and that the recommendation is to dissolve the Recreation (Rec) Board. He said that the Rec Board was created to take care of the recreational needs in the County before the County had a Recreation Director; that he served on the Rec Board several years and a lot of meetings could not be held due to lack of a quorum; and that John Magazu, Recreation Director, does a commendable job in running the rec program and keeping people posted.

Danny Bridges, County Manager, said that the Rec Board was formed before the County had a Recreation Director and to provide recreation facilities, which were maintained by volunteers; that currently the members apparently attend the meetings only when there is a topic that is "near and dear" to them; that during the last two years, during which 20 meetings were scheduled, due to a lack of a quorum, only five meetings were held, which appears to indicate a lack of interest; that it is his opinion that the Rec Board has outlived its usefulness in the County; that the individual YSA run their own organizations; that the Rec Board should not tell the Little League, Soccer, or Football boards what to do because they have rules that they go by; that he is not sure what the Rec Board's function is because it doesn't have any power or authority other than what is given by the Commissioners; that originally, the Rec Board handled their own budget and had their own checking account; and that now they handle money from concessions or soft drinks, but since they don't have a quorum, he's not sure how they spend those funds.

John Magazu, Recreation Director, said that basically the only time the Rec Board has had a decision to make was when one of the YSA had a problem they couldn't solve; that the YSA do a great job handling their issues; that the Rec Board does have a budget and funds in the treasury are used to send teams to tournaments, such as the upcoming basketball tournament, and even without a quorum, the funds are paid out because such requests have never been turned down by the Rec Board; that when the Rec Board was very active, meetings were monthly, with great input, but things have changed; that now he, as Recreation Director, handles the budget with the Board of Commissioners; that initially the Rec Board was a tool for community input, but with electronic technology, the need is not there; and that part of the problem regarding the lack of meetings is that most of the Rec Board members are coaches, and when games or practice conflict with the meeting, they attend the games or practice.

Discussion included that there is no cost to the County for the Rec Board; that it may be time to look at the make-up of the Rec Board to include that coaches not be on the Board; that each YSA has a representative and there are three at-large positions appointed by the Commissioners; that meetings were changed to accommodate the Rec Board members, but that hasn't worked out either; that it's not fair for Recreation staff to attend the meetings only to have no quorum; that the Recreation Director is now doing jobs that the Rec Board probably used to do because no one else is doing it; that some former members of the Rec Board have indicated that Mr. Magazu does such a good job, there was no reason to show up for meetings; and that if the Rec Board is to remain in place, the current ordinance needs to be updated. At this point, Chairman Lange said that citizens had signed up to speak about this issue.

Shanna Peterson, with Hamilton YSA, appeared before the Board and said that she is the secretary of the Little League Board; that the Rec Board should not be dissolved; that maybe another change in the date and time of the Rec Board meetings can be done to try to get more people to attend; and that John Magazu does an excellent job in what he does for the Recreation program. In response to a question from Commissioner Loudermilk, Mrs. Peterson said that she would serve on the Rec Board if asked to do so and attend the meetings.

Derik Moxley, with Mountain Hill YSA, appeared before the board and said that he represents the Mountain Hill YSA on the Rec Board; that the Rec Board is a form of checks and balances regarding recreation; that the County is growing and the Rec Board should be given more authority, like an umbrella over each YSA so that it has more authority in those communities in decision making and to make sure that each YSA abides by the rules; that he is a coach and has missed meetings due to games and practice; that it should not be dissolved; that it does a good job; and that finding volunteers to serve on the Rec Board is tough; that the Rec Board should be empowered; and that dissolving the Rec Board would probably result in the Commissioners getting more phone calls and e-mails.

Jennifer Stevens-Kinder, with Mountain Hill YSA, appeared before the Board and said that she did not realize that the Rec Board basically has no power, and asked who would make decisions if the Rec Board is dissolved. Commissioner Wyatt said that John Magazu, Recreation Director, currently makes the decisions because meetings aren't held. Commissioner Langston commented that she knows there are people in her district who are willing to serve on the Rec Board and Ms. Stevens-Kinder agreed and continued by saying that if the Rec Board is dissolved, people would be concerned about the lack of community representation on a County level; that she agrees that the Rec Board should be given more power; that she thought the football board, basketball board and each YSA was under the Rec Board; and that she agrees with Mr. Moxley. Chairman Lange said that other than annual budgets, nothing has come before the Commissioners concerning recreation issues, although we have received phone calls.

Joe Kinder, with Mountain Hill YSA, appeared before the Board and said there is nothing that certifies the football program; that he is on the football board, which goes by policies and procedures but by no means is there anything that all the YSA go by; that it is the YSA that have dropped the ball and if they don't have participation on the Rec Board, it needs to go away; that the Rec Board needs to be scaled up with a little more power so that not just one person is making decisions for all the communities because all do not agree; that a couple of issues that came up recently regarding weight issues where kids over the weight limit were running the ball and where insurance only covers the coach while he is coaching, and not those on the football board from all their decisions; and that consideration should be given for six months to a year for the Rec Board to step up

to the plate. In response to a question from Commissioner Wyatt, Mr. Bridges said that the County does not cover the YSA boards, only the Rec Board.

Craig Manning, with Mountain Hill YSA, appeared before the Board and said that he is on the Little League Board; that the attendance issue is the only justifiable reason for dissolving the Rec Board; that it appears to be a by-laws issue and should be enforced; get people on the Rec Board that are dedicated; and that there should not be coaches on the Rec Board especially if the Rec Board is given more authority.

Discussion included that there are no issues with John Magazu making decisions; that of the five YSA, only two are represented tonight; that all members of the Rec Board were contacted about tonight's meeting; that it may be beneficial to dissolve the Rec Board, change the Ordinance and start over, or draft a charter; that maybe the Board should be given about a year before a decision is made, and if so, the YSA advised to make sure they nominate someone who is going to attend the monthly meetings; that the Rec Board minutes should be provided to the BOC so that they know there was a meeting, who attended, the topics discussed, and action taken. Commissioner Wyatt made the motion to dissolve the Rec Board and make reappointments at the next Commission meeting (on February 1), but later withdrew his motion. Discussion continued and included that the County Ordinance requires recommendations from the YSA; that the YSA should make recommendations of individuals who are not coaches and the YSA presidents should be held accountable when meetings are missed; that the current County Ordinance indicates that missing three (3) meetings without an acceptable reason will result in an automatic removal and that the BOC can remove individuals appointed with or without cause and with or without notice, but there is no indication that the YSA can remove their representative; and that the next Rec Board is on Sunday, January 30.

Final discussion included that a letter should be sent to every Rec Board member outlining that they are expected to be at every Rec Board meeting unless they have a good reason for their absence, that the Commissioners want the Rec Board to re-institute what it is to do and the Commissioners may be looking at upgrades to that, that the members should recommit to being part of the Rec Board or resign, and that a copy of the letter be sent each YSA; and that the Rec Board should meet with the Commissioners at a Work Session on February 1 at 6 PM to discuss these issues and for the Commissioners to make a decision on the 15<sup>th</sup> regarding the future of the Rec Board. There were no objects to the Work Session or to sending the letter as suggested.

- B. **Appointment to the Recreation Board.** Commissioner Wyatt made the motion to appoint Commissioner Langston to the Recreation Board as the ex-officio non-voting position formerly held by former Commissioner Whearley. The motion was seconded by Commissioner Loudermilk and passed unanimously.
- C. **Development Authority: Appointment.** Upon the motion by Chairman Lange, second by Commissioner Loudermilk, and unanimous vote, Ben Williams was appointed to the position formerly held by Ken Napier. Mr. Williams' term will be January 19, 2011 to December 31, 2014.

## 5. **NEW BUSINESS**

- A. **NOD Request: Noble Investment Group.** Chairman Lange said that an NOD (Not on Digest) had been received to change the Digest from zero to \$35,554. The motion to approve this NOD was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously. Commissioner Loudermilk commented that when the NOD is regarding personal property, there should be an indication as to the location of the personal property in the County.
- B. **First Reading: Chief Oil Company for Beer & Wine Off Premises at 7535 Highway 85, Waverly Hall.** Chairman Lange said that this was the First Reading and was due to the fact that the applicant failed to renew his off premises license by December 31, and that it had been recommended for approval by the Sheriff and the Community Development Department. The applicant was not present. There being no comments regarding the application, Chairman Lange said that the Second Reading will be during the next meeting.

## 6. **COUNTY MANAGER**

- A. **Agreement with Farner Barley re: Road Extension in Northwest Harris Business Park.** Danny Bridges, County Manager, said that Farner Barley had

provided the engineering in connection with the road in the Northwest Harris Business Park, and that Farnier Barley has submitted a proposal to do the engineering regarding the extension of the road from the Johnson Control (JCI) property up to Daehan, for \$25,000. The motion to approve the agreement/proposal was made by Commissioner Loudermilk, seconded by Commissioner Woods, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A #11-02.)

7. **COUNTY ATTORNEY**

A. **Credit Card Payments: Tax Commissioner's Office.** Danny Bridges, County Manager, said that due to the absence of John Taylor, County Attorney, discussion regarding the credit card agreements for the Tax Commissioners office would be tabled to the February 1 meeting. There were no objections.

8. **RECESS FOR EXECUTIVE SESSION.** Following the request of Danny Bridges, County Manager, for an Executive Session, Commissioner Loudermilk, at 8:14 PM, made the motion to go into Executive Session for the purpose of discussing potential litigation. The motion was seconded by Commissioner Woods and passed unanimously..

9. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.

10. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Loudermilk, seconded by Commissioner Wyatt, and passed unanimously.

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J. Harry Lange, Chairman

Attest:

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Nancy D. McMichael, County Clerk