

HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
October 15, 2013
7:00 P.M.

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

1. **CALL TO ORDER.** Chairman Lange called the Regular Session to order.
2. **MINUTES.** The motion to approve the minutes of the October 1, 2013, Regular Session, was made by Commissioner Woods, seconded by Commissioner Wyatt, and passed unanimously..
3. **OLD BUSINESS**
 - A. **Courthouse Painting.** Commissioner Wyatt said that during the last meeting, the Board decided to purchase a painting of the Courthouse through ACCG; that while the Board made a choice, it didn't seem to be a wholehearted choice; that the First People Bank in Hamilton has a painting of the Courthouse as depicted in 1960, which includes the cupola, and he would like to see that as a painting instead. Following discuss, consensus was to move forward as originally planned.
4. **NEW BUSINESS**
 - A. **Resolution Honoring Judge John D. Allen.** Chairman Lange said that Superior Court Judge John D. Allen is retiring. He then read the resolution honoring Judge Allen. The motion to approve the resolution was made by Commissioner Woods, seconded by Commissioner Langston, and passed unanimously.
 - B. **Resolutions to Annex Two Properties into the City of West Point (Blackwell and Meadwestvaco).** John Taylor, County Attorney, discussed the two resolutions to request the annexation of the recently acquired Blackwell property (11.87 acres) and the soon-to-be-acquired Meadwestvaco property (127± acres) into the City limits of West Point, and for the properties to be rezoned to I-2 to be consistent with the property in the Northwest Harris Business Park into which these two properties will be added. The motion to approve both Resolutions was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.
 - C. **Request for Tax Refund: Skidmore, Daniel Lee.** Chairman Lange said that a request for Tax Refund in the amount of \$31.07 had been received from Daniel Lee Skidmore with the reason being that he sold a vehicle in 2012 and paid the 2013 taxes in error. Chairman Lange said that the Tax Commissioner agrees with the request. The motion to approve the tax refund in the amount of \$31.07 was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.
 - D. **Development Authority Budget FY 13/14.** Chairman Lange said that the Development Authority had submitted a budget of \$21,150, which is \$100 more than last year, and he asked Lynda Dawson, Development Authority Chairman, for comments. Mrs. Dawson said that the increase of \$100 was because the cost to advertise in the Harris County magazine increased by \$100. The motion to approve the budget was made by Commissioner Woods, seconded by Commissioner Wyatt, and passed unanimously.
5. **COUNTY MANAGER**
 - A. **Comprehensive Plan Update.** Greg Wood, County Manager, said that he had attended the recent public hearing, held at Hamilton City Hall, regarding the Comprehensive Plan Update. He briefly discussed same and said that he will keep the Board posted on the status.
 - B. **Zoning Text Change Suggestion re: Deer Processing.** Greg Wood, County Manager, said that a citizen is interested in opening a deer processing and taxidermy business on a commercial property; that the two overlap in the A-1, M-1 and M-2 areas; that to rezone a commercial property to agricultural or industrial may not be appropriate; that it is being suggested to expand the districts in which deer processing can be done to include C-1, C-3,

or C-4 with a Special Use Permit because with such, the property may be appropriately zoned, but the location may not be appropriate, and the Board maintains control without having the property rezoned. Commissioner Langston said that while she is not against deer processing or taxidermy, she is concerned that changing the Ordinance will give the perception that it is being changed for an individual. She asked if the Planner was involved with the staff recommendation, and Mr. Wood said that the recommendation took place prior to the Planner coming on board, and it was a joint recommendation made by himself, Brian Williams (Community Development Director) and Nancy McMichael (County Clerk). Commissioner Langston said that she would like to have the Planner's opinion on this issue. She also said that Special Use Permits seem to be becoming the "norm" rather than keeping the Zoning process in place; that the Planning Commission is in place to hear zoning requests; that since March 20, 2012, there have been 29 Zoning or Special Use Permits requests and 17 of those are Special Use; that she is concerned it is becoming a "catch-all" rather than using the Zoning system and process as it should be used. She concluded that she does have a problem with changing an Ordinance because of the interest of one individual who wants to open a business. Commissioner Woods said that while he basically agrees with Commissioner Langston, this is not the first time this matter has come up; that it is usually a bad idea for Special Use Permits and he has voted against them more than any other Commissioner; and that he would be in favor of limiting the amendment to C-4, which is a little more restrictive than C-1 and C-3. Commissioner Wyatt said that there are few places that will allow deer processing or taxidermy, and that changing the ordinance does help citizens. Following a brief discussion, which included consensus that C-4 would probably be best for the amendment, but while there are valid circumstances where changes are necessary, the integrity of the Zoning ordinance should not be weakened, Chairman Lange tabled further discussion to the November 5 meeting in order to get the opinion of the County Planner.

6. **COUNTY ATTORNEY.** John Taylor, County Attorney, said that he had no business to discuss with the Board this evening.
7. **RECESS FOR EXECUTIVE SESSION.** The motion to go into Executive Session for the purpose of discussing real estate acquisition, potential litigation, and a personnel matter was made at 7:30 PM by Chairman Lange, seconded by Commissioner Langston, and passed unanimously.
8. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made by Chairman Lange, seconded by Commissioner Woods, and passed unanimously.
9. **OTHER**
 - A. **County Clerk Compensation.** Chairman Lange made the motion to give Nancy McMichael, County Clerk, a one-time payment of \$2,500 for acting in the capacity of County Manager during the time frame in which the County was without a County Manager. The motion was seconded by Commissioner Wyatt and passed unanimously.
 - B. **Road Paving List Amendment.** Commissioner Langston said that she wanted to remove Whitesville Road as her #1 priority, move Holland Drive from #2 to #1, and will provide her new #2 choice tomorrow. She said that the main reason for removing Whitesville Road was due to having heard from the majority of the property owners on that road who are opposed to having the road paved.
 - C. **Peed Smith Road.** Chairman Lange said that Commissioner Wyatt has information regarding Peed Smith Road. Commissioner Wyatt said that the elderly woman who lives on the corner, Beretha Epps, has complained that her part of the road has been widened; that County records show there is a 12 foot road width from Hudson Mill Road to a gate at the end; that he found out that Ms. Epps' section of the road was possibly widened a few years ago by the former Public Works Director when a member of the Mounds family, who races cars, couldn't get their equipment in and out. Discussion included that possibly the County could just cut the ditches to 12 feet, that the road has a very good base; that the road goes through Ms. Epps' property; that the County maintains the road from Hudson Mill Road back to the gate. John Taylor, County Attorney, is to look into this matter.

D. **Fishburne Road**. Commissioner Wyatt said that the road is 12 feet from Milner Road to a gate at the end that belongs to Tom Fishburne; that somewhere along the line, the road became a County road through prescription to an iron gate; that another property, Jerry Booker, claims to have an easement across Fishburne's property to get to the back side of Mulberry Creek; that he has advised Mr. Fishburne to get the issue solved with Mr. Booker and the County will end the road anywhere on his property he wants it ended; that Mr. Fishburne has offered to give the County land for a cul-de-sac on the upper part of his land so that the road won't continue through his property; that there have been issues with Mr. Fishburne for which the Sheriff's Office had to be called; that Mr. Booker's property is not landlocked; and that because Fishburne Road is on the paving list, he would like to get this issue solved. Following discussion, which included that the County could possibly abandon a portion of the road, consensus was for John Taylor, County Attorney, is to look into this matter.

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

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk