

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

February 2, 2016

7:00 P.M.

Commissioners Present: J. Harry Lange, Joey Loudermilk, Martha Chewning, Becky Langston, Jim Woods. 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. **PLEDGE OF ALLEGIANCE.** At the request of Chairman Lange, Brian Williams, Community Development Director, led those in attendance in the Pledge of Allegiance.
3. **MINUTES.** The motion to approve the minutes of the January 19, 2016, Regular Session was made by Commissioner Loudermilk, seconded by Commissioner Langston, and passed unanimously.
4. **APPEARANCE OF CITIZENS**
 - A. **Cathy & Rickey Flournoy: Washington Road Status.** Cathy and Rickey Flournoy, citizens, appeared before the Board regarding the progress of the Washington Road project. Mr. and Mrs. Flournoy said that up until December 17 work was progressing at an awesome pace; that the heavy rainfall occurred and since that time no work has been done, other than to make the road passable due to damage from the heavy rains; that the road is not wet; that work should be progressing; and that if work doesn't start back up, it won't get finished by April. Greg Wood, County Manager, said that because of the heavy rainfall, work could not progress until the ground has dried; that they can't move wet ground; that once the weather is better and the ground has dried, work will continue; that some of the recent delay has been due to the relocation of a utility pole, which in the process of being resolved; and that the contractor had to perform emergency road repairs elsewhere as a result of the heavy rainfall. Mr. and Mrs. Flournoy said that the road has been narrowed in a couple of places, which makes it more dangerous than it was before. In response to a question regarding the relocation of where Washington Road intersects with Morgan Copeland Road, Mr. Wood said that such was done in order to provide better visibility.
 - B. **Earl Cheal: Power Grid and Electro Magnetic Pulse.** Earl Cheal, citizen, appeared before the Board and said that even though Harris County does not have a power grid, there should still be concern about the possibility of electro magnetic pulses (EMP) , which result from nuclear explosions or from solar flares and coupled with hacking or physical attacks, can destroy or severely damage electrical systems, which in turn, can have a detrimental effect on the citizens. He provided information on resources and contacts regarding EMPs.
5. **OLD BUSINESS**
 - A. **Second Reading: Application of John Kalvelage of Butts Mill Farm for Special Events Facility Alcohol License at three (3) locations - Carriage House, Covered Bridge and Hoedown Barn, 2280 Butts Mill Road, Pine Mountain.** Chairman Lange said that this is the Second Reading; that the three locations are the Carriage House, Covered Bridge and Hoedown Barn; and that the Sheriff's Office and Community Development had recommended approval of the application. Lisa White, representing Butts Mill Farm, appeared before the Board and said that she appreciated the support and assistance she has received from the County, and that they look forward to being able to have special events in the three locations. Nancy McMichael, County Clerk, said that during the First Reading there was discussion regarding the location of the Covered Bridge and that it has been determined it is located in Harris County. Ms. White confirmed the bridge location. Chairman Lange asked if anyone wished to speak in favor or in opposition to the application. There being none and there being no questions from the Board, the motion to approve the three (3) Special Event Facility alcohol licenses was made by Commissioner Woods, seconded by Commissioner Chewning, and passed unanimously.
 - B. **Appointments: Housing Authority and Behavioral Health & Development Disabilities Region Six Advisory Council.** Chairman Lange said that vacancies still exist on the Housing Authority and on the Behavioral Health & Development Disabilities Region Six Advisory Council (formerly known as Mental Health, Development Disabilities & Addictive Diseases Board).

- (1) Housing Authority. Commissioner Chewning made the motion to appoint John Winchester to the position formerly held by J.R. Beall, who did not wish to be reappointed, with his term expiring October 31, 2020. The motion was seconded by Commissioner Woods and passed unanimously.

Commissioner Chewning made the motion to appoint Chris Butzon to complete the term of O.C. Stiggers, who has not been attending meetings and whose term will expire October 31, 2017. The motion was seconded by Commissioner Woods and passed unanimously.

- (2) Behavioral Health & Development Disabilities Region Six Advisory Council. Commissioner Chewning made the motion to appoint Lynne Taylor to the position formerly held by James Taylor who did not wish to be reappointed, with her term expiring June 30, 2019 OR December 30, 2019. (Not sure of date; getting that verified.)

The motion was seconded by Commissioner Loudermilk and passed unanimously.

6. NEW BUSINESS

- A. Appointment: Recreation Board. Chairman Lange said that Johnny Kuykendall has resigned from his “at large” position on the Recreation Board and that an appointment needed to be made. Commissioner Langston asked that the appointment be tabled, and there were no objections.

7. COUNTY MANAGER

- A. JCI Update. Greg Wood, County Manager, gave an update regarding the recent changes of Johnson Controls (JCI) in the Northwest Harris Business Park.

8. COUNTY ATTORNEY. John Taylor, County Attorney, said that he had no business to discuss with the Board this evening.

9. PUBLIC HEARINGS @ 7:30 PM

- A. Explanation of Public Hearing Procedures. The procedures regarding the scheduled Public Hearings were explained by Chairman Lange.

- B. Conflict of Interest Forms. The Conflict of Interest forms were completed at the request of Chairman Lange.

- C. Application of Brenda Yancey for Special Use Permit for a Private Kennel for 18 dogs on Land Lot 107, Land District 20, Map 011, Parcel 001; current use residence; proposed use private kennel for 18 dogs; property zoned A-1; property located at 6056 Licksillet Road, Hamilton. Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that both the Planning Commission and Staff had recommended approval of this application. Brenda Yancey, applicant, and her husband, Billy Ray Yancey, appeared before the Board to discuss her application. Mrs. Yancey said that she has 13 dogs, her daughter has three and will be moving out in April, and they have a small Basset Hound; that they consider all the dogs their children; that some of the dogs stay in the backyard while others stay in the house, but all are free to roam in and out of the house; that the backyard is fenced; that the dogs cannot get out of the fence; that they are all well cared for; that all have been spayed or neutered; and that all are current on rabies shots. There being no questions from the Board, Chairman Lange asked if anyone wished to speak in favor of the application.

Kim Huff, citizen, appeared before the Board and said that Mr. Yancey is her brother; that Mrs. Yancey takes good care of her dogs; that her house is very clean; and that they are very attached to the dogs.

Wes Odom, citizen, appeared before the Board and said that he is a neighbor of the Yanceys; that the dogs don't cause problems in the neighborhood; that they are well-taken care of; and that he hopes the Board votes favorably.

Ken Gibson, citizen, appeared before the Board and said that he has lived in the neighborhood about 13 years; that the dogs are not allowed to roam free; and that they are well-taken care of.

There being no further comments in favor, Chairman Lange asked if anyone wished to speak in opposition. There being none, he asked Mrs. Yancey for any closing comments.

Mrs. Yancey said that she just wants to be able to take care of her “babies”.

Chairman Lange asked for comments or questions from the Board. In response to questions, Mrs. Yancey said that a deputy was called to her home for a reason not having to do with the dogs; and that while the deputy was there he saw some of the dogs and notified Animal Control, which is the reason she is before the Board; that she has no plans to obtain more animals; that when these die, she will not replace them; and that she lives on 5.5 acres.

There being no further questions or comments, Chairman Lange closed the Public Hearing and asked for a motion.

The motion to approve this Special Use Permit for 18 dogs was made by Commissioner Langston and seconded by Commissioner Loudermilk. Commissioner Woods asked that the motion be amended to include that the Special Use Permit is only for the 18 dogs currently on the property and that none can be replaced until the number of dogs is reduced to three, through attrition, after which any of the remaining three can be replaced. Commissioner Langston amended her motion regarding same and Commissioner Loudermilk amended his second. The motion passed unanimously.

- D. **Application of Shannon Boykin for Special Use Permit for a Private Kennel to allow a Dog Training Facility on Land Lot 41, Land District 21, Map 069, Parcel 006A001; current use residence and farm; proposed use to add a dog training facility; property zoned A-1; property located at 384 Harold Williams Road, Hamilton.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that both the Planning Commission and Staff had recommended approval of same. Shannon Boykin, applicant, appeared before the Board and said that she plans to offer dog training to include obedience, agility and barn-hunt and that she will not be boarding any animals. There being no questions from the Board, Chairman Lange asked if anyone wished to speak in favor of this application.

James York, citizen, appeared before the Board and said that he lives behind the subject property and has no objections to the application.

There being no further comments in favor, Chairman Lange asked if anyone wished to speak in opposition. There being none and there being no final comments from Ms. Boykin, Chairman Lange closed the Public Hearing and asked for a motion.

The motion to approve this Special Use Permit for a Private Kennel in order to allow a Dog Training Facility with the condition of no overnight boarding was made by Commissioner Chewning, seconded by Commissioner Loudermilk, and passed unanimously.

- E. **Application of Christy Brinker and Michael Wright to Rezone 4.19 acres on Land Lot 132, Land District 18, Map 082, Parcels 004 (3.19 ac) and part of Parcel 002 (1.00 ac) from R-1 (Single Family Residential) to A-1 (Agricultural & Forestry); current use residential; proposed use residential with existing farm animals; property located at 160 Deer Run Drive (parcel 004) and 110 Deer Run Drive (parcel 002), Ellerslie.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that both the Planning Commission and Staff had recommended disapproval of this application. Christy Brinker, one of the applicants, appeared before the Board and said that she has lived there since 1999; that when she purchased the property she was under the impression that it was agricultural; that she has a 31-year-old mare, a miniature horse, goats and chickens; that a neighbor complained to Animal Control about her chickens in October and she was notified that her property was R-1 and could not have such animals; that she just wants to stay there and be able to take care of the animals she has. There being no questions or comments from the Board, Chairman Lange asked if anyone wished to speak in favor of this application.

Carl Colfield, president of Deer Run Homeowners Association (HOA), appeared before the Board and said that he has known Ms. Brinker for several years; that there are no objections from the HOA regarding the rezoning; that there are no problems with the animals; and that he does not see a problem with allowing the rezoning in order to keep her animals.

Gerald Breedlove, citizen, appeared before the Board and said that Ms. Brinker takes very good care of her animals; that he helps her with fence repairs when needed to make sure the

animals don't get out; and that he has no objection to the rezoning.

There being no further comments in favor, Chairman Lange asked if anyone wished to speak in opposition to this application.

George Stokes, citizen, appeared before the Board and said that he is the one who called Animal Control to complain about Ms. Brinker's chickens because they come into his yard and scratch up his plants; that her horse has gotten out and when that happens, it a danger to traffic; and that the goats eat his trees and shrubs.

There being no further comments in opposition, Chairman Lange asked Ms. Brinker for rebuttal.

In rebuttal, Ms. Brinker said that there have been no problems until last year; that for most of the 17 years there have been no problems; that her horse did get out once but was soon back in her yard; that several years ago there was a claim that one of her goats rammed a van, but it was tossed out of court due to lack of evidence; that since the issue with her chickens, they haven't gotten out again; that the previous owner of the house also had similar animals; that she wants to be able to keep her animals and doesn't want to resort to getting an attorney.

Commissioner Langston asked Brian Williams, Community Development Director, how long Deer Run had been zoned R-1, and Mr. Williams responded that all the zoning maps show it has always been R-1.

There being no further comments or questions, Chairman Lange closed the Public Hearing and asked for a motion.

Commissioner Loudermilk said that he sees both sides of the issue and has concerns. Discussion included that the property cannot be "grandfathered"; that allowing the rezoning would be considered "spot" zoning; that all the property around the subject property is zoned R-1. Commissioner Loudermilk said that he understands from Begin Again Farm, which takes in abused and neglected horses, that moving an aged horse is not good for the horse and that it is difficult for the horse to adjust to new surroundings; that he understands the neighbor has issues with the animals getting out and that something needs to be done to stop that from happening.

Commissioner Loudermilk then made the motion to approve the rezoning application. Commissioner Langston commented that the Board has faced similar rezonings in the past; that the Board members have to make decisions with their head, not their heart; that allowing spot zoning, such as this would be, is not good for the County. Commissioner Chewing asked about the covenants and John Taylor, County Attorney, said that while the covenants may allow farm animals, the Zoning ordinance makes the final determination; that the County does not enforce covenants; and that covenants cannot overrule the Zoning ordinance.

Commissioner Loudermilk's motion to approve failed for lack of a second.

Chairman Lange said that while the Board would like to be able to do something and allow the rezoning, they must follow the rules of the County; that he had attended the Planning Commission meeting and heard the comments, both in favor and opposed, and that the co-applicant even volunteered to have all of his property rezoned to A-1 if it would help.

Chairman Lange then made the motion to deny this rezoning application. The motion was seconded by Commissioner Chewing, and passed with three in favor (Lange, Chewing, Langston) and two opposed (Loudermilk, Woods).

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

Attest:

J. Harry Lange, Chairman

Nancy D. McMichael, County Clerk