

THE STATE OF TEXAS

COUNTY OF KENDALL

BE IT REMEMBERED, that the Commissioners Court of Kendall County, Texas, was begun and held at a Regular Meeting at the Historic Courthouse in Boerne, Texas, on the 27th day of November, 2006.

Present:

EDDIE J. VOGT, COUNTY JUDGE
ANN REISSIG, COMMISSIONER, PCT. #1
GENE MIERTSCHIN, COMMISSIONER, PCT. #2
DARREL LUX, COMMISSIONER, PCT. #3
RUSSELL C. BUSBY, COMMISSIONER, PCT. #4
SALLY W. PETERS, DEPUTY COUNTY CLERK

The meeting was called to order with the Pledge of Allegiance to the United States and Texas flags.

The Court extended sympathy to the family of former Texas State Senator Frank Madla and his mother-in-law, Mary Cruz.

9:01

Kay Pugh, Deputy District Clerk, was presented with a Service Award for 15 years and Jason Allen, Road & Bridge, was presented with a Service Award for 5 years.

THE STATE OF TEXAS 9:02

COUNTY OF KENDALL

It is ordered by the Commissioners Court of Kendall County, Texas, to approve the Monthly Reports for October 2006 as submitted by the Auditor's Office (on file).

Motion was made by Commissioner Lux, seconded by Commissioner Reissig, and carried by a vote of 5-0.

THE STATE OF TEXAS 9:04

COUNTY OF KENDALL

It is ordered by the Commissioners Court of Kendall County, Texas, to approve

the Claims as presented by the Auditor's Office (on file).

Motion was made by Commissioner Lux, seconded by Commissioner Busby, and carried by a vote of 5-0.

THE STATE OF TEXAS 9:10

COUNTY OF KENDALL

It is ordered by the Commissioners' Court of Kendall County, Texas, to change the employment status of the Human Resources Director from temporary to regular.

Motion was made by Judge Vogt, seconded by Commissioner Busby, and carried by a vote of 4-0 with Commissioner Lux abstaining.

THE STATE OF TEXAS

9:12

COUNTY OF KENDALL

It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the donation of sick leave from one employee to another.

Motion was made by Commissioner Lux, seconded by Commissioner Busby, and carried by a vote of 5-0.

THE STATE OF TEXAS

9:14

COUNTY OF KENDALL

It is ordered by the Commissioners' Court of Kendall County, Texas, to give a 30-day notice of termination to the Kendall Appraisal District for the lease on the third floor of the Courthouse and extend to them additional time if needed to vacate their record storage, and to offer them space if available in the metal storage building on the County property at 114 Rosewood.

Motion was made by Judge Vogt, seconded by Commissioner Busby, and carried by a vote of 5-0.

THE STATE OF TEXAS

9:16

COUNTY OF KENDALL

It is ordered by the Commissioners' Court of Kendall County, Texas, to reinstate the burn ban for 90 days effective immediately (attached).

Motion was made by Commissioner Lux, seconded by Commissioner Reissig, and carried by a vote of 5-0.

9:18

No action was taken on the request for cave and karst data from the Texas Speleological Survey on behalf of the Thoroughfare Planning Committee (a motion and a second were made and then withdrawn).

THE STATE OF TEXAS

9:23

COUNTY OF KENDALL

It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Resolution to request support from Senator Jeff Wentworth and Representative-Elect Nathan Macias for a bill under Local Government Code 231 that would give Kendall County more authority in regulating development (attached).

Motion was made by Commissioner Miertschin, seconded by Commissioner Reissig, and carried by a vote of 3-2 with Judge Vogt and Commissioner Busby voting against.

THE STATE OF TEXAS

9:23

COUNTY OF KENDALL

It is ordered by the Commissioners' Court of Kendall County, Texas, to approve a workshop that will be open to all concerned citizens for input in drafting the bill that would give Kendall County more authority in regulating development.

Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, and carried by a vote of 5-0.

9:25

The deadline for submission of nominations to replace Carol Mathews on the Kendall Appraisal District Board of Directors is January 4, 2007.

9:27

The presentation of the summary of activities for Road & Bridge during October 2006 was waived for the sake of time (attached).

9:32

A Public Hearing was held for the Order to prohibit or regulate the keeping of wild animals in the unincorporated area of Kendall County. The following people spoke:

Judge Vogt read part of Richard Strieber's letter expressing concerns about certain species included in the Order and the Judge also explained that the list of species in the Order was derived from the state's lists.

Lynn Cuny with Wildlife Rescue and Rehabilitation spoke in favor of the Order because of the public safety issue and animal protection.

Commissioner Miertschin and Judge Vogt noted that the wording in the snake provision was not what the Court intended and read the correct wording to be any poisonous, non-native.

Suzan Anderson said she strongly opposes the Order as it infringes on the rights of responsible property owners.

The County Attorney reminded the public that an Order adopted January 14, 2002, is already in effect to ban keeping wild animals in the County and that this Order is simply to be more specific, giving the County no additional authority only more specific authority for enforcement.

Ron Tremper said that he is a professional biologist with a reptile and amphibian breeding center and asked that only poisonous reptiles be prohibited and not non-native snakes and offered to help create a better list.

Peyton Turk from the Red Crest Pet Shop expressed concern about restricting people's rights and the criteria the Court used to determine what is dangerous.

Judge Vogt said that animals on the list are not all dangerous but some are considered protected.

The County Attorney said the list was meant to be comprehensive and through citizen input would be pared down.

David Barker commented that the animal list should be more specific and spoke about various things that make animals dangerous.

Larry Lester said that the Order needed a provision to allow for the intellectual curiosity of children and to encourage scientific companies relocating in the County that would use animals for research.

Carolyn Chipman-Evans said that she is the Executive Director of the Cibolo Nature Center and appreciated the wildlife brought to the Nature Center and doesn't want businesses that handle wildlife harmed and expressed concern for the County spending money to regulate wildlife rather than controlling water usage.

Judge Vogt said that no additional personnel would be hired to enforce the Order and that the purpose of the Order is not to take away rights but to ensure the safety of the citizens and enable the County to settle disputes.

The County Attorney said the Order is needed to legally settle disputes.

Commissioner Lux said the Order is to protect animals as well as humans and that the approval of the Order does not need to be made today.

Michael Murray expressed approval of the Order saying it strikes a good balance between safety of the animals and safety of the citizens.

10:30

The consideration of adopting the Order to prohibit or regulate the keeping of wild animals in the unincorporated area of Kendall County was delayed until the next Commissioners' Court meeting. The Court invited specific suggestions in writing or email from concerned citizens through Friday, December 1, 2006 so that the amended Order can be published on the County website before the next Commissioners' Court meeting.

PUBLIC COMMENTS:

Jeff Fincke, EMS Administrator, announced that on Monday, December 25th, EMS will have their Christmas Breakfast at the Hungry Horse from 7 a.m. until 11 a.m.

Don Allee announced that Carol Robinson, Victim Rights Coordinator, has resigned after seven years of outstanding service.

Court recessed for a Break.

10:45

The County Development Manager presented a summary of activities during October 2006.

THE STATE OF TEXAS

10:47

COUNTY OF KENDALL

It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to minimum road frontage and lot size on Zoeller Lane in accordance with paragraph 301.1000 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006) for an 18.9-acre tract and a 0.176-acre tract which are to be divided into a 14.7-acre tract with access through an existing 20-foot easement and a 4.3-acre tract which will be combined with an adjoining 70-acre tract (Donald McCuaig).

Motion was made by Commissioner Busby, seconded by Commissioner Reissig, and carried by a vote of 5-0.

THE STATE OF TEXAS

10:50

COUNTY OF KENDALL

It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to minimum road frontage and lot size on Interstate 10 Frontage Road in accordance with paragraph 301.1000 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006) for a proposed .024-acre tract which is to be divided out of a 4.35-acre tract (Ingram Ready Mix) and to be combined with a 5.358-acre tract which has access to the Interstate 10 Frontage Road through Becker Lane (a private road). The purpose of this division is to comply with the City of Boerne sign ordinance in the extraterritorial jurisdiction (ETJ).

Motion was made by Commissioner Reissig, seconded by Judge Vogt, and carried by a vote of 4-1 with Commissioner Lux voting against.

THE STATE OF TEXAS 10:52

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to the minimum 50-foot building setbacks on two one-acre tracts (Tom Lanier) adjoining Boerne Mini Storage in accordance with paragraph 305 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006). The relief is for zero setbacks on three perimeter sides of the two lots and a 10-foot setback on the side adjacent to the property owned by Joy Pipe USA LLC. The proposed use of the tracts is for commercial development.

Motion was made by Commissioner Reissig, seconded by Commissioner Busby, and carried by a vote of 4-1 with Commissioner Miertschin voting against.

THE STATE OF TEXAS 10:55

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to minimum lot size on Green Cedar Road in accordance with paragraph 301.1100 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006) and the Kendall County On-Site Sewage Facilities Order adopted March 13, 2006 for a proposed 2.0-acre tract which is to be divided into two tracts: 1.1 acres with 368 feet of frontage and 0.9 acres with 669 feet of frontage on Green Cedar Road (Michael Rusch and Kelton Fiedler).

Motion was made by Commissioner Busby, seconded by Commissioner Lux, and carried by a vote of 5-0.

THE STATE OF TEXAS 11:00

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to allow the dedication of land by Elwood Nelson to allow the elimination of a cattle guard on Walnut Grove Road.

Motion was made by Commissioner Lux, seconded by Commissioner Busby, and carried by a vote of 3-1 with Judge Vogt voting against and Commissioner Miertschin abstaining.

Court went into Executive Session and as a result the following motion was made:

THE STATE OF TEXAS 11:05 #1

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, that the County Attorney and the County Development Manager proceed as discussed in Executive Session for the purchase of park land and authorize the County Judge to sign any documents if needed. Motion was made by Commissioner Busby, seconded by Commissioner Lux, and carried by a vote of 5-0.

Being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS 11th DAY OF DECEMBER A.D., 2006.

ATTESTED: _____ COUNTY CLERK KENDALL COUNTY, TEXAS

_____ COUNTY JUDGE KENDALL COUNTY, TEXAS