

REGULAR CALLED MEETING
City Council
July 23, 2019

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, July 23, 2019, at 9:30 a.m., at the Brownwood Municipal Court, 1050 West Commerce, Brownwood, Texas, with the following members present:

Stephen E. Haynes	:	Mayor
HD Jones	:	Councilman – Ward 1
Ed McMillian	:	Councilman – Ward 2
Walker Willey	:	Councilman – Ward 5
Pat Chesser	:	City Attorney
Emily Crawford	:	City Manager
Christi Wynn	:	City Secretary

with members, Larry Mathis, and Draco Miller, absent, constituting a quorum of the City Council.

CALL TO ORDER:	Mayor Haynes called the meeting to order.
PLEDGE OF ALLEGIANCE:	Pledge of Allegiance was led by Councilman Willey.
INVOCATION:	Invocation was given by Mayor Haynes.
ITEMS TO BE WITHDRAWN:	None
INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS:	None
CITIZENS PRESENTATIONS:	None

APPROVAL OF MINUTES:

A motion was made by Willey, seconded by McMillian, to approve the minutes of the Police Chief swearing-in on July 8, 2019, and the Regular Called Meeting on July 9, 2019, as presented. Upon vote, motion carried unanimously.

CLAIMS AND ACCOUNTS:

Assistant Finance Director, Melanie Larose, was present for questions regarding the checklist. There was discussion about new formatting on the checklist due to a software upgrade. Mayor Haynes stated that the credit card listing inside the checklist will be sufficient and a separate report was no longer necessary. A motion was made by McMillian, seconded by Willey, that the Claims and Accounts dated through July 19, 2019, be approved for payment as submitted. Upon vote, motion carried unanimously.

PUBLIC HEARING:

Conduct a public hearing and consider an ordinance on first reading regarding the keeping of chickens in the City Limits.

Mayor Haynes opened the public hearing.

Development Services Director, Tim Murray, went over the changes recommended by the Planning and Zoning Commission as follows: The City of Brownwood's current Ordinance does not give a specific number of chickens one can have, but rather states that each bird kept must be in a pen or coop and have a minimum space of 100 square feet per bird. On March 26th, the City Council discussed the Ordinance and recommendations by staff. Council took action to refer the Ordinance to the Planning and Zoning Board to review and recommended a minimum of 10 chickens and no roosters. The Planning and Zoning Board met on April 4, May 2, and June 6, to review and discussed changes to the Ordinance. The Board voted for the following changes:

Under section 98-2 Definitions: Added - the definition of an "Offsite Receptor" means offsite residences, institutions (e.g., schools, hospitals), industrial, commercial, and office buildings, parks, or recreational areas inhabited or occupied by the public at any time without restriction. (See Section 98-583 (b) (5) regarding setbacks.)

Section 98-583 (b) (1): Added - No livestock other than chickens shall be permitted to be kept, harbored or maintained within the following zoning districts of the city: R-1, R-1A, R-1B, R-2, R-3, MH, CN, C-2A, C-U AND CO, excluding ranchette subdivisions established under chapter 94, article VI, division 2 of this Code. Livestock may be permitted as a conditional use in the following zoning districts of the city: RR, C-1, C-2, M-1, M-2 and A-1.

Section 98-583 (b) (3): Added - "No Emu, Ducks, Geese, Guinea, Roosters, Turkey or any other fowl other than chickens shall be allowed or permitted to be kept in the City.

Section 98-583 (b) (4): Added - With the exception of chicken coops, any structure, pen, shelter, enclosure or other means used to restrain an animal, including, without limitation, a rope, shall be located not less than 75 feet from any street right-of-way or lot line. Chicken coops and/or pens are restricted to backyards ONLY and must be a minimum of 10 feet from a neighboring property line and a minimum of 50 feet from a neighboring occupied structure or offsite receptor.

Section 98-583 (b) (5): Added - Fences for pens, corral fences or similar enclosures must be of sufficient height and strength to retain animals. Chickens shall be restricted to a maximum of eight (8) hens per residence, roosters are prohibited within the city limits. All chickens shall be properly penned and contained. There shall be a minimum space for coops of four (4) square feet for each bird and a minimum space for runs (or pens) of fifteen (15) square feet per bird. Pens, coops and poultry runs must meet a setback minimum of ten (10) feet from neighboring property lines and 50 feet from neighboring occupied structures or offsite receptors.

Section 98-583 (b) (7): Added - The keeping of livestock including chickens in the zones indicated in subsection (b) (1) above, may only be permitted so long as such use does not cause a hazard to health by reason of unsanitary conditions, and are not offensive by reason of odors, dust, fumes, noise or vibration, and are not otherwise detrimental to the public welfare.

Mr. Murray stated that the Chairman of the Planning and Zoning Commission, Larry McBride, was present.

Mayor Haynes asked that roosters be stricken from Section 98-583 (b) (3) as it is out of context because the other animals are listed by type and not by gender and roosters are addressed in another section as not being allowed.

There was discussion regarding runs and if they were necessary. Councilman McMillian explained that in order to keep a clean coop, the run is necessary. It would not be sanitary or humane to keep a bird in a coop all day. He explained that a coop is for roosting and laying. There was discussion about the distances the chickens must be kept from other property owners. Mr. Murray stated that their main problem now is people letting their chickens run at large. Councilman McMillian complimented the time and work the Planning and Zoning Commission has done regarding the keeping of chickens. Mayor Haynes expressed his concern with the Rural Residential Zone only being allowed to have eight chickens. Councilman McMillian requested ten birds instead of eight as suggested by the Planning and Zoning Commission because ten birds will feed a family of four. There was discussion about the proposed changes and how they will allow citizens to have chickens if they desire with fewer restrictions. Mayor Haynes stated that he believed that we should only restrict and put ordinances in place and adversely affect the freedom of the right of what people want to do when it is necessary to protect an important interest. He asked, "What is the pressing issue or reason that we feel the need to tighten the regulation?" Mr. Murray stated that Code Enforcement generally addresses issues by complaints. The current ordinance was too broad and it didn't have any defined restrictions. It didn't address any sanitation issues or chickens running at large and was difficult to enforce. Mayor Haynes asked if the changes will make it easier or harder for citizens to have chickens. Councilman McMillian stated that it is making it easier for citizens and for the City to regulate. Mayor Haynes stated that if it is loosening restrictions on citizens, he is in favor of the change. Mayor Haynes asked if there were any others to address the Council under the public hearing. Animal Control Officer, Donald Plate, stated he has received two recent noise complaints about roosters and is in favor of the change.

There being no others to address the Council, Mayor Haynes closed the public hearing. A motion was made by McMillian, seconded by Jones, to table the item until the next Council meeting. Upon vote, motion carried unanimously. Mrs. Crawford asked if the Council would like for staff to look at a different number based on acreage for Rural Residential areas while changes are being made. Councilman McMillian stated yes.

REQUESTS AND PRESENTATIONS:

Consider approval to vote for Mayor, Stephen Haynes, as a representative for Region 6 on TML-IEBP Board of Trustees.

Mayor Haynes stated that he currently serves on the TML Health Board and has for been for some time now. He stated that the terms are three years and requested the Council take action to approve three additional years. A motion was made by Willey, seconded by McMillian, to approve/vote for Mayor Stephen Haynes as a representative for Region 6 on TML-IEBP Board of Trustees. Upon vote, motion carried unanimously.

CONSENT AGENDA:

A motion was made by McMillian, seconded by Willey, to approve the item on the Consent Agenda as presented. Upon vote, motion carried unanimously.

Consider authorizing the City Manager to sign an agreement and any subsequent addendums, amendments, and acceptance of additional funds during the term of the contract with the Texas Department of State Health Services on behalf of the Brownwood/Brown County Health Department to provide the Women Infant and Children's Nutritional Program to our community.

EXECUTIVE SESSION:

Council convened into Executive Session at 10:10 a.m., in the Jury Room, pursuant to the provisions of the Open Meetings Law, Chapter 551, Government Code Vernon's Texas Codes Annotated, in accordance with the authority contained therein to discuss the following:

Section 551.071 – Consultation with Attorney

Section 551.087 – Deliberations regarding economic development negotiations

- A. Discuss a possible loan/incentive for a local manufacturing company.

Council reconvened into open session at 10:34 a.m.

ACTION TAKEN AS A RESULT OF THE EXECUTIVE SESSION:

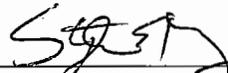
Section 551.071 – Consultation with Attorney

Section 551.074 – Personnel Matters

- A. A motion was made by McMillian, seconded by Willey, to approve a 380 Agreement for an expansion incentive loan to VRC Technologies in the amount of \$185,000 from old BEDC funds payable in job credits for construction of a storage facility and creation of 21 new jobs. Upon vote, motion carried unanimously.

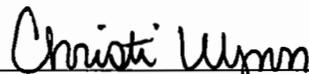
ADJOURNMENT:

There being no further business to come before the Council at this time, Mayor Haynes declared the meeting adjourned.



STEPHEN E. HAYNES, Mayor

ATTEST:



CHRISTI WYNN, City Secretary