

City Council
City of Hillsboro, Texas
Minutes of Regular Meeting
November 1, 2022

Present were:

Andy Smith, Mayor
Eric Fleming, Councilmember
Larry Lloyd, Councilmember
Dana Robinson, Councilmember
Frances Zarate, Councilmember
Leann Richmond, Councilmember
Scott Johnson, Mayor Pro-Tem

Megan Henderson, City Manager
Dale Snyder, Director of Finance/HR
Art Mann, Economic Dev. Admin.
Richard Reinhardt, Planning Official
Sharon McFadden, City Secretary
Christi Ward, Administrative Asst.

Assistant City Manager, Tony Cain, was absent

Others present:

Shannon Cottongame, Reporter
Casey Simpson, Oncor Representative
Justin Penny, Hillsboro Police Officer
Mary Anne Comvalius

Mayor Smith called the Regular Meeting to order at 6:02 p.m. Bishop Billy Clark of Believer's Christian Church led the Invocation. Mayor Smith led the Pledge of Allegiance.

Hear Statements from Persons Wishing to Address Council.

No one addressed the Council.

Consent Agenda

Mayor Smith informed Council that agenda numbers five (5) through eight (8) require no formal public hearing and are subject to being approved in a single motion. However, any City Councilmember or the City Manager may remove an item from the Consent Agenda to allow discussion and voting on the item individually.

(Agenda Item #5)

Deliberate and Act on Approval of the Minutes for the Regular Meeting on October 18, 2022.

(Agenda Item #6)

Act on the Approval of Bills.

(Agenda Item #7)

Deliberate and Act on a Resolution Accepting the Recommendations of the Planning and Zoning Commission Approving a Re-Plat of Lots 4-9, Kirkpatrick Addition in the City of Hillsboro, Becoming Lot 4-R Kirkpatrick Addition, in the City of

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Hillsboro; Being the Same Property by Reference as Recorded in Volume 2147, Page 847 of the Official Public Records of Hill County, Texas. Also Known as the Property Between Mulberry Street and Corsicana Highway to the West of McKenzie Avenue.

(Agenda Item #8)

Deliberate and Act on a Resolutions Accepting the Recommendations of the Planning and Zoning Commission Accepting a Preliminary and Final Plat, Four Mile Creek Addition, in the Extra Territorial Jurisdiction (ETJ) of the City of Hillsboro; on a Certain Tract of Land Being 1 Acre Situated in the Henry Ross Survey, Abstract No. 755 and Being the Same Property by Reference as Recorded in Volume 2189, Page 595 of the Official Public Records of Hill County, Texas. Also Known as Property on the West of Old Kirby Road to the South of HCR 2453.

Mayor Smith asked Council if there were any questions or comments regarding the Consent Agenda Items. There were no responses. On a motion by Councilmember Lloyd and second by Councilmember Fleming, Consent Agenda Items #5 through #8 were accepted and approved.

On roll call, the following votes were cast:

Ayes: Fleming, Lloyd, Robinson, Zarate, Richmond, Johnson

Nays: None Absent: None

Regular Agenda

(Agenda Item #9)

Deliberate and Act on a Resolution Approving an Easement Modification Agreement with Oncor to Permit Use of Poles for Transmission Lines.

The City Manager said Oncor is in the process of upgrading part of the transmission system. Part of the proposed new facility will run through property that currently belongs to the City of Hillsboro. The easement which Oncor's facility is located dates back to more than 100 years. Transmission lines are required to be on towers and not on poles. Construction methodology has progressed over time and it is the opinion of staff that this no longer serves the public. Oncor's engineers are making sure the towers are not flimsy. The towers are less unsightly and visually intrusive. The City Manager said Oncor approached staff to ask if there would be a willingness to recommend a modification agreement to that easement that will permit the lines to be transmitted from poles onto towers. The City Manager said staff recommends approval of the request. Casey Simpson, Oncor Representative was introduced and he explained that the poles will not be aluminum but will be made of steel. The poles will be 100 feet from ground to the top of the pole. The poles are in use today and are not wood poles citizens are accustomed to seeing throughout the City. Mr. Simpson said the steel poles are used throughout their (Oncor) system.

Mayor Smith asked Council if there were any comments or concerns. There were no responses.

On a motion by Councilmember Richmond and second by Councilmember Robinson, Resolution No. R2022-11-78 was accepted and approved.

On roll call, the following votes were cast:

Ayes: Fleming, Lloyd, Robinson, Zarate, Richmond, Johnson

Nays: None Absent: None

(Agenda Item #10)

Hold a Public Hearing, First Reading on an Ordinance and Deliberate and Act on an Amendment of the Terms of the 1997 Animal Control Ordinance, Known as Ordinance No. O97-05-02, Whereby the Purpose is to Add Enumerated Nuisances Relating to Fowl in Order to Place Limits on the Number and Location of Chickens and Other Fowl Kept in Residential Areas of the City.

[City Manager, Megan Henderson, provided Council with the following information in the Council packets prior to the meeting: Proposed Ordinance and a list of public comments regarding chickens.] The City Manager said the concern was discussed in the last Council meeting (October 18, 2022) and after review of limits, staff pitched for “fowl” rather than referring to chickens and ducks, and that “fowl” was more inclusive. The City Manager said staff suggested about four (4) birds total for half an acre and less, and eight (8) birds total for larger lots, only one (1) rooster, and the coop needs to be 20 feet from a neighboring property. Staff expected to receive a lot of needed feedback from people in the community. All sides of the chicken issue were necessary and was a place to start (for considering changes to ordinance). The information was listed in an article in the newspaper (The Reporter), posted in several places on Facebook, and the City Manager has compiled some of the example comments for Council to review. The City Manager said one comment from the public stated that having four (4) laying hens for an average size family of four (4) will not provide enough eggs for a breakfast meal. Another comment was not to allow any roosters, four (4) hens are not enough, chickens are prey, hard to raise, and hard to keep alive so six (6) hens. Another comment was five (5) to six (6) hens are needed to get enough eggs to feed a family so raise the limit from four (4) to six (6) and eight (8) to ten (10). The City Manager said on the Rants and Raves Facebook page, there was more questioning of why the City would worry about this (chickens) and mess with people. Considering opinions, the range was from leaving chickens alone and others commenting on how it is to live next to those having chickens. The complaints included odors and suggestions on requiring the coops to be kept clean. The City Manager said staff cannot enforce something so subjective and the current ordinance references to what is an acceptable level of noise. One who owns chickens may not be bothered by noise but those who do not benefit from receiving eggs, may not want to be disturbed. The City Manager said it is not fair to put police officers or animal control staff in a position to strictly regulate. There needs to be a balance between the property rights on both sides of the issue. Based on feedback received, staff has suggested changes that Council is free to change (draft of Ordinance O2022-11-16). Staff recommendation was no more than one (1) rooster. Some people said no rooster is

necessary since not needed to produce eggs while a few comments were without roosters, there is no ability to perpetuate the flock. No more than ten (10) fowl total lots less than one (1) acre. The City Manager said there are several lots large enough that the limit does not matter. Many people have smaller lots and want the ability to have chickens and it directly affects the grocery budget. The City Manager told Council they have the option to change the suggestions to more or less. Councilmember Robinson said during her visit to the TML conference, chicken ordinances were a big topic being discussed. Councilmember Richmond said she is aware of several communities in our area that do not allow any chickens. Mayor Smith asked the City Manager if staff know how many households or residences have chickens in the city limits. The City Manager said the number of residents with chickens is unknown. The City Manager called on Police Officer Justin Penny for an estimate of how many properties in city limits have chickens. The City Manager asked if there were more than thirty (30). Councilmember Richmond said there are more than thirty (30) just in her district. Officer Penny said there are a lot and not sure what an estimate might be and there are seven (7) to eight (8) calls weekly from dispatch for noise from roosters. Mayor Smith asked Council if there were any comments and stated this is the first reading on this ordinance. With no further questions or comments from the Councilmembers, the Mayor opened the Public Hearing at 6:18 p.m. Mary Ann Comvalius, resident of 216 Smith Street, informed Council of three (3) neighbors having large flocks and roosters disturbing the peace and unsanitary conditions. No one else addressed Council. The Public Hearing was closed at 6:20 p.m. and the Mayor declared the first reading of the ordinance completed. Councilmember Richmond asked if Council is accepting the new recommendations. The City Manager said the agenda is posted for action to approve on first reading but does not put the ordinance in effect. A second reading will be required for the ordinance to take effect. The first reading provides Council the opportunity to discuss and make changes. Councilmembers stated their opinions on the concerns with changing of the ordinance. The City Manager said enforcement of the ordinance may need to be considered to ensure public is aware the concern is being taken serious. For instance, a reported odor would be something code enforcement could possibly assist with by informing how to alleviate the problem. The City Manager said the problem with the ordinance lies with there being no limits or restrictions and that is what can be dealt with. Councilmember Zarate said raising chickens, eating chickens and eggs, are part of her Hispanic heritage and strict restrictions will have a negative impact. The City Manager said she posted notice on the Facebook page in Spanish to accommodate the Hispanic community and there was one (1) response. The City Manager said it is possible to vary restrictions for areas with an overlay and staff could provide an assessment. However, the result may be having to review the ordinance over again. Councilmember Johnson said there is a concern of the smell, concern roosters crowing, and asked if the ordinance includes restricting chicken on the owner's property. The City Manager said there is an inexpensive collar device that could be purchased to prevent roosters from crowing. Chickens can create nuisances and there is a need to address the reported issues. Councilmember Richmond said it is her understanding some cities have eliminated chickens and roosters is due to regulating the ordinance and time taken by staff to respond to the issues. Councilmember Johnson said it is of concern for staff to respond and having more pressing issues to resolve. Mayor Smith asked for clarification of the changes to the ordinance. The City Manager said

allowing one (1) rooster, between four (4) and eight (8) chickens depending on if the lot is half an acre or larger. The current proposal allows one (1) rooster and ten (10) chickens for an acre or less, and unlimited chickens above that (more than an acre). Mary Anne Comvalius said she has no chickens but the neighboring chickens fly into her yard and in early summer ate her garden. Although the owner of the chickens offered to pay Ms. Comvalius, she was wanting her fresh vegetables. Councilmember Richmond said animal control responds to her area and addresses the problem of roaming chickens. All is good for a few days and then the same problems reoccur. The City Manager said people have complained about rooster noise and code enforcement addresses the concerns. There is opportunity for staff to enforce the laws that are in the ordinance. If chickens are roaming, the City staff have the ability to address that issue. The City Manager said there needs to be review of how the ordinance is being enforced. Strengthening enforcement would provide understanding to the community that the City (of Hillsboro) is serious about dealing with the issues. The first-time issue could be addressed by assisting the person in correcting the problem. Repeat offenses would be handled more strictly. The City Manager said many people said not to have limits (on chickens) but to require cleanliness (of the coops). Having limits on the number of chickens would likely result in less problem of cleanliness. Councilmember Zarate said her area of town which she has resided in for 40 years has always had chickens. Restricting would negatively impact her area of town. Mayor Smith asked if there were any comments by Council. The City Manager said this is a first reading and does not bind Council but gives staff direction on moving forward at this time. On a motion by Councilmember Robinson and second by Councilmember Fleming, Regular Agenda Item #10 was accepted and approved.

On roll call, the following votes were cast:

Ayes: Fleming, Lloyd, Robinson, Zarate, Richmond, Johnson

Nays: None Absent:

Proposed Ordinance No. O2022-11-16

(Agenda Item #11)

Hear and Deliberate on City Manager's Report.

a. Update on Strategic Goals 1-4

i. Ensure Responsible, Equitable Growth

The City Manager explained how staff is pursuing residential development. Discussions have been proceeding with developers and property owners. There are some new and exciting prospects. The current residential pipeline shows approximately 1,000 units with 2/3 being single family homes and 1/3 as multi-family housing.

ii. Foster Transparency and Connection

The City Manager said community members have volunteered to serve on a communications work group to advise the City on matters of transparency and communication. Christi Ward is working with the group on getting the meetings scheduled.

iii. Support Preservation and Beautification

The current code enforcement report is in the Council packet. Demolitions of substandard structures are continuing. Staff are allowing property owners time to get properties within standards.

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There is progress on the Hillsboro Pavilion at Waco Street and Highway 22.

iv. Deliver Efficient, Effective Government

An inspection is planned at the Wastewater Treatment Plant this month. There are still openings in the Street department.

b. Recent and Upcoming Staff Activity and Events

AutumnFest event experienced cool and cloudy weather which probably hurt attendance. The crowd appeared to be bigger than last year. There was a twelve (12) percent increase in child wristbands sold (212). Retail Coach will be running a report on cell phone attendance to let staff know how many people attended the event. Human Resources Coordinator, Evah Montes, will be performing a staff survey. The survey will include responses to what makes staff members excited to work for the City and what can be done to enhance the work environment. The City Manager said it is the number one goal to have current staff that are happy and the second goal is to bring in new staff members. The survey results will be shared with Council and the City Manager may reach out to Council for input on content of the survey. The City Manager asked if there were any questions. Mayor Smith asked for the average cost of demolition to the City on substandard housing. The City Manager said the costliest was between \$30,000 and \$60,000. Dale Snyder, Director of Finance, said the average is approximately \$13,000. Mayor Smith said there is significant cost to the City for demolitions. Mayor Smith asked if there were any additional comments. There was no response.

(Agenda Item #12)

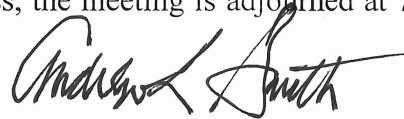
Hold a Closed Session Under the Provision of Section 551.087 of the Government Code (Economic Development) Project Window.

Mayor Smith announced entrance into a Closed Session at 6:52 p.m.

Mayor Smith announced the conclusion of the Closed Session at 7:24 p.m.

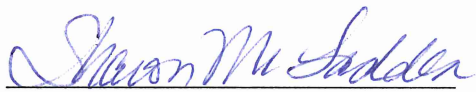
There was no deliberation or action necessary regarding the Closed Session.

Mayor Smith said with there being no further business, the meeting is adjourned at 7:25 p.m.



Andrew L. Smith, Mayor

ATTEST:



Sharon McFadden, City Secretary