

**BELTON CITY COUNCIL MEETING
OCTOBER 9, 2012**

The Belton City Council met in regular session with the following members present: Mayor Jim Covington, Mayor Pro Tem Marion Grayson, Councilmembers Clifton Peters, David K. Leigh, Wayne Carpenter, Craig Pearson, and John Agan. There were no members absent. Staff present were John Messer, Cristy Daniell, Connie Torres, Les Hallbauer, Gene Ellis, Bruce Pritchard, Erin Newcomer, Kim Kroll, Sandy Slade, and Denny Lassetter.

The Pledge of Allegiance to the U.S. Flag and to the Texas Flag was led by Boy Scout Troop #122, and the Invocation was given by Darren Walker of the First United Methodist Church.

The Mayor called the meeting to order at 5:32 p.m.

Public comments.

Rucker Preston, 2013 Hilltop Street, asked the City to consider improving access for pedestrians (sidewalks) particularly from the northbound side of Main Street from 22nd Avenue to the entrance to HEB, and southbound from Sparta Road to Greenbriar Street.

Jerri Gauntt, 332 N. Pearl, asked the Council to consider removing the proposed ordinance regarding small animals and fowl from the consent agenda to allow discussion. She asked what the changes will entail and if the changes will effectively eliminate the possibility of young people to have small animal projects (i.e 4H, FFA).

Consent Agenda

Councilmember Leigh asked that the Scott & White extension and the small animals ordinance be removed from the consent agenda. Mr. Leigh made a motion to approve the remaining items, which was seconded by Councilmember Carpenter, and the following were unanimously approved:

Minutes of previous meeting. Approved as presented.

Consider authorizing the City Manager to execute an agreement for construction of the Miller Heights Trunk Sewer Rehabilitation Community Development Block Grant (CDBG) Sewer Project.

Authorized the City Manager to execute a contract with Bell Contractors, Inc., in the amount of \$185,504, for construction of this project, with funding from a CDBG grant (\$275,000) and a previously approved FY 2012 budget amendment from Water & Sewer Fund (\$55,000). This wastewater system improvement project west of Shady Lane and north of FM 436 (Holland Road), will provide approximately 1,070 linear feet of upgraded wastewater pipeline and manholes to benefit 3,087 persons, of which 55% are persons of low-to-moderate income.

Miscellaneous

Consider extension of Scott & White (S&W) Healthcare's land use approval request to occupy a modular building at 255 Sparta Road.

Planning Director Erin Newcomer explained the City received a request from S&W requesting a six-month extension in the occupancy of the modular building on Sparta Road as a health care facility. S&W plans to begin construction of two separate clinical facilities (a family practice and pediatric clinic) in the Belton Business Park by the end of 2012, with completion anticipated by spring 2013. Ms. Newcomer indicated plans have been submitted for both facilities and are currently under review by staff. She recommended approval of an extension to June 1, 2013, with the following conditions:

1. S&W is allowed continuation of current use of modular building and property as a health care facility until June 1, 2013, at which time the modular building shall be removed and the site cleared.
2. S&W will provide a status report to the City Manager on potential development plans on the site governed by Ordinance No. 2004-51, by May 1, 2013, if for any reason this schedule cannot be met.
3. S&W shall be responsible for ensuring site conditions at 255 Sparta Road comply with all minimum code standards during the term of this extension and, in addition, the following shall occur:
 - Building condition/maintenance/signage shall be maintained in an acceptable manner;
 - Perimeter fencing shall be maintained; and
 - Parking lot shall be maintained.

Councilmember Leigh stated this has been perpetual and nonconforming with the exception of the extensions, and he wanted to confirm S&W had a new building/plans underway. He asked if S&W will vacate this facility and move to the new facility upon completion, and if the structure on Sparta Road would be removed, and Ms. Newcomer indicated he is correct. Councilmember Leigh asked if June 2013 is enough time, and Ms. Newcomer stated S&W originally requested April, but staff suggested June 2013.

Upon motion by Councilmember Leigh, seconded by Councilmember Pearson, the Council unanimously approved the extension as presented.

Consider an ordinance amending Chapter 3 of the Code of Ordinances relating to small animals and fowl.

Police Chief Gene Ellis explained the current code of ordinances allows for chickens, fowl, and other small animals to be kept 50' from another residence, which can be problematic in densely populated areas where some lots are only 50' wide. A survey of other cities revealed that most require distances between 100' (Killeen), 150' (Temple), and 250' (Harker Heights) from a residential structure. Chief Ellis stated he is recommending Chapter 3-1 be amended to provide that a cage, pen, coop or enclosure shall be a distance of at least 250' from every building or structure used for sleeping, dining, or living, a change from the City's existing 50' requirement. The proposed ordinance also provides that the City Manager may approve an exception to the 250' distance for hardship cases, however, the minimum distance shall not be less than 100'.

Councilmember Pearson asked if any of the existing problem areas will be less than 100' from the coop to the living quarters. Chief Ellis indicated there are some instances where this would apply, and those individuals would be allowed a one year grace period to come into compliance. Mr. Pearson asked about 4H projects, and the Chief indicated the proposed ordinance does not change the types of animals identified in the existing code, and could essentially apply to animals used in 4H projects. The Chief stated the size of the yard would determine whether the resident would have to modify the situation.

Councilmember Carpenter asked if the 150' criteria worked well in other cities, and Chief Ellis indicated he didn't research the successes of other towns, but with guidance from Animal Control, they decided 250' would be the best balance, along with the hardship exception. Mayor Pro Tem Grayson asked if this is a big problem in the City, and the City Attorney stated given the issues he's seen in Municipal Court, he believes the ordinance is reasonable. Mr. Messer stated he agrees the appeal process up to 100' is adequate, but the biggest problem is with roosters and chickens. Ms. Grayson asked if it would be easier to ban roosters. Chief Ellis indicated there are some rural areas in the city limits that are appropriate for having roosters/chickens, so banning might impact those who live in such a setting. He stated he is seeing more and more people raising poultry/fowl in residential areas of Belton. Ms. Grayson questioned if poultry is the problem, why ban rabbits, etc. Chief Ellis replied he is proposing a change to the distance requirement only as they types of animals remain the same, but he would consider rewording if the Council desires. Councilmember Leigh stated he believes the distance requirement is appropriate for roosters, guineas, geese, etc., that make a mess and cause noise issues, but agreed looking at the types of animals might be warranted. The Mayor suggested the item be tabled to a future meeting for further refinement.

Consider two items necessary to implement a proposal from Richard Weaver, representing the Belton Lions Club, to establish a special needs playground in Chisholm Trail Park:

- A. Amendment to the Parks and Recreation Strategic Master Plan to accommodate a special needs playground in Chisholm Trail Park; and
- B. Approval of a concept plan and location for a special needs playground in Chisholm Trail Park.

Recreation & Events Director Sandy Slade first introduced Matt Bates, the City's new Recreation Coordinator. She then gave an overview of this proposal to establish a Special Needs Playground presented to the Belton Lions Club several months ago by former Lion Mack Parker. A concept plan was developed for a playground proposed for Chisholm Trail Park with three "pod structures". Each pod would have a unique set of features and would accommodate children ages 5-12. The pods will vary in size from 37'-64' and costs range from approximately \$35,000-\$60,000 each. Ms. Slade indicated Lions Club members have raised between \$7,000-\$8,000, and would like to begin looking at additional fundraising efforts to produce a final design of the project and build out of the first pod structure. The cost of the first pod will be approximately \$60,000, dependent upon final equipment selected. Ms. Slade showed drawings of the existing master plan for Chisholm Trail Park, the proposed project area and site plan, and sample play equipment. She indicated the Parks Board unanimously approved amendment of the Parks and Recreation Strategic Master Plan, and the concept plan and location for a special needs playground at Chisholm Trail Park, at its meeting on October 1, 2012.

Ms. Slade introduced Dr. Richard Weaver from the Lions Club who was present to address any questions. Councilmember Peters asked if this project would occur in stages, and Dr. Weaver indicated it depends on funding, but they hope to build as many pods as they can. The initial idea is to focus on the biggest \$60,000 structure, and then possibly bring other organizations/donors on board to assist and work toward the other pods. Dr. Weaver stated they hope to have the first pod paid for by March 2013 and have adequate funding for the others by September 2013.

The Mayor expressed concern with the existing horseshoe pits and suggested they be moved away from the special needs playground. Ms. Slade stated there is plenty of space elsewhere in the park to relocate the horseshoe pits. Councilmember Leigh stated from a funding standpoint, this is specially raised funding designated for this purpose and the City will give in-kind support for its location, with the idea of assuming maintenance responsibility beyond the warranty period. Mr. Leigh asked if working with the school district will be considered since this playground is in close proximity to several BSD facilities, and if the City would coordinate that effort. Ms. Slade stated she believes the Lions Club would be responsible for initiating that conversation with BSD. Councilmember Carpenter stated he thinks this is a wonderful idea, and applauded the Lions Club for taking the time and effort to raise the money for the project. Mr. Carpenter made a motion to approve amendment of the Parks and Recreation Strategic Master Plan, and the concept plan/location for a special needs playground at Chisholm Trail Park. The motion was seconded by Councilmember Pearson and carried unanimously.

Conduct a work session to discuss responses to public comments received regarding recycling proposals, and provide direction to staff.

Assistant City Manager Cristy Daniell introduced Daniel McBurney, District Manager, Waste Management (WM), who was on hand to address any questions. Ms. Daniell explained following the public hearing on recycling proposals held on September 25th, staff developed a list of questions which was submitted to WM, and presented a summary of WM's responses.

Councilmember Leigh stated he thinks a majority of the people who commented want recycling, and he believes cost and container size issues have been addressed. Councilmember Pearson asked if recycling will be offered to businesses, and Mr. McBurney indicated further discussion will be needed for this subject. Mayor Pro Tem Grayson agreed with concern expressed by people with small families who wanted smaller carts, but she doesn't think there should be a price break for smaller carts as a price break is realized for the whole City being involved in a 96 gallon cart; she asked that the City follow through with a program to provide assistance with the carts for those with special needs. Councilmember Leigh stated he thinks the City will have to look at an accompanying ordinance to ensure carts are removed from the curb in a timely fashion.

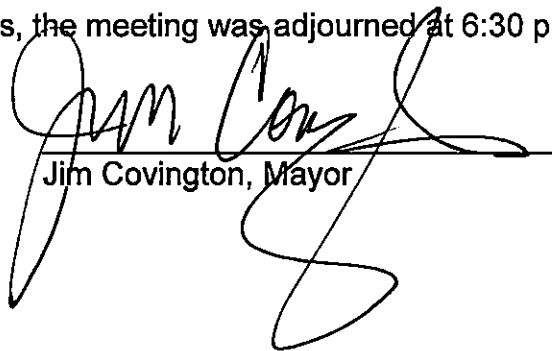
Councilmember Carpenter stated he believes once people get into the habit of recycling, they will be amazed at how little trash they will end up with. Mayor Pro Tem Grayson stated 1 X a week trash pickup, with 1 X a week recyclable pickup, was a concern to many, but service will still occur 2 X a week.

Ms. Daniell showed a brief presentation identifying components of WM's proposal and the four options, and reviewed a rate comparison of area cities. She reviewed decision points for the Council to consider, and received the following input from Councilmembers:


- Mayor Covington and Councilmembers Agan, Carpenter, and Peters expressed preference for Option #2.
- Mayor Covington and Councilmember Carpenter commented they originally favored the City taking over garbage service again, but agreed start-up costs, growth in the City, etc., make going with WM a better option at this time.
- Councilmember Pearson preferred Option #2, but would like to see a shorter contract without delaying the process with WM. In the event the City would like to take on garbage service, he thinks five years is a long time to commit to WM.
- Councilmember Leigh concurred with the others, but stated he thinks the City definitely needs to consider two sizes of containers, provide significant public education, and consider adoption of an ordinance to ensure containers are removed from curbs in a timely manner.
- Mayor Pro Tem Grayson concurred and stated she thinks the pilot program was a great tool to determine what was wanted in the community, and the number of people who attended the public hearing and spoke in favor, indicates recycling is wanted in the City.

Ms. Daniell thanked the Council for their input. With regard to the City providing garbage service, she stated one thing to consider is that the City isn't in crisis mode now, as WM is doing a good job; if that weren't the case, staff would be leaning harder the other direction. No action was needed.

There being no further business, the meeting was adjourned at 6:30 p.m.


Jim Covington, Mayor

ATTEST:



Connie Torres, City Clerk