

CITY COUNCIL MINUTES
SPECIAL MEETING

KERRVILLE, TEXAS
JUNE 19, 2012

On June 19, 2012, the Kerrville City Council meeting was called to order by Mayor Pratt at 5:30 p.m. in the city hall council chambers, 800 Junction Highway.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Stacie Keeble	Mayor Pro Tem
Carson Conklin	Councilmember
Justin MacDonald	Councilmember
Gene Allen	Councilmember

COUNCILMEMBER ABSENT:

None

CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Cheryl Brown	Administrative Assistant to the City Secretary
Kristine Ondrias	Assistant City Manager
Travis Cochrane	Director of Information Technology
Mike Erwin	Director of Finance
Jeff Finley	Chief Building Official
Kimberly Meisner	Director of General Operations

VISITORS PRESENT: List on file in city secretary's office for the required retention period.

PUBLIC HEARING:

Proposed amendments to the city's sign regulations as found in Article II, Chapter 6 of the City of Kerrville's Code of Ordinances .

Staff presented proposed amendments to the current sign ordinance code, and answered questions.

Mayor Pratt declared the public hearing open at 6:01 p.m. and the following persons spoke:

1. Harold Buell stated for electronic message signs the 8 second interval was too long and should be 4 seconds, the 1 second change of message time was unnecessary, and the "fade in and out" feature was not distracting to traffic. He felt that balloons should be allowed for special occasions for a 24 or 48 hour period. Some businesses could not afford big signs and a banner was the only type of sign in their budget; one banner per establishment was too restrictive; and permits for banners would be too expensive for some business owners and would be too expensive for the city.

2. Kent McKinney, representing Guadalupe National Bank, opined that the changes to the sign ordinance were going too far and the city should be business friendly. Signs were necessary for conducting business, which helped the community and city. He did not understand what flags were hurting and asked if there were safety issues. He believed the 8 second display time was too long, and 4 seconds was more reasonable. Balloons were useful and brought people into businesses and created sales. The city should be careful in making changes to the sign ordinance.

3. Traci Carlson asked why the sign ordinance did not allow both a roof sign and a wall sign. She wanted a sign painted on the side of her building, which was less expensive. The city was in danger of overregulating the sign process and requiring a permit for banners would be acceptable as long as the permit process was a short one, otherwise the process would be less effective. Business owners should have enough pride in their business to not allow their banners to become tattered or worn and would voluntarily replace tattered banners, flags and signs. She did not believe that signs painted onto the businesses should be regulated because business owners would not hire someone who did not know what they were doing, and regulating those types of signs was a slippery slope.

4. Denny Foster felt the sign ordinance was too restrictive and if he owned an electronic sign, he would be disappointed with the ordinance. Regarding electronic sign restrictions, TXDOT's 8 seconds was only a suggestion and not a rule. Businesses would not get their money's worth out of the signs if people could not read the messages, and signs cost \$30,000-\$50,000. He felt that 32 sq. ft. was too small, the 8 second message time was too long, and the motion signs should be allowed. Fixed message signs were a pain to change, and he understood the desire for electronic signs. Many of the business signs also depicted community events and did not just promote the business. He wanted Kerrville to be more business friendly.

5. Gina Buell stated she made banners and signs, and she had a problem with the way the ordinance dealt with banners. Some business owners used banners while they were saving for a more permanent sign. Some banners were two sided, and she questioned how the city would charge for that type of permit. She questioned how the city would enforce banners and how much the permit fee would be. If people wanted to get around the banner regulations, they would find a way to do so. A few years ago, there was a picture in the newspaper that depicted some signs in Kerrville, and she thought the power lines in the picture were unattractive; she thought the city should spend money to beautify the city in that way.

6. Bruce Stracke questioned why the city classified vacant land in the extraterritorial jurisdiction (ETJ) as residential when it was more similar to agricultural and was concerned with the section of the ordinance that pertained to signs in the ETJ; he opined that vacant land was the perfect place for off-premise

signs. Mr. Conklin noted that a sign on property in the ETJ would be considered an off-premise sign and off-premise signs were not allowed on residential property. Mr. Conklin noted a discrepancy in the definition, and that would be addressed by council before the ordinance was passed. Mr. Stracke questioned the definition of a banner; he proposed to have a 4' x 4' banner attached to plywood to advertise a particular piece of property on which the sign stood. Staff read the ordinance pertaining to real estate signs. Mr. Stracke stated he had understood that the most restrictive covenant applied, which meant that half of his 32 square foot sign that had the property information on the banner would not be allowed since it would be considered a banner and not an affixed sign. Mr. Hayes noted that the section Mr. Stracke referred to was carried over from the previous ordinance and was regarding signs on property that had been vacant for 12 months or more; Mr. Hayes said he would review that language. Council discussed exempting real estate signs as it was not uncommon for properties to be for sale for more than 12 months. Mr. Stracke questioned signs painted on buildings and gave an example of historic murals. Mr. Hayes said he would clarify the difference between art or murals painted on buildings versus signs advertising the business.

7. Scott Peschel, a member of the sign committee, stated he agreed with the need for a new sign ordinance, but thought more clarification was needed, i.e. what constituted a banner; banners were temporary. He questioned why the city proposed restricting banners, noting the current ordinance already stated that banners must be in good condition. Restricting the use of banners would be difficult and costly to enforce. Regarding vehicle signs, the ordinance referred to fleet vehicles parked on a lot or job site when not in use; the ordinance went beyond that purpose and could also apply to a contractor who had his name on his truck and may be the contractor's only advertising; this should be clarified. Mr. Peschel opined that 32 sq. ft. was too small and the committee had discussed 42 sq. ft. Regarding electronic signs, 8 seconds was TxDOT's recommendation, but that was not feasible and most signs he observed changed every 4 seconds. Mr. Peschel did not agree with the 120 day limitation on banners; some committee members wanted 60 days, but 120 days was a compromise.

8. Vicky Love noted the new ordinance stated a sign may not extend beyond the roof apex; her building had a flat roof which did not have an apex. She asked what size sign would be allowed on her roof. She was shown illustrations of the various roof types and sizes and what signs would be allowed.

9. Mark Tuschak, President of the Kerrville Area Chamber of Commerce, thanked the council for including the chamber in the sign ordinance process and asked council to consider the public's comments. Mr. Tuschak stated that the chamber did not have an official position regarding the ordinance.

10. Cory Traub, owner of Pro Tech Signs and Graphics and a member of the sign committee, questioned the type of banner material and mounting, and noted some

businesses were using banners as relatively permanent signs and the new banner restrictions would affect them. He agreed with billboards not being allowed in the city; however, billboards on I-10 would bring business into town and businesses should be able to take advantage of it, and this would not affect the vision of Kerrville. The average highway billboard was 15'x30', which was 450 sq. ft. The committee was diverse with varying ideas about sign regulations; they spent over 100 hours deliberating the ordinance. After each meeting the committee members would apply the suggestions in the community to see how they would work, consequently, the ordinance changed many times. Mr. Traub opined that the 32 sq. ft. allowance for electronic signs would work for a business whose sign allowance under the ordinance was 100 sq. ft.; however, a large building whose sign allowance was 200 sq. ft., 32 sq. ft. would not be enough; the electronic signage allowance should be based on a percentage of the size of the building. Mr. Traub wanted Kerrville to be on the cutting edge of technology. Regarding banners, he opined that it would hinder businesses and it was not worth the city's time to enforce banners. He preferred the transition time for electronic signs be 4 seconds instead of 8 seconds.

11. Mike Walker stated his concern about the visual effect the community portrayed. 32 years ago he owned a business that had a billboard on it that caused him much consternation. At that time, Kerrville had many trailer signs, billboards, and banners. He was on the first sign amortization board. The issues council was dealing with today were the same issues of 32 years ago; the only new issue was electronic signs. He stated that whatever council enacted would be selectively enforced and gave two examples of selective enforcement and influence. Regarding the 32 sq. ft. limit, the council could grandfather the 32 sq. ft. limit and businesses could get a variance for larger buildings. Regarding signs painted on buildings, this was allowed in small towns everywhere and looked good. Billboards on the highway were a slippery slope because it was difficult to differentiate between signs that direct people into town and advertisements. He suggested banners be left alone, and if banners became old and tattered, make the business take them down. He offered to assist with the sign ordinance process and to give the city history about the sign ordinance.

No one else spoke and Mayor Pratt closed the public hearing at 7:47 p.m.

Councilmembers noted that the proposed amendments to the sign ordinance were a compromise between two extreme viewpoints. Council discussed the issues that were raised and clarifications needed for banner and wall signs.

3. ORDINANCE, FIRST READING:

3A. An Ordinance repealing and replacing the City's sign regulations found in Article 11 of Chapter 6 of the City's Code of Ordinances and repealing Section 27 of Ordinance No. 85-59 and all ordinances which amended Section 27 and pertain to the regulation of signs; adopting new regulations concerning the installation and maintenance of signs within the City of Kerrville, Texas and within the

extraterritorial jurisdiction of the city; containing a cumulative clause; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication, providing an effective date; and providing other matters related to the subject. Mayor Pratt read ordinance by title only.

Mr. Conklin moved to adopt the ordinance on first reading subject to the following changes: message boards would be 32% electronic signage for signs between 100-200 sq. ft. to allow for a better proportion; transition be changed from 8 seconds to 4 seconds for electronic message boards; section for vehicular signs should clarify that personal use of commercial vehicles be allowed for a business' employees; remove the requirement for permits on banners; add balloons to the feather flag permit process for 20 days; murals be identified as art work and wall signs not be allowed to be painted onto the face of a building; semi-permanent signs such as banners be allowed to be mounted on plywood; and other items that the city attorney may feel are needed. Mr. Allen seconded the motion and it passed 5-0.

Mr. Hayes noted that second reading of the revised ordinance would be held on June 26, 2012.

4. ADJOURNMENT. Mr. Conklin moved to adjourn the meeting; the motion was seconded by Mr. Allen and passed 5-0. The meeting adjourned at 8:37 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Cheryl Brown
Administrative Assistant to City Secretary