

**MINUTES
SPECIAL CITY COUNCIL MEETING
CITY OF GREY FOREST, TEXAS
GREY FOREST COMMUNITY CENTER
18249 SHERWOOD TRAIL
HELOTES, TX 78023
JUNE 10, 2021 at 6:30 PM**

I. CALL TO ORDER

Mayor Thornton called the meeting to order at 6:34 p.m.

II. ROLL CALL

Mayor Charles M. Thornton Jr., Mayor Pro Tem Poss, Council Member Jennifer Nottingham, Council Member Sean Skaggs, and Council Member Kimberly Verity

Absent: Council Member Darst

Staff Present: City Attorney Sonya Herrera, City Secretary Miguel Cantu, Chief of Police Rene Rodriguez, and Administrative Assistant Nichole Heinrich-Gomez

III. PLEDGE OF ALLEGIANCE AND INVOCATION

The meeting commenced with the Pledge of Allegiance.

IV. PRESENTATIONS BY CITIZENS AND VISITORS

Mr. Lou Hoffman wished to address the City Council regarding the sign ordinance. He stated he felt that the City Council was trying to fix something that is not broken like to see the sign ordinance tabled forever.

Mr. Neil Verity wished to address the City Council regarding the sign ordinance. Mr. Verity stated that he supported the sign ordinance. He believes the ordinance preserves the people's freedom of speech and feels the City Council and attorneys are doing a great job.

Mrs. Kathy Waldrop wished to address the City Council regarding the sign ordinance. She stated that she does not see how the sign ordinance she was provided relates to a health and safety issue.

Ms. Patricia Warr wished to address the City Council regarding the sign ordinance. Mrs. Warr felt that a fine of \$1,000 was a bit stringent.

Ms. Mandy Waldrop wished to address the City Council regarding the sign ordinance. She stated that it would probably be in the city's best interest just to regulate commercial signage. She mentioned that City Council should just regulate billboards, commercial signs, trailers that have signs on back of them, and any kind of advertising.

Mrs. Aurelia Scharnhorst wished to address the City Council regarding the sign ordinance. She stated that she would like to address the definition of a flag and the way it was written it could be any flag. She agreed that she did not want any snipe signs but was for signs addressing missing pets but does not want the sign to remain on a pole for several weeks.

Mrs. Becky Locke wished to address the City Council regarding the sign ordinance. She asked City Council what they are addressing in the sign ordinance that is currently unsafe, offensive, or made individuals upset about signs in the city. She does believe that commercial

signage should be addressed and understands the needs for addressing this concern.

V. CITY COUNCIL WORKSHOP MEETING:

- a) Discuss and take possible action on Ordinance 2021-07; an ordinance establishing Chapter 15 – Signs of the City of Grey Forest Code of Ordinances, providing for regulations on non-traffic control signs, licenses, and permits, and providing for civil and criminal penalties.**

City Attorney Sonya Herrera made a presentation regarding the sign ordinance. She first addressed the citizen's ordinance stating the purpose of the sign ordinance. Additionally, addressing artwork banned, advertisement on personal vehicle, birthday and holiday decorations, having more than two signs, and ticket of a \$1,000 fine for violating the ordinance. Ms. Herrera stated that the sign ordinance's purpose was to protect the health, safety, and general welfare of the city and citizens; reduce possible traffic and safety hazards; encourage signs that are well maintained and pleasing in appearance; preserve the positive city image and aesthetic; and provide reasonable measures for the control of signs throughout the city. Ms. Herrera added that content-based regulation was not permitted to regulate. The City Council could regulate size, building materials, lighting, moving parts, portability, and number. Cities could also band the posting of signs on public property, as long as the City does so in an evenhanded, content-neutral manner. She further added on that two key areas of adjustment are temporary and event sign categories. She stated that labeling signs "temporary" or "event" puts the city at risk of having content-based provisions in its ordinance. The ordinance could have provisions to protect against unsafe, unstable, damaged. Ms. Herrera further detailed the enforcement, proposed notice provision, and definitions.

- a) Mobile Billboard means a sign installed or displayed on a motorized vehicle or a trailer which is parked or located in the public right-of-way for the primary purpose of displaying said sign. The term does not include a sign that is displayed on a vehicle operated in the normal course of the vehicle owner's business, if the sign contains advertising or identifying information directly related to the vehicle owner's business and is not parked or located in the public right-of-way for the primary purpose of advertising the business.
 - b) Off-Premise: Sign means a sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution, or other commercial message which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the premises where the sign is located.
 - c) On-Premise: Sign means any commercial advertising signs on business premises provided that the display area of such sign shall be restricted to advertising only the particular business operating on the property on which the sign is installed.
 - d) Current Definition – Sign shall mean any device, display, plaque, poster, design, painting, drawing or graphic that is intended or used to convey a message, expression, idea, image, or information. Signs located completely within an enclosed building and not exposed to view from a street shall not be considered a sign for purposes of this chapter. Additionally, messages and images affixed to clothing while being worn by a natural person shall not be considered a sign for purposes of this regulation.
1. Proposed New Definition (Part I) – Sign means any device, display, plaque, poster, design, painting, drawing, graphic, or other object which is arranged, intended, located, placed, arranged, erected, or that includes text or images for the primary purpose of attracting attention to a building, premises, commodity, product, business, service, or activity, or which conveys

information or instructions or communicates about the same.

e) Proposed New Definition (Part II) –

The following are not signs for purposes of the ordinance:

1. All national or state flags
2. Non-electric window displays
3. An image displayed on the interior wall of a building
4. Decorative or architectural features of buildings or onsite landscape features which do not include lettering or moving parts
5. Items or devices of personal apparel, decoration, or appearance, including tattoos, makeup, wigs, costumes, masks, or similar accessories
6. All handbills, pamphlets, and other material traditionally utilized to be handed out and distributed
7. Holiday decorations.
8. Snipe sign means signs that are attached to trees, utility poles, public benches, traffic signs, or streetlights.

The following highlights were recommended by the City Council, (black font indicates no change, blue font indicates attorney recommendation, purple font indicates City Council request):

Sec. 15.01.001 Purpose

The purposes of this chapter are:

- (1) To provide reasonable measures for the control of signs throughout the city.
- (2) To protect the health, safety, and general welfare of the city and its residents.
- (3) To reduce possible traffic and safety hazards.
- (4) To encourage signs that are well maintained and pleasing in appearance.
- (5) To preserve the positive city image and aesthetic.

Sec. 15.01.002 Definitions

- A. Unless specified otherwise within this chapter, all words and phrases are subject to the interpretive provisions of Sec. 1.01.004 of the City of Grey Forest Code of Ordinances.
- B. Specific definitions:

Abandoned Sign means a sign located on property which is vacant and unoccupied for three months or more.

Billboard. See definition for “Off-Premise Sign”.

Feather flag means a detached sign type that consists of a vertical pole placed into the ground with a fabric flag attached to the pole. Also referred to as a tear drop banner.

Government Sign means a sign that is constructed, placed, or maintained by the federal, state, or local government, or a sign that is required to be constructed, placed, or maintained by the federal, state, or local government.

Mobile Billboard means a sign installed or displayed on a motorized vehicle or a trailer which is parked or located in the public right-of-way for the primary purpose of displaying said sign. The term does not include a sign that is displayed on a vehicle operated in the normal course of course of the vehicle owner's business, if the sign contains advertising or identifying information directly related to the vehicle owner's business and is not parked or located in the public right-of-way for the primary purpose of advertising the business.

Non-Commercial Sign means a sign which is placed or caused to be placed before the public and displays a message that is not a commercial message as defined in these Codes of Ordinances.

Off-Premise Sign means a sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution, or other commercial message which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the premises where the sign is located.

On-Premise Sign means any commercial advertising signs on business premises provided that the display area of such sign shall be restricted to advertising only the particular business operating on the property on which the sign is installed.

Portable Sign means any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability. A handheld sign shall be considered a portable sign.

Sign means any device, display, plaque, poster, design, painting, drawing, graphic, or other object which is arranged, intended, located, placed, arranged, erected, or that includes text or images for the primary purpose of attracting attention to a building, premises, commodity, product, business, service, or activity, or which conveys information or instructions or communicates about the same.

The following are not signs for purposes of this chapter:

- (1) All national or state flags;
- (2) Non-electric window displays;
- (3) An image displayed on the interior wall of a building;
- (4) Decorative or architectural features of buildings or onsite landscape features which do not include lettering or moving parts;
- (5) Items or devices of personal apparel, decoration, or appearance, including tattoos, makeup, wigs, costumes, masks, or similar accessories;
- (6) All handbills, pamphlets, and other material traditionally utilized to be handed out and distributed; and
- (4)(7) Holiday decorations and seasonal. ~~Sign shall mean any device, display, plaque, poster, design, painting, drawing or graphic that is intended or used to convey a message, expression, idea, image, or information. Signs located completely within an enclosed building and not exposed to view from a street shall not be considered a sign for purposes of this chapter. Additionally, messages and images affixed to clothing while being worn by a natural person shall not be considered a sign for purposes of this regulation.~~

Snipe sign means signs that are attached to trees, utility poles, public benches, traffic signs, or streetlights. Commercial signs in the public right of way (reference code)

~~Temporary Sign shall mean a pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the code official to be displayed for a time period not to exceed seventy-two (72) hours. Temporary signs may not exceed a sign face of nine square feet and shall not exceed six feet in height from the grade of the property at the point of sign placement.~~

Article 15.02 Prohibited and Authorized Signs

Sec. 15.02.001 Prohibited Signs

All signs are prohibited unless expressly authorized by this chapter. Such prohibited signs include, but are not limited to:

- (a) Private Property Setback Signs. All signs which are placed in the 10-foot setback on private property, are larger than nine (9) square feet (3' X 3'), make noise, have moving parts, or have flashing lights
- (b) Abandoned Signs
- (c) Billboards
- (d) Off-premises signs
- (e) Snipe signs ~~or signs attached to trees, utility poles, public benches, or streetlights~~
- (f) ~~Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign~~ Mobile Billboards
- (g) Signs painted on rooftops and roof top signs
- (h) Digital signs
- (i) Ground sign marquees
- (j) ~~Feather flag(s)~~
- (k) ~~Banners, including street banners~~
- (l) ~~Signs with attached streamers, balloons, tag, tag sign streamers, or other attention getting devices or accessories~~
- (m) Illuminated signs

Sec. 15.02.003 Authorized Signs *(This section to be moved to Article 15.03 Sign Regulations)*

- (a) All signs must be located on an individual's private property. No signs are permitted in the right-of-way, ~~unless it is a temporary event sign.~~
~~d. All handbills, pamphlets, and other material traditionally utilized to be handed out and distributed are not subject to this chapter and are not considered signs.~~

Article 15.03 Sign Regulations

Sec. 15.03.001 ~~Yard and Private Property Signs~~ Structure, Location, and Maintenance

- (a) A property owner or occupier of property in Districts A and B may place a yard sign upon their private property as long as the sign:
- (1) is placed ten (10) feet back from the right-of-way,
 - (2) does not have a sign face larger than **nine (9) square feet**, unless otherwise expressly authorized by state law,
 - (3) does not exceed **six (6) feet** in height from the grade of the property to the point of sign placement.
 - (4) does not have moving parts,
 - (5) does not emanate sound,
 - (6) does not have flashing lights, and
 - (7) does not have a commercial message.
- (b) ~~Such signs should be supported by a single or dual freestanding pole without guy wires and braces. Signs cannot be permanent and must be removable.~~
- (e) ~~A maximum of two (2) yard signs are authorized per property. If a property owner wishes to place more than two (2) yard signs on their property, the property owner must obtain a variance from the Board of Adjustment.~~

~~(d)-~~

~~Sec. 15.03.002 Event Signs.~~

- ~~(e)(c) To avoid confusion and promote truthful communication through signs, all event signs placed on private property must be removed within seventy-two (72) hours after any event depicted on the sign has passed. Event signs may be placed on private property as an additional sign to a property owner's yard signs. Event signs shall not exceed nine (9) square feet and shall not exceed six (6) feet in height from the grade of the property at the point of sign placement.~~

Sec. 15.05.003 Notice and Opportunity to Cure

Before any criminal citation shall be issued or civil suit is initiated, a notice shall be sent to the owner or person in charge of the sign that is in violation of this chapter. The owner or person in charge of the sign shall then have ten days from receipt of such notice in which to remedy the violation and come into compliance.

VI. ADJOURNMENT

MOTION WAS MADE BY MAYOR PRO TEM POSS TO ADJOURN AT 9:13 P.M. COUNCIL MEMBER SKAGGS SECONDED THE MOTION. COUNCIL VOTED 4-0.

PASSED AND APPROVED THIS 27TH DAY OF JULY, 2021.

APPROVED:


Charles Mitchell Thornton, Jr.

ATTEST:


Miguel Cantu, TRMC
City Secretary

