CITY COUNCIL MEETING MINUTES
MONDAY, JULY 11, 2011

The City Council of the City of Bellaire, Texas, met in Special Session (Public Hearing) on Monday, July 11, 2011, in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the following purpose(s):

A. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM – Mayor Cindy Siegel.

Mayor Siegel called the City Council of the City of Bellaire, Texas, to order at 6:00 p.m. on Monday, July 11, 2011.

Also present were Mayor Pro Tem Phil Nauert, Councilmen Roman F. Reed, Corbett Daniel Parker, and Andrew Friedberg, Councilwoman Mandy Nathan, City Manager Bernard M. Satterwhite, Jr., Assistant City Attorney Elliot Barner, City Clerk Tracy L. Dutton, and Director of Community Development John McDonald. Councilman James P. Avioli, Sr., was absent.

B. READING OF THE NOTICE OF PUBLIC HEARING – City Clerk Tracy L. Dutton.

City Clerk Dutton read the “Notice of Public Hearing” into the record. It was stated that the “Notice of Public Hearing” was posted on the City of Bellaire’s bulletin board on Friday, June 17, 2011, posted on the City’s website on Thursday, June 23, 2011, and published in the legal notices section of the Southwest News on Tuesday, June 21, 2011.

C. SUMMARY OF PUBLIC HEARING PROCEDURE – City Manager Bernard M. Satterwhite, Jr.

City Manager Satterwhite summarized the public hearing procedure for the evening.

D. PRESENTATION of revisions proposed by the Community Development Department and approved and recommended by the Planning and Zoning Commission of the City of Bellaire, Texas (“P&Z”), to various sections within Chapter 24, Planning and Zoning, Article X, Signs, of the Code of Ordinances of the City of Bellaire,
Texas ("Code")* - Presentation by Director of Community Development John McDonald.

*All residential, institutional, and commercial properties and structures located within the corporate limits of the City of Bellaire, Texas, may be affected by the proposed revisions.

Director of Community Development John McDonald indicated that on March 7, 2011, the Bellaire City Council directed City Staff to review the sign ordinance (Article X of Chapter 24 of the Code) with regard to five specific sign types, as follows: window signs, wall signs, changeable copy or message display signs, temporary signs, and signs relevant to sports field fences or windscreens.

Director McDonald addressed the current regulations for each of the five sign types, along with City Staff’s proposed revisions for each type.

**Window Signs**

Currently, window signs were not permitted. Director McDonald indicated that there were numerous examples of nonconforming signs in all of Bellaire’s commercial and mixed-use districts and that window signs were one of the City’s largest enforcement issues.

City Staff’s proposal included an allowance for window signs on the first floor only in all commercial and mixed-use districts. The window sign(s) would be limited to 20% of the total window area with a maximum area of 40 square feet.

Signs depicting hours, the types of accepted forms of payment (credit cards), etc., were exempt from this particular regulation and were covered by a separate ordinance.

**Wall Signs**

Currently, one wall sign was allowed per business. A one-story business could have one wall sign one square foot in length. A two-story business could have one wall sign one and one-half square feet in length.

City Staff proposed that the size of wall signs remain the same. Buildings located at intersections with zoning on the opposite side of the street allowing commercial would be allowed to add an additional wall sign on the side of the building.

If a building was perpendicular to an access street and all the businesses faced a parking lot, the building would be allowed an additional sign on the side of the building that faced the main street.
Multi-tenant buildings with parking in the rear and street frontage in both the front and back would be allowed to have one wall sign in the rear.

**Changeable Copy Signs or Reader Boards**

Currently, all changeable copy signs, electronic and manually altered, were prohibited. Director McDonald advised that there were approximately 14-15 nonconforming signs in the City (predominantly manually changeable or alterable signs).

City Staff proposed that manually changeable or alterable signs be prohibited. Electronic message display signs would be permitted only as such signs were part of a monument sign.

A maximum area of 20 square feet was proposed for the electronic display portion, with such portion covering no more than 50 percent (50%) of the overall area of the monument sign. The current maximum size for a monument sign was noted to be 60 square feet.

Only one electronic display sign would be allowed per development site. There were also distance limits between similar signs of 200 feet, as well as a requirement that the sign could not be closer than 100 feet of a residential property.

Flashing, scrolling, fading, spinning, etc., messages would not be permitted. There would also be brightness limits and the color would be limited to monochrome with red or amber lights and black backgrounds.

Additionally, an electronic message sign could not be installed on a site with a changeable copy sign or an existing pole sign. The changeable copy sign and/or existing pole sign could be removed and replaced with an electronic message display sign.

The changeable copy signs would be permitted by right only in the commercial and mixed-use districts. The signs could be allowed in residential areas or for institutions under special exception only. Schools or churches within residential districts could appear before the Bellaire Board of Adjustment and request a special exception for the allowance and use of an electronic message display sign.

**Temporary Signs**

Currently, temporary signs, banners, or pennants were allowed for special events, limited to twice per year, with a display time limit of up to 30 days.

City Staff proposed that temporary signs be allowed for disasters declared by the Mayor or City Manager, with a limit of 14 days. An extension would be
allowed based on the specifics of the disaster and continued need for such signs.

Buildings undergoing a remodeling, renovation, or repair project would be allowed to display temporary signs or banners identifying such businesses until such time as the remodeling, renovation, or repair was completed.

**Windscreen Signs**

City Staff proposed that windscreen signs be allowed for institutions only and limited to the name and mascot of the institution. An allowance was included for outfield signs for institutions (along the inside of the outfield wall). The size of the signs would be limited to no more than 50% of the overall wall, as well as a limit of name, mascot, pictorial, or written form and school motto.

Additionally, City Staff inserted a clause that would allow the City to use whatever signs they deemed fit on their own property, which was already the current practice.

**E. RECOGNITION OF CITIZENS AND/OR OTHER INTERESTED PARTIES – Mayor Cindy Siegel.**

**Reverend Kerry Nelson, Faith Lutheran Church, 4600 Bellaire Boulevard, Bellaire, Texas,** addressed City Council and noted that Faith Lutheran Church was interested in and supported the adoption of the special exception clause for electronic message signs. He indicated that Faith Lutheran Church would like to replace their monument sign with a sign located closer to the street and similar to the monument sign, with electronic messaging capabilities, of their neighbor, Crosspoint Church. The proposed exception would provide a path for Faith Lutheran Church to request a special exception.

**Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas,** addressed City Council and stated that the downtown area of Bellaire would never get better if City Council kept making it worse.

**Jeff Draper, 4517 Pine Street, Bellaire, Texas,** addressed City Council on behalf of Paul W. Horn Academy and as the Chair of the Rebuild Horn Committee. He advised that the purpose for his presentation to City Council was to request permission to proceed with the design and construction of a monument-style, electronic sign at the new Paul W. Horn Academy (“Horn”).

Mr. Draper advised that Horn was within 100 to 105 feet of local residences. The importance of Horn’s sign was to be able to communicate to parents, community, students, and faculty. He reviewed some of the functions of the sign that Horn was considering, noting that it would comply with the City’s proposed regulations. Mr. Draper indicated that Horn would like the option to
consider a full color display. He closed by advising that school started on August 22 and that Council’s consideration would be appreciated.

Ronnie Karkowsky, 103 Calvi Court, Bellaire, Texas, addressed City Council on behalf of the Bellaire Little League. He indicated that the Bellaire Little League was asking that the outfield signs be allowed. The benefit of the signs went beyond additional revenues to the league. The monies were also used to defray costs to the City, such as upkeep of the field.

Judy Thrasher, 4912 Laurel Street, Bellaire, Texas, addressed City Council on behalf of garage sale signs. She noted that she and two neighbors had held a garage sale together during the month of April. Approximately one hour into the event, she was informed that the City was picking up her garage sale signs. She asked if something could not be resolved regarding garage sale signs, such as the approval for additional signs advertising such sales and for those signs to be allowed on esplanades and feeder roads.

Lee Anne Dixon, 4601 Valerie Street, Bellaire, Texas, addressed City Council and advised that most of her concerns regarding the possibility of an electronic message sign at the Paul W. Horn Academy had been addressed. The only remaining concern for her was the time of day and/or night that the message display sign could remain on.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas, addressed City Council and advised that the handout from the Bellaire Little League that was contained in the City Council agenda packet referred to an agreement between the Bellaire Little League and the City which allowed the Bellaire Little League to properly maintain Jessamine Field and to defray expenses of the City of Bellaire by advertising signs as part of the outfield fence. Ms. McBee advised that she had not seen a defrayal of City expenses by that particular advertising and that she objected to such commercial advertising.

Ms. McBee challenged City Council to request a formal legal opinion regarding the proposed exemption to legalize a clause as an exemption for the City to place signs on its own property.

Mayor Siegel read several written comments received by members of City Council into the record. The comments have been summarized below.

Maggie Farrar, Magpie's Gifts, Bellaire, Texas, relayed an incident that occurred wherein her business had tried to put up a temporary sign after Hurricane Ike advertising extended hours of business. Since the sign was not allowed under the Code, she had to remove it. She urged City Council to consider the fact that an occasional exception to the sign ordinance might be in order.

Matt Fox, Head Baseball Coach, Episcopal High School, Bellaire, Texas, wrote to City Council regarding a screen that Episcopal High School had
ordered for placement over an unappealing outfield fence. The screen read “Episcopal Knights” and had the school’s baseball logo, an Old-English “E” on it. The City’s Code did not allow for such a screen as it was considered a “sign” or advertising. He urged City Council to allow schools to promote school spirit through the use of such screens with school names and/or logos.

Michelle Stone, President, Tom Girl, Inc., Bellaire, Texas, wrote to City Council regarding Bellaire’s sign ordinance, which Ms. Stone felt was anti-business. She relayed an instance in which her business wished to advertise the fact that they sold scrapbooking supplies but were unable to display a window sign due to the City’s Code. She urged City Council to consider a sign ordinance that was balanced to protect the City and to allow businesses to flourish.

Richard Chotiner, Vice President of Operations, Bellaire Little League, Bellaire, Texas, wrote to City Council regarding outfield fence signs, particularly as such signs related to Jessamine Field. He urged City Council to consider allowing such signs as the revenue provided from the advertisements helped defray expenses for the upkeep of the field by the City.

Fred Bowyer, Principal, Condit Elementary School, Bellaire, Texas, wrote to City Council regarding the importance of message signs to schools and the community. He indicated that he very much wished to have the ability to request an electronic sign when the need arose to replace Condit Elementary School’s changeable copy sign.

F. QUESTIONS FROM THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS – Mayor Cindy Siegel.

Mayor Siegel called upon members of the City Council with questions of Director of Community Development John McDonald related to City Staff’s proposed revisions to the sign ordinance.

G. CLOSE OF PUBLIC HEARING – Mayor Cindy Siegel.

Mayor Siegel closed the public hearing before the City Council of the City of Bellaire, Texas, at 6:59 p.m. on Monday, July 11, 2011. She advised that oral comments would not be received following the close of the public hearing. Written comments could be submitted to the City Council of the City of Bellaire, Texas, in care of the City Clerk prior to final deliberation on the matter. It was anticipated that final deliberation would occur on Monday, August 1, 2011; therefore, written comments should be submitted to the City Clerk by noon on Thursday, July 28, 2011.
H. ADJOURNMENT.

Councilman Reed moved to adjourn the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, at 7:00 p.m. on Monday, July 11, 2011. Mayor Pro Tem Nauert seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Reed, Parker, and Friedberg and Councilwoman Nathan

OPPOSED: None

ABSENT: Councilman Avioli

Respectfully submitted,

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Tracy L. Dutton, TRMC
City Clerk
City of Bellaire, Texas

Approved:

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Cynthia Siegel, Mayor
City of Bellaire, Texas