

**MINUTES  
CITY OF HEDWIG VILLAGE  
SPECIAL CALLED CITY COUNCIL MEETING  
MONDAY, MAY 16, 2016  
9:00 A.M - 955 PINEY POINT ROAD**

**1. CALL TO ORDER**

Mayor Muecke called the meeting to order at 9:02 a.m.

Present: Brian T. Muecke, Mayor

City Councilmembers:  
William Johnson  
Carrol McGinnis  
Barry Putterman  
Bob Wiener  
Matt Woodruff

Kelly Johnson, City Administrator/City Secretary-Treasurer  
Lane Standley, Building Official  
Lisa Modisette, Interim Assistant City Secretary

Absent: David Gott, Police Chief  
Alan Petrov, City Attorney – arrived late

**2. DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD IN THE CITY OF HEDWIG VILLAGE, TEXAS, ON MAY 7, 2016; AND CONTAINING FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.**

The City Council will discuss and consider possible action on proposed ordinance canvassing the returns and declaring the results of the General Election held on May 7, 2016.

Mayor Muecke stated City Council would canvass the election held on May 7, 2016. He stated Election Judge Frank Hinnant provided a report with the results of the election.

<b><u>Councilmember Pos. #2</u></b>	<b><u>Early Voting</u></b>	<b><u>Election Day</u></b>	<b><u>Total</u></b>
Carrol R. McGinnis	95	72	167
Harry Folloder	71	91	162
<b><u>Councilmember Pos. #3</u></b>			
Bob Wiener	118	116	234

<b><u>Councilmember Pos. #4</u></b>	<b>Early Voting</b>	<b>Election Day</b>	<b>Total</b>
Matt Woodruff	119	117	236
<b>Provisional</b>			0
<b>Total Ballots Cast</b>			<b>329</b>
<b>Percentage of registered voters that voted</b>			<b>20%</b>

Candidate Folloder filed a petition for a re-count for Position #2 on Friday, May 13, 2016. The re-count occurred on Monday, May 16, 2016 at 7:30 a.m. The election results were unchanged. Jeremy Sanders, Chairman of the Re-Count Committee, provided the re-count results.

Carrol McGinnis received 167 votes

Harry Folloder received 162 votes

Tom Roth, Barry Putterman, and Josh Sherman were also on the Re-Count Committee.

Councilmember Johnson moved, Councilmember Woodruff seconded, to approve the ordinance canvassing the returns and declaring the results of the General Election held in the City of Hedwig Village on May 7, 2016.

Councilmembers Johnson, McGinnis, Putterman, Wiener, and Woodruff voted "Aye", "Noes" none.

**3. STATEMENT OF OFFICER - Council Position No. #2, Council Position No. #3, and Council Position No. #4**

City Administrator/City Secretary-Treasurer Kelly Johnson stated the Statement of Officer must be signed before the oath can be administrated. All candidates signed the Statement of Officer.

**4. OATH OF OFFICE – Council Position No. #2, Council Position No. #3, and Council Position No. #4**

Judge Maddox administrated the Oath of Office to each councilmember separately.

**5. DISCUSSION REGARDING AN ORDINANCE OF THE CITY OF HEDWIG VILLAGE, TEXAS AMENDING ARTICLE V, ZONING REGULATIONS, SECTION 507, SIGNS, OF THE HEDWIG VILLAGE PLANNING AND ZONING CODE RELATING TO THE REGULATION OF ELECTRONIC MESSAGE SIGNS WITHIN THE CITY.**



Mayor Muecke stated city council would debate the Sign Ordinance at the regular city council meeting on Thursday, May 19, 2016. The discussion for this meeting will be to consider language for the sign ordinance. Mayor Muecke stated Councilmember McGinnis had comments concerning changing the messaging more than one time in a 24 hour period. Councilmember Putterman's comments concerned the ability to change the message in a 24 hour period in the event of an emergency. Mayor Muecke stated that council was in agreement that the sign should not have scrolling messaging.

Councilmember Woodruff stated he felt safety was an issue if emergency messaging were allowed. He stated there is already many different ways to distribute information relating to an emergency and that people needed to pay attention to emergency personnel, not to the sign.

Councilmember Johnson stated that if council included language for emergency notification, language would also need to be included to determine what constitutes an emergency.

Councilmember Woodruff stated local law enforcement agencies have not offered comments about the use of the sign for emergency messaging.

City Attorney Alan Petrov stated enforcement of the sign ordinance would fall to the police department to issue a citation.

Councilmember Wiener stated the purpose of the sign is for school announcements, not for emergency notification.

Mayor Muecke stated the points for consideration would be:

- No more than three messages shall be shown at a time
- A sign will have a white illuminated background
- All text shall not exceed six inches in height
- Replace "platted subdivision" with language that pertains to a "tract of 2.5 acres used primarily by church, temple, or mosque or a public or private school regularly teaching students"
- Orientation of a sign should not be toward residents of the city

Councilmember Putterman stated language should be included concerning the orientation of a sign facing residential property that would not pose a problem for residents. The guidelines would be:

- 200 feet from residential
- the building official's determination on illumination
- indirect in respect to residents

Councilmember McGinnis stated he was concerned about the fairness of the ordinance. He stated a sign could be put up on the north corner of the St. Cecilia's campus facing Bunker Hill Road. A sign at that location would not impact Hedwig Village residents.

Councilmember Wiener stated the Memorial High School Parent Teacher Organization (PTO) representative stated the electronic sign would be a high monument sign. He stated St. Cecilia's could erect a sign inside their fence on their property facing Bunker Hill Road.

Building Official Lane Standley stated the current sign ordinance would allow a monument sign not to exceed five feet or ten feet in height depending on what district it was in. He stated St. Cecilia's could put a sign on their property at the corner of Bunker Hill Road and Barryknoll facing Bunker Hill Road.

Councilmember Woodruff suggested the language should read the sign should be 200 feet from a residence regardless of sign orientation.

Mayor Muecke suggested Councilmember Putterman's suggestions should be two separate notes. First, the sign orientation shall not be toward residences; second, the distance to a residence shall not be located closer than 200 feet and the building official's determination.

Councilmember Woodruff stated any sign erected would be oriented toward residences. He suggested the language to read "must be at least 200 feet from a residence and it should not be oriented toward residences unless the building official determines that the illumination..."

Councilmember McGinnis stated the residents were willing to take the city to court over the Memorial Church of Christ sign years ago. He stated the city might have the same complaints with residents again regarding the school sign.

Mayor Muecke asked were the residents upset over the illumination of the church sign or the messages and the brightness of the sign.

Councilmember McGinnis stated the residents were upset about both. He also stated the church sign scrolled or the message moved in some manner.

Mayor Muecke stated the ordinance has provisions for moving messages, as well as brightness of the sign at night.

Councilmember Woodruff stated signs erected with the ordinance conditions in mind should be far enough from residences not to create a problem.

Councilmember Putterman asked if the ordinance should have language dictating the hours the sign may be illuminated.

Councilmember Woodruff suggested language stating any sign installed pursuant to this ordinance shall have adjustable brightness and adjustable hours of operation.



City Attorney Petrov will modify the current language in the ordinance to reflect the need for adjustable brightness and adjustable hours of operation.

City Administrator Kelly Johnson asked for clarification of suggested changes.

Mayor Muecke stated the ordinance will be modified to reflect the orientation language as well as language for the distance from residences and number of messages.

Councilmembers discussed what constitutes a message. Was each event a message, or number of lines of texts per message? The ordinance limits the size of the sign, limits the size of the text. Council members agreed the more messages, the greater the distraction to drivers. The PTO will be aware of the limitations in the number of messages and size of the text. The purpose of the ordinance should be public safety. People should be more aware of their driving than reading the messages on the sign.

Mayor Muecke stated the ordinance, once the modifications have been made, may exclude St. Cecilia's due to the school being bound on three sides by residences. The only location St. Cecilia may be able to put a sign is on Bunker Hill Road. St. Cecilia has a brick wall on Bunker Hill Road protecting their sports field. They already have a sign on the corner of Bunker Hill Road and Barryknoll.

St. Cecilia will have the option of applying for a variance before the Board of Adjustment although the circumstances would not guarantee approval of the variance. A Special Use Permit is less difficult to obtain than a variance but the city would be responsible for setting the criteria to qualify for such a permit.

City Attorney Petrov stated the ordinance, once modified, will not appear arbitrary although it will exclude St. Cecilia's.

## 6. ADJOURN

Councilmember Putterman moved, Councilmember Woodruff seconded, to adjourn the meeting at 10:07 a.m.

Councilmembers Johnson, McGinnis, Putterman, Wiener, and Woodruff voted "Aye", "Noes" none.

### MOTION CARRIED UNANIMOUSLY

Approved and accepted on July 14, 2016.



Barry Putterman  
Councilmember

ATTEST:



Lisa Modisette  
Assistant City Secretary

