

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
October 17, 2006
6:30 P.M.**

The City Council of the City of Gainesville, Texas met in regular session on October 17, 2006 at 6:30 p.m. with the following persons in attendance:

MEMBERS PRESENT: Mayor Glenn Loch
Council Members Charles Draper, Jim Goldsworthy, Carolyn Hendricks, Beverly Snuggs, Woody Williams

MEMBERS ABSENT: Vince Rippy

STAFF PRESENT: Mike Land, City Manager; Kay Lunnon, City Secretary; Dan Parker, Finance Director, John Noblitt, Planning Technician; Bill Harris, City Attorney

VISITORS PRESENT: Kathy Floyd, Andy Hogue, Tricia West, Jerry Elliott, Mark Loewen, Charles Arnold, Bill Williams

CALL TO ORDER

Mayor Loch called the meeting to order. A quorum of members was present.

INVOCATION & PLEDGE OF ALLEGIANCE

The invocation was given by Reverend Mark Loewen, First Christian Church. Councilmember Williams led in the pledge to the flag.

PROCLAMATIONS

Mayor Loch read a Proclamation declaring October 20-22, 2006 as Soroptimist Days in Gainesville, honoring the local club's hosting of the Soroptimist District III meeting in Gainesville. Tricia West, President of Soroptimist International of Gainesville, received the proclamation.

November 4, 2006 was proclaimed as a City Day of Prayer in Gainesville. Mayor Loch read and presented a Proclamation to Reverend Jerry Elliott, First Assembly of God, and Reverend Mark Loewen, First Christian Church, who received it on behalf of the local Ministerial Alliance. On November 4, churches in the community have planned to unite in prayer over the city in support of community efforts to reduce crime and violence.

REPORTS

Bill Williams, Chairman of the Planning and Zoning Commission, spoke to Council regarding activities of the Planning and Zoning Commission. He said the Commission works as an advisory board to the City Council, and as such, works with city staff and members of the community in making recommendation on ordinances and regulations that will best benefit the community. Williams stated the commission is pro-business and desires that Gainesville

progress and grow in an orderly fashion. Currently the commission is working to update the zoning code ordinance and the planned land use and development ordinance. Mayor Loch thanked the chairman and commission members for the time they spend in serving the City and the community and commended them for their progressive goals.

CONSENT AGENDA

Council reviewed the Minutes of the October 3, 2006 Regular City Council Meeting and approved them as written.

Mayor Loch named Councilmember Vince Rippy as an Ex Officio member of the Noah's Ark Corporation Board of Directors, and said Rippy has agreed to serve on this board.

Councilmember Draper made the **motion to approve the Consent Agenda**, and seconded by Councilmember Snuggs. Motion carried.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Snuggs, and Williams.

Nays: None.

Absent: Rippy

ITEMS CONSIDERED

ORDINANCE NO. 1156-10-2006 - ADOPTING GAINESVILLE SIGN CODE 2006

THIRD READING CONSIDERATION OF AND ACTION OF AN ORDINANCE TO BE KNOWN AS THE 2006 GAINESVILLE SIGN CODE PROVIDING FOR REGULATIONS AND SPECIFICATIONS OF ALL SIGNS WITHIN THE CITY OF GAINESVILLE, IN ORDER TO PROMOTE AND SECURE THE SAFETY, HEALTH AND WELFARE OF ALL THE CITIZENS OF THE CITY OF GAINESVILLE; ACHIEVING A MORE DESIRABLE LIVING ENVIRONMENT; PROTECTING AND ENHANCING THE AESTHETICS OF THE CITY WITH BETTER SIGN USAGE; PROVIDING FOR REDUCTION OF NONCONFORMING SIGNS; REPEALING ALL PREVIOUS SIGN REGULATIONS; MAKING FINDINGS OF FACT; PROVIDING FOR PUBLICATION; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mike Land and John Noblitt reviewed the ordinance language choices for final decision regarding flashing LED signs, which Council had requested during the second reading of the ordinance. Planning and Zoning recommended that Spectacular signs be prohibited. Land added that the Downtown Development Association and the Main Street Board have reviewed and recommend that A-frame and sandwich board signs be permitted for twelve months, instead of the 180 day permit in the ordinance as proposed. Snuggs added a recommendation that tethers for balloon signs to be limited to a length that would keep them from coming down into the street.

Councilmember Draper **moved to adopt the Ordinance**, with adoption to include five specified amendment decisions: (1) to prohibit Spectacular signs; (2) to add flash to the definition of LED signs; (3) to allow LED signs to flash in all locations, except in residential locations and during daylight hours only, and to limit LED signs to forty (40) square feet per face; (4) to allow permitting of A-frame and sandwich board signs for twelve-months; and (5) to add that balloon signs on a tether line must have the length of the tether limited to less than the distance to the nearest public street.

This motion was seconded by Councilmember Hendricks, and carried by the following votes:
Ayes: Draper, Goldsworthy, Hendricks, Loch, Snuggs, and Williams
Nays: None
Absent: Rippy

ORDINANCE NO. 1157-10-2006 – ADOPTING 2006 INTERNATIONAL ENERGY CONSERVATION CODE

CONSIDERATION OF AND ACTION ON FIRST READING OF AN ORDINANCE ADOPTING THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE RELATING TO INSPECTION ACTIVITIES AND ENFORCEMENT OF THE INSPECTION DEPARTMENT INSPECTION PROCEDURES, AMENDING THE CITY OF GAINESVILLE CODE OF ORDINANCES, CHAPTER FIVE, BUILDINGS AND BUILDING REGULATIONS, SECTION 5-13.2, BY ADOPTING AND AMENDING THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; REPEALING CODES OR ORDINANCES IN CONFLICT WITH THE CODES ADOPTED HEREIN; PROVIDING PENALTY FOR VIOLATION; PROVIDING FOR CHARTER SUSPENSION.

Building Official Roy Lewis stated the City was required in 2000 to adopt the International Energy Conservation Code. The 2006 Edition has now been issued, and combines many previous charts and rules that will simplify Energy Code requirements and calculations for the City Inspection Department. Approval is recommended.

Councilmember Snuggs **moved for Suspension of Charter**, and was seconded by Councilmember Williams. The motion carried:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Snuggs, and Williams
Nays: None
Absent: Rippy

Councilmember Snuggs **moved to adopt the Ordinance**, seconded by Councilmember Draper. The motion carried by the following votes:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Snuggs, and Williams
Nays: None
Absent: Rippy

ORDINANCE NO. 1158-10-2006 – ADOPTING 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE

CONSIDERATION OF AND ACTION ON FIRST READING OF AN ORDINANCE ADOPTING THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE RELATING TO INSPECTION ACTIVITIES AND ENFORCEMENT OF CODE ENFORCEMENT DEPARTMENT INSPECTION PROCEDURES, AMENDING THE CITY OF GAINESVILLE CODE OF ORDINANCES, CHAPTER FIVE, BUILDINGS AND BUILDING REGULATIONS, ARTICLE I GENERAL, SECTION 5-13.3 BY ADOPTING AND AMENDING THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; REPEALING CODES OR ORDINANCES IN CONFLICT WITH THE CODES ADOPTED HEREIN; PROVIDING PENALTY FOR VIOLATION; PROVIDING FOR CHARTER SUSPENSION.

Roy Lewis recommended adoption of the 2006 Edition of the International Property Maintenance Code to replace the previously adopted 2000 edition, and stated the purpose is to tie in the Maintenance Code with the City's Nuisance Enforcement Code and Building Code. He stated that one amendment in the 2006 Edition replaces the term "impervious surface" with a new definition "all weather surface" meaning concrete or cement, asphalt brick, concrete or brick pavers, gravel or any similar materials approved by the City.

Councilmember Goldsworthy **moved for Suspension of Charter**, and was seconded by Councilmember Snuggs. The motion carried:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Snuggs, and Williams

Nays: None

Absent: Rippy

Councilmember Goldsworthy **moved to adopt the Ordinance**, seconded by Councilmember Williams. The motion carried by the following votes:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Snuggs, and Williams

Nays: None

Absent: Rippy

EXECUTIVE SESSION

Council did not convene into executive session.

CITY MANAGER'S COMMENTS

Land reminded Council members that he will attend the Texas Municipal League Conference in Austin next week.

Land said Depot Day a great success, probably had the best attendance ever, and praised City staff and crews for their work in planning and working the event.

Land said he met with the TXDOT contractor for the I-35 / Highway 82 improvement project, and said the contractors plan to begin work in November.

The Leadership Gainesville class began its 2006-2007 program schedule with the City of Gainesville hosting Municipal Day on Wednesday, October 11. Land expressed his appreciation to the Council for their support of the Leadership Program.

CITY ATTORNEY COMMENTS

Attorney Harris commented on Council's unusual process in adopting the sign code ordinance with five amendments included in the motion for final adoption.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 7:03 p.m.

Attest:

Kay Lunnon, City Secretary

Gainesville City Council Minutes of October 17, 2006

Glenn Loch, Mayor