

**MINUTES OF THE MEETING OF THE JERSEY VILLAGE  
PLANNING AND ZONING COMMISSION**

October 10, 2011 – 6:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENEED ON OCTOBER 10, 2011, AT 6:00 P.M. IN THE CIVIC CENTER MEETING ROOM, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS.

**A. The meeting was called to order at 6:00 p.m. and the roll of appointed officers was taken. Commissioners present were:**

Debra Mergel, Chairman	Tom Eustace, Commissioner
Barbara Freeman, Commissioner	Justin Ray, Commissioner
Michael O’Neal, Commissioner	George Ohler, Commissioner

Council Liaison Harry Beckwith

Commissioner Rick Faircloth was not present at this meeting.

Staff in attendance: Mike Castro, City Manager; Lorri Coody, City Secretary; Danny Segundo, Director of Public Works; and Christian Somers-Kuenzel, Building Official.

**B. Consider approval of the minutes for the meeting held on June 20, 2011.**

Commissioner Ray moved to approve the minutes for the meeting held on June 20, 2011. Commissioner Freeman seconded the motion. The vote follows:

Ayes: Commissioners Freeman, O’Neal, Eustace, Ray, and Ohler  
Chairman Mergel

Nays: None

The motion carried.

**C. Election of chairperson and vice-chairperson for one year term.**

Chairman Mergel opened nominations for the office of Chair for a one year term beginning October 1, 2011 and ending September 30, 2012. Commissioner Eustace moved to nominate Commissioner Debra Mergel to serve in this capacity. The motion was seconded by Commissioner Ohler. With no other nominations being made, the vote follows:

Ayes: Commissioners Freeman, O’Neal, Eustace, Ray, and Ohler

Nays: None

Not Voting: Chairman Mergel

The motion carried.

Chairman Mergel opened nominations for the office of Vice Chair for a one year term beginning October 1, 2011 and ending September 30, 2012. Commissioner Ohler moved to

nominate Commissioner Tom Eustace to serve in this capacity. Commissioner Eustace declined the nomination.

Commissioner Freeman moved to nominate Commissioner Faircloth. The motion was seconded by Commissioner Ray. Discussion followed about the availability of Commissioner Faircloth to serve in this capacity. Some felt that his travel responsibilities with his employment might interfere with his capability to serve. With limited discussion on this topic and no other nominations being made, the vote followed:

Ayes: Commissioners Freeman, O’Neal, Eustace, and Ray  
Chairman Mergel

Nays: Commissioner Ohler

The motion carried.

**D. Discussion with possible action regarding a request from Clear Channel Communications to amend Section 14-243(15) of the City of Jersey Village Code of Ordinances to allow Spectacular Signs.**

Public Works Director, Danny Segundo, explained that the City has received a request from Clear Channel Communications seeking to amend the City’s ordinances to allow spectacular signs. Currently these signs are prohibited within the city limits.

A spectacular sign is defined as a sign that has one or more of the following as elements in its physical structure:

1. Automatically changing advertising that *changes more often than once every five minutes* (not including date, time, temperature);
2. Blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating, or spotlights, or similar devices;
3. Lights or colored elements creating a continuously moving, shimmering or prismatic effect; or
4. Rotating or moving parts.

Mr. Segundo told the Commission that Mr. Lee Vela from Clear Channel gave a presentation to City Council on September 19, 2011. After receiving this presentation, Council motioned to charge the Planning and Zoning Commission with the task of making a recommendation concerning amendments to Section 14-243(15) of the City of Jersey Village Code of Ordinances pertaining to Spectacular Signs.

Mr. Segundo introduced Mr. Lee Vela who gave a short presentation to the Commission concerning spectacular signs.

In completing the presentation the Commission engaged in discussion about the following topics surrounding Clear Channel’s request:

1. Clear Channel intends to upgrade one bill board sign to “spectacular” status in Jersey Village;

2. The messages change every 8 seconds.
3. Clear Channel is offering 18,000 community service messages at no charge to the City. TXDOT requires this offering;
4. 18,000 community service messages equals about 40 hours per year of advertising;
5. The request is to change the City's ordinance to permit the spectacular signs to change every 8 seconds as opposed to the current requirement of every 5 minute;
6. The effects of this change on other businesses and sign requests for spectacular signs;
7. The state's requirement that no spectacular signs be closer to each other than 1,500 feet;
8. The public service messages will be run in rotation, and the times that these messages run can be negotiated with Clear Channel;
9. The effects of an ordinance change on churches in Jersey Village that have similar electronic signs; and
10. The zoning area for which the change could or should be applied.

After this initial discussion period, the Commission listened to a recording of the September 19, 2011 Council Meeting wherein Council engaged in discussion about Clear Channel's request. A summary of Council's discussion is as follows:

*Following a presentation by Lee Vela from Clear Channel Communications, Council engaged in discussion about spectacular signs and the prospect that 18,000 public services messages could be run in rotation with one displaying every 8 seconds. They also discussed the times that such public service messages would run should the City approve these signs. Mr. Vela explained that arrangements would be made to run the City's messages at a time agreed upon by each, and this time would not be in the early morning hours as initially thought by some Council Members.*

*Council also discussed that publicizing some events held by the City along US Highway 290 may not be a benefit, as it would bring too many people into the City to attend events that are primarily given to benefit Jersey Village residents.*

*Council also discussed how the signs would be powered in the event of an emergency should there be no electricity. Mr. Vela explained that some signs would have generators, not all as the generators will be strategically placed around the Gulf Coast area. He also explained that the units are the same size as the existing bill boards and the illumination is never more than 3.3 foot candles.*

*City Manager Castro explained the process for moving forward with further consideration of this request. He explained that Council would need to charge the P&Z with making a recommendation pertaining to the request.*

*Council asked for input from both the Fire and Police Chiefs. Chief Foerster stated the signs would be beneficial in providing information on missing people, fugitives, and the evacuation process during a hurricane. Chief Bitz was concerned with how and when the messages are displayed during an emergency situation.*

*City Manager Castro addressed Council stating that there is a difference between Jersey Village residents and those traveling along the US Highway 290 corridor. As a result,*

*most messages aimed at Jersey Village residents do not need to be displayed along US Highway 290. Messaging with our residents during the time of an emergency has been consistent in the past. Residents are accustomed to receiving this type information via the city website, the city marquee signs, door-to-door postings, email blasts, and the JV Star when time permits. Accordingly, based upon past success with informing our residents, it is not likely that these “Spectacular Signs” will be used to satisfy this purpose. Therefore, if the interest in spectacular signs is based upon the concern about informing JV residents of pertinent information during an emergency, these signs may not be the answer.*

*With no further discussion on the matter, Council charged the Planning and Zoning Commission with reviewing Clear Channel Communications’ request to amend Section 14-243(15) of the City of Jersey Village Code of Ordinances to allow Spectacular Signs and make a recommendation to council pertaining to same.*

In hearing the discussions of Council, the Commission continued discussion about the following items connected to Clear Channel Communications’ request and spectacular signs:

1. Clear Channel will help with the design of the graphics for community service messages and will assist staff in preparing a template for updating messages;
2. There are three (3) companies in the city that have spectacular signs;
3. Clear Channel owns the sign that will be converted;
4. The best location for the placement of spectacular signs is along the US Highway 290 corridor;
5. Jones Road is not a suitable location for these signs;
6. What will it really mean to Jersey Village if the ordinance is changed;
7. The difference between off-premises and on-premises signs;
8. The true value of the community/emergency messaging service;
9. Spectacular Signs are tied into the emergency management system as a state requirement;
10. Spectacular Signs as a specific use versus an overlay district;
11. Other cities that have changed their ordinances to accommodate spectacular signs (League City and Conroe);
12. The nearest sign is in Humble;

With no further discussion on this matter, Commissioner Ray moved that staff bring back proposed amendments to the Code of Ordinances permitting LED signs with changeable messages as a specific use along the US 290 Corridor. Commissioner Ohler seconded the motion. The vote follows:

Ayes: Commissioners Freeman, O’Neal, Eustace, Ohler, and Ray  
Chairman Mergel

Nays: None

The motion carried.

**E. Discussion with possible action a request to amend section 66-146 of the City of Jersey Village Code of Ordinances relating to Junk Vehicles.**

Council Member Harry Beckwith III told the Commission that on September 19, 2011 he explained to Council his request to change the city ordinance related to Junk Vehicles. As a result of his request, Council has charged the Commission with reviewing the junk vehicle ordinance and making a recommendation regarding possible amendments to same.

Currently the Jersey Village Code of Ordinances defines a “Junk Vehicle” as follows:

Junk Vehicle means a vehicle that is self-propelled and inoperable and:

1. Does not have lawfully attached to it:
  - a. An unexpired license plate; or
  - b. A valid motor vehicle inspection certificate; or
2. Is wrecked, dismantled or partially dismantled or discarded; or
3. Has remained inoperable for more than 45 consecutive days.

Council Member Beckwith would like the opening sentence of the ordinance changed as follows:

Junk Vehicle means a vehicle that is self-propelled and inoperable ~~and~~ or:

Council Member Beckwith pointed out that since Council’s review of this item on September 19, 2011, staff has learned that the “Junk Vehicle” definition, as outlined in Section 683.071 of the Transportation Code, has been amended during the 82<sup>nd</sup> Legislative Session, and the City Attorney is recommending that the City’s Code of Ordinances be amended to comport to the State law definition for “junk vehicle.”

The Commission engaged in discussion about the changes made by the 82<sup>nd</sup> Legislature and about how the suggested change appears to be more restrictive than the state requirement. Discussion was had about how these changes would affect the community as a whole and how staff is currently handling items that fall under the junk vehicle ordinance.

There was lengthy discussion about the changes made by the 82<sup>nd</sup> Legislature and the information included in the City Attorney’s memo pertaining to same. It appears that there were two bills that were approved by the 82<sup>nd</sup> Legislature that made amendments to Section 683.071 of the Transportation Code. These were HB 1376 and HB 787. It was concluded that HB 787 only applied to water craft. Therefore, Commissioner O’Neal moved that the Commission adopt the definition for junk vehicles as outlined in HB 1376 by the 82<sup>nd</sup> Legislature, changing the “and” to an “or” on line 11 as marked in the attached Exhibit A. Commissioner Ohler seconded the motion. The vote follows:

Ayes: Commissioners Freeman, O’Neal, and Ohler  
Chairman Mergel

Nays: Commissioners Eustace and Ray

The motion carried.

**F. Adjourn**

With no additional business to conduct Commissioner Ohler moved to adjourn the meeting. Commissioner Eustace seconded the motion. The vote follows:

Ayes: Commissioners Freeman, O’Neal, Eustace, Ohler, and Ray  
Chairman Mergel

Nays: None

The motion carried.

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Lorri Coody, City Secretary

1 AN ACT  
2 relating to the definition of a junked vehicle for purposes of  
3 abatement of a public nuisance.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 683.071, Transportation Code, is amended  
6 to read as follows:

7 Sec. 683.071. DEFINITION. In this subchapter, "junked  
8 vehicle" means a vehicle that is self-propelled and:

9 (1) displays an expired license plate or invalid motor  
10 vehicle inspection certificate or does not display a license plate  
11 or motor vehicle inspection certificate; (and, [have lawfully  
12 attached to it.

13 [~~(A) an unexpired license plate, and~~  
14 [~~(B) a valid motor vehicle inspection~~  
15 ~~certificate, and]~~

16 (2) is:  
17 (A) wrecked, dismantled or partially dismantled,  
18 or discarded; or

19 (B) inoperable and has remained inoperable for  
20 more than:

21 (i) 72 consecutive hours, if the vehicle is  
22 on public property; or

23 (ii) 30 consecutive days, if the vehicle is  
24 on private property.

H.B. No. 1376

1 SECTION 2. This Act takes effect September 1, 2011.



H.B. No. 1376

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 1376 was passed by the House on April 7, 2011, by the following vote: Yeas 141, Nays 3, 1 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 1376 was passed by the Senate on May 25, 2011, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Governor