



## CITY OF BRADY COUNCIL AGENDA REGULAR CITY COUNCIL MEETING MARCH 21, 2017 AT 6:00 PM

NOTICE is hereby given of a meeting of the City Council of City of Brady, McCulloch County, State of Texas, to be held at 6:00pm on March 21, 2017, at the City of Brady Municipal Court Building, located at 207 S. Elm Street, Brady, Texas, for the purpose of considering the following items. The City Council of the City of Brady, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

Tony Groves  
Mayor

Kathy Gloria  
Mayor Pro Tem

Shelly Perkins  
Council Member Place 2

Vacant  
Council Member Place 3

Jane Huffman  
Council Member Place 4

Jim Griffin  
Council Member Place 5

Kim Lenoir  
City Manager

Tina Keys  
City Secretary

Shannon Kackley  
City Attorney

*The mission of the City of Brady is to celebrate and share our rich history, encourage diverse housing choices, provide employment opportunities, exercise and promote fiscal responsibility, deliver exceptional customer services, and ensure quality infrastructure that fosters a thriving sustainable community for our citizens and visitors.*

### 1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM

### 2. INVOCATION & PLEDGE OF ALLEGIANCE

### 3. PUBLIC COMMENTS: Reserved for items NOT listed on the agenda

Please limit individual public comments to three (3) minutes. In accordance with TX AG opinion, any public comment addressing items not on the agenda, will only be heard by the City Council. No formal action, deliberation, discussion, or comment will be made by City Council. State Law prohibits any deliberation of or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff to place the item on an agenda for a subsequent meeting.

### 4. CONSENT AGENDA: Reserved for routine items

*All items listed on the Consent Agenda are to be approved with one group motion by the City Council, "Move to approve Consent Agenda." Any item may be removed from the Consent Agenda at the request of a Council Member and considered separately following the Consent Agenda approval. Consent Agendas are used to save time for the public meeting.*

- A. Approval of Audit Board for March 21, 2017
- B. Approval of Minutes for March 7, 2017 Regular Meeting
- C. Approval of Mayor's support letter for State House Bill (HB 387) relating to authority of General Law cities to restrict sex offenders from child safety zones.

### 5. PRESENTATIONS:

None Scheduled

### 6. PUBLIC HEARING:

Public Hearing to receive public comments concerning new rules and regulations for signage in the City of Brady.

## 7. INDIVIDUAL CONCERNS

- A. Discussion, consideration and possible action regarding **first reading of Ordinance 1221** establishing rules and regulations for signage in the City Zoning Ordinance, as recommended by the Planning and Zoning Commission.
- B. Discussion, consideration and possible action regarding **second and final reading of Ordinance 1220** to amend the FY 2017 Budget to allow for repairs to public facilities and the electric distribution system, additional equipment purchases, increased aviation fuels sales to the military, upgrades to the lake, meet TCEQ directives and promote TXDOT project 377N goals.
- C. Discussion, consideration and possible action regarding **second and final reading of Ordinance 1218** regarding amending Article 1.600 and repealing 1.700 of the Code of Ordinances for Rest Haven and Live Oak Cemeteries to update and revise the Rules and Regulations of the two cemeteries.
- D. Discussion, consideration and possible action regarding **Resolution 2017-012** continuing the City of Brady City Council as Permanent Trustees for the perpetual ownership and maintenance of the lots and graves of the Rest Haven and Live Oak Cemeteries.
- E. Discussion regarding City Council meeting procedures and process.

## 8. STAFF REPORTS

- A. Monthly Financial and Utility Reports for February 2017
- B. February Monthly Activity Reports – Seniors, Golf, BPD, Animal Control, Tourism Funding, Airport, Code Enforcement, HOT Ambulance Runs Recorded, Civic Center Construction Report
- C. Upcoming Special Events:
  - March 24 -25, HOT Country Music Festival – Civic Center
  - March 25 – Pancake Breakfast – Curtis Field Airport
  - March 31 – LCRA Steps Forward Volunteer Day – Richards Park/Brady Creek Trail (rain-out date 4/7)
  - April 1- 9am, 1<sup>st</sup> Disc Golf Showdown – Richards Park
  - April 1 – 11am-2pm, 1<sup>st</sup> Shrimp Peel – Civic Center
  - April 7-8, 3<sup>rd</sup> Annual MCHC Early Days – Richards Park
  - May 19-20, 6<sup>th</sup> Annual Armed Forces Day Fly-in – Curtis Field Airport
- D. Upcoming City Calendar:
  - March 22 – 8:30am Monthly Municipal Court
  - March 23 – 5:30pm Charter Review Commission Meeting
  - March 28 – 3:30-5:00pm Special Council Public Hearing for WWTP Environmental; Water & WW CIPs
  - March 28 – 6:00pm BEDC Meeting
  - April 24 – 12noon - City Council / County Commissioners Joint Meeting to discuss GRW
  - April 24 to May 2 - Early Voting Begins at City Hall
  - May 6 General and Special Election – Mayor; Council Member Place 1; Council Member Place 3

## 9. ANNOUNCEMENTS

Pursuant to the Texas Government Code § 551.0415, City Council Members and City staff may make reports about items of community interest during a meeting of the governing body without having given notice of the report. Items of community interest include: Expressions of thanks, congratulations, or condolence; An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision; Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and Announcements involving an imminent threat to public health and safety of people in the municipality that has arisen after the posting of the agenda.

## 10. EXECUTIVE SESSION

The City Council of the City of Brady will adjourn into Executive Session for the following:

A. Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange lease, or value of real properties of the City as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third person – utility easements, animal shelter, and other public facilities.

## 11. OPEN SESSION ACTION on Any Executive Session Item listed above, if needed.

## 12. ADJOURNMENT

*I certify that this is a true and correct copy of the City of Brady City Council Meeting Agenda and that this notice as posted on the designated bulletin board at Brady City Hall, 201 E. Main St., Brady, Texas 76825; a place convenient and readily accessible to the public at all times, and said notice was posted on \_\_\_\_\_ by 6:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.*

*Tina Keys, City Secretary*

In compliance with the American with Disabilities Act, the City of Brady will provide for reasonable accommodations for persons attending public meetings at City Facilities. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 325-597-2152 or [citysec@bradytx.us](mailto:citysec@bradytx.us).

**Attendance by Other Elected or Appointed Officials:** It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussion on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

The City Council of the City of Brady reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda as authorized by the Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.086 (Deliberations, vote or final action about competitive matters of the public power utility), and 551.087 (Economic Development).

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes written interpretation of the Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.114(c) and the meeting is conducted by all participants in reliance on this opinion.

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Regular Meeting on Tuesday, March 7, 2017 at 6:00 pm at the City of Brady Municipal Court Building located at 207 S. Elm Street, Brady, Texas with Mayor Anthony Groves presiding. Council Members present were Shelly Perkins, Jane Huffman and James Griffin. City staff present were City Manager Kim Lenoir, Public Works Director Steven Miller, Finance Director Lisa Remini, City Secretary Tina Keys, and Police Chief Steve Thomas. Also in attendance were Lynn Farris, Taylor Hoffpauir, Missi Davis, Jon Chase, Dub Smith, Jeffrey Sutton, Anthony Cook, Sondra Turner, Joe Whitehead, Anita Ellison, Don Perkins, Elizabeth McLean, H. M. McLean and James Stewart.

#### **1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM**

Mayor Groves called the meeting to order at 6:01 p.m. Council quorum was certified.

#### **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Groves gave the invocation and the Pledge of Allegiance was recited.

#### **3. PUBLIC COMMENTS**

Joe Whitehead spoke on ambulance service billing issues

#### **4. CONSENT AGENDA**

- A. Approval of Audit Board for March 3, 2017
- B. Approval of Minutes for February 21, 2017 Regular and Work Session Meeting
- C. Approval of Resolution 2017-014 to adopt City of Brady Hazard Mitigation Plan

Council Member Perkins moved to approve the Consent Agenda. The motion was seconded by Council Member Huffman. All Council Members voted "aye" and none "nay". Motion carried in a 3 – 0 vote.

#### **5. PRESENTATIONS**

Annual Brady Police Department Report (including Police; Communications-911; Animal Services) – Chief Steve Thomas

Annual City of Brady Federal Racial Profile Report – Chief Steve Thomas

#### **6. PUBLIC HEARINGS:**

There were no public hearings

#### **7. INDIVIDUAL CONCERNs**

- A. Discussion, consideration and possible action regarding the first reading of Ordinance 1218 regarding amending Article 1.600 and repealing 1.700 of the Code of Ordinances for Rest Haven and Live Oak Cemeteries to update and revise the Rules and Regulations of the two cemeteries. Kim Lenoir presented to Council. Council Member Perkins commented on page 28, item H, no person shall be permitted .... Except... the "A" should be capitalized and "licensed peace officers" should be added. Council Member Perkins moved to approve the first reading of Ordinance 1218 as amended. Seconded by Council Member Griffin. All

Council Members voted “aye” and none “nay”. Motion carried in a 3 - 0 vote.

- B. Discussion, consideration and possible action regarding direction to staff to revise Ordinance 1155 regarding Heart of Texas Hospital System regulations and inspections of ambulance/transfer services in Brady. Kim Lenoir presented. Council Member Huffman talked about meeting between herself, Council Member Perkins, Brady EMS and the hospital. She feels the hospital should be exempt from inspection and they can submit to the City a copy of their inspection from the state, but she does think they should continue to call dispatch when taking transfers. She would like to make an exemption for our local hospital. Council Member Perkins agrees. She believes we need to look at existing ordinance in a work session to make changes. Mayor Groves thinks it's important to have the time during the inspection to work together. Mayor Groves believes the ordinance is good the way it is. Council Member Huffman said the hospital and City EMS do currently meet regularly at other times. Council Member Perkins feels we can achieve that communication through other avenues. Council Member Perkins moved to direct staff to schedule this topic for a future work session and to take input from council and hospital. Seconded by Council Member Huffman. All Council members voted “aye” and none “nay”. Motion carried in a 3 – 0 vote.
- C. Discussion, consideration and possible action approving the purchase of a 2017 Ford F-550 Diesel, regular cab with telescopic aerial lift. Lisa Remini presented. Council Member Griffin moved to approve. Seconded by Council Member Huffman. All Council Members voted “aye” and none “nay”. Motion carried in a 3 – 0 vote.
- D. Discussion, consideration and possible action regarding second reading of Ordinance 1219 adding to Council Meeting Article 1.160 to include options for rescheduling a regular city council meeting that conflicts with a federal holiday. Kim Lenoir presented. Council Member Griffin moved to approve the second and final reading of Ordinance 1219. Seconded by Council Member Perkins. All Council Members voted “aye” and none “nay”. Motion carried in a 3 – 0 vote.
- E. Discussion, consideration and possible action regarding Resolution 2017-013 to move regular city council meeting from July 4 to July 11, 2017. Kim Lenoir presented. Council Member Huffman moved to approve Resolution 2017-013. Seconded by Council Member Perkins. All Council Members voted “aye” and none “nay”. Motion carried in a 3 - 0 vote.
- F. Discussion, consideration and possible action regarding first reading of Ordinance 1220 to amend the FY 2017 Budget to allow for repairs to public facilities and the electric distribution system, additional equipment purchases, increased aviation fuels sales to the military, upgrades to the lake, meet TCEQ directives and promote TXDOT project 377N goals. Lisa Remini presented. Mayor Groves asked if council is ok with TXDOT job. All were in favor. Council Member Griffin asked if the \$50,000 from the TXDOT job can be applied to requested vehicles? The answer was no, the funds would remain in the electric fund and would support expenditures necessary for the project. Mayor Groves asked how the truck for the Street Department would be paid for. Remini answered “fund balance reserves in the general fund”. Council Member Huffman asked if we make these purchases, when we meet for budget, what do you project for vehicle needs next year? Remini doesn't have that yet. Public Works Director Steve Miller stated that for the Street Division, truck needs should be finished but equipment needs would be a priority. Council Member Huffman moved to approve the first reading of Ordinance 1220. Seconded by Council Member Perkins. All Council Members voted “aye” and none “nay”. Motion carried in a 3 - 0 vote.
- G. Discussion, consideration and possible action regarding Interlocal Agreement with McCulloch County for labor and equipment sharing to improve/maintain infrastructure of public facilities. Kim Lenoir presented. Council Member Griffin moved to approve. Seconded by Council Member Perkins. All Council Members voted “aye” and none “nay”. Motion carried in a 3 – 0 vote.

H. Discussion regarding City Council meeting procedures and process. Mayor Groves thought meeting went well and presentation was very informative and helpful.

## 8. STAFF REPORTS

### A. Upcoming Special Events:

- March 4-5 – Two Man Partnership Golf Tournament
- March 10-12 – Muzzle Loading Shoot – Brady Lake Gun Range
- March 13-17 – BISD Spring Break
- March 17-25 – Annual HOT Country Music Festival
- March 18 – Re-dedication of the Civic Center
- March 31 – LCRA Steps Forward Volunteer Day – Richards Park (rain-out date 4/7)
- April 1-9am, Disc Golf Showdown – Richards Park

### B. Upcoming City Calendar:

- March 14 - 5:30pm P&Z Meeting
- March 15 – 5:30pm Airport Advisory Board
- March 21 – 4pm City Council Work Session – Animal Control
- March 21 – 6pm Regular City Council Meeting
- March 22 – 8:30am Monthly Municipal Court
- March 23 – 5:30pm Charter Review Commission Meeting
- March 28 – 3:30pm -5:00pm Special City Council Public Hearing for WWTP Environmental; Water & WW CIPs
- March 28 – 6:00pm BEDC Meeting
- April 24 to May 2 - Early Voting Begins at City Hall
- May 6 General and Special Election Calendar - Attached

## 9. ANNOUNCEMENTS

Mayor Groves talked about Civic Center Re-dedication.

## 10. EXECUTIVE SESSION

There was no executive Session.

## 11. OPEN SESSION ACTON on Any Executive Session Item listed above, if needed.

None

## 12. ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at 8:00 p.m.

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Mayor Anthony Groves

Attest: \_\_\_\_\_

Tina Keys, City Secretary

A BILL TO BE ENTITLED

AN ACT

relating to the authority of general-law municipalities to restrict sex offenders from child safety zones in the municipality.

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

SECTION 1. Subchapter Z, Chapter 341, Local Government Code, is amended by adding Section 341.906 to read as follows:

Sec. 341.906. LIMITATIONS ON REGISTERED SEX OFFENDERS IN GENERAL-LAW MUNICIPALITIES. (a) In this section:

(1) "Child safety zone" means premises where children commonly gather. The term includes a school, day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children. The term does not include a church, as defined by Section 544.251, Insurance Code.

(2) "Playground," "premises," "school," "video arcade facility," and "youth center" have the meanings assigned by Section 481.134, Health and Safety Code.

(3) "Registered sex offender" means an individual who is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.

(b) To provide for the public safety, the governing body of a general-law municipality by ordinance may restrict a registered sex

offender from going in, on, or within a specified distance of a child safety zone in the municipality.

(c) It is an affirmative defense to prosecution of an offense under the ordinance that the registered sex offender was in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes.

(d) The ordinance may establish a distance requirement described by Subsection (b) at any distance of not more than 1,000 feet.

(e) The ordinance shall establish procedures for a registered sex offender to apply for an exemption from the ordinance.

(f) The ordinance must exempt a registered sex offender who established residency in a residence located within the specified distance of a child safety zone before the date the ordinance is adopted.

The exemption must apply only to:

(1) areas necessary for the registered sex offender to have access to and to live in the residence; and

(2) the period the registered sex offender maintains residency in the residence.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

**CITY COUNCIL**  
**CITY OF BRADY, TEXAS**  
**AGENDA ACTION FORM for ORDINANCE**

<b>AGENDA DATE:</b>	3/21/17	<b>AGENDA ITEM</b>	7.A
<b>AGENDA SUBJECT:</b>	Discussion, consideration and possible action regarding <b>first reading of Ordinance 1221</b> of the City of Brady, establishing rules and regulations for signage, as recommended by the Planning and Zoning Commission		
<b>PREPARED BY:</b>	Peter Lamont	<b>Date Submitted:</b>	3-16-17
<b>EXHIBITS:</b>	Ordinance 1221 Sign Ordinance Summary		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$00.00	
	<b>Amount Budgeted:</b>	\$00.00	
	<b>Appropriation Required:</b>	\$00.00	
<b>CITY MANAGER APPROVAL:</b>			

**SUMMARY:**

At the February 2, 2016 meeting, the City Council passes Resolution 2016-011, placing a moratorium of six months of the construction of pole signs. On November 1, 2016 the Moratorium was extended to August of 2017 to allow completion of a new sign ordinance.

The sign ordinance presented has been developed with input from the City legal advisors and in 4 to 5 meetings of the Planning and Zoning Commission. It is based on a model ordinance developed by the International Municipal Lawyers Association to address constitutional challenges to existing sign ordinances around the country. For ease of understanding, staff has inserted descriptions and drawing from the Texas Engineering Extension Agency's Code Enforcement class handbook. The ordinance included with this action form includes the changes recommended by staff as well as the legal comments from the development of the ordinance. These edits will be removed before the final reading but staff feels it is important that Council understand the reasoning behind some of the ordinance language.

Planning and Zoning approved recommending the sign ordinance unanimously on February 14, 2017.

**RECOMMENDED ACTION:**

**Mayor:** "Do I have a motion to read the full ordinance?"

**If no, Mayor will state:** "A majority of the City Council has dispensed with the full reading of the ordinance."

**Mayor will ask:** "Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter." "Secretary reads preamble"

**Mayor calls for a motion:**

Move to approve first reading of Ordinance 1221

## Sign Ordinance Recommendations

**Pole signs –**

- No higher than 40 feet as approved for Burger King
- No more than 75 sq. ft. per sign
- 300 SF total allows for stacked signs for shopping centers similar to Hibbits
- Minimum 8 feet over pedestrian areas
- Minimum 15 feet over vehicular traffic areas

**Projecting signs – Maximum 32 sq feet**

- Minimum 8 feet over pedestrian areas
- Minimum 14 feet over vehicular traffic areas

**Ground Mounted or monument signs – Maximum 32 sq feet**

- Base must sit entirely on the ground
- Max height 6 feet
- Cannot obscure traffic visibility

**Snipe or bandit signs – not allow**

**Temporary signs – Maximum 3 sq ft**

- For garage sale and open house allowed 7 days prior and day of
- For Election/political allowed 60 days prior and 10 post election – could be contested
- Real estate signs – From market availability to 10 post closing
- Leasing signs – From market availability through lease signing

**Banners – limited to 2 weeks periods – 10 weeks per year per address**

- Not allowed to be permanent signage

## Sign Code – 6th Rough Draft

This document started as an effort to write a Model Sign Code, but as time passed it became clear that the term “model” might be a bit too ambitious and this draft evolved with comments, suggestions and ideas that can help drafters of their own codes. As time passes IMLA will review cases and efforts by others as we continue to update this document. For the reason that the law continues to be unsettled in many respects this continues to be a “rough draft”.

This Sign Code proposes a content neutral code developed based on the decision of *Reed v. Town of Gilbert*, \_\_\_ U.S. \_\_\_, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444, 25 Fla. L. Weekly Fed. S 383 (U.S. 2015). The sign code recognizes that government signs are government speech intended to ensure public safety. These government signs include those described and regulated in the Manual on Uniform Traffic Control Devices and signs that are necessary to identify properties and to implement the laws of the state. The skeleton of this Sign Code derives from the Washington County, Oregon sign regulations which were found to be content neutral by the United States District Court for Oregon, Portland Division in *Icon Groupe, LLC v. Washington Cnty.*, 2015 U.S. Dist. LEXIS 67682 (D. Or. May 26, 2015). Because the skeleton finds its foundation in a County sign code, some provision may not be appropriate for cities or towns and because the drafters have included provisions from cities and towns, some provisions may not work for counties. For those reasons, persons using this document should tailor their product to their community’s interests and needs.

This Sign Code accepts at face value the Supreme Court’s unanimous view that governments may regulate signs. In *City of Ladue v. Gilleo*, 512 U.S. 43, 48, 114 S. Ct. 2038, 2041-2042, 129 L. Ed. 2d 36, 42-43, (U.S. 1994) writing for a unanimous court Justice Stevens explained that “While signs are a form of expression protected by the Free Speech Clause, they pose distinctive problems that are subject to municipalities’ police powers. Unlike oral speech, signs take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. It is common ground that governments may regulate the physical characteristics of signs -- just as they can, within reasonable bounds and absent censorial purpose, regulate audible expression in its capacity as noise. See, e. g., *Ward v. Rock Against Racism*, 491 U.S. 781, 105 L. Ed. 2d 661, 109 S. Ct. 2746 (1989); *Kovacs v. Cooper*, 336 U.S. 77, 93 L. Ed. 513, 69 S. Ct. 448 (1949).” In *Ladue*, the Court concluded that the City’s regulation banning almost all residential signs went too far in restricting speech. At the same time the Court noted that its decision did not eliminate the city’s ability to restrict some types of signs: “Nor do we hold that every kind of sign must be permitted in residential areas. Different considerations might well apply, for example, in the case of signs (whether political or otherwise) displayed by residents for a fee, or in the case of off-site commercial advertisements on residential property. We also are not confronted here with mere regulations short of a ban.” *City of Ladue v. Gilleo*, 512 U.S. 43, 58, 114 S. Ct. 2038, 2045, 129 L. Ed. 2d 36, 49, (U.S. 1994). Thus, *Ladue* teaches us that governments may impose limits on some signs and impose regulations short of a complete ban.

In *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 507, 101 S. Ct. 2882, 2892, 69 L. Ed. 2d 800, 814- 815 (U.S. 1981) a majority of the Justices of the Supreme Court concluded that a government could distinguish between commercial and non-commercial speech when regulating signs:

"Finally, in *Central Hudson Gas & Electric Corp. v. Public Service Comm'n*, 447 U.S. 557 (1980), we held: 'The Constitution . . . accords a lesser protection to commercial speech than to other constitutionally guaranteed expression. The protection available for a particular commercial expression turns on the nature both of the expression and of the governmental interests served by its regulation.' *Id.*, at 562-563 (citation omitted). We then adopted a four-part test for determining the validity of government restrictions on commercial speech as distinguished from more fully protected speech. (1) The First Amendment protects commercial speech only if that speech concerns lawful activity and is not misleading. A restriction on otherwise protected commercial speech is valid only if it (2) seeks to implement a substantial governmental interest, (3) directly advances that interest, and (4) reaches no further than necessary to accomplish the given objective. *Id.*, at 563-566.

"Appellants agree that the proper approach to be taken in determining the validity of the restrictions on commercial speech is that which was articulated in *Central Hudson*, but assert that the San Diego ordinance fails that test. We do not agree."

Despite concluding that San Diego's ordinance regulating billboard's survived the *Central Hudson* test, four members of the majority reached the conclusion that the city's ordinance was facially unconstitutional because it allowed commercial speech at certain locations where it prohibited non-commercial speech. "It does not follow, however, that San Diego's general ban on signs carrying noncommercial advertising is also valid under the First and Fourteenth Amendments. The fact that the city may value commercial messages relating to onsite goods and services more than it values commercial communications relating to offsite goods and services does not justify prohibiting an occupant from displaying its own ideas or those of others." *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 512-513, 101 S. Ct. 2882, 2895, 69 L. Ed. 2d 800, 818 (U.S. 1981)

In a decision following *Reed*, a federal District Court concluded that *Reed* did not extend to regulation of commercial speech and that the *Central Hudson* standard ought to apply to the City's regulations, albeit, regulations not involving signs:

"*Reed* is inapplicable to the present case, for several reasons, including that it does not concern commercial speech. Restrictions on commercial speech are evaluated under *Central Hudson*, using a four-part test:

(1) [I]f the communication is neither misleading nor related to unlawful activity, then it merits First Amendment scrutiny as a threshold matter; in order for the restriction to withstand such scrutiny, (2) the State must assert a substantial interest to be achieved by restrictions on commercial speech; (3) the restriction must directly advance the state interest involved; and (4) it must not be more extensive than is necessary to serve that interest.

*World Wide Rush v. World Wide Rush, LLC v. City of L.A.*, 606 F.3d 676, 684 (9th Cir. 2010) (citations and quotation marks omitted) (citing *Central Hudson*, 447 U.S. at 564-66)."

*San Francisco Apt. Ass'n v. City & Cnty. of San Francisco*, 2015 U.S. Dist. LEXIS 150630, \*18 (N.D. Cal. Nov. 5, 2015)

Because *Metromedia* offers scant support for developing content based regulations of commercial signs, this Sign Code follows an approach designed to create content neutral regulations applicable to all signs, while distinguishing commercial signs from non-commercial signs by prohibiting commercial signs in some locations and regulating forms of commercial signs to limit their numbers while attempting not to stifle economic activity. Where commercial signs are allowed, *Metromedia* informs the conclusion that non-commercial signs must also be allowed.

Where this Sign Code uses time limits or size limits, those should be considered as illustrative only and are not intended to form a part of the Sign Code except for illustrative purposes.

## ARTICLE . - SIGNS

### DIVISION I. - GENERAL PROVISIONS

Findings, purpose and intent; interpretation.

(a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article which can be given effect without the invalid provision.

(b) Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the [governing body] or Board of [Adjustment, Appeals, Zoning Appeals].

*Comment: Adopters of sign laws should be careful to consider how special permits, conditional uses, variances and other limitations are applied to signs. First Amendment principles dealing with prior restraint of speech may come into play and would need to be addressed. As mentioned throughout the adopters of this Sign Code should review it carefully with their attorney to be sure that they have a sound legal basis for adoption.*

(c) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.

(d) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

- (e) These regulations distinguish between portions of the City/County/Town designed for primarily vehicular access and portions of the City/County/Town designed for primarily pedestrian access.
- (f) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City/County/Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- (g) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

*Comment: The previous sections (a) through (g) were taken directly from the Local Government Association of Virginia's Model Sign Code with only minor revisions if any and one Comment.*

(h)—These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by this State, the federal government or this City/County/Town. The inclusion of “government” in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

## **Section 1. Definitions.**

**1.1 Sign.** A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, must not be considered a sign. Each display surface of a sign or sign face must be considered to be a sign.

### **1.1.1 Sign area:**

1.1.1.1 the space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or

1.1.1.2 where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.

1.1.2.3 **Sign face:** The entire display surface area of a sign upon, against or through which copy is placed.

1.1.3 **Electric Signs.** Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

**1.1.4 Flashing Signs.** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code any moving illuminated sign, except digital billboards, must be considered a flashing sign. Many sign regulations limit or prohibit moving or flashing signs. Some flashing signs include rows of colored lights that flash in sequence. Animated and flashing signs may be confused with traffic signals or warning devices. Although they can be more distracting to traffic than other signs, the issue also involves aesthetics. Special restrictions on sign lighting adjacent to residential properties, such as nuisance restrictions on beacons and lights producing glare on adjacent properties, are appropriate in most communities. Beacons include any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot. Beacons also include any light with one or more beams that rotate or move. Many local sign regulations prohibit beacons, which (unlike most flashing signs) may disturb residents at distances of blocks, or even miles, away from the location of the beacon.

**1.1.5 Time and Temperature Signs.** These are signs that change as the time or temperature changes. Alternatively, the sign might repeatedly flash from one measurement to the other.

**1.1.6 Moving Signs.** Moving signs are moved by mechanical or natural means. An example is a wind-operated sign.

**1.1.75 Freestanding Signs.** A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including ground mounted signs. (Pole signs are signs that are supported by one or more poles and otherwise separated from the ground by air. Pole signs are almost aka)s separate from buildings and other structures.)

**1.1.86 Government Signs.** A government sign is 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 either directly or to enforce a property owner's rights.

*Comment: This Sign Code recognizes, as did the Supreme Court in Reed v. Town of Gilbert, \_\_\_ U.S., 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444 (U.S. 2015), that the government must speak and in doing so is not regulated as private individuals under the First Amendment. While the Government often speaks directly, its speech can often be found in requirements of law that demand members of a community, residents and property owners to post notices to protect the rights afforded by the government. This form of speech finds protection in this Sign Code in recognition of legal requirements that a property owner must post a property against trespassing, solicitors and others to enforce property rights and privacy; or where a property owner must warn of dangers on the property to protect public safety and limit liability such as warning of dangerous animals, high voltage, sinkholes, gun or weapon usage among other dangers. While these postings are sometimes voluntary, all are required by the government to be in a certain form and should constitute the government's speech (they would not be considered private speech under the axiom: *actus me invito factus non est meus actus*). However, even if considered private speech the majority in Reed recognized that these types of signs could well survive even the strict scrutiny standard. Compelled speech generally finds little support under First Amendment analysis and in the cases decided by the Supreme Court.*

Nevertheless, compelled commercial speech such as warning labels on cigarette packaging and requirements imposed by the SEC on business communications affecting investors have been sustained. Here the types of compelled speech that fall within this government speech definition are forms of speech required by law to warn of dangers or to assert rights protected by the law. A community attempting to rely on these forms of compelled speech as with the rest of this Sign Code should only do so after a full review and analysis by its attorney.

1.1.97 **Ground Mounted Signs.** A sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground. In ground signs or low profile signs, the entire bottom or a ground sign is generally) in contact with or in close proximity to the ground. Like pole signs, ground signs are separate from buildings.

**Comment: Regarding Freestanding Signs and Ground Signs: some local regulations simply group pole signs and ground signs into the simpler classification of freestanding signs.**

1.1.108 **Highway Signs.** A Freestanding sign, Integral Sign or Flat Wall Sign that is erected and maintained within the view of motorists who are driving on a highway.

1.1.119 **Integral Signs.** A sign that is embedded, extruded or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

**1.1.12 Permanent Signs.** The most basic distinction for signs concerns whether they are permanent or temporary. Permanent signs include the following: set on their own foundation, sunk into the ground, and/or permanently fastened to, or painted on, a permanent structure. Note, some local sign regulations permit only permanent signs.

1.1.130 **Marquee Signs.** A canopy or covering structure bearing a signboard or copy projecting from and attached to a building. Marquee signs include any movie-type marquee with manually or electronic changeable text and/or images. Their large display area allows space for fairly prominent or extensive information.

**Comment: Electronic marquees are replacing manual marquees at many cinemas and theaters. They are also being used as general advertising devices in many other situations. Some electronic marquees show messages and graphics that change constantly; others are changed at infrequent intervals. Some are used to display stock quotations and are changed about six times a day, five days per week.**

1.1.141 **Minor Signs.** A sign described in Section 1.3.2 and any sign not larger than Insert dimension here such as six square feet Three (3) square feet that can be removed by hand if abandoned.

1.1.152 **Original Art Displays.** A hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art

display does not include: mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

1.1.163 **Outdoor Advertising Signs.** A sign that advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

*Comment: This definition is content based under the literal interpretation of Reed v. Town of Gilbert as it requires one to determine from reading or looking at the sign if a product is being advertised that is not sold, manufactured or distributed on or from the premises. However, based on the concurring opinion of Justice Alito and the opinions of Justice Kagan and Justice Breyer, to say that a majority of the Court would reach the conclusion that defining "outdoor advertising" or "off premise" amounts to a content based restriction seems a stretch.*

1.1.17 Window/Door Signs. Window and door signs are simply signs on windows and doors. Some window signs may be permanently painted onto the window, while others may be temporary paper signs. The principal concerns with window and door signs are that they create clutter and block views in and out. The latter issue is often a security concern because such signs might make it impossible for police to see into a business while passing.

1.1.184 **Portable Signs.** 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.

1.1.195 Projecting Signs. A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure. Furthermore, signs that are installed perpendicular to or at an angle to a building wall are called projecting signs. When they are permitted, projecting signs are often treated in a separate sign classification because of the legal and practical issues that arise when such signs project over public streets or sidewalks. Local regulations often include clearance requirements for projecting signs, and many require that owners of projecting signs furnish proof of insurance in case the sign should fall on someone walking by.

1.1.2016 Roof Signs. A sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia. A roof sign may be defined as any of the following: freestanding sign that happens to be on a rooftop (often found on older, flat-roofed commercial buildings), anything that extends above the top of the highest wall of the building and does not project horizontally, signs integrated into a gambrel roof or integrated into a fake mansard porch, and/or roof signs may simply be included in the same classification as wall signs and regulated accordingly.

1.1.21 Suspended Signs. A suspended sign is a sign hanging down from a porch or other structural element that would exist with or without the sign. Suspended signs are often little more than duplicate address signs or nameplates, providing orientation to a pedestrian who cannot see the large wall sign above the porch or portico on the front of the building. These signs are usually small

and relatively unobtrusive. Suspended signs often overhang a public sidewalk. For this reason, some communities also impose clearance and insurance requirements on them.

*Comment: Regarding Nameplates, many local regulations permit, or exempt from regulation, a nameplate of one or two square feet. Permitting such a sign as a flush wall sign in virtually any zone, without specifying content, is entirely rational.*

1.1.22 Canopies and Awnings. Awning and canopy signs include the following: signs on traditional canvas awnings, signs on the edges of structural canopies, translucent plastic canopies that use dark letters or logos on a lighted background, and/or some communities consider signs in the fake mansard porch covers to be canopy signs rather than roof signs. All such signs are, in a sense, a type of wall sign and should generally be counted as such in determining the permissible sign area.

1.1.2317 Temporary Signs. A banner, 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 limited period of time. Temporary signs are sometimes defined only as signs that are not permanent. They include such signs as the following: sandwich boards, paper signs in grocery store windows, banners stretched across the front of a store or placed on small trailers. There are problems associated with temporary signs, such as the following: easily moved and inexpensive and therefore heavily used, leading to clutter. For Flags, refer to Items 1.3.5. Banners are defined as any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flags of any institutions or businesses shall not be considered banners. There are several possible approaches to regulating banners, including the following: ban them completely, or allow banners only as temporary signs on public property when they promote events of general civic interest, subject to a special permitting process. This rule allows the attachment of decorative banners to light poles and buildings, but precludes their use as signs. A pennant is any lightweight plastic, fabric, or other material, whether or not containing a message, suspended from a rope, wire or string, usually in series, and designed to move in the wind. The prohibition of flapping pennants is simple and logical if pennants are well defined. Rows of flapping pennants certainly contribute to streetscape clutter and do not communicate any essential message other than look at me.

*Comment: Flags, banners, and pennants present unique and troublesome issues for sign regulation. Twenty years ago, many communities cheerfully allowed flapping pennants of the kind found on some used car lots, permitted Rags as patriotic symbols, and disregarded the issue of banners. Today, some auto dealers and other merchants use garrison flags that may be 30x60 feet on 80-foot poles to attract attention, and arts groups use banners to promote activity at downtown centers.*

1.1.2418 Flat Wall (Façade-Mounted) Signs. A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points. Additionally, wall signs are categorized as signs that are painted on or attached flush with a structural wall of a building. Some definitions of wall

signs also include the following: signs on parapets, signs on wingwalls and other non-structural flat surfaces that may not have been built as a sign surface, signs attached flush with a structural wall, but extending above it, and/or signs painted on or attached flush with a functional roof surface.

*Note: A regulation that prohibited signs painted on a wall was upheld in Peterson v. Vill. of Downers Grove, 2015 U.S. Dist. LEXIS 167483 (N.D. Ill. Dec. 14, 2015)*

1.1.25 Billboards. The simplest way to regulate billboards, without addressing content, is to define a billboard as a sign located on a zone lot not containing a building and to include, in the ordinance, sign size limitations pertaining to building floor area.

1.1.2619 Digital Billboard. A sign that is static and changes messages by any electronic process or remote control.

1.1.2720 Vehicle Signs. Any sign attached to or displayed on a vehicle. Some proprietors park vehicles with signs on them in front of their businesses. These vehicles may range from autos with signs on top, to school buses with billboards attached, to trailers with messages on their sides. Some communities have abandoned vehicle regulations that prohibit the parking in public view of any vehicle not in operating condition and/or lacking current registration. This regulation effectively addresses the issue of parked vehicles used as signs.

1.1.28 Code unless otherwise specifically referenced means the Code of the City of Brady.

1.1.29 Lessee includes a person who rents property for residential purposes.

1.1.30 Snipe signs. Snipe sign means any small sign, generally of a temporary nature, made of any material, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, or other objects not erected, owned and maintained by the owner of the sign. Snipe signs are signs fastened to trees or poles. Typically, they are unpermitted or illegal commercial signs also known as street span or bandit signs, although may include permissible real estate signs. In commercial zones, there is no need for a special category for real estate signs. If a commercial property is partly or wholly vacant, it does not need its entire signage allocation, and part of that can be devoted to advertising the property for sale. If a fully leased and fully signed shopping center is for sale, it may have to be sold without a sign, as is the case with many investment properties. In residential zones, the simplest, content-neutral approach to real estate signs is to allow each residential zone lot a single, unlighted, freestanding sign of three or so square feet (possibly double-faced) for whatever purpose the owner may choose. That sign can serve as the For Sale or For Rent sign, or it may say Smith Residence or whatever the owner may choose.

1.1.31 Construction Signs. In residential neighborhoods, the basic freestanding sign described above can easily be used to advertise the fact that, for example, Bang 'em Up Contractors is building this house. In commercial zones, the full sign allocation for commercial purposes is never used until the building is complete. Thus, part of that basic sign allocation can be used to identify the contractors, architects, engineers, banks, and others involved in making the construction possible.

Note pertaining to the Categories of Signage and the Classification System: Understanding the similarities and differences among the groups into which signs are classified is a key to understanding sign regulation. Sign regulations typically group signs in classifications, such as ground signs, pole signs, and wall signs. The classification system for signs is usually based upon sign design and structure. The sign groups described in this section are common, but local definitions of these groups vary. This means that the descriptions given here are illustrative, not definitive. It is necessary to classify signs in order to base regulations on their characteristics.

1.1.32 Graffiti means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the City/County/Town. Graffiti includes snipe signs.

1.1.32.5 Graffiti implement means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.

Comment: The definitions of Graffiti and Graffiti Implement are taken from the IMLA Model Graffiti Ordinance. IMLA believes that an adopting jurisdiction should consider adopting anti-graffiti measures as well as addressing signs.

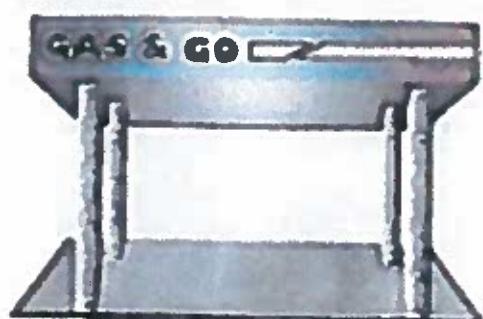
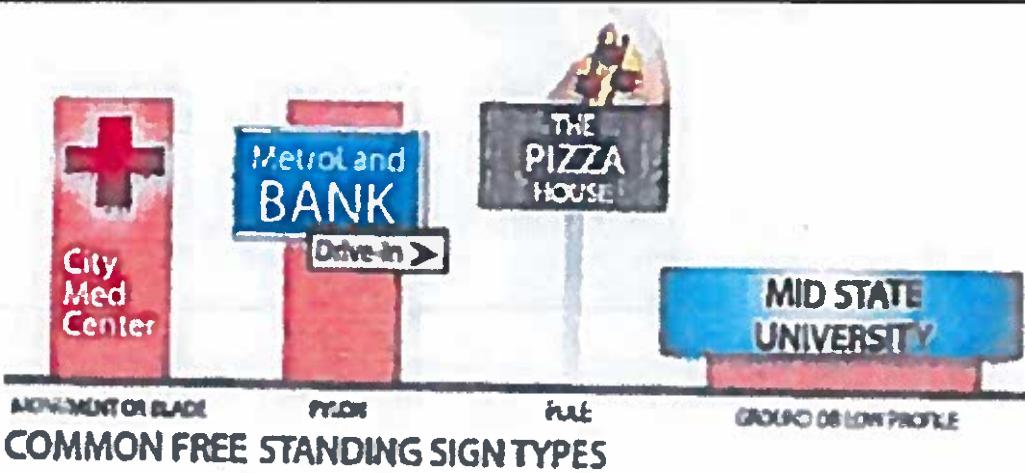
1.1.34.26 Holiday lights or mini lights mean light fixtures that use bulbs that are sized C6, C7, or C9 or LED bulbs that are 8 mm or smaller.

1.1.34.26.1 Rope light means a light that has Holiday lights or mini lights inside of a PVC tube.

1.1.34.26.2 String lights means a lighting fixture that is composed of electrical wiring encased in plastic with sockets for bulb placement.

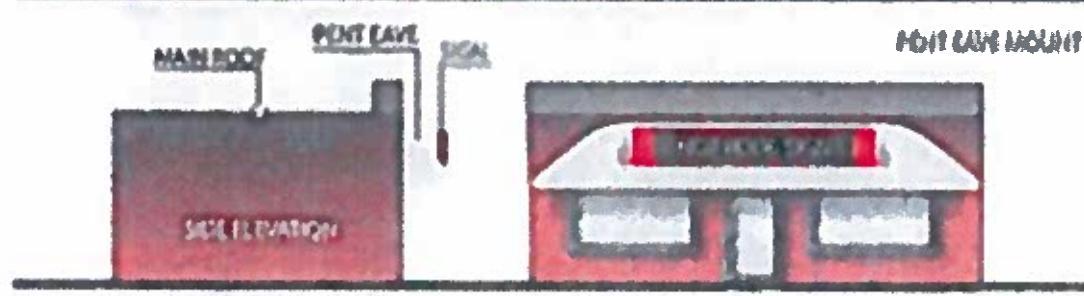
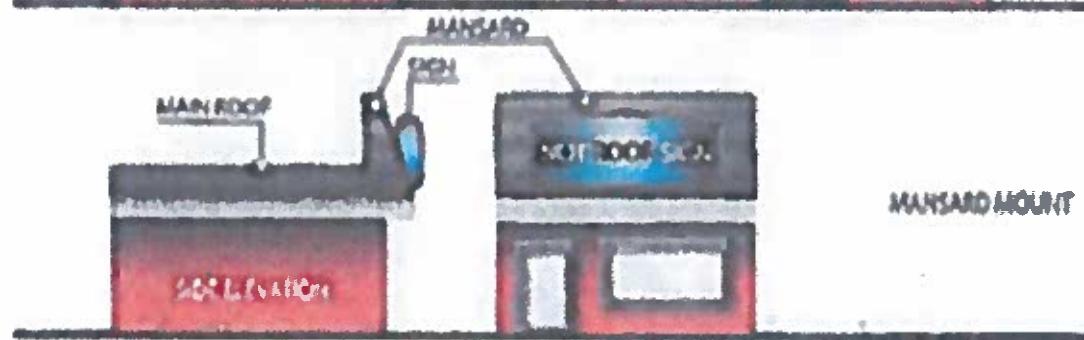
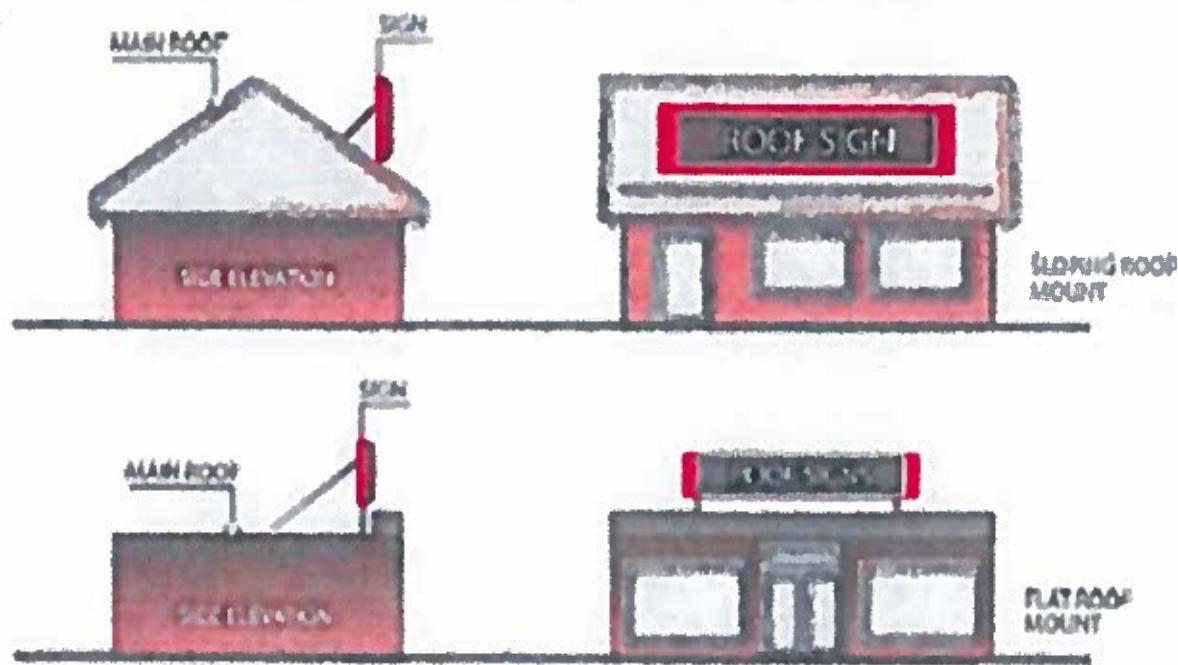
1.1.35 Types of Signs. Various types of signs are described in detail in this module. Illustrated samples are provided as a general overview and as a supplement to the specific written descriptions that will follow (refer to Figure 8.1 and Figure 8.2 on the next pages).

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## FASCIA SIGNS ON ROOF-LIKE PROJECTIONS

### ROOF SIGN



## 1.2 Prohibited Signs.

Signs are prohibited in all Districts unless:

1.2.1 Constructed pursuant to a valid building permit when required under this Code; and

1.2.2 Authorized under this Code.

*Comment: "This Code" is intended to mean the code of the city and is not intended to be limited to this Sign Code ordinance. If the adopting jurisdiction, intends a different meaning it should make clear in which body of regulations sign construction is regulated.*

1.2.3 A property owner may not accept a fee for posting or maintaining a sign allowed under Section 1.3.2 and any sign that is posted or maintained in violation of this provision is prohibited.

1.2.4 In residential zones or on property used for non-transient residential uses, commercial signs are prohibited.

*Comment: This provision 1.2.4 may limit home occupations and transient residential uses, so should be considered carefully if adopted. An alternative might be to provide "except for those properties on which a home occupation or a transient residential use has been approved."*

## 1.3 Authorized Signs.

The following signs are authorized under Section 1.2.2 in every District:

1.3.1 Although these regulations do not apply to signs erected, maintained or posted by the State, federal or this government, these regulations clarify that Government signs which form the expression of that government are allowed in every zoning district and include the signs described and regulated in 1.3.1.1, 1.3.1.2, 1.3.1.3 and 1.3.1 when erected and maintained pursuant to law.

1.3.1.1 Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and if not adopted by this state with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration. Because these regulations do not apply to the State, federal or this government, a failure to comply with this provision by those governments does not constitute evidence of negligence or form the basis for a cause of action.

*Comment: The Federal Highway Administration has established uniform standards for signs that regulate traffic or that are erected and maintained within road rights of way or adjacent property. These uniform standards are intended to be used by the owners of private property that is open to the public to reduce confusion and limit the risk of accident. While these signs are content specific they serve an extraordinarily important public function.*

1.3.1.2 Each property owner must mark their property using numerals that identify the address of the

property so that public safety departments can easily identify the address from the public street. Where required under this code or other law the identification must be on ~~the curb and may be on~~ the principal building on the property. The size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building and in no case less than 4 inches and no larger than ~~insert size limitation here~~ 8 inches. In cases where the building is not located within view of the public street, the identifier must be located on the mailbox or other suitable device such that it is visible from the street. It is also recommended that the identifier be painted on the curb in white reflective paint with a contrasting background.

**Comment:** *The local government should establish a required dimensional limitation on identification signs based on the size of the structure and its distance from the public road if the structure is visible from the public road. The design and dimensions should conform to reasonable standards set to ensure that emergency responders can identify the property if necessary.*

1.3.1.3.1 Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property. If the federal, state or local regulation describes the form and dimensions of the sign, the property owner must comply with those requirements, otherwise, when not defined, the sign shall be no larger than two square feet and located in a place on the property to provide access to the notice that is required to be made. Signs posted under this Section are not snipe signs.

1.3.1.3.2 Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs must be removed by the property owner no more than ten (10) days after their purpose has been accomplished or as otherwise required by law. Signs posted under this Section are not snipe signs.

**Comment:** *As noted in Reed v. Town of Gilbert some content based signs are necessary to protect the public and are likely to survive strict scrutiny. Signs prohibiting trespassing or solicitors; warning of the dangers of "high voltage" or other hidden dangers may be required for a person to assert property rights or to protect a property owner from liability. A local government should establish dimensional limitations, quantity limitations and other regulations designed to ensure the purpose of the sign is furthered while protecting the aesthetics of the community and protecting traffic and other public safety goals.*

1.3.1.4 The signs described in Sections 1.3.1.1, 1.3.1.2 , and 1.3.1.3, are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic safety, complying with legal requirements, serving the requirements of emergency response and protecting property rights or the rights of persons on property.

**Comment:** *These signs as described in Section 1.3.1.4 are the types of signs discussed by Justice Thomas for the majority in Reed v. Town of Gilbert where he wrote: "A sign ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses—well might survive strict scrutiny."*

### 1.3.2 Temporary Signs, Generally.

#### 1.3.2.1 Temporary signs allowed at any time:

- a) A property owner may place one sign with a sign face no larger than [two (2) square feet] on the property at any time. This Section does not include snipe signs.
- b) A property owner may place a sign no larger than [ 8.5 inches by 11 inches] in one window on the property at any time.

1.3.2.2 One temporary sign per [0.25] acre of land may be located on the owner's property for a period of [thirty (30) days]sixty (60 days) prior to an election involving candidates for a federal, state or local office that represents the district in which the property is located [for an adjacent district] or involves an issue on the ballot of an election within the district where the property is located [for an adjacent district] per issue and per candidate. Where the size of the property is smaller than [0.25] acres these signs may be posted on the property for each principal building lawfully existing on the property. This Section does not authorize snipe signs.

1.3.2.3 Political Signs. Many local regulations allow political signs as a separate category, often for a specific period tied to an election date. When such regulations are more restrictive than those for real estate or other signs in the same locations (as most are), they are clearly unconstitutional in preferring the advertisement of real estate for sale over non-commercial political messages. They typically prohibit (expressly or by implication) many protected messages that are not related to a particular election date; some examples include Save the Otters, Vote Populist, Support Anarchy, or Go to Church on Sunday. Some communities have special regulations allowing political signs to be installed on public property. These regulations typically limit the period during which signs may be erected and often require the posting of a bond to guarantee that the signs will be removed. Special permissions, which give preferential treatment to political signs over commercial ones, are acceptable.

Comment: Political signs represent the highest degree of protected speech and an adopting jurisdiction should exercise extreme caution in limiting a person's right to express positions on issues or candidates. The time during which the signs may be authorized must not be so short as to prevent the message from being delivered. On the other hand, the government retains the right to regulate the time place and manner of expression and the right to protect property values and aesthetics. The balance weighs in favor of free expression. Nevertheless, reasonable time restrictions are consistent with the First Amendment and reasonable manner restrictions are consistent with the First Amendment. Taken together, a reasonable limit on the size, location and duration of this form of expression can be consistent with the First Amendment. Cases, prior to Reed v Town of Gilbert, generally recognize that 30 days is too little, but a time frame of 60 to 90 days may be sufficient. Some who commented on a draft of this Sign Code suggested an option for people who live next to another voting district who may wish to voice their support for issues or candidates in those districts and alternative language is shown.

1.3.2.3 One temporary sign that is not a snipe sign may be located on a property when:

- a. the owner consents and that property is being offered for sale through a licensed real estate agent;
- b. if not offered for sale through a real estate agent, when the sign is owned by the property owner and that property is offered for sale by the owner through advertising in a local newspaper of general circulation; and
- c. for a period of ~~15 days~~10 days following the date on which a contract of sale has been executed by a person purchasing the property.

*Comment: This Section offers an opportunity for signs for a person to put a "for sale" sign on the property in addition to the one temporary sign generally allowed and in addition to other signs that may be allowed. As the ordinance does not regulate content the signs authorized in this section could be used for other purposes. Should the community allow signs for other purposes? By allowing one temporary sign at all times, the community adopting this Sign Code does so. Thus, a person can post a notice of a birth, a special birthday, an anniversary, a wedding or other important event or choose to use the sign for other purposes entirely without any restriction being imposed on its content. The only restriction (aside from the size and location limitations generally applicable to temporary signs) placed on a sign erected under this section consists of the factual determinant of whether the property is being offered for sale.*

1.3.2.4 One temporary sign may be located on the owner's property on [the day prior to and on] a day when the property owner is opening the property to the public; provided, however, the owner may not use this type of sign in a Residential District on more than [two days in a year and the days must be consecutive] and may not use this type of sign in any [Commercial District] for more than [14 days in a year and the days must be consecutive]. For purposes of this Section 1.3.2.4 a year is counted from the first day on which the sign is erected counting backwards and from the last day on which the sign exists counting forward. This Section does not authorize snipe signs.

*Comment: This Section offers an opportunity for signs for garage sales, yard sales and the like. Often the state regulates these types of activities by imposing time limits on how often they can be conducted. It might be possible to refer to those state laws to allow for the necessary signage, but without regulating content those signs could be used for other purposes as they may here. Should the community allow signs for other purposes? By allowing one temporary sign at all times, the community adopting this Sign Code does so. Thus, a person can post a notice of a birth, a special birthday, an anniversary, a wedding or other important event or choose to use the sign for other purposes entirely without any restriction being imposed on its content.*

~~1.3.2.5 During the 40-day period December 1 to January 10, a property owner may place [insert number] temporary signs on the property and may use lights that do not exceed [ ] lumens as measured at the property line between the hours of 8AM and 10PM to decorate the property even if the lights might be arranged to form a sign. This Section does not authorize snipe signs.~~

*Comment: If the jurisdiction adopting this language has regulations that address lighting, the language of this section should be amended to include a reference to those lighting regulations that makes the exercise of rights under this section subject to the lighting regulations.*

1.3.2.6 A property owner may place and maintain one temporary sign on the property on [July 4]. This Section does not authorize snipe signs.

1.3.2.7 A person exercising the right to place temporary signs on a property as described in this Section 1.3.2 must limit the number of signs on the property per [0.25 acre] at any one time to [2] plus a sign allowed in 1.3.2.1(b), or if the property is smaller than [0.25 acres] then no more than [2 signs] plus a sign allowed in 1.3.2.1(b) per principal building on the property.

*Comment: This restriction conflicts with the provisions in 1.3.2.2 which allows multiple signs based on the number of issues and candidates that are on a ballot. The law post Reed will likely help to describe how these two rules can be effected. An option might be to amend this Section 1.3.2.7 to read: It is the intent of this Code to limit the aesthetic impact of signs on properties to prevent clutter and protect streetscapes thereby preserving property values and protecting traffic safety, the accumulation of signs adversely affects these goals, property values and public safety, accordingly a person exercising the right to place temporary signs on a property as described in this Section 1.3.2 must limit the number of signs on the property per [0.25 acre] at any one time to [2] plus a sign allowed in 1.3.2.1(b), or if the property is smaller than [0.25 acres] then no more than [2 signs] plus a sign allowed in 1.3.2.1(b) per principal building on the property unless a court having jurisdiction determines that additional signs must be permitted and then the signage must be limited to the fewest signs and the smallest accumulated sign area permissible under the court's determination.*

1.3.2.8 The sign face of any temporary sign, unless otherwise limited in this Section 1.3.2 must not be larger than two (2) square feet. Three (3) square feet.

*Comment: Section 1.3.2 allows property owners to place temporary signs on their property during certain time periods and allows the property owner to select whatever message the owner chooses during those periods. This provision complies with both Reed v Town of Gilbert and City of Ladue v. Gilleo, 512 U.S. 43, 114 S. Ct. 2038, 129 L. Ed. 2d 36, 1994 U.S. LEXIS 4448, 62 U.S.L.W. 4477 (U.S. 1994) as it allows a property owner the ability to make use of the property for free expression but in a manner designed to reduce clutter and advance aesthetic interests of the community without any content based limitations.*

1.3.3 For purposes of this Section (1.3) the Lessee of a property is considered the property owner as to the property the Lessee holds a right to use exclusive of others (or the sole right to occupy). The terms of a lease or other agreement under which the property is occupied controls in determining whether property is occupied exclusively by a Lessee. If there are multiple Lessees of a property then each Lessee must have the same rights and duties as the property owner as to the property the Lessee leases and has the sole right to occupy and the size of the property must be deemed to be the property that the Lessee has the sole right to occupy under the lease.

1.3.4 Signs not in an enclosed building and not exposed to view from a street or public right of way, public place or other property such as those not visible to a person from a public right of way, public place or other property.

### 1.3.5 Flags as follows:

Flags include any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity. Most communities want to be patriotic. Prohibiting the legitimate display of U.S., state, or other official flags would be unreasonable and would probably violate the First Amendment. The display of mammoth flags far above some businesses on busy commercial strips can attract attention. Many organizations (such as fraternal lodges) and some businesses have their own flags, which are sometimes displayed in lieu of or in addition to signs.

1.3.5.1 Single-family Zoning Districts. In a single-family zoning district, [two flags and one flag pole] per premises. Each flag must be a maximum of [15] square feet in area. The flag pole must be a maximum of [25] feet in height or no higher than the highest point of the principal building's roof, whichever is lower. [Flag poles must meet the minimum yard setback requirements for a principal building.]

1.3.5.2 Nonresidential Zoning Districts. In a non-residential zoning district, one flag per [25] feet of frontage on a right-of-way up to a maximum of [six flags and six flag poles] per premises. Each flag must be a maximum of [24] square feet in area. Flag poles must be a maximum of [50] feet in height but no higher than the highest point of the nearest principal building's roof on the premises. [Flag poles must meet the minimum yard setback requirements for a principal building or a minimum of ten feet whichever is more restrictive.]

Optional for Car lots:

1.3.5.3 Small flags at vehicle sales and service establishments. One small flag of no more than one square foot in area may be attached to vehicles on display for sale or rent at vehicle sales and service establishments. Such flag must be no higher than two feet above the height of the vehicle as if it were displayed at grade level.

~~1.3.6 Vehicle signs must be covered if the vehicle is parked on the same property for longer than [ ] hours so that the sign is not visible from a public way.~~

1.3.7 Signs within ballparks and athletic fields. Signs within ballparks and athletic fields as follows:

- (1) Scoreboards facing inward to the audience; and
- (2) Such other signs as may be affixed to the fence or scoreboard, facing inward to the field of play that are no larger than [32] square feet in area.

*Comment: Administrators and adopters need to bear in mind that Section 1.3.4 exempts signs that cannot be seen from the public way or adjacent properties; thus, if constructed so as not to be seen from those areas described in 1.3.4 any sign is permitted.*

## 1.4 Permit required.

Most communities require a building permit before an owner constructs, repairs, alters, or removes a sign. This process ensures that the regulations of the sign ordinance and safety considerations are being followed. Depending on the type of sign, structural and electrical calculations will be verified by the building department before the permit is issued. Subsequent inspections will be made to ensure sign codes will be met.

Signs that require a building permit include the following: freestanding signs, wall signs, roof signs, canopy and awning signs, projecting signs, and suspended signs.

1.4.1 *In general.* A sign permit is required prior to the display and erection of any sign except as provided in section 1.4.6 of this Article.

### 1.4.2 Application for permit.

- (1) An application for a sign permit must be filed with the [Code Official/Zoning Administrator] on forms furnished by that department. The applicant must provide sufficient information to determine if the proposed sign is allowed under this code and other applicable laws, regulations, and ordinances. An application for a temporary sign must state the dates intended for the erection and removal of the sign. An application for any sign must state the date when the owner intends to erect it and provide a bond sufficient to allow the City/County/Town to remove it if it is not properly maintained or if it is abandoned.
- (2) The Code Official/Zoning Administrator or designee must promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application [within —5 business days after receipt]. Any application that complies with all provisions of this code, the zoning ordinance, the building code, and other applicable laws, regulations, and ordinances must be approved.
- (3) If the application is rejected, the Code Official/Zoning Administrator must provide a list of the reasons for the rejection in writing. An application must be rejected for non-compliance with the terms of this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

1.4.3 *Permit fee.* A nonrefundable fee as set forth in the uncodified fee schedule adopted by the City/County/Town Council must accompany all sign permit applications.

1.4.4 *Bond.* The applicant for any sign except a minor sign must submit a bond in an amount and from an issuer approved by the Code Official to protect the City/County/Town from the cost of removing the sign should it no longer be allowed under the laws of the [county/city/town], state or federal government. If the permit is issued a condition of the permit must be that the bond is

maintained and increased or decreased based upon the then current estimates of the costs of removal of the sign. If the sign is removed without cost to the City/County/Town the Code Official must release the bond but may execute upon it should the City/ County/Town be held responsible for or incur any cost in removing the sign.

1.4.5 Duration and revocation of permit. If a sign is not installed and a use permit issued within six months following the issuance of a sign permit (or within 30 days in the case of a temporary sign permit), the permit must be void. The permit for a temporary sign must state its duration, not to exceed 30 days unless another time is provided in this code or the zoning ordinance. The City/County/Town may revoke a sign permit under any of the following circumstances:

- (1) The City/County/Town determines that information in the application was materially false or misleading;
- (2) The sign as installed does not conform to the sign permit application;
- (3) The sign violates this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance; or
- (4) The Code Official/Zoning Administrator determines that the sign is not being properly maintained or has been abandoned.

**1.4.6 Permits not required.** A sign permit is not required for signs:

1. Described in Sections 1.3. with a total area of up to [thirty two (32) square feet and a maximum height of eight (8) feet];

*Comment: The decision as to which signs should require a permit ought to be carefully considered based on considerations of staffing, control and enforcement. The issue discussed above regarding the total number of signs applies here as well to the total area limitations and the potential conflict addressed.*

2. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs must be removed no more than ten (10) days after their purpose has been accomplished; or
3. Minor signs when no more than [two per parcel].

**Note:** Additional minor signs may be permitted in certain districts with a permit.

**1.4.7 Appeals.** If the Code Official/Zoning Administrator denies a permit the applicant may appeal under [insert here the cite to the provision for appeals from decisions of the Code Official].

*Comment: This draft does not address the issue of prior restraint that may be affected by a denial of a permit and the requirement of a speedy appeal. This issue is being left to future drafts.*

## **1.5 Specific Sign Regulations by District**

The following sign regulations apply to all Use Districts as indicated.

### **1.5.1 Residential Districts**

#### **1.5.1.1 Scope:**

This Section (1.5.1) applies to all Residential Districts.

#### **1.5.1.2 Size:**

A. When a sign is authorized on a property, the sign must not exceed [two (2) square feet in area]. Where attached dwellings exist on a property the total square footage of signs must not exceed [two square feet per dwelling unit and must not exceed a total of twelve (12) square feet in area per structure].

B. For Residential Developments (including subdivision identification) the maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development must be controlled according to the following:

- (1) Residential developments four (4) acres or less in area may have a sign or signs with a total area of no more than thirty-two (32) square feet.
- (2) Residential developments over four (4) acres but less than forty (40) acres in area may have a sign or signs which have a total area of no more than forty-eight (48) square feet.
- (3) Residential developments of forty (40) acres or more in area may have a sign or signs with a total area of no more than one hundred two (102) square feet.

#### **1.5.1.3 Location:**

Permitted signs may be anywhere on the premises, except in a required side yard or within [ten (10) feet] of a street right-of-way.

#### **1.5.1.4 Height:**

The following maximum heights must apply to signs:

- A. If ground-mounted, the top must not be over [four (4) feet above the ground]; and
- B. If building mounted, must be flush mounted and must not project above the roof line.

*Comment: A provision allowing for a variance if the property while adjacent to the public right of way but which is hidden by a natural or man-made barrier was considered but rejected due to both aesthetic considerations and concerns that allowing some signs but not all might negatively affect the validity of the provision.*

#### **1.5.1.6 Illumination:**

Illumination if used must not be blinking, fluctuating or moving. Light rays must shine only upon the

sign and upon the property within the premises.

1.5.1.7 The following signs are not allowed: Highway Signs, Portable Signs, Marquee Signs, Digital Billboard, Outdoor Advertising Sign, Banners and Projecting Sign. Temporary signs that might fall within the definition of "highway sign" are not prohibited by this Section provided they comply with Section 1.3.

1.5.1.8 Commercial uses lawfully operating in a Residential District must comply with Sections 1.5.2.7 and 1.5.2.8.

## 1.5.2 Commercial and Institutional Districts

### 1.5.2.1 Scope:

This Section (1.5.2) applies to all ~~insert appropriate titles Commercial Districts and the Institutional District~~commercial

### 1.5.2.2 Number and Size:

For each lot or parcel a sign at the listed size may be authorized:

A. ~~insert name of district~~Commercial signs must not exceed [thirty-five (35) square feet]. [For additional standards for the ~~insert name of district~~ District see Section ~~if additional standards apply insert here~~].

B. ~~insert appropriate district titles here: Community Business District (CBD), General Commercial District (GC) and Rural Commercial District (R-COM)~~Commercial and Central Business District signs must not exceed the following ~~area requirements based on the speed limit and~~ number of traffic lanes of the adjacent public street:

Maximum Speed Limit	No. of traffic lanes	Max. Sq. Footage of sign
<del>30 mph or less</del>	3 or less	32 sq. ft.
<del>35 mph or more</del>	<del>3 or less</del>	<del>50 sq. ft.</del>
<del>30 mph or less</del>	4 or more	40 sq. ft.
<del>35 mph or more</del>	<del>4 or more</del>	<del>72 sq. ft.</del>

C. Two (2) or more lots or parcels having a combined linear frontage of [eighty-five (85) feet] may combine their sign areas allowed by Section 1.5.2.2 B. for the purpose of providing one common free-standing or ground-mounted sign. The sign must not exceed ~~one-hundred fifty (150) square feet~~eighty (80) square feet.

### D. Corner Lots:

Where a lot fronts on more than one street, only the square footage computed for each street frontage must face that street frontage.

E. If not otherwise regulated as to maximum sign area in this code, signs are governed by the following:

Maximum Sign Area	Street Frontage
20 sq. ft.	85 ft. or less
25 sq. ft.	86-90 ft.
30 sq. ft.	91-99 ft.
35 sq. ft.	100 ft. or more

F. Commercial Center:

Signs used for Commercial Centers must be allowed as follows:

(2)(1) [Only one (1) sign of one hundred fifty (150) square feet must be permitted for centers less than five (5) acres and greater than one (1) acre].

(3)(2) [A maximum of two (2) signs of four hundred (400) square feet must be permitted for complexes for five (5) to fifty (50) acres].

(4)(3) [A maximum of three (3) signs of four hundred (400) square feet must be permitted for complexes of more than fifty (50) acres].

(5)(4) Individual businesses are allowed a face building mounted sign pursuant to Section 1.5.2.2 A. and B.

*Comment: To be clear, the limits that are included are from one county's sign law and should not be used by others without thoughtful consideration as to the specific needs and values of the community.*

G. Highway Signs:

Highway signs, [except/including Digital Billboards and Outdoor Advertising Signs], must be permitted only in the [insert appropriate district here, for example: General Commercial (GC) District]. Such signs must not exceed three hundred (300) square feet per face, nor must the face exceed a length of twenty-five (25) feet or a height, excluding foundation and supports, of twelve (12) feet. In determining these limitations, the following must apply:

(1) Minimum spacing must be as follows:

Type of Highway	Minimum space from Interchange-(in feet)	Minimum space between signs on same side of Highway (in feet)
Interstate Hwy	500	1000
Limited Access (Freeway)	500	1000
Other Roads	None	500

2) For the purpose of applying the spacing requirements of Section (1) above, the following must apply:

| (a) Distances must be measured parallel to the centerline of the highway;

~~(b) Measurements for the spacing between signs must be based on when the construction of the sign:~~

- ~~— Received final approval by the Code Official measuring from the first sign to have received that approval; or~~
- ~~i. If the Code Official has not given final approval to a sign that will be limited by the spacing requirement once it is constructed, then~~
  - ~~0) Measured from the first sign given a building permit that is not cancelled or void at the time of measurement; or~~
  - ~~0) When no permit has been issued that is still valid, measured from the first fully complete application for a building permit received by the Code Official that has not been cancelled or which is void; and~~

~~(c) A back to back, multiple signs on one freestanding pole, double-faced or V-type sign must be considered as one sign.~~

#### 1.5.2.3 Location:

- A. Flat Wall Signs may be located on any wall of the building.
- B. Freestanding Signs must have a minimum clearance of eight (8) feet six (6) inches above a sidewalk and ~~fifteen (15)~~ feet above driveways or alleys.
- C. One Freestanding or Ground-Mounted sign per lot or parcel except as provided in Section 1.5.1.2 B. and 1.5.2.2 F. may be located anywhere on the premises except as follows:
  - (1) A ground-mounted sign must not be located in a required side yard, rear yard or within five (5) feet of a street right-of-way.
  - (2) A freestanding sign must not be located in a required side or rear yard. A freestanding sign may project up to the street right-of-way provided there is a minimum ground clearance of [eight (8) feet six (6) inches] and provided the location complies with the Manual on Uniform Traffic Control Devices.

- D. Marquee Signs or signs located on or attached to marquees must have a minimum clearance of not less than ~~[eight (8) feet six (6) inches (8' 6")]~~. The maximum vertical dimension of signs must be determined as follows:

Height above Grade	Vertical Dimension
8' 6" up to 10'	2' 6" high
10' up to 12'	3' high
12' up to 14'	3' 6" high
14' up to 16'	4' high
16' and over	4' 6" high

- E. Wall signs must not extend above the top of a parapet wall or a roofline at the wall, whichever is higher.
- F. Permitted highway signs, including digital billboards, may be allowed anywhere on the premises except in a required side yard, rear yard or within twenty (20) feet of a street right-of-way.
- G. No portion of a digital billboard must be located within two hundred and fifty (250) linear feet of the property line of a parcel with a residential land use designation or residential use that fronts on the same street and within the line of sight of the billboard face.

#### 1.5.2.4 Height:

- A. Ground-mounted signs must not exceed four (4) feet in height from ground level.
- B. Freestanding signs must not exceed ~~twenty-eight (28)~~forty (40) feet in height from ground level.
- ~~Highway signs, including digital billboards, must not exceed thirty-five (35) feet in height from ground level.~~

#### 1.5.2.5 Content:

- A. Any of the signs pursuant to this Section (1.5.2) may be changeable copy signs.
- B. The primary identification sign as allowed under 1.3.1.2 for each firm must contain its street number. The street number must be clearly visible from the street right-of-way.

#### 1.5.2.6 Illumination:

Must be as provided in Section 1.4.6.

#### 1.5.2.7 Temporary signs if allowed under Section 1.3 and in addition where an establishment is licensed to serve food, the restaurant owner may display a menu that is used in the restaurant and that is no larger than ~~2 sq.ft.~~:

- (1) in the window of the restaurant; or
- (2) attached to a wall on a portion of a building occupied by the restaurant:
  - a. if it is enclosed in a casing that is architecturally compatible with the building design and color; and
  - b. extend no more than three inches in depth away from the wall to which it is attached.

#### 1.5.2.8 Window Signs: Window signs are allowed in all Commercial Districts, but must not exceed ~~10% of the gross glass area~~ including menus and:

- (1) for public safety purposes where directed by the police must be located on areas of the window to protect the occupants or a police responder;
- (2) as required by a licensing agency if the business is required to have a license to operate and the licensing agency restricts or requires window signs.

#### 1.5.2.9 The following signs are not allowed: Digital Billboard and Outdoor Advertising signs

#### 1.5.2.10 Portable signs must be removed from public viewing anytime the business is closed.

1.5.2.11 Banners shall be allowed for a period not to exceed six (6) months but must be secured at all four corners. Any banner that falls into disrepair (rips, loose corner, etc.) must be removed immediately.

### 1.5.3 Industrial

#### 1.5.3.1 Scope:

This Section applies to the Industrial District.

#### 1.5.3.2 Number and Size:

- A. One (1) sign for each street frontage, each with a maximum area of five (5) percent of the total square footage of the face of the building facing that street frontage must be permitted.
- B. One freestanding or ground-mounted sign not exceeding fifty (50) square feet per lot or parcel.
- C. The maximum size and number of signs that the owner or owners of an Industrial Park development may erect and maintain at the entrances to the development must be controlled according to the following:
  - (1) A maximum of two (2) signs of three hundred (300) square feet per face must be permitted for industrial parks or complexes of less than ten (10) acres;
  - (2) A maximum of three (3) signs of four hundred (400) square feet must be permitted for complexes of ten (10) acres or more. More than three (3) signs may be approved through [a Type I procedure], provided the total sign area does not exceed twelve hundred (1200) square feet.

#### 1.5.3.3 Location:

Must be as provided in Section 1.5.2.3.

#### 1.5.3.54 Illumination:

Must be as provided in Section 1.5.6.

1.5.3.65 Commercial uses in an Industrial District must comply with Sections 1.5.2.7 and 1.5.2.8.

1.5.3.6 The following signs are not allowed: Digital Billboard and Outdoor Advertising signs

1.5.3.6 Portable signs must be removed from public viewing anytime the business is closed

1.5.3.7 Banners shall be allowed for a period not to exceed six (6) months but must be secured at all four corners. Any banner that falls into disrepair (rips, loose corner, etc.) must be removed immediately.

### 1.5.4 Agriculture District

*Comment: Many cities and towns will not have Agricultural or similar districts; some Counties may. The language in this Section 1.5.4 provides guidelines that might be considered where uses similar to those included in this type of district prevail.*

#### 1.5.4.1 Scope:

This Section applies to the [insert appropriate language describing rural/agricultural and forestry areas] outside the [insert appropriate designation such as: Urban Growth Boundaries].

**1.5.4.2 Size:**

- a. Signs other than temporary signs and highway signs must have a maximum area that does not exceed thirty-two (32) square feet per sign.
- b. Highway signs must comply with Section 1.5.2.G
- c. Temporary Signs must comply with Section 1.3.2.

**1.5.4.3 Location:**

- a. Signs other than temporary signs and highway signs must be at least twenty-five (25) feet from a right-of-way, and must be at least twenty-five (25) feet from an adjacent lot.
- b. Highway signs must be
  - a. at least twenty-five feet from a right of way and must be
  - b. at least 250 feet from a residence on an adjacent property; and
  - c. comply with the distance and spacing requirements of Section 1.5.2 G.
- c. Temporary Signs must comply with Section 1.3.2.

**1.5.4.4 Illumination:**

As provided in Section 1.5.6.

**1.5.4.5 Maximum number of signs:**

Acreage	No. of Signs
0 – 20	2
21 – 40	3
41 – 60	4
61 & over	5

**1.5.4.6 Commercial uses in an Agricultural District must comply with Sections 1.5.2.7 and**

**1.5.4.7 The following signs are not allowed: Digital Billboard and Outdoor Advertising signs**

**1.5.4.8 Portable signs must be removed from public viewing anytime the business is closed**

**1.5.4.9 Banners shall be allowed for a period not to exceed six (6) months but must be secured at all four corners. Any banner that falls into disrepair (rips, loose corner, etc.) must be removed immediately.**

**1.5.2.8.] 1.5.5 Supplemental Criteria in all Districts**

**1.5.5.1 Temporary Signs:**

Temporary signs are subject to the following standards:

- A. Must not on one property exceed a total of [sixteen (16) square feet in area];
- B. Must not be located within any public right-of-way whether dedicated or owned in fee

simple or as an easement;

- C. Must only be located on property that is owned by the person whose sign it is and must not be placed on any utility pole, street light, similar object, or on public property;
- D. Must not be illuminated except as allowed in 1.5.1.6 or 1.5.6 based on the District in which the sign is located; and
- E. Must be removed within [ten (10)] days after the election, sale, rental, lease or conclusion of event which is the basis for the sign under 1.3.2 or if a different standard is required in Section 1.3.2 must be removed within the time period required by that Section.

#### **1.5.5.2 Bench Signs:**

On street benches provided:

- A. The benches must not be higher than four (4) feet above ground;
- B. The sign must be limited to [fourteen (14)] square feet in area;
- C. The benches are not located closer than five (5) feet to any street right-of-way line;
- D. Benches are located in a manner not to obstruct vision;
- E. Must be included as part of the total permitted sign area of the premise on which it is located unless located in the public right of way.

#### **1.5.5.3 Integral Signs:**

There are no restrictions on sign orientation. Integral sign must not exceed seventy-two (72) square feet per façade. Integral signs may be illuminated externally but must not be illuminated internally.

#### **1.5.5.4 Private Traffic Direction:**

Illumination of signs erected as required by the Manual on Uniform Traffic Control Devices must be in accordance with Section 1.5.6. Horizontal directional signs flush with paved areas are exempt from these standards.

#### **1.5.5.5 Original Art Display**

Original art displays are allowed provided that they meet the following requirements:

- A. Located [designate where they are allowed such as: Urban Growth Boundary];
- B. Must not be placed on a dwelling;
- C. Must not extend more than six (6) inches from the plane of the wall upon which it is painted or to which it is affixed;
- D. Must be no more than sixty-four (64) square feet in size, per lot or parcel;
- E. The property owner must not be compensated for the display of the original art or the right to place the original art on site; and
- F. Must not be illuminated

## 1.5.6 Illumination

No sign can be erected or maintained without a permit or which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:

1.5.6.1 No exposed reflective type bulb, par spot or incandescent lamp, which exceeds [twenty-five (25) Watts,] must be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.

1.5.6.2 When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing must not exceed [three hundred (300) milliamperes] rating for white tubing or [one hundred (100) milliamperes] rating for any colored tubing.

1.5.6.3 When fluorescent tubes are used for the interior illumination of a sign, such illumination must not exceed:

A. Within Residential districts:

Illumination equivalent to [four hundred twenty-five (425) milliamperes] rating tubing behind a Plexiglas face with tubes spaced at least [seven inches,] center to center.

B. Within land use districts other than Residential:

Illumination equivalent to [eight hundred (800) millampere] rating tubing behind a Plexiglas face spaced at least [nine (9) inches,] center to center.

1.5.6.4 Digital billboards allowed pursuant to Section 1.5.2.2 G must:

A. ~~Display only static messages that remain constant in illumination intensity and do not have movement or the appearance of optical illusion of movement;~~

B. ~~Not operate at an intensity level of more than [0.3 foot-candles] over ambient light as measured at a distance of [one hundred and fifty (150) feet];~~

C. ~~Be equipped with a fully operational light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light;~~

D. ~~Change from one message to another message no more frequently than once every [ten (10) seconds] and the actual change process is accomplished in [two (2) seconds] or less;~~

E. ~~Be designed to either freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction; and~~

F. ~~Not be authorized until the Code Official is provided evidence that best industry practices for eliminating or reducing uplight and light trespass were considered and built into the digital billboard.~~

1.5.6.5 An applicant for a permit to illuminate a sign must submit a plan to the {Department of City/County/Town to which permits are submitted} showing the illumination plan including the effect of the illumination on any other property that might be affected by the light and how the illumination conforms aesthetically to the site and the neighborhood.

1.5.6.5.1 The application must be reviewed to determine the effect on the other properties and the aesthetics of the site and the ~~neighborhood~~neighborhood.

1.5.6.5.2 The application must not be approved if the effect on other properties would create adverse results and must not be approved if the plan does not conform to the aesthetics of the neighborhood or the site.

1.5.6.6 In a Residential District the property owner may use string lights or rope lights to decorate the residence as well as natural objects without a permit if the lumens produced do not exceed the requirements in Section 1.3.2.5 and provided:

1.5.6.6.1 String and rope lights must be designed to meet GCFI standards and installed in accordance with the National Electric Code.

1.5.6.6.2 String light bulbs and rope lights must be of standard wattage and designed for outdoor use.

1.5.6.6.3 String and rope light bulbs may only be white or clear. Colored lights are not allowed.

1.5.6.6.4 String and rope lights must be securely hung from a sturdy fixture.

1.5.6.7 Outdoor lighting of eating or drinking establishments, such as restaurants, cafes, coffee houses, and bars must comply with Sections 1.5.6.6.1 through 1.5.6.6.4 and string lights and rope lights may only be used in outdoor patio areas. All string and rope lights must be turned off when the establishment is closed.

**1.5.6.8 Automated teller machines. Where Automated Teller Machine (ATM) signs are allowed signs may be placed on the ATM subject to the following requirements:**

**1.5.6.8.1 The sign must be an integral part of the ATM;**

**1.5.6.8.2 May not exceed two and one half square feet in total size, including any border or background color.**

## 1.5.7 Prohibited Signs

The following signs or lights are prohibited which:

1.5.7.1 Are of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;

**1.5.7.2 Contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other legislation;**

1.5.7.3 Have blinking, flashing or fluttering lights or other illuminating devices which exhibit movement, except digital billboards as permitted pursuant to this Code;

1.5.7.4 Are roof signs except as allowed in Section 1.5.5.4;

1.5.7.5 Are visible from a limited access highway except as allowed as Highway signs;

1.5.7.6 Would be an Original Art Display but does not have the permission of the owner of the property on which it is located or is graffiti; or

1.5.7.6 Are portable signs that do not comply with the location, size or use restrictions of this Code.

1.5.7.7 Are Graffiti or Clutter signs.

#### 1.5.8 Procedures

Applications for a sign permit must be processed through [insert appropriate permitting procedure here].

#### 1.5.9 Nonconformity and Modification

1.5.9.1 Except as provided in Section 1.5.9.3 of this Chapter, signs lawfully in existence on the date the provisions of this Code were first advertised, which do not conform to the provisions of this Code, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed or maintained must be regarded as nonconforming. Provided, however, a sign constructed during the period of time following the day on which the Supreme Court released its opinion in *Reed v. Town of Gilbert*, \_\_\_ U.S. \_\_\_, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444 (U.S. 2015) and the date the provisions of this Code were first advertised for adoption must not be considered a non-conforming sign unless it conformed to the regulations in effect on the day immediately preceding the release of the Supreme Court's decision in *Reed v. Town of Gilbert*, \_\_\_ U.S. \_\_\_, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444 (U.S. 2015).

*Comment: This section attempts to address two issues common to regulation. 1. The race to vest – often a person who sees a regulation being proposed attempts to establish a vested right before the regulation can take effect where notice and public hearing are required. This race to vest often leads to a flurry of activity that can be difficult to process and allows uses that are considered undesirable to flourish while the government attempts to limit them. Allowing an ordinance to apply to properties based on the date it is first advertised provides a more fair solution allowing the government to provide public notice and give thoughtful contemplation to the issues involved rather than engaging in a race to adopt a measure before its utility is thwarted by a rash of construction and that insures the limited effect on individual property owners and the community as whole that the public process embraces. 2. The effect of a regulated business enjoying a period where there is no regulation due to a court decision. Clearly, the Supreme Court did not aim to eliminate sign regulation; it only sought to eliminate content based sign regulation. Rather than allow the decision in Reed v. Gilbert to extend authority beyond its intent, the Sign Code limits the effect of an unregulated period by recognizing that signs constructed during that period do not deserve protection from the application of the law.*

1.5.9.2 For the purpose of amortization, nonconforming signs described in Section 1.5.9. may be continued from the effective date of this Code for a period not to exceed the shorter of the period the signs were allowed under any prior Code or [ten (10) years whichever is less.

1.5.9.3 Signs which were unlawful under the prior Ordinance and which do not conform to this Code must be removed immediately.

1.5.9.2 For the purpose of amortization,

**1.5.9.3.1 Temporary signs, including snipe signs and graffiti that do not comply with this Code must be removed immediately.**

**1.5.10 Compliance**

Any sign which is altered, relocated, replaced or must be brought immediately into compliance with all provisions of this Code.

**City Council  
City of Brady, Texas**

## **Agenda Action Form for Ordinance**

<b>AGENDA DATE:</b>	3-21-2017	<b>AGENDA ITEM</b>	7.B.
<b>AGENDA SUBJECT:</b> Discussion, consideration and possible action regarding second and final reading of <b>Ordinance 1220</b> to amend the FY 2017 Budget to allow for repairs to public facilities and the electric distribution system, additional equipment purchases, increased aviation fuels sales to the military, upgrades to the lake, meet TCEQ directives and promote TXDOT project 377N goals.			
<b>PREPARED BY:</b> Lisa Remini		<b>Date Submitted:</b>	3-1-2017
<b>EXHIBITS:</b> Ordinance #1220 Budget Amendment Requests Memorandums Fund Balance Compliance Report			
<b>BUDGETARY IMPACT:</b>		<b>Required Expenditure:</b>	\$1,219,025
		<b>Amount Budgeted:</b>	\$27,178,662
		<b>Appropriation Required:</b>	\$1,219,025
<b>CITY MANAGER APPROVAL:</b> 			
<b>SUMMARY:</b>  Staff recommends that the FY 17 Budget be amended to provide for the various revenue and expenditure items listed on the attached reports. The proposed amendments will allow projects to be added to the FY 17 goals to promote municipal purposes.  A workshop was held on February 21 with the City Council to review the requested amendments.  The request to purchase microphones for the Municipal Court room has been retracted. Memorandums from Department Heads Lamont and Miller supporting the requests for a code enforcement compliance vehicle and street department work truck are included for further consideration.  Additionally, execution of a recent contract with TXDOT needs to be formalized in the city budget document as well. In an effort to coordinate and promote timely execution of the street improvements by TXDOT on Hwy 377N, the Electric Division has accepted a 30 day job to move electric poles out of a detour location while construction of the street improvements are ongoing. Contract terms will provide 100% of payroll, equipment and material costs resulting in approximately \$50,000 in revenue retention.  Based on the Fund Balance Compliance Report, staff promotes that all requests can be sufficiently funded.			

### **RECOMMENDED ACTION:**

**Mayor:** "Do I have a motion to read the full ordinance?"

**If no, Mayor will state:** "A majority of the City Council has dispensed with the full reading of the ordinance."

**Mayor will ask:** "Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter." "Secretary reads preamble"

**Mayor calls for a motion:** Move to approve the second and final reading of Ordinance 1220.

**ORDINANCE NO. 1220**

**AN ORDINANCE OF THE CITY OF BRADY, TEXAS AMENDING THE FISCAL  
YEAR 2016-2017 BUDGET**

An ordinance amending the 2016-2017 Fiscal Year Budget as follows:

Increasing total expenditures by \$1,219,025 for municipal purposes for an expenditure budget of \$28,397,687 as per attached summary, made a part of this ordinance.

These amendments will allow for repairs to public facilities and the electric distribution system, additional equipment purchases, increased aviation fuels sales to the military, upgrades to the lake, meet TCEQ directives, and promote the TXDOT 377N project goals.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
BRADY TEXAS** that the FY 2016-2017 budget be amended accordingly.

**APPROVED UPON FIRST READING THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017,**

**APPROVED AND PASSED UPON SECOND READING THIS THE \_\_\_\_\_ DAY OF  
\_\_\_\_\_ 2017.**

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Anthony Groves, Mayor

ATTEST: \_\_\_\_\_  
Tina Keys, City Secretary

CITY OF BRADY  
 Budget - FY 17 Mid Yr Amendment Requests  
 3-7-2017  
**(REVENUES)**  
**EXPENDITURES**

<u>DECISION PACKET NUMBER</u>	<u>REQUEST</u>	<u>AMOUNT</u>	<u>BUDGET NUMBER</u>	<u>BUDGET DESCRIPTION</u>
<b>GENERAL FUND</b>				
7	City Hall Roof	\$ 180,000	10-5-01-401.00	Capital Projects
A	Additional PT for Airport	\$ 10,500	10-5-02-101.00	Regular Payroll
A	Additional OT for Airport	\$ 2,500	10-5-02-102.00	Overtime
A	Jet A Fuel	\$ 179,200	10-5-02-303.03	Jet A fuel
A	<b>Jet A Fuel Sales to Military</b>	<b>\$ (263,000)</b>	<b>10-4-02-647.00</b>	<b>Military Fuel Sales</b>
27	Runway / Tarmac crack sealing	\$ 50,000	10-5-02-403.00	RAMP Projects
27	<b>RAMP funds from TXDOT</b>	<b>\$ (25,000)</b>	<b>10-4-02-815.02</b>	<b>RAMP Grant</b>
14	Golf Course Rough Mower	\$ 10,000	10-5-05-402.00	Capital Equipment
New B	Tasers for Police Department	\$ 25,500	10-5-08-309.00	Small Equipment
New C	Street Asphalt Recycler	\$ 153,000	10-5-12-402.00	Capital Veh/ Equipment
11	Street Truck	\$ 39,000	10-5-12-402.00	Capital Veh/Equipment
12	Car for Code and Service Center	\$ 17,000	10-5-45-402.00	Capital Veh/Equipment
G	<b>Administration fee from Water</b>	<b>\$ (140,000)</b>	<b>10-4-01-910.30</b>	<b>Admin fee from Water</b>
G	Transfers in from Gas	\$ 140,000	10-4-01-910.40	Transfers from Gas
<b>TOTAL</b>		<b>\$ 378,700</b>	<b>Draw on Fund Balance</b>	
<b>SPECIAL FUND</b>				
G	Transfers in from Gas	\$ (53,350)	80-4-43-910.40	Transfers in form Gas Fund
	<b>TPW Grant for Boat Ramp</b>	<b>\$ (50,500)</b>	<b>80-4-43-676.00</b>	<b>TPW Grant</b>
	Boat Ramp - TPW Grant Cost	\$ 50,500	80-5-43-276.00	TPW Boat Ramp Cost
	Boat Ramp - City Cost	\$ 16,850	80-5-43-276.01	TPW Boat Ramp - Local Cost
	AWOS -City Cost	\$ 35,000	80-5-43-272.01	TXDOT AWOS - Local Cost
<b>TOTAL</b>		<b>\$ (1,500)</b>	<b>Credit to Fund Balance</b>	
<b>ELECTRIC / WWTP FUND</b>				
New D	Excavation of Power Plant dirt	\$ 50,000	20-5-21-251.00	Clean up costs
3	Engineering for Overhead Elec Lines on Wall Street	\$ 48,000	20-5-22-401.00	Capital Projects
New	<b>TXDOT reimbursement for work done by City Electric on 377N project</b>	<b>\$ (85,300)</b>	<b>20-4-22-815.00</b>	<b>Reimbursed Expenses</b>
New	TXDOT job on 377N - transformers	\$ 13,100	20-5-22-302.01	Transformers
New	TXDOT job on 377N - equipment use	\$ 500	20-5-22-303.00	Fuel
New	TXDOT job on 377N - materials	\$ 18,600	20-5-22-312.00	General
	<b>Donation from Chamber</b>	<b>\$ (2,400)</b>	<b>20-4-22-815.00</b>	<b>Reimbursed Expenses</b>
	Christmas lights	\$ 2,400	20-5-22-338.00	Christmas Decorations
	TCEQ Violation at WWTP	\$ 5,000	20-5-23-203.01	Agency Fees
New E	Re-direct approved capital funds	\$ (150,000)	20-5-23-401.00	Capital Projects
New E	two sludge pumps	\$ 75,000	20-5-23-402.00	Capital Equipment
New E	and a loader tractor	\$ 75,000	20-5-23-402.00	Capital Equipment
<b>TOTAL</b>		<b>\$ 49,900</b>	<b>Draw on Fund Balance</b>	

## CITY OF BRADY

Budget - FY 17 Mid Yr Amendment Requests

3-7-2017

(REVENUES)

EXPENDITURES

<u>DECISION PACKET NUMBER</u>	<u>REQUEST</u>	<u>AMOUNT</u>	<u>BUDGET NUMBER</u>	<u>BUDGET DESCRIPTION</u>
<b>WATER / WW Distribution FUND</b>				
	TCEQ Violation	\$ 33,850	30-5-31-203.01	Agency Fees
	TCEQ Violation - Atty fees	\$ 15,000	30-5-31-203.00	Professional Fees
F	WW Distribution Main Extension	\$ 38,000	30-5-31-312.00	General
G	Administrative Fee to General Fund	\$ (140,000)	30-5-31-910.10	Admin fee to General Fund
	<b>TOTAL</b>	<b>\$ (53,150)</b>	<b>Credit to Fund Balance</b>	
<b>GAS FUND</b>				
1	Approved capital project is under funded	\$ 60,000	40-5-42-401.00	Capital Projects
G	Transfers out to Special Fund	\$ 53,350	40-5-42-910.80	Transfers to Special Fund
G	Transfers out to General Fund	\$ 140,000	40-5-42-910.10	Transfers to General Fund
	<b>TOTAL</b>	<b>\$ 253,350</b>	<b>Draw on Fund Balance</b>	
<b>UTILITY SUPPORT FUND</b>				
23	Service Center Roof stuffer machine	\$ 86,000 \$ 1,000	50-5-50-401.00 50-5-46-212.00	Capital Projects Rentals
	<b>TOTAL</b>	<b>\$ 87,000</b>	<b>Draw on Fund Balance</b>	
<b>SOLID WASTE FUND</b>				
	TCEQ Violations	\$ 25,175	60-5-14-203.01	Agency Fees
	<b>TOTAL</b>	<b>\$ 25,175</b>	<b>Draw on Fund Balance</b>	
<b>TOAL REVENUE AMENDMENTS</b>				
	<b>TOTAL EXPENDITURE AMENDMENTS</b>	<b>\$ (479,550)</b>		
	<b>NET DRAW ON FUND BALANCE</b>	<b>\$ 1,219,025</b>		
		<b>\$ 739,475</b>		

## MEMORANDUM

To: LISA REMINI, FINANCE DIRECTOR

CC: KIM LENOIR, CITY MANAGER

From: PETER B. LAMONT, JR., DIRECTOR OF COMMUNITY SERVICES 

Date: 24 FEBRUARY 2017

Subject: JUSTIFICATION FOR AN ADDITIONAL CODE ENFORCEMENT VEHICLE

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### Comment

The following is submitted to provide additional justification for an additional vehicle for the City of Brady's Building/Code Enforcement Division. This vehicle was originally requested as part of the FY17 budget process.

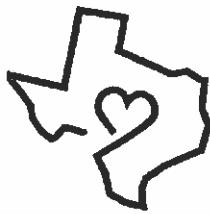
The City Building/Code Enforcement Division has traditionally been staffed with one Code Enforcement Officer who also acted as the City's Building Official. The City now has a second certified Code Enforcement Officer. Typically one officer utilizes the designated Code Enforcement Vehicle and the second uses the Administration Division's vehicle as available.

A major complaint against the City's Code Enforcement Division has been the lack of visible results. To counter this perception, the City initiated a proactive approach to enforcement beginning November 1, 2016. From November 2015 to February 2016, Code Enforcement initiated 46 cases, all of which were reactive cases. From November 2016 to February 23, 2017, 169 cases have been opened. Of those, 137 have been proactive and 32 reactive. Since the Proactive Sweep Initiative started, we have increased productivity by 267% from the same time period the previous year. Of the 169 cases opened 66 have been closed through voluntary compliance.

During the time the Administration Division vehicle has been available, Code Enforcement has been able to initiate 119 of the 137 proactive cases. The Administration Division vehicle however, has only been available 26 of the 73 days since the new initiative began. With the addition of a second vehicle, Code Enforcement would have had the opportunity to initiate another 216 cases.

Additionally, the addition of a vehicle for Code Enforcement will allow the Administration Division vehicle to return to City hall and resume its primary purpose as a pool vehicle. There have been multiple occasions where the vehicle was scheduled by multiple individuals resulting in the use of personal vehicles for City business, and leaving Code Enforcement without a means to patrol for violations.

Finally, Code Enforcement will not be on the road 100 % of the time, some time must be taken to complete the paperwork associated with new and reviewed cases. During this time, the vehicle would be available to individuals in the Service Center that do not have one regularly available.



**BRADY**  
THE CITY OF  
**TEXAS**

**INTER-OFFICE MEMORANDUM**

February 23, 2017

To: Kim Lenoir Lisa Remini  
City Manager Finance Director

From: Steven Miller Dugan Sewell  
Director -  Street Superintendent

Subj: FY2016\_17 General Fund – Streets (10)  
3/4T Crew Utility Panel Truck

This memorandum is offered as a follow up justification for approval to purchase a crew cab heavy duty rated panel truck. This proposed vehicle expenditure was part of the FY2017 budget process for assignments under supplemental decision packages, and did not receive approval.

The current street division vehicle inventory is shown on the attached slides. The Streets Division has one (1) heavy duty panel truck, one (1) light duty pickup, and one (1) 4WD pickup. The heavy duty panel truck was acquired in FY2016 or two (2) fiscal years ago. This truck has a  $\frac{3}{4}$ -ton chassis, and is the only vehicle in the street division capable of hauling heavy trailer loads for delivering equipment and material to a job site, with the exception of the large dump truck. The street division is limited due to the current non-availability of a 2<sup>nd</sup> heavy duty truck, and is negatively affected in division efficiency in the following ways:

1. During winter season, road maintenance is slowed typically due to lower outside ambient temperatures. The winter season is the period in which street signs, traffic safety signs, and drainage ways are maintained. A single heavy duty crew truck does not support the work demands. This is due to the fact that a maintenance crew is a minimum of two (2) people, and two (2) work teams can be established.
2. The 4WD pickup is unreliable due to its high mileage and hard use over the course of years of hauling and running. Typically, this pickup is in disrepair or in the shop about half the time. It's in the shop because it's worn out. This problem can be alleviated with the proposed purchase of the new 3/4T Crew Utility Panel Truck. The 4WD vehicle will be available for a trade-in too.

The utility bed option on a heavy duty truck is a valuable "tool" in that it allows for workers to take their tools to the job site in an orderly fashion, and they are easily accessible. The toolbox option for storage is not suitable for the service and work required. The toolbox option is difficult to work with because everything is piled into the toolbox, and time is wasted finding what you need to do the job. Whereas, a panel bed option, tools are organized, sorted and readily accessible. In the Street Division many small parts, i.e., bolts, nuts, washers and small tools can be stacked without spillage and separate from other supplies or tools.

**CITY COUNCIL  
CITY OF BRADY, TEXAS  
AGENDA ACTION FORM for ORDINANCE**

AGENDA DATE:	03/21/2017	AGENDA ITEM	7.C.
AGENDA SUBJECT:	Discussion, consideration and possible action regarding <b>second and final reading of Ordinance 1218</b> regarding amending Article 1.600 and repealing 1.700 of the Code of Ordinances for Rest Haven and Live Oak Cemeteries to update and revise the Rules and Regulations of the two cemeteries.		
PREPARED BY:	P Lamont	Date Submitted:	03/17/2017
EXHIBITS:	Ordinance No. 1218; Revised Article 1.600 of the Code of Ordinances; Article 1.700 of the Code of Ordinances—current copy for review.		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

**SUMMARY:**

In reviewing the Municipal Code of Ordinances, Article 1.600 Rules and Regulations of Resthaven (sic) Cemetery and Live Oak Cemetery, and Article 1.700 Perpetual Trust for Live Oak, Resthaven (sic) Cemeteries staff is recommending amending portions of Article 1.600 to better address most day-to-day operational and management issues, and correct spelling and grammatical errors, and repealing Article 1.700 to better address operational and management issues, and continue through a Resolution the Perpetual Trust for Live Oak and Rest Haven Cemeteries to include rules in which the City acts as permanent trustee for both cemeteries, and stating all actions of the City related to the cemeteries shall be through the budget and by City staff.

Included is Ordinance 1218, Article 1.600 showing recommended changes, Article 1.700 and the proposed Resolution 2017-012.

All fees were approved with the Annual Fee Ordinance at Budget.

**RECOMMENDED ACTION:**

It is recommended that City Council adopt by Ordinance No. 1218 the amended Article 1.600 updating the Rules and Regulations for Rest Haven Cemetery and Live Oak Cemetery and repeal of Article 1.700 Perpetual Trust for Live Oak and Rest Haven Cemeteries to continue through Resolution, if desired.

**Mayor:** “Do I have a motion to read the full ordinance?”

**If no, Mayor will state:** “A majority of the City Council has dispensed with the full reading of the ordinance.”

**Mayor will ask:** “Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter.” “Secretary reads preamble”

**Mayor calls for a motion:**

Move to approve second and final reading of Ordinance No. 1218.

## **ORDINANCE 1218**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS AMENDING MUNICIPAL CODE OF ORDINANCES ARTICLE 1.600 RULES AND REGULATIONS OF REST HAVEN CEMETERY AND LIVE OAK CEMETERY, AND REPEALING ARTICLE 1.700 PERPETUAL TRUST FOR LIVE OAK, REST HAVEN CEMETERIES, ADOPTED WITH THE 1975 CODE OF ORDINANCES, CHAPTER 10, ARTICLE II;**

**WHEREAS**, in review of the Municipal Code of Ordinances, Article 1.600 Rules and Regulations of Resthaven (sic) Cemetery and Live Oak Cemetery, amendments of Article 1.600 are sought to better address most day-to-day operational and management issues, and correct spelling and grammatical errors; and

**WHEREAS**, in review of the Municipal Code of Ordinances, Article 1.700 Perpetual Trust for Live Oak, Resthaven (sic) Cemeteries, established in the 1975 Municipal Code of Ordinances, a repeal of Article 1.700 is sought to better address operational and management issues, and continue through Resolution the Perpetual Trust for Live Oak and Rest Haven Cemeteries to include rules in which the City acts as permanent trustee for both cemeteries; and

**WHEREAS**, all actions of the City related to the cemeteries shall be through the budget and by City staff; and

**WHEREAS**, the City Council of the City of Brady has determined that it is in the best interests of the general public and residents of Brady to approve the proposed amendments to Article 1.600 and update the Rules and Regulations for Rest Haven Cemetery and Live Oak Cemetery, and repeal Article 1.700 the Perpetual Trust for Live Oak, Rest Haven Cemeteries.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS, THAT:**

The City Council of the City of Brady, Texas, hereby amends Article 1.600 Rules and Regulations of Rest Haven Cemetery and Live Oak Cemetery, and repeals Article 1.700 Perpetual Trust for Live Oak, Rest Haven Cemeteries of the Municipal Code of Ordinances accordingly.

**PASSED AND APPROVED ON FIRST READING** on this 7<sup>th</sup> day of March 2017.

**PASSED, APPROVED AND ADOPTED ON SECOND READING** on this 21<sup>st</sup> day of March 2017.

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Anthony Groves, Mayor

ATTEST:

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Tina Keys, City Secretary  
STATE OF TEXAS  
COUNTY OF MCCULLOCH  
CITY OF BRADY

**ARTICLE 1.600**  
**RULES AND REGULATIONS OF REST HAVEN CEMETERY AND LIVE OAK CEMETERY**

The City owns Rest Haven Cemetery and Live Oak Cemetery. The City created a perpetual care trust and acts as the trustee of this trust to manage, operate, and maintain these two cemeteries. As part of its duties to manage, operate, and maintain these cemeteries, the following rules and regulations govern Rest Haven Cemetery and Live Oak Cemetery.

**Sec. 1.601 Definitions**

Cemetery: Refers to both Rest Haven Cemetery and Live Oak Cemetery.

Contractor: Any person, firm or corporation engaged in placing, erecting or repairing any memorial or performing any work in the Cemetery grounds other than an employee of the City.

Interment: Entombment or burial of the remains of a deceased person.

Live Oak Cemetery: The cemetery located at 1000 N. Elm St., Brady, Texas.

Memorial: Any marker, monument or structure upon or in any lot or niche, placed thereupon or partially therein for the purpose of identification or in memory of a deceased person.

Owner: A person who purchased from the City a plot with the right of interment for the remains of a deceased person.

Plot: Real property within the Rest Haven Cemetery or Live Oak Cemetery with the right of internment.

Rest Haven Cemetery: The cemetery located at 620 Hwy. 87 N., Brady, Texas.

**Sec. 1.602 Plot Ownership; Payment Options**

The City sells plots located in Rest Haven Cemetery to the public. There are no available plots for sale in Live Oak Cemetery.

- (a) City Council shall set the price for a plot. City Council can change the price at any time.
- (b) The purchase price for a plot shall be paid in cash at the time of purchase. However, the purchaser may pay the purchase price over a period of time on the following schedule:
  - (1) Ten percent (10%) of the purchase price shall be paid at the time of purchase.

(2) The remaining balance with interest at the rate of ten percent (10%) per annum shall be due and payable in equal monthly installments until the whole of the sum, with interest, has been duly paid, the balance payable as follows:

(A) If one or two plots are purchased, the remaining balance, principal and interest, shall be paid monthly over a period not to exceed twelve (12) months.

(B) If three plots are purchased, the remaining balance, principal and interest, shall be paid monthly over a period not to exceed eighteen (18) months.

(C) If more than three plots are purchased, the remaining balance, principal and interest, shall be paid monthly over a period not to exceed twenty-four (24) months.

(D) In the event that the purchaser elects to pay for the plots over a period of time, no deed shall be given to the purchaser until the purchase price is paid in full.

(c) The purchase price of the plot must be paid in full before interment.

(d) Opening and closing of graves shall be done by a funeral home with prior approval from the City. The funeral home and its representatives shall take the utmost care and precautions in protecting all plots and roadways. The funeral home shall be responsible for paying any and all damages caused by the funeral home.

#### **Sec. 1.603 Supervision of Cemetery**

(a) Persons within the Cemetery grounds shall use only the avenues, walkways and roads.

(b) Automobiles shall not be driven through the grounds at a speed greater than fifteen miles per hour.

(c) The right to enlarge, reduce, replot or change the boundaries or grading of the Cemetery and the right to lay, operate or change pipelines or gutters is expressly reserved to the City. The City reserves to itself, and to those lawfully entitled thereto, a perpetual right of ingress and egress over the entire Cemetery grounds for the purposes of passage, operations, and maintenance.

No new sprinkler systems will be allowed. All maintenance and repair to existing sprinkler systems, which have been installed by the owner, will be the responsibility of the owner and not the City. The City is not responsible to any damages to sprinkler systems installed by an owner. Any water left on or unattended will be turned off by City personnel if watering is excessive or running down the roadway in order to conserve water and protect the roadways.

#### **Sec. 1.604    Sale and Purchase of Plots**

Any sale or transfer of plots shall be made back to the City at the original purchase price, at which time the City may re-sell at the then current pricing. This procedure is required in order that the City may at all times have a complete and accurate record of all owners and purchasers. No person shall be buried in any plot not having an interest therein, except by written consent of all parties interested in the plot and of the City. The original purchase price does not include any interest paid by purchaser for paying for a plot over time.

#### **Sec. 1.605    Maintenance of Cemetery**

- (a) All grading, landscape work, maintenance and improvements of any kind, and all care of plots shall be done by the City, and all trees, shrubs and all herbage of any kind shall be planted, trimmed, cut or removed by the City or under its direct supervision.
- (b) No enclosure of any kind, such as a fence, coping, hedge or ditch shall be permitted around any grave or plot. Grave mounds will not be allowed and no plot shall be raised above the established grade.
- (c) No ground cover other than sod shall be allowed.
- (d) If any tree, shrub or plant is or becomes detrimental to adjacent lots, avenues, walkways or roads, or if for any other reason the City deems its removal necessary, the City shall have the right to remove the tree, shrub or plant, or any part thereof, or otherwise correct the condition existing as it deems necessary.
- (e) Subject to subsection (d) above, no person shall remove any plant or flower, either wild or cultivated, from any part of the Cemetery.
- (f) From and after the date of adoption of these rules by the City Council, no tree, shrub, plant or bush shall be placed on the Cemetery grounds except those placed there by the City. The purpose of this prohibition is to reduce maintenance time so that the Cemetery can be maintained in a clean and attractive condition by the City. This prohibition shall not apply to flowers placed on a memorial.
- (g) All sprinkler systems shall be turned off between November and March.

#### **Sec. 1.606    Memorials**

- (a) For the protection of all plot owners, it is required that persons, firms or corporations erecting, cleaning or repairing memorials obtain a permit from the City for an annual fee (as defined in the City's Annual Fee Ordinance, and as approved City Council) and in doing the work, to comply with the directions of the City. The person, firm or corporation requesting the permit may be required to furnish evidence of their ability to properly perform the work. This permit

shall allow the person, firm or corporation holding the permit to perform the work for a period of time from January 1st until December 31st of the year in which the permit is obtained, the permit to be renewed on an annual basis. Before any work is commenced on any particular job, the person, firm or corporation performing the work shall notify the City that a memorial is to be erected at what grave site and provide a drawing of proposed installation.

(b) To properly perpetuate memory, all monuments, markers, mausoleums and tombs shall be of first quality granite, limestone, marble or bronze. The supplier must assure the City that the materials will be free from sap which causes rust, stains and natural fault which might cause checks or cracks. No inferior granite is allowed. Should any stone develop any of the above mentioned faults within five (5) years from date of placement, the supplier will be required to replace the monument without cost to the owner.

(c) All vertical monuments shall be erected on a foundation which shall extend three (3) inches on each side of the monument, and the foundation must be flush with the turf. The size of a monument will be governed according to the size of the family plot. A monument will be of a size that when erected on a plot, either end of the monument shall not be placed less than one (1) foot from the property lines of the plot, or within two (2) feet of any existing monument. However, this shall apply only to a monument which protrudes above the surface of the ground. A monument which is flush with the turf may extend to the property line. Should any monument, mausoleum or tomb become unsightly, dilapidated or a hazard, the City shall have the right, at the expense of the owner, either to correct the condition or to remove the same.

(d) In addition to other requirements regulating memorials, all memorials erected after November 15, 2010 in the Cemetery shall conform to the following:

- (1) Upright monuments, beveled markers and flat markers shall be on foundations that are cement and must be flush with the turf;
- (2) Monuments and markers shall be placed in a manner that is conducive with the maintenance of the lot;
- (3) Bevel markers shall be used as headstones, not footstones;
- (4) Flat markers shall be flush with the turf; and
- (5) All vases must be attached to headstones, no vases attached to footstones;
- (6) Flags are allowed on holidays only. Owners shall remove flags within 72 hours of the holiday.

## Sec. 1.607 Interment Regulations

- (a) All grave sites within a plot shall be located by the owner or the owner's representatives. Written authorization signed by the owner or his legal representative shall be given to the City to open a grave space. Any space to be opened shall be marked with a surveyor flag with the name of the individual to be interred and the space identification. No space shall be opened until written authorization is provided.
- (b) When removal is to be made from a single grave to another grave, the formerly occupied single grave space and all rights and ownership therein shall remain with property owner. The removal of the remains shall be done in strict compliance with all state requirements. Arrangements for the removal of a body must be made by someone other than the City. Application for the removal permit must be signed by the next of kin or legal representative and properly notarized prior to removal.
- (c) The burial of two bodies in one grave space will not be permitted except where one body occupies a space less than three (3) feet in length.
- (d) Cremains will be allowed to be buried in a space currently occupied but must be covered with a twelve-inch by twelve-inch (12"x12") concrete paving stone to prevent dirt from settling. The top of the paving stone shall be at least twelve inches (12") below the ground. The owner shall notify the City with the name and date of the interment. Two cremains containers may be buried in the same plot. The City shall be made aware of each burial.
- (e) Disinterments are the responsibility of the funeral director of a funeral home. The funeral director will be responsible for opening and closing the graves, with the City's written authorization. All state mandated paperwork must be on file with the City before any disinterment is authorized.
- (f) Funeral homes shall be responsible for the opening and closing of graves utilizing the services of a vendor permitted by the City. Vendors must apply and be approved for an annual permit for an annual fee (as defined in the City's Annual Fee Ordinance, and as approved by City Council).
  - (1) Those responsible for the openings and closings of graves and performing the openings and closings at the Cemetery shall fully remove the dirt and/or ground unearthed in the opening process from the Cemetery premises at their own expense, not to use in the closing of any grave at the Cemetery.
  - (2) Use only the sand and "black dirt" as provided by the City and located at the surplus supply on the Cemetery premises when closing any grave in the Cemetery by the means as specified: first fill with approximately  $\frac{3}{4}$  sand, then the remaining  $\frac{1}{4}$  with "black dirt" to adjacent ground level.

## **Sec. 1.608 Miscellaneous**

- (a) No dogs shall be permitted in the Cemetery.
- (b) The City is not responsible for theft or damage to anything placed on plots.
- (c) No bench, chair or trellis shall be permitted to be placed upon the Cemetery grounds.
- (d) The City shall have the authority to enter upon any plot and to remove any non-authorized or non-conforming items that have been placed there contrary to these regulations.
- (e) No person shall be permitted to enter or leave the Cemetery except by the public access.
- (f) All persons found on the Cemetery grounds after dark shall be liable for prosecution for trespassing.
- (g) All persons are strictly forbidden to mar any landmark, marker or memorial or in any way deface the grounds of the Cemetery.
- (h) No person shall be permitted to bring or carry firearms within the Cemetery except:
  - (1) City employee;
  - (2) A military guard of honor during a military service; and
  - (3) Licensed peace officers.
- (i) The digging of holes for any purpose, other than to inter cremains, is strictly prohibited.
- (j) The City reserves the right to remove all flowers, potted plants, wreaths or baskets when they become withered or they violate a provision of this article.
- (k) Gravestone rubbings, made using a pencil and paper, are allowable, so long as utmost precautions are followed and no damage is caused to the stone, plot, right-of-way, or Cemetery item in the process. A gravestone rubbing can become a permanent record of death when a gravestone is rapidly deteriorating.

## **Sec. 1.609 Modifications and Amendment**

- (a) The City may, and it hereby expressly reserves the right, at any time or times, with or without notice to owners, to amend any fee, price, rule, or regulation in this article.
- (b) Special cases may arise in which the literal enforcement of a rule or regulation may impose unnecessary hardship. The City therefore reserves the right, without notice, to make exceptions, suspensions or modifications in any of the rules and regulations when, in its judgment, the same

appear advisable; and the temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of these Cemetery Rules and Regulations.

**Sec. 1.610 Fees for Funeral Processions**

(a) Funeral processions using on-duty officers are at no charge. However, since the officer is on-duty, the officer might be called away from the procession.

(b) There will be a fee for funeral processions using off-duty officers. City Council will set the fee, which will include a two (2) hour minimum. Payment shall be made to the City prior to the service. The funeral procession utilizing the off-duty officer will extend to the county line boundaries.

## **ARTICLE 1.700 PERPETUAL TRUST FOR LIVE OAK, RESTHAVEN CEMETERIES**

### **¶ Sec. 1.701 Definition**

For the purposes of this article, the word "trust" shall mean the perpetual trust for the perpetual care and upkeep of Live Oak and Resthaven Cemeteries in this city. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-16)

### **¶ Sec. 1.702 Name**

The name of the trust shall be the Live Oak and Resthaven Cemetery Trust. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-17)

### **¶ Sec. 1.703 Purpose**

The purpose of the Live Oak and Resthaven Cemetery Trust is to receive money and other property as may be donated or as may otherwise come into its possession in conformity with the provisions of this article, and to use such donations as provided in this article. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-18)

### **¶ Sec. 1.704 Principal Place of Business**

The principal place of business for the trust shall be at the city hall. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-19)

### **¶ Sec. 1.705 Trustees Designated**

The trustees of the trust shall be the mayor and councilmen, duly elected and qualified for office as such for the city, and their successors in office. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-20)

### **¶ Sec. 1.706 Quorum of; Action by Trustees**

A majority of the trustees shall constitute a quorum for any meeting, but all acts of the trust shall be by vote and consent of a majority of the trustees. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-21)

### **¶ Sec. 1.707 Compensation; Bond of Trustees**

The trustees shall receive no compensation of any form. They shall not be required to give bond, but the treasurer or any employee of the trust may be required to give bond for the faithful performance of his duties. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-22)

## **¶ Sec. 1.708 Officers**

The mayor shall preside as chairman and shall vote only in the event of a tie. In the absence of the mayor, the remaining trustees present shall elect one of the trustees to serve as chairman. The trustees shall select one of their members or some other person as treasurer and he shall hold such office until his successor is elected. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-23)

## **¶ Sec. 1.709 Meetings**

There shall be a regular meting of the trustees annually on the third Tuesday in January at 8:00 p.m. of each year in the city hall, or such other place as the chairman may select. The chairman may call special meetings, from time to time. Upon written notice of the majority of the trustees, he shall call a special meeting of the trustees. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-24)

## **¶ Sec. 1.710 Duties of Treasurer; Generally**

The treasurer shall have the custody of all the monies and securities of the trust, which shall be kept and maintained in the name of the, trust in such place as the trustees may direct. He shall keep current books which shall be available for inspection by any of the trustees or general public at the office of the association. All money of the trust shall be deposited by him in such depositories as shall be selected by the trustees. Checks shall be signed by the treasurer and countersigned by the chairman. The treasurer shall keep a permanent and well-bound record book in which shall be kept in alphabetical order the names of all persons advancing funds, the amount advanced, the purpose for which such advancement was made, the names and locations, insofar as possible, of lots and graves, the condition and status of the trust imposed, the minutes of all meetings of the trustees, and such further information as the trustees may deem proper. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-25)

## **¶ Sec. 1.711 Income for Trust**

All donations, funds, income or properties arising from the trust, in whatever form it may take, together with any additions thereto made in conformity with the provisions of this article, shall be called the Live Oak and Resthaven Cemetery Trust. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-26)

## **¶ Sec. 1.712 Use; Investment of Trust**

With respect to the trust property and additions thereto, the trustees shall have the power in their discretion and judgment to allot, petition, assign, control, care for, collect, contract with respect to, convey, convert, deal with, dispose of, exchange, hold, improve, invest, reinvest, lease, alienate, manage, mortgage, grant, exercise options with respect to, take possession of, sell, pledge, protect, receive, release, repair, buy, sue for, execute proxies, employ servants and agents and, in general, to do any and every act and thing, and to enter into and carry out any and every

agreement with respect to the trust property or any part thereof as the trustees would have the right to do if they were the individual owners thereof and as they, in the exercise of their best judgment, being fully cognizant of their individual responsibilities to discharge their trust with integrity and honor, may deem in the best interest of, the trust without being limited in any way by the granting of specific powers herein made. The trustees shall invest all cash and liquid assets donated to such trust and all property converted to cash and liquid assets by such trust in interest-bearing bonds or securities of municipalities, state or federal government. In addition to the rights and duties herein given the trustees, they shall have all the powers, rights, duties and responsibilities given to and imposed upon a trustee under what is known as the Texas Trust Act, and as restricted by article 969c of the Revised Civil Statutes of Texas. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-27)

#### **Sec. 1.713 Individual Trust Agreements**

Any person desiring to have the city act as trustee for the permanent care and upkeep of graves and burial lots in either the Live Oak or Resthaven Cemetery shall have the right to deposit an amount not less than one hundred dollars (\$100.00) or funds as may be required by the trustees therefor, and the acceptance by the trustees of the funds required for such purpose shall constitute a permanent and perpetual trust fund for the burial lot or graves so designated. Upon acceptance by the trustees or its agents, the trust shall issue a certificate to the person advancing such funds or money, which certificate shall state the purpose, the amount advanced, by whom advanced, the location as nearly as possible of the lot, grave or burial place and such further information and designation as the trustees may deem proper. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-28)

#### **Sec. 1.714 Use of Fund for Care, Upkeep, and Maintenance**

At all times, the interest, revenue or other accrual or increase of the funds advanced for specific lots, graves or burial places shall first be used for the maintenance, care and upkeep, in first-class condition, of the particular lot, grave or burial place for which the advancement and donation was originally made. In the event of the accrual of a reasonable excess of revenue from such specific fund, the accumulation of a greater amount than is necessary for the faithful accomplishment of the trust and purpose herein provided for, such excess may, in the discretion of such trustees, be used to beautify the whole cemetery or burial ground generally; but at no time shall any part of the original or principal amount first be advanced and donated for the care, upkeep and maintenance of specific lots, graves and burial places, or ever be used by such trustees. The original amount of funds shall forever remain and be kept intact as a principal trust fund. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-29)

#### **Sec. 1.715 Issuance of Certificates**

All certificates issued by the trust shall be issued in the name of the city to the person who makes the advancement of funds or monies as provided for in this article; and such certificate holder shall have the right, upon the payment of the proper costs or recording fee, to have such certificate recorded in the county deed records. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-30)

## **Sec. 1.716 Conformity With Statutes**

It is not intended by this article to assume to operate a perpetual care cemetery within the meaning and provisions of Title 26 of the Revised Civil Statutes as the Live Oak and Resthaven Cemeteries are community cemeteries and are not applicable to the operation of said statute. It is, however, intended that this article be and is in conformity with article 969c of the Revised Civil Statutes of Texas in establishing the city as trustee for the perpetual care and upkeep of the Live Oak and Resthaven Cemeteries under the terms and conditions provided in this article. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-31)

## **Sec. 1.717 Renouncing of Trust by City**

In the event that the city or the trustees should, after having engaged upon and accepted the trust provided for in this article, renounce such trust or fail or refuse to act further as trustees as herein provided for, the county judge, he being the highest trial judge of the county, shall appoint a suitable successor trustee, whenever the occasion demands or a vacancy occurs, to act in lieu of the city and to carry out and faithfully execute the trust. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-32)

## **Sec. 1.718 Budgetary Funds Authorized**

Nothing contained in this article shall be construed as in any way limiting the city in including in its annual budget such sums as may be deemed necessary for the maintenance and upkeep of the cemeteries. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-33)

## **Sec. 1.719 Amendment**

This article and the trust agreement may be amended only by ordinance of the city, and shall be signed by a majority of the councilmen and the mayor acting as trustees. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-34)

# City Council

## City of Brady, Texas

### Agenda Action Form

AGENDA DATE:	3/21/2017	AGENDA ITEM	7.D.
AGENDA SUBJECT:	Discussion, consideration and possible action regarding <b>Resolution 2017-012</b> continuing the City of Brady City Council as Permanent Trustees for the perpetual ownership and maintenance of the lots and graves of the Rest Haven and Live Oak Cemeteries.		
PREPARED BY:	P Lamont	Date	3/17/2017
EXHIBITS:	Resolution 2017-012		
BUDGETARY IMPACT:	Required Expenditure in FY 2017:	\$00.00	
	Amount Budgeted in FY 2017:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

#### **SUMMARY:**

Council approved Ordinance 1218 regarding amending Article 1.600 and repealing 1.700 of the Code of Ordinances for Rest Haven and Live Oak Cemeteries to update and revise the Rules and Regulations of the two cemeteries.

Resolution 2017-012 continues the City of Brady City Council as Permanent Trustees for the perpetual ownership and maintenance of the lots and graves of the Rest Haven and Live Oak Cemeteries.

#### **RECOMMENDED ACTION:**

Approve Resolution 2017-012 continuing the City of Brady City Council as Permanent Trustees for the perpetual ownership and maintenance of the lots and graves of the Rest Haven and Live Oak Cemeteries.

**CITY OF BRADY, TEXAS  
RESOLUTION NO. 2017-012**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS, CONTINUING THE PERPETUAL TRUST FOR REST HAVEN CEMETERY AND LIVE OAK CEMETERY AND STATING ALL ACTIONS OF THE CITY RELATED TO THE PERPETUAL TRUST SHALL BE THROUGH THE BUDGET AND BY CITY STAFF;**

**WHEREAS**, Section 713.002 of the Texas Health and Safety Code states that (a) a municipality that owns or operates a cemetery or has control of cemetery property may act as a permanent trustee for the perpetual maintenance of the lots and graves in the cemetery, and (b) to act as a trustee, a majority of the municipality's governing body must adopt an ordinance or resolution stating the municipality's willingness and intention to act as a trustee; when the ordinance or resolution is adopted and the trust is accepted, the trust is perpetual; and

**WHEREAS**, City Council created a Perpetual Trust for Rest Haven Cemetery and Live Oak Cemetery under Article 1.700 of the City of Brady Code of Ordinances; and

**WHEREAS**, City Council repealed Article 1.700 of the Municipal Code of Ordinances by Ordinance 1218; and

**WHEREAS**, City Council adopts this Resolution in order for the City to continue the Perpetual Trust for Rest Haven Cemetery and Live Oak Cemetery and for the City to continue to act as the trustee for the Perpetual Trust; and

**WHEREAS**, all actions of the City related to the Perpetual Trust shall be through the City budget and by City staff; and

**WHEREAS**, City Council finds it in the best interests of the City and the general public to continue the Perpetual Trust for Rest Haven Cemetery and Live Oak Cemetery and requiring all actions of the City related to the Perpetual Trust be through the City budget and by City staff.

**NOW THEREFORE; BE IT THEREFORE RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS:**

**SECTION 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

**SECTION 2. Continuation of Perpetual Trust.** The Perpetual Trust created under Article 1.700 of the Code of Ordinances for Rest Haven Cemetery and Live Oak Cemetery shall continue under this Resolution.

**SECTION 3. Trustee.** The City shall continue to be the trustee of the Perpetual Trust.

**SECTION 4. Administration of the Perpetual Trust.** The Perpetual Trust shall be administered by the City through the City's budget and by City staff.

**PASSED AND APPROVED** on this 21<sup>st</sup> day of March 2017.

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Anthony Groves, Mayor  
City of Brady, Texas

ATTEST:

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Tina Keys, City Secretary  
City of Brady, Texas

**CITY COUNCIL  
CITY OF BRADY, TEXAS  
AGENDA ACTION FORM**

AGENDA DATE:	3-21-2017	AGENDA ITEM	8.A
AGENDA SUBJECT:	Monthly Financial Reports		
PREPARED BY:	Lisa Remini	Date Submitted: 3-16-2017	
EXHIBITS:	Monthly Financial Report Fund Balance and Cash Reconcilement Investment Activity Operating Cash /Utility Billing History Sales Tax Report Motel Tax Collection and Distribution Report Utility Customer Service Reports Residential Electric Rate Comparison – February 2017		
BUDGETARY IMPACT:	<b>Required Expenditure:</b> <b>Amount Budgeted:</b> <b>Appropriation Required:</b>	\$00.00 \$00.00 \$00.00	
CITY MANAGER APPROVAL:			
<b>SUMMARY:</b> Monthly financial Reports for the 5 <sup>th</sup> fiscal month – February 2017 have been emailed to you for your review.  Sales Tax collections for the month of February 2017 are \$3,989 less than February 2016 collections. Total collections are slightly short of budget goals by .84%, or \$8,003.  The City Council approved a stipend of \$1,700 per month for an annual total of \$20,400 for the FY 17 to the Brady Volunteer Fire Department. Monthly expenditure data provided by the Volunteer Fire Department is included for your review.			

<b>RECOMMENDED ACTION:</b> This item is for discussion purposes only. Note: After each Audit Board and upon Council approval, the check register denoting the checks issued to each Vendor, amount paid, and description of the item paid will be on the City's website for public view. Go to the Finance Department tab and then click on the Check Register tab.
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CITY OF BRADY  
 MONTHLY FINANCIAL REPORT  
 AS OF: FEBRUARY 28TH, 2017

41.67% OF FISCAL YEAR

	CURRENT BUDGET	YEAR TO DATE ACTUAL	% TO DATE	YEAR TO DATE PRIOR YEAR
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## BEGINNING FUND BALANCE &amp;

NET WORKING CAPITAL	14,838,015.59	14,838,015.59		15,648,679.31
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REVENUES

10 -GENERAL FUND	7,383,117.00	3,834,589.03	51.94	2,973,272.56
20 -SEWER AND ELECTRIC FU	8,783,890.00	3,389,142.76	38.58	3,526,022.61
30 -WATER UTILITY FUND	2,116,450.00	709,229.25	33.51	756,900.64
40 -GAS UTILITY FUND	1,187,780.00	631,131.13	53.14	655,677.71
50 -UTILITY SUPPORT FUND	499,442.00	202,678.27	40.58	104,949.81
60 -SOLID WASTE FUND	1,077,500.00	477,120.63	44.28	574,289.94
80 -SPECIAL REVENUE FUND	<u>1,648,209.00</u>	<u>282,480.56</u>	<u>17.14</u>	<u>221,460.73</u>
TOTAL REVENUES	22,696,388.00	9,526,371.63	41.97	8,812,574.00

EXPENDITURES

10 -GENERAL FUND	7,901,099.00	2,990,760.53	37.85	2,802,660.83
20 -SEWER AND ELECTRIC FU	11,245,513.00	3,580,927.58	31.84	2,146,353.09
30 -WATER UTILITY FUND	3,096,172.00	905,267.55	29.24	904,131.97
40 -GAS UTILITY FUND	1,500,469.00	644,737.56	42.97	544,824.11
50 -UTILITY SUPPORT FUND	493,542.00	207,878.78	42.12	187,344.85
60 -SOLID WASTE FUND	1,074,058.00	405,493.65	37.75	360,216.07
80 -SPECIAL REVENUE FUND	<u>1,870,209.00</u>	<u>380,731.92</u>	<u>20.36</u>	<u>514,850.11</u>
TOTAL EXPENDITURES	27,181,062.00	9,115,797.57	33.54	7,460,381.03

REVENUES OVER/(UNDER) EXPENDITURES	( 4,484,674.00)	410,574.06		1,352,192.97
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## ENDING FUND BALANCE &amp;

NET WORKING CAPITAL	10,353,341.59	15,248,589.65		17,000,872.28
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**FUND BALANCE AND CASH RECONCILEMENT**

As of: February 28, 2017

		Unrestricted Cash	Restricted Cash	Total Cash	Comments
<b>BRADY NATIONAL BANK</b>					
Operating Account	#100677	\$ 11,777,159.56		12,353,969.42	
Operating Account	#100677	\$ 32,156.53		32,156.53	Motel Funds
Operating Account	#100677	\$ 38,238.89		38,238.89	Cemetery Funds
Operating Account	#100677	\$ 67,008.24		67,008.24	Street Sanitation \$
Operating Account	#100677	\$ 439,406.20		439,406.20	Utility Deposit \$
Airport Account	#172791	\$ 81,123.51	-	81,123.51	
Water Repair & Replacement	#172817	\$ 16,313.98	220,000.00	236,313.98	
CW - WWTP Construction	#103671	\$ -	258.55	258.55	
DW Construction	#104828	\$ -	30,947.64	30,947.64	
Sinking Fund 2000	#172890	\$ -	175,744.33	175,744.33	
Sinking Fund 2012 - Refunding	#103069	\$ -	125,283.83	125,283.83	
Sinking Fund 2012 - WWTP	#103663	\$ -	66,325.52	66,325.52	
Sinking Fund 2013 - DW	#105770	\$ -	20,483.29	20,483.29	
Landfill Closure Reserve	#172775	\$ -	398,633.16	398,633.16	
Drug Seizure FDS	#172668	\$ -	8,442.48	8,442.48	
Police Educational	#172700	\$ -	7,325.87	7,325.87	
Court Security	#102533	\$ -	4,416.29	4,416.29	
Court Technology	#102541	\$ -	2,177.89	2,177.89	
Community Development Block	#172627	\$ -	-	-	
Cash on Hand		\$ 1,940.00	-	1,940.00	
Bank Balances - Interest rate .83%	Subtotal	\$ 11,876,537.05	1,636,848.71	13,513,385.76	
Certificate of Deposit at CNB		\$ -	243,588.82	243,588.82	Utility Deposit \$
BOTX Escrow Account - CO 2012 CW Project		\$ -	1,162,385.95	1,162,385.95	
BOTX Escrow Account - LF 2012 CW Project		\$ -	689,891.85	689,891.85	
BOTX Escrow Account - EDAP 2015 DW Project		\$ -	606,791.71	606,791.71	
	Subtotal	\$ -	2,702,658.33	2,702,658.33	
<b>TOTAL CASH BALANCES RECONCILED</b>		11,876,537.05	4,339,507.04	<b>16,216,044.09</b>	
<b>2-28-17 GENERAL LEDGER</b>					
Total Current Non-Cash Assets - All Funds				893,868.66	
(Total Current Liabilities - All Funds)				(1,861,323.10)	
<b>Total Fund Balance / Net Working Capital</b>				<b>15,248,589.65</b>	

**CITY OF BRADY**  
**INVESTMENT ACTIVITY**  
**DATE: February 28, 2017**

Certificates of Deposit at	Commercial National Bank:	Interest Earnings
1. #32788	\$243,588.82 at 0.20% for 180 days maturity 6/22/2017	Y-T-D \$240.02

**GRAND TOTAL**    **\$243,588.82**    **TOTAL SHORT-TERM CASH INVESTMENTS**

The City investment portfolio is in compliance with the PFIA and the City's investment strategy as outlined in the Council approved Investment Policy dated 9-06-16 by Resolution 2016-047.

Lisa Remini  
Lisa Remini, Investment Officer

## RECONCILED OPERATING CASH / TOTAL UTILITY BILLINGS

Fiscal Year 16-17

## 1171 - Brady, City of (General Obligation Debt)

Report - Brady, City of (General Obligation Debt) / Sales Tax Data

The Charts below contain sales tax revenue allocated each month by the State Comptroller. For example, the February allocations reflect December sales, collected in January and allocated in February.

\*Excludes any sales tax retained by the municipality and not remitted to the Comptroller.

- View Grid Based on Calendar Year
- View Grid With All Years

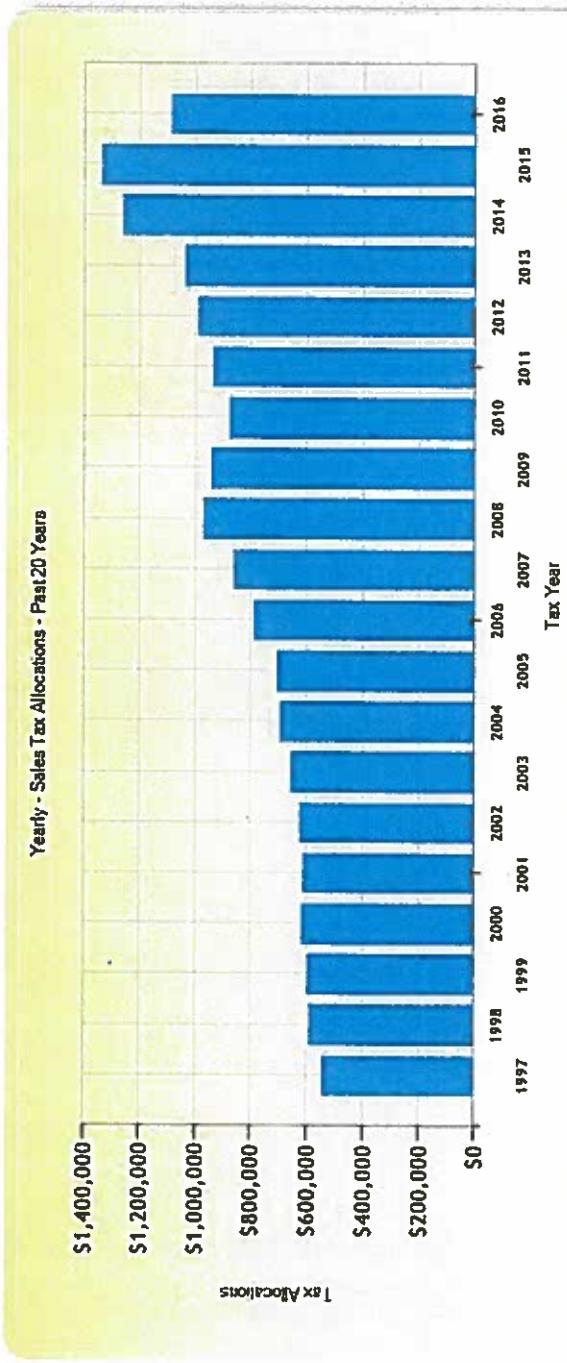
[Download to Excel](#)

Change Fiscal Year  
End

By Fiscal Year 10/01 - 09/30

Year	October	November	December	January	February	March	April	May	June	July	August	September	Total
2017	\$87,306	\$91,161	\$89,413	\$100,033	\$109,289	\$86,358	\$0	\$0	\$0	\$0	\$0	\$0	\$563,560
2016	\$143,834	\$112,101	\$107,933	\$98,515	\$113,278	\$84,869	\$85,238	\$96,257	\$81,982	\$80,944	\$94,673	\$85,349	\$1,184,973
2015	\$113,438	\$115,026	\$128,575	\$118,282	\$127,008	\$90,659	\$99,414	\$119,166	\$107,160	\$99,436	\$107,394	\$106,966	\$1,332,523
2014	\$86,905	\$90,223	\$83,575	\$87,608	\$114,999	\$83,194	\$86,383	\$103,052	\$119,190	\$96,615	\$101,343	\$109,279	\$1,162,366
2013	\$81,575	\$84,095	\$78,857	\$88,594	\$108,399	\$69,954	\$76,038	\$92,661	\$84,448	\$82,176	\$91,353	\$87,852	\$1,026,002
2012	\$76,182	\$79,173	\$73,628	\$81,661	\$100,901	\$64,794	\$79,473	\$88,392	\$76,641	\$60,890	\$87,159	\$105,230	\$974,124
2011	\$78,998	\$93,104	\$65,476	\$83,507	\$93,953	\$70,399	\$72,121	\$81,841	\$76,174	\$71,819	\$84,522	\$71,003	\$942,918
2010	\$70,849	\$72,537	\$66,287	\$69,364	\$86,286	\$70,868	\$54,779	\$73,192	\$69,685	\$64,455	\$93,443	\$58,872	\$850,618
2009	\$79,109	\$125,392	\$86,622	\$79,704	\$95,830	\$73,457	\$68,319	\$79,191	\$78,551	\$96,167	\$89,024	\$73,646	\$1,025,012
2008	\$73,939	\$76,885	\$75,520	\$76,332	\$88,517	\$69,243	\$60,775	\$73,032	\$72,513	\$74,539	\$82,203	\$80,973	\$904,471

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## MOTEL OCCUPANCY TAX

### FY 2017 Quarter Totals

	Total
1st Quarter FY 17 (October - December 2016)	\$60,349.68
3rd Quarter FY 16 - Gold Key Inn underpayment	\$1,076.45
2nd Quarter FY 17 (January - March 2017)	\$0.00
3rd Quarter FY 17 (April - June 2017)	\$0.00
4th Quarter FY 17 (July - September 2017) Due October 31, 2017	\$0.00
	<b><u>\$61,426.13</u></b>

### FY 2017 Summary Collections

	Taxable Receipts	Tax @ 7%	1% Discount	Net Tax
Holiday Inn Express - 2320 S Bridge 597-1800	\$436,894.83	\$30,582.64	\$305.83	\$30,276.81
Best Western - 2200 S. Bridge 597-3997	\$252,220.73	\$17,555.45	\$176.55	\$17,478.90
Days Inn - 2108 S. Bridge 597-0789	\$72,869.44	\$5,100.86	\$51.08	\$5,049.78
Gold Key Inn - 2021 S Bridge 597-2185	\$114,911.81	\$8,043.82	\$20.17	\$8,023.64
Brady Motel - 603 W. Commerce 597-2442	\$8,614.80	\$603.03	\$6.03	\$597.00
Team Housing Solutions - PO Box 310697, New Braunfels	\$0.00	\$0.00	\$0.00	\$0.00
	<b><u>\$885,511.61</u></b>	<b><u>\$61,985.80</u></b>	<b><u>\$559.68</u></b>	<b><u>\$61,426.13</u></b>

FY 2017 Grants	Commitment	YTD Distributions	Payment Date
Chamber of Commerce	\$177,700.00	\$74,041.69	Monthly thru 2/28/17
Chamber of Commerce - Visitor Assesment	\$18,000.00	\$18,000.00	11/8/2016
McCulloch Co Historical Commission	\$3,000.00	\$3,000.00	2/10/2017
Morgan Military Aviation Museum	\$8,500.00	\$8,500.00	2/15/2017
YTD Total	<b><u>\$207,200.00</u></b>	<b><u>\$103,541.69</u></b>	
2017 Budget	\$215,000.00		

### FY 2016 Quarter Totals

	Total
1st Quarter FY 16 (October - December 2015)	\$56,496.47
2nd Quarter FY 16 (January - March 2016)	\$46,186.90
3rd Quarter FY 16 (April - June 2016)	\$49,415.00
4th Quarter FY 16 (July - September 2016) Due October 31, 2016	\$54,437.32
	<b><u>\$206,535.69</u></b>

### FY 2016 Summary Collections

	Taxable Receipts	Tax @ 7%	1% Discount	Net Tax
Holiday Inn Express - 2320 S Bridge 597-1800	\$1,507,971.67	\$105,558.02	\$1,055.58	\$104,502.05
Best Western - 2200 S. Bridge 597-3997	\$977,036.38	\$68,392.52	\$683.73	\$67,708.79
Days Inn - 2108 S. Bridge 597-0789	\$259,334.68	\$18,154.29	\$182.38	\$17,971.90
Gold Key Inn - 2021 S Bridge 597-2185	\$184,861.64	\$12,940.31	\$129.40	\$13,211.91
Brady Motel - 603 W. Commerce 597-2442	\$45,141.48	\$3,159.88	\$31.60	\$3,128.28
Team Housing Solutions - PO Box 310697, New Braunfels	\$184.00	\$12.88	\$0.13	\$12.75
	<b><u>\$2,974,529.85</u></b>	<b><u>\$208,217.90</u></b>	<b><u>\$2,082.81</u></b>	<b><u>\$206,535.69</u></b>

FY 2016 Grants	Commitment	YTD Distributions	Payment Date
Chamber of Commerce	\$177,700.00	\$177,700.00	Monthly thru 9/30/16
Chamber of Commerce - Visitor Assesment	\$9,928.00	\$9,928.00	8/9/2016
McCulloch Co Historical Commission	\$3,000.00	\$3,000.00	3/2/2016
Morgan Military Aviation Museum	\$10,000.00	\$10,000.00	4/21/2016
Brady Golf Association	\$3,000.00	\$2,650.00	5/2/2016
HOT Country Music Museum	\$10,000.00	\$10,000.00	6/17/2016
Annual Hotel Administrative Fee	\$500.00	\$500.00	7/26/2016
HOT Historical Museum	\$11,000.00	\$11,000.00	9/19/2016
YTD Total	<b><u>\$225,128.00</u></b>	<b><u>\$224,778.00</u></b>	
2016 Budget	\$215,000.00		

### HISTORICAL COLLECTION / PAYOUT HISTORY

	2016	2015	2014	2013
% CHANGE	-12.54%	4.17%	19.35%	12.44%
COLLECTONS	\$206,535.69	\$236,148.85	\$226,685.90	\$189,927.02
GRANTS	(\$224,778.00)	(\$185,750.00)	(\$226,685.90)	(\$189,927.02)
FUND BALANCE	<b><u>32,156.54</u></b>	<b><u>50,398.85</u></b>	<b><u>0.00</u></b>	<b><u>0.00</u></b>

3/06/2017 2:27 PM

## CASH COLLECTION HISTORY REPORT

PAGE: 29

OPERATOR: ALL

## HISTORY TRANSACTION SUMMARY

DATES: 2/01/2017 THRU 2/28/2017

TERMINAL: ALL

RECEIPTS: 0 THRU 99999999

SUMMARY CODE: ALL

TRAN: 0.0000 THRU 999.9999

DEPARTMENT: ALL

AMOUNT: 0.00 THRU 9,999,999.99

TRAN	NAME	VOIDS	NO#	TOTAL	CA	CK	MO	CC	OT
1.0000	UTILITY PAYMENT	13	2040	574,277.08CR					
2.0000	MAIL PAYMENT	4	486	229,698.12CR					
3.0000	NIGHT DROP PAYMENT	3	248	69,278.50CR					
4.0000	BAD DEBT PAYMENT	0	5	1,491.45CR					
10.0000	ELECTRIC DEPOSIT	0	55	14,000.00CR					
11.0000	GAS DEPOSIT	0	26	1,850.00CR					
12.0000	WATER DEPOSIT	0	37	2,900.00CR					
22.0000	TRANSFER FEE	0	7	140.00CR					
26.0000	UTILITY SERVICE FEE	0	5	10.00CR					
34.0000	TAP FEE- SEWER	0	1	250.00CR					
35.0000	TAP FEE-WATER	0	1	728.80CR					
36.0000	TAP FEE-GAS	0	1	1,205.00CR					
40.0000	BULK WATER SALES	0	1	25.00CR					
100.0000	A/R PAYMENT	1	49	53,008.24CR					
103.0000	SB EMS payments	0	10	14,138.76CR					
172.0000	CEMETERY OPEN/CLOSE	0	3	800.00CR					
173.0000	CEMETERY LOT PURCH	0	6	887.87CR					
180.0000	Civic Center Rental	0	1	500.00CR					
181.0000	Civic Center Depos	0	2	400.00CR					
195.0000	CREDIT CARD USER FE	0	93	572.42CR					
217.0000	DEP-F30 SF 2000	0	1	17,370.00CR					
221.0000	DEP-F60 CktoLClosur	0	1	3,333.33CR					
224.0000	DEP-SF 2012 WWTP	0	1	11,010.00CR					
225.0000	Dep to SF 2013-DW	0	1	3,370.00CR					

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## CASH COLLECTION HISTORY REPORT

PAGE: 30

OPERATOR: ALL

## HISTORY TRANSACTION SUMMARY

DATES: 2/01/2017 THRU 2/28/2017

TERMINAL: ALL

RECEIPTS: 0 THRU 99999999

SUMMARY CODE: ALL

TRAN: 0.0000 THRU 999.9999

DEPARTMENT: ALL

AMOUNT: 0.00 THRU 9,999,999.99

TRAN	NAME	VOIDS	NO#	TOTAL	CA	CK	MO	CC	OT
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320.0000 GOLF-DAILY DEPOSITS 0 24 1,361.44CR

335.0000 FIRE Inspection Fee 0 3 125.00CR

493.0000 LAKE-DAILY DEPOSITS 0 27 3,619.95CR

505.0000 LANDFILL - DAILY DE 0 18 4,862.27CR

543.0000 MUNI COURT PAYMENT 1 81 9,786.00CR

551.0000 Muni R of W Fee/tel 0 8 8,576.65CR

640.0000 Parks-Rental Fees 0 3 1,624.00CR

650.0000 PERMITS-BLDG/ZONING 0 41 4,542.51CR

655.0000 Police Revenues 0 1 41.00CR

665.0000 Property Tax Recpts 0 2 346,470.31CR

666.0000 Cemetery Tax Receip 0 2 19,614.49CR

760.0000 Sr Citizen Daily De 1 20 7,281.57CR

861.0000 WWTP Disposal Fees 0 4 360.00CR

900.0000 EDC Sales Tax 1 1 20,006.55CR

904.0000 Loan Pmt-Owens 0 1 403.91CR

990.0000 G/L Entry 1 21 56,306.15CR

*** GRAND TOTALS **	25	3338	1,486,226.37CR	220,626.04	1,138,787.89	19,651.53	107,160.91
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*** CASH SHORT ***			5.45	5.45CR			
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*** REVISED ***			1,486,220.92CR	220,620.59			
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**CITY OF BRADY**  
**CITY COUNCIL CORRESPONDENCE**

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**TO:** **MAYOR AND COUNCIL**

**FROM:** **FINANCE / UTILITY DEPARTMENTS**

**SUBJECT:** **MONTHLY CUSTOMER SERVICE REPORT**

**DATE:** **February 28, 2017**

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SERVICES	FISCAL YEAR 2017											
	October	November	December	January	February	March	April	May	June	July	August	September
Received Phone Calls	642	765	876	942	887							
Returned Calls	83	92	104	126	107							
Residential Apps	26	19	21	21	45							
Commercial Apps	3	2	4	0	7							
Service Orders	188	148	139	168	204							

SERVICE ORDER REPORT FY 16-17

# Residential Electric Rate Comparison - February 2017

COMPETITOR NAME	Term Contract	500 kWh	1,000 kWh	2,000 kWh	Early Termination Fee	Residential usage credit- per billing cycle 500-999 kWh	Residential usage credit- per billing cycle 1000-2000 kWh
<b>*Infinite Energy</b>	12 months	<b>\$15.00</b>	<b>\$15.00</b>	<b>\$15.00</b>	<b>\$150</b>	<b>N/A</b>	<b>N/A</b>
<b>Meter Fees</b>							
<b>*Infinite Energy</b>	24 months	<b>\$16.5¢/kWh</b>	<b>13.5¢/kWh</b>	<b>13.0¢/kWh</b>	<b>\$250</b>	<b>N/A</b>	<b>N/A</b>
<b>Meter Fees</b>		<b>\$19.95</b>	<b>\$10.00</b>	<b>\$10.00</b>			
<b>*Veteran Energy</b>	12 months	<b>\$15.2¢/kWh</b>	<b>12.7¢/kWh</b>	<b>15.0¢/kWh</b>	<b>\$150</b>	<b>N/A</b>	<b>N/A</b>
<b>Meter Fees</b>		<b>\$15.00</b>	<b>\$15.00</b>	<b>\$15.00</b>			
<b>*Veteran Energy</b>	24 months	<b>\$16.6¢/kWh</b>	<b>13.6¢/kWh</b>	<b>13.1¢/kWh</b>	<b>\$250</b>	<b>N/A</b>	<b>N/A</b>
<b>Meter Fees</b>		<b>\$19.95</b>	<b>\$10.00</b>	<b>\$10.00</b>			
<b>*Gexa Energy</b>	12 months	<b>\$17.4¢/kWh</b>	<b>14.4¢/kWh</b>	<b>13.9¢/kWh</b>	<b>\$150</b>	<b>N/A</b>	<b>N/A</b>
<b>Meter Fees</b>		<b>\$19.95</b>	<b>\$10.00</b>	<b>\$10.00</b>			
<b>*Gexa Energy</b>	24 months	<b>\$17.1¢/kWh</b>	<b>14.1¢/kWh</b>	<b>13.6¢/kWh</b>	<b>\$295</b>	<b>N/A</b>	<b>N/A</b>
<b>Meter Fees</b>		<b>\$19.95</b>	<b>\$10.00</b>	<b>\$10.00</b>			
<b>*TXU</b>	12 months	<b>\$16.9¢/kWh</b>	<b>14.9¢/kWh</b>	<b>13.9¢/kWh</b>	<b>\$150</b>	<b>N/A</b>	<b>N/A</b>
<b>Meter Fees</b>		<b>\$19.95</b>	<b>\$19.95</b>	<b>\$19.95</b>			
<b>*Reliant</b>	12 months	<b>\$18.4¢/kWh</b>	<b>15.4¢/kWh</b>	<b>14.9¢/kWh</b>	<b>\$150</b>	<b>N/A</b>	<b>N/A</b>
<b>Meter Fees</b>		<b>\$19.95</b>	<b>\$10.00</b>	<b>\$10.00</b>			
<b>*Reliant</b>	24 months	<b>\$18.5¢/kWh</b>	<b>16.8¢/kWh</b>	<b>14.9¢/kWh</b>	<b>\$295</b>	<b>N/A</b>	<b>N/A</b>
<b>Meter Fees</b>		<b>\$16.95</b>	<b>\$16.95</b>	<b>\$16.95</b>			
<b>*Stream</b>	12 months	<b>\$17.1¢/kWh</b>	<b>13.9¢/kWh</b>	<b>13.4¢/kWh</b>	<b>\$250</b>	<b>N/A</b>	<b>N/A</b>
<b>Meter Fees</b>		<b>\$20.95</b>	<b>\$10.00</b>	<b>\$10.00</b>			
<b>*Stream</b>	24 months	<b>\$17.3¢/kWh</b>	<b>14.1¢/kWh</b>	<b>13.6¢/kWh</b>	<b>\$250</b>	<b>N/A</b>	<b>N/A</b>
<b>Meter Fees</b>		<b>\$20.95</b>	<b>\$10.00</b>	<b>\$10.00</b>			
<b>*Market Average</b>		<b>16.9¢/kWh</b>	<b>14.1¢/kWh</b>	<b>14.0¢/kWh</b>			
<b>Meter Fees</b>		<b>\$18.95</b>	<b>\$12.45</b>	<b>\$12.45</b>			
<b>(Represents sampling out of 162 plans of various terms - all plans are for 24 months or less)</b>							
<b>*City of Brady</b>	N/A	<b>14.7¢/kWh</b>	<b>13.6¢/kWh</b>	<b>13.1¢/kWh</b>	<b>\$0</b>	<b>N/A</b>	<b>N/A</b>
<b>Meter Fees</b>		<b>\$10.25</b>	<b>\$10.25</b>	<b>\$10.25</b>			
<b>Number of Residential Customers</b>	1449	890	154				

\*All rates / kWh include the meter fee

BNB/Brady VFD Maintenance Fund

**Explanation of Loans and Terms**  
Loan #56439 - 2011 Ford F-250 Crew Cab (Command 2)  
06/10/15 thru 12/15/2017 @ 4.75% Interest = \$914.47  
Loan # 55027, 2010 Ford F-350 4x4 Crew Cab (Command 1)  
F0012 thru 5/05/2017 @ 5.05% Interest = \$308.23



# AUTO PARTS

MOORE'S AUTOMOTIVE  
2000 S. BRIDGE ST.  
BRADY, TX 76825

BILL TO  
Brady Vol Fire Dept  
216 West Commerce  
Brady, TX 76825-0000

## STATEMENT

ACCT#	SM#	PAGE
482	0	1

DATE	TYPE	REFERENCE	AMOUNT	P.O/CHECK/J.E.
12/31/2016	PRV	Balance	0.00	
01/16/2017	INV	86652	29.26	

CURRENT	PAST DUE 30	PAST DUE 60	PAST DUE 90
29.26	0.00	0.00	0.00
DATE 01/31/2017	Total Owed		29.26
TERMS DUE 10TH	Total Dating		0.00
STORE 800006235	Total Due-->		29.26

MOORE'S AUTOMOTIVE  
2000 S. BRIDGE  
325-597-3421, TX 76825

ACCT#	BILL TO	TOTAL NOW DUE
482	Brady Vol Fire Dept	29.26
CLOSING DATE	01/31/2017	AMOUNT ENCLOSED



**Central Texas TeleCommunications**  
Connected To The Community

With Offices  
Serving You  
8:00 - 5:30 M-F

Goldthwaite  
1012 Reiley Street

San Saba  
208 East Brown Street

**CTTC**

**CUSTOMER CARE 1-800-535-8904**

**Invoice Totals**  
**Leasing Service**

Subtotal  
25.00

**Subtotal Current Charges**

**\$ 25.00**

**Service Summary**

	Adj	Charges	Taxes	Subtotal
			Surcharges	Fees
Leasing Service		25.00		25.00
Leasing Service		25.00		25.00

**Summary of Charges By Type of Service**

	Past Due	Current	Subtotal
Non Basic Service	\$ 0.00 0.00	\$ 25.00 25.00	\$ 25.00 25.00

**Balance Forward**

Previous Bill			
Payment made on Jan 5		\$ 25.00cr	
Total payments through Jan 22			\$ 25.00cr

**Balance Before Current Charges**

**\$ 0.00**

**Total Amount Due**

**\$ 25.00**

**Account Summary for:Brady Volunteer Fire Dept**

	Leasing Service	10780957
Invoice Number		
Service Identifier		
Billing Date	Feb 01, 2017	
Past Due After	Feb 16, 2017	
Previous Bill		\$ 25.00
Previous Payments		\$ 25.00
Adjustments		\$ 0.00
Previous Balance		\$ 0.00
Advance Payments		\$ 0.00
Current Charges		\$ 25.00
<b>Total Due</b>		<b>Bank Deduct - Do Not Pay</b>

**Important Messages**

Please do not pay. The amount of this bill will be deducted from your account on the 5th-7th. Any adjustments will be reflected on your next statement.

Visit our Online Bill Payment Website to view or pay your bill!  
Access your account 24 hours a day.  
Visit us online at [centex.net](http://centex.net)

**Charge Detail**

**Leasing Service**

*Recurring Charges (Feb 01 - Feb 28)*

Lease Tower			
Total for Leasing Service		25.00	\$ 25.00

Please detach at perforation and return bottom portion with your payment. Make checks payable to Central Texas TeleCommunications

**CTTC**

**Central Texas  
TeleCommunications**  
PO Box 1619  
Goldthwaite, Tx 76844-1619  
Address Service Requested

Account Number	00005711-0
Invoice Number	10780957
Service Identifier	Leasing Service
Billing Date	Feb 01, 2017
Past Due After	Feb 16, 2017
<b>Total Due</b>	<b>Bank Deduct - Do Not Pay</b>



Check here for address changes, credit card payments, or other automatic payment options (see back for details).

Amount Enclosed: \$ \_\_\_\_\_

**REMIT TO:**

000376 1 AV 0.373 T3  
[REDACTED]  
BRADY VOLUNTEER FIRE DEPT  
LYNNE WHITE  
216 W COMMERCE ST  
BRADY, TX 76825-4522

Bank Deduct - Do Not Pay...

G: 1-0376



Randles Melcer Associates  
104 N. Blackburn Street  
PO Box 1021  
Brady, TX 76825-1021

# Invoice

Account #	Date	Invoice #
BVF DI	1/23/2017	6835
Terms	Due Date	
n25th	2/25/2017	

Bill To

Brady Volunteer Fire Dept., Inc.  
216 W. Commerce St.  
Brady, TX 76825-4522

Description	Amount
Tax Return Preparation: 2015 Form 990, Return of Organization Exempt from Income Tax	625.00
<p>It is the policy of RANDLES MELCER ASSOCIATES to handle the information you provide to us with the utmost confidentiality and care. We restrict access to nonpublic personal information about you to members of our firm who need to know this information in order to complete the work you have hired us to do. We will not disclose your personal and confidential information to anyone outside our firm without your express written permission to do so. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.</p> <p>pd. in full check #184 O. Riddle</p>	
	Subtotal \$625.00
<i>Referring your friends to us is the best compliment we can receive!</i>	Sales Tax (8.25%) \$0.00
Code R	Total \$625.00

SERVICES	FISCAL YEAR 2016-2017												
	OCT.	NOV.	DEC.	JAN.	FEB.	MARCH	APR	MAY	JUNE	JULY	AUG.	SEPT.	To Date Total
Meals @ Sunset Center	793	686	642	678	667								3,466
Meals sent-Helping Hands	329	366	418	342	315								1,770
Home Delivered Meals	795	769	788	785	763								3,900
Total Meals	1,917	1,821	1,848	1,805	1,745	-	-	-	-	-	-	-	9,136
Medicaid Trips	91	118	115	185	142								651
Closed Oct. 10th difference from last year													
Closed Jan. 16th difference from last year													
Closed Feb. 20th difference from last year													

SERVICES	FISCAL YEAR 2015-2016												
	OCT.	NOV.	DEC.	JAN.	FEB.	MARCH	APR	MAY	JUNE	JULY	AUG.	SEPT.	To Date Total
Meals @ Sunset Center	901	720	725	712	797	860	828	743	878	752	862	830	9,608
Meals sent-Helping Hands	382	287	340	331	352	311	369	309	375	347	384	331	4,118
Home Delivered Meals	836	703	814	833	865	811	779	746	772	738	863	805	9,565
Total Meals	2,119	1,710	1,879	1,876	2,014	1,982	1,976	1,798	2,025	1,837	2,109	1,966	23,291
Medicaid Trips	84	53	60	59	89	79	80	106	101	91	120	113	1,035

Brady Municipal Golf Course  
Monthly Report

Item	FY 2015	FY 2016	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Totals
Rounds	1630	1462	72	63	53	44	107								339
Green Fees	\$19,837.72	\$18,369.14	\$952.00	\$951.00	\$676.00	\$656.00	\$1,317.00								\$4,557.00
Membership Rounds	3785	2625	228	217	218	268	351								1,282
Student Rounds	457	242	5	1	0	0	9								15
Total Rounds	5872	4329	205	281	271	312	467								1,616
Trail Fee	1945	360	1	0	1	2	3								7
Trail Fee Revenues	\$1,085.59	\$208.00	\$4.00	\$0.00	\$4.00	\$8.00	\$12.00								\$28.00
Cart Rentals	1217	943	37	44	14	14	28								137
Cart Revenue	\$19,840.52	\$16,670.64	\$637.50	\$700.00	\$250.00	\$200.00	\$437.50								\$2,225.00
Cart Shed Rental	\$11,186.50	\$10,714.53	\$15,450.00	\$13.00	\$67.50	\$50.00	\$100.00								\$15,700.50
Vending Revenue	\$16,558.58	\$16,290.04	\$799.59	\$496.21	\$426.59	\$293.90	\$1,072.80								\$3,089.09
Memberships	368	305	52	21	20	24	19								136
Membership Fees	\$39,915.18	\$30,321.10	\$11,915.00	\$3,905.00	\$2,220.00	\$2,290.00	\$2,090.00								\$22,420.00
Driving Range	471	298	13	7	10	19	26								75
Range Revenue	\$2,018.92	\$1,296.00	\$43.00	\$27.00	\$50.00	\$81.00	\$118.00								\$319.00
Misc.	\$140.64	\$16,035.37	\$10,001.89	\$1.23	\$21,117.53	\$71.57	\$11.05								\$31,060.13
<b>Total Revenue</b>	<b>\$110,583.65</b>	<b>\$109,904.82</b>	<b>\$39,862.98</b>	<b>\$6,093.44</b>	<b>\$24,831.62</b>	<b>\$3,507.33</b>	<b>\$5,158.35</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$79,393.72</b>	

None of the above figures include sales tax  
Trail fees were eliminated with the increase in cart shed rentals beginning in January. Only charged to individuals who bring their own cart and do not rent a shed at the Golf Course

Joint Funding Agreement with the Brady Golf Association for the Irrigation system began Oct 1, 2008. The final payment is due October 1, 2017



TO: BRADY CITY COUNCIL  
FROM: STEVE THOMAS, CHIEF OF POLICE  
THROUGH: KIM LENOIR, CITY MANAGER

**SUBJECT: MONTHLY POLICE REPORT FOR FEBRUARY 2016  
DATE: MARCH 6, 2016- FISCAL YEAR 2016-17**

**TO: BRADY CITY COUNCIL  
FROM: STEVE THOMAS, CHIEF OF POLICE**

**SUBJECT: MONTHLY ANIMAL CONTROL REPORT FOR FEBRUARY 2016**

**Hotel Occupancy Monthly Tax Grant Recipients thru January 31, 2017  
FY 2016/2017**

<u>Group</u>	<u>Amount</u>	<u>Proposed use</u>	<u>Event Date</u>
<b>Approved</b>			
Brady McCulloch County Chamber	\$18,000.00	Tourism Master plan	Ongoing
McCulloch County Historical Commission	\$3,000.00	Early Days advertising	April 7-8, 2017
Morgan Military Aviation Museum	\$8,500.00	Band and Advertising	May 20, 2017
Brady Golf Association	\$3,000.00	Advertising	April 1-2, 2017
<b>Total Awarded</b>	<b>\$32,500.00</b>		
<b>Budgeted</b>	<b>\$37,300.00</b>		
<b>Remaining</b>	<b>\$4,800.00</b>		
<b>Pending</b>			

**City of Brady Curtis Field Airport**  
**Monthly Invoice Register**

Invoice No.	Date	Last Name	Type	611.00 Rent	611.01 Hanger	611.02 Hanger	815.00 REm	645.00 A/B	646.00 100-LL	646.01 Jet-A	Price per Gallon	647.00 Military	Total Sale	100-LL Gals	Jet-A Gals	Mill-Jet Gals
312089	1/31/2017	UH-60 Nett	cc						0.00	0.00	2.735330	475.947420	513.879420			174
312091	1/31/2017	UH-60 Nett	cc						0.00	0.00	2.735330	555.271990	599.525990			203
312093	1/31/2017	3-227	cc						0.00	0.00	2.735330	672.891180	726.519180			246
312094	2/1/2017	Bain	cc						70.55	0.00	4.250000	0.000000	70.550000			16.6
312095	2/1/2017	Cobb	cc						59.60	0.00	4.250000	0.000000	59.600000			14.0
312096	2/1/2017	Willis	cc						80.75	0.00	4.250000	0.000000	80.750000			19.0
312097	2/1/2017	Mitchel	cc						68.00	0.00	4.250000	0.000000	68.000000			16.0
312098	2/1/2017	Cobb	cc						65.24	0.00	0.00	0.000000	65.240000			
312099	2/1/2017	UH-60 Nett	cc						0.00	0.00	2.735330	645.537980	696.985880			236
312100	2/1/2017	UH-60 Nett	cc						0.00	0.00	2.735330	730.333110	788.539110			267
312101	2/2/2017	Brady Fire & EMS	charge						14.45	0.00	4.250000	0.000000	14.450000			3.4
312102	2/2/2017	Caffey	cc						89.25	0.00	4.250000	0.000000	89.250000			21.0
312103	2/2/2017	Republic Helicopters	cc						0.00	316.80	4.800000	0.000000	316.800000			66.0
312104	2/2/2017	Villasana	cc						79.05	0.00	4.250000	0.000000	79.050000			18.6
312105	2/2/2017	3-227 C	cc						0.00	0.00	2.735330	473.212990	510.926090			173
312106	2/3/2017	Sky Horse	cc						120.00	0.00	0.00	0.000000	120.000000			
312107	2/3/2017	Republic Helicopters	cc						0.00	144.00	4.800000	0.000000	144.000000			30.0
312108	2/3/2017	Brady Fire & EMS	charge						41.23	0.00	4.250000	0.000000	41.230000			9.7
312109	2/3/2017	302nd	cc						0.00	0.00	2.735330	711.185800	767.865800			260
312110	2/3/2017	302nd	cc						0.00	0.00	2.735330	538.860010	581.806010			197
312111	2/3/2017	302nd	cc						0.00	0.00	2.735330	930.012200	1.004.132200			340
312112	2/6/2017	302nd	cc						0.00	0.00	2.776490	1.543.728440	1.664.936440			556
312113	2/6/2017	302nd	cc						0.00	0.00	2.776490	1.843.589360	1.988.341360			664
312114	2/6/2017	Smaistira	charge			30.00			0.00	0.00	0.000000	0.000000	30.000000			
312115	2/6/2017	Branch	charge		30.00				0.00	0.00	0.000000	0.000000	30.000000			
312116	2/6/2017	Boyles	charge		70.00				0.00	0.00	0.000000	0.000000	70.000000			
312117	2/6/2017	Ameytt	charge		70.00				0.00	0.00	0.000000	0.000000	70.000000			
312118	2/6/2017	Ameytt	charge		70.00				0.00	0.00	0.000000	0.000000	70.000000			
312119	2/6/2017	Day Aircraft	charge		1,700.00				0.00	0.00	0.000000	0.000000	1,700.000000			
312120	2/6/2017	Kothman	charge		70.00				0.00	0.00	0.000000	0.000000	70.000000			
312121	2/6/2017	Kruszku	charge		120.00				0.00	0.00	0.000000	0.000000	120.000000			
312122	2/6/2017	LD Services	charge		120.00				0.00	0.00	0.000000	0.000000	120.000000			
312123	2/6/2017	Merren	charge		140.00				0.00	0.00	0.000000	0.000000	140.000000			
312124	2/6/2017	Morgan	charge		70.00				0.00	0.00	0.000000	0.000000	70.000000			
312125	2/6/2017	Morgan	charge		70.00				0.00	0.00	0.000000	0.000000	70.000000			
312126	2/6/2017	Powell	charge		70.00				0.00	0.00	0.000000	0.000000	70.000000			
312127	2/6/2017	Pratt	charge		70.00				0.00	0.00	0.000000	0.000000	70.000000			
312128	2/6/2017	Ramsey	charge		70.00				0.00	0.00	0.000000	0.000000	70.000000			

Invoice No.	Date	Last Name	Type	611.00 Rent	611.01 T Hanger	611.02 A/B	815.00 REM Income	645.00 Misc.	100-LL	646.01 Jet-A	647.00 Price per Gallon	647.00 Military	Total Sale	100-LL Gals	Jet-A Gals	Mill-Jet Gals	
312129	2/6/2017	Rice	charge	70.00				0.00	0.00	0.00	0.000000	0.000000	70.000000	70.000000	70.000000	70.000000	
312130	2/6/2017	Scott	charge	70.00				0.00	0.00	0.00	0.000000	0.000000	70.000000	70.000000	70.000000	70.000000	
312131	2/6/2017	Ray	charge		70.00			0.00	0.00	0.00	0.000000	0.000000	70.000000	70.000000	70.000000	70.000000	
312132	2/6/2017	A 3-227	cc					0.00	0.00	0.00	760.758260	820.490260	274				
312133	2/7/2017	2-227	cc					0.00	0.00	0.00	613.604290	661.782290	221				
312134	2/7/2017	Powell	cc					73.52	0.00	4.250000	0.000000	73.520000					
312135	2/7/2017	Gamma Aviation	Contract					0.00	301.66	2.928700	0.000000	301.656100					
312136	2/7/2017	Amyett	cc					51.00	0.00	4.250000	0.000000	51.000000	12.0				
312137	2/7/2017	2-227	cc					0.00	0.00	2.776490	641.369190	691.727190	231				
312138	2/7/2017	3-227	cc					0.00	0.00	2.776490	480.332770	518.046770	173				
312139	2/7/2017	302nd	cc					0.00	0.00	2.776490	17.727.888650	19.119.818650	6,385				
312140	2/8/2017	Davis	cc					294.95	0.00	4.250000	0.000000	294.950000	69.4				
312141	2/8/2017	A3-227	cc					0.00	0.00	2.776490	424.802970	458.156970	153				
312142	2/8/2017	1st Cav	cc					0.00	0.00	2.776490	469.226810	506.068810	169				
312143	2/8/2017	A-711	cc					0.00	0.00	2.776490	519.203630	559.969630	187				
312144	2/8/2017	302nd	cc					0.00	0.00	2.776490	10.298.001410	11.106.563410	3,709				
312145	2/9/2017	Gamma Aviation	Contract					0.00	902.05	2.928700	0.000000	902.050000	308.0			144	
312146	2/9/2017	A 3-227	cc					0.00	0.00	2.776490	399.814560	431.206560					
312147	2/10/2017	Mara	cc					153.00	0.00	4.250000	0.000000	153.000000	36.0				
312148	2/10/2017	Morgan	charge	cc				20.40	0.00	4.250000	0.000000	20.400000	4.8				
312149	2/11/2017	Hellhunters	cc					444.98	0.00	4.250000	0.000000	444.980000	104.7				
312150	2/11/2017	Lindsey	cc					212.50	0.00	4.250000	0.000000	212.500000	50.0				
312151	2/11/2017	Morgan	charge	cc				29.33	0.00	4.250000	0.000000	29.330000	6.9				
312152	2/11/2017	Net Jet	Contract	cc				0.00	647.45	2.969900	0.000000	647.450000	218.0				
312153	2/12/2017	Hellhunters	cc					413.10	0.00	4.250000	0.000000	413.100000	97.2				
312154	2/12/2017	2-227	cc					0.00	0.00	2.776490	757.981770	817.495770	273				
312155	2/12/2017	2-227	cc					0.00	0.00	2.776490	1.602.034730	1.727.820730	577				
312156	2/12/2017	Drury Development	Contract	cc				0.00	0.00	1.505.77	2.969900	0.000000	1.505.770000	507.0			
312157	2/13/2017	Jalfe	cc					0.00	1.584.00	4.800000	0.000000	1.584.000000	330.0				
312158	2/13/2017	Chambliss	cc					0.00	777.60	4.800000	0.000000	777.600000	162.0				
312159	2/14/2017	Gamma Aviation	Contract					0.00	258.39	2.969900	0.000000	258.390000	87.0				
312160	2/14/2017	302nd	cc					0.00	0.00	2.782850	3.464.648250	3.736.058250	1,245				
312161	2/14/2017	C3-227	cc					0.00	0.00	2.782850	556.570000	600.170000	200				
312162	2/15/2017	B3-227	cc					0.00	0.00	2.782850	428.558900	462.130900	154				
312163	2/15/2017	Amyett	cc					86.70	0.00	4.250000	0.000000	86.700000	20.4				
312164	2/15/2017	C3-227	cc					0.00	0.00	2.782850	375.684750	405.114750	135				
312165	2/16/2017	Blackshoe Investment	cc					125.38	0.00	4.250000	0.000000	125.380000	29.5				
312166	2/16/2017	Morgan	charge	cc				20.40	0.00	4.250000	0.000000	20.400000	4.8				
312167	2/17/2017	Elliot	cc					81.60	0.00	4.250000	0.000000	81.600000	19.2				
312168	2/17/2017	Elliot	cc					8.00	0.00	0.00	0.000000	8.000000					
312169	2/18/2017	Morgan	charge	cc				27.20	0.00	4.250000	0.000000	27.200000	6.4				
312170	2/18/2017	Executive Airshare	contract	cc				0.00	296.99	2.969900	0.000000	296.990000	100.0				
312171	2/18/2017	Callan	charge	cc				1,553.38	0.00	4.250000	0.000000	1,553.380000	365.5				
312172	2/18/2017	Cobb	charge	cc				43.36	89.25	0.00	4.250000	0.000000	132.610000	21.0			
312173	2/18/2017	Amyett	cc					109.23	0.00	4.250000	0.000000	109.230000	25.7				

Invoice No.	Date	Last Name	Type	611.00 Rent	611.01 Hanger	611.02 Hanger	815.00 REM Income	645.00 Misc.	100-LL	646.01 Jet-A	Price per Gallon	647.00 Military	Total Sale	100-LL Gals	Jet-A Gals	Mil-Jet Gals
312174	2/22/2017	Johnson	cc						50.88	0.00	4.250000	0.000000	50.880000	11.9		
312175	2/22/2017	Lange	cc					117.30	0.00	4.250000	0.000000	117.300000	27.6			
312176	2/22/2017	Gulf Coast Helicopters	cc					0.00	124.80	4.800000	0.000000	124.800000	26.0			
312177	2/22/2017	Lange	cc					155.13	0.00	4.250000	0.000000	155.130000	36.5			
312178	2/22/2017	Morgan	charge					28.90	0.00	4.250000	0.000000	28.900000	6.8			
312179	2/22/2017	227	cc					0.00	0.00	2.775910	463.576970	499.982970	167			
312180	2/22/2017	Straight Line Construction	cc					0.00	264.01	4.800000	0.000000	264.010000	55.0			
312181	2/22/2017	Morgan	charge					131.75	0.00	4.250000	0.000000	131.750000	31.0			
312182	2/22/2017	Shanklin	cc					162.77	0.00	4.250000	0.000000	162.770000	38.3			
312183	2/23/2017	Smiastila	cc					89.68	0.00	4.250000	0.000000	89.680000	21.1			
312184	2/23/2017	Morgan	charge					53.55	0.00	4.250000	0.000000	53.550000	12.6			
312185	2/23/2017	Morgan	charge					103.28	0.00	4.250000	0.000000	103.280000	24.3			
312186	2/23/2017	Lange	cc					66.30	0.00	4.250000	0.000000	66.300000	15.6			
312187	2/24/2017	Morgan	charge					39.53	0.00	4.250000	0.000000	39.530000	9.3			
312188	2/24/2017	215A	cc					0.00	0.00	2.775910	444.145600	479.025600	160			
312189	2/24/2017	2-15B	cc					0.00	0.00	2.775910	388.627400	419.147400	140			
312190	2/24/2017	1st 36 Cav	cc					0.00	0.00	2.775910	458.025150	493.995150	165			
312191	2/24/2017	Geese	cc					152.15	0.00	4.250000	0.000000	152.150000	35.8			
312192	2/25/2017	Gama Aviation	contract					0.00	386.10	2.969900	0.000000	386.590000	130.0			
312193	2/27/2017	Chromer	cc					40.38	0.00	4.250000	0.000000	40.380000	9.5			
312194	2/25/2017	Amyett	cc					160.23	0.00	4.250000	0.000000	160.230000	37.7			
312195	2/25/2017	Roye	cc					88.82	0.00	4.250000	0.000000	88.820000	20.9			
312196	2/26/2017	Gama Aviation	contract					0.00	118.80	2.969900	0.000000	118.800000	40.0			

Invoice No.	Date	Last Name	Type	611.00 Rent	611.01 Hanger	611.02 Hanger	815.00 Hanger	646.00 HEM	646.01 Jet-A	Price per Gallon	647.00 Military	Total Sale	100-LL Gals	Jet-A Gals	Mil Jet Gals
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Monthly Invoices Totals By General Ledger Number

'611.00 Rent':	1,760.00
611.01 'T Hanger':	770.00
611.02 'Bld Rnt':	450.50
640.01 Tie Down':	0.00
645.00 Misc.':	236.60
646.00 Fuel':	5,729.45
646.01 Jet-A':	7,628.42
647.00 Military':	50,395.4255
<b>Total Sale:</b>	<b>70,933.19</b>
<b>Total Gallons 100-LL:</b>	<b>1,348.0</b>
<b>Total Gallons 'Jet-A':</b>	<b>2,162.0</b>
<b>Total Gallons Mil Jet:</b>	<b>18,178.0</b>
<b>FET due from IRS:</b>	<b>3,962.804</b>

**City of Brady Curtis Field Airport**  
**Monthly Aircraft Operations**

Invoice	Ops Date	Total Sale	Type of A/C	N Number	SE	ME	TURBINE	JET	HELIO	INST APP
312089	1/31/2017	513.88	BH	816						8
312091	1/31/2017	599.53	BH	275						8
312093	1/31/2017	726.52	BH	20792						8
312098	2/1/2017	65.24	R44	688CC	2					
312094	2/1/2017	70.55	Piper Warrior	9872K	2					
312095	2/1/2017	59.60	R44	688CC						8
312096	2/1/2017	80.75	Bonanza	257M	2					
312097	2/1/2017	68.00	CE 182	9161T	2					
312099	2/1/2017	696.99	BH	280						8
312100	2/1/2017	788.54	BH	20272						8
312102	2/2/2017	89.25	CE-172	7656X	2					
312103	2/2/2017	316.80	Bell 206	979RH	2					8
312104	2/2/2017	79.05	C-172	8301X						
312105	2/2/2017	510.93	BH	792						8
312101	2/2/2017	14.45	Cans	5NH						
312106	2/3/2017	120.00	R44	979RH						8
312107	2/3/2017	144.00	Bell 206	24596						8
312109	2/3/2017	767.87	BH							8
312110	2/3/2017	581.81	LB	Q06						8
312111	2/3/2017	1004.13	LB	Q02						8
312108	2/3/2017	41.23	Cans							
312112	2/6/2017	1664.94	CH	891						8
312113	2/6/2017	1988.34	CH	893						8
312132	2/6/2017	820.49	BH	20812						8
312114	2/6/2017	30.00	Truck							
312115	2/6/2017	30.00	Truck							2
312116	2/6/2017	70.00	CE-182	228CA	2					2
312117	2/6/2017	70.00	Hatz	3250A	2					2
312118	2/6/2017	70.00	Mooney	6716N	2					2
312119	2/6/2017	1700.00	Paint Hangar							
312120	2/6/2017	70.00	Bonanza	261AA	2					2
312121	2/6/2017	120.00	Baron	4JA	2					2
312122	2/6/2017	120.00	Denali							
312123	2/6/2017	140.00	CE-170	4192Y	2					2
312124	2/6/2017	70.00	Sierra	6956R	2					2
312125	2/6/2017	70.00	L-2A	46587	2					2
312126	2/6/2017	70.00	Cirrus	926DC	2					2
312127	2/6/2017	70.00	Malibu	728DS	2					2
312128	2/6/2017	70.00	CE-172	7563X						

Invoice	Ops Date	Total Sale	Type of A/C	N Number	SE	ME	TURBINE	JET	HELICO	INST APP
312129	2/6/2017	70.00	CE-210	4668Q	2					
312130	2/6/2017	70.00	Eurocoup	3814H	2					
312131	2/6/2017	70.00	CE-172	4951G	2					
312134	2/7/2017	73.52	Comanche	78PW	2					
312136	2/7/2017	51.00	Mooney	6716N	6					
312135	2/7/2017	301.66	King Air	836						
312133	2/7/2017	661.78	BH	857						
312137	2/7/2017	691.73	BH	26575						
312138	2/7/2017	518.05	BH	20972						
312139	2/7/2017	19119.82	AH/CH	895						
312140	2/8/2017	294.95	C-414	414TS	4					
312141	2/8/2017	458.16	BH	213						
312142	2/8/2017	506.07	BH	792						
312143	2/8/2017	559.97	BH	143						
312144	2/8/2017	11106.56	AH/CH	893						
312145	2/9/2017	902.05	King Air	820						
312146	2/9/2017	431.21	BH	20811						
312147	2/9/2017	153.00	C-182	99715						
312148	2/10/2017	20.40	L2A	46587	2					
312149	2/11/2017	444.98	R44	883DF						
312150	2/11/2017	212.50	R22	0560						
312152	2/11/2017	647.45	CJ-4	30QS						
312151	2/11/2017	29.33	L2A	46587	2					
312153	2/12/2017	413.10	R44	883DF						
312156	2/12/2017	1505.77	G-150	651DH						
312154	2/12/2017	817.50	BH	814						
312155	2/12/2017	1727.82	CH	025						
312157	2/13/2017	1584.00	Citation	500VC						
312158	2/13/2017	777.60	Huey	60638						
312159	2/14/2017	258.39	BE-350	842UP						
312160	2/14/2017	3736.06	CH/Vehicles	894						
312161	2/14/2017	600.17	BH	816						
312163	2/15/2017	86.70	Mooney	6716N	2					
312162	2/15/2017	462.13	BH	481						
312164	2/15/2017	405.11	BH	816						
312165	2/16/2017	125.38	CE-182	58923						
312166	2/16/2017	20.40	L2A	46587						
312167	2/17/2017	81.60	CE-172	8679U						
312168	2/17/2017	8.00	CE-172	8679U						
312172	2/18/2017	132.61	R44	688CC						
312173	2/18/2017	109.23	Mooney	6716N						
312170	2/18/2017	296.99	EF-50	637AS	2					
312169	2/18/2017	27.20	L-2A	46587	2					

Invoice	Ops Date	Total Sale	Type of A/C	N Number	SE	ME	TURBINE	JET	HELIQ	INST APP
312171	2/18/2017	1553.38	Truck							
312174	2/22/2017	50.88	Cessna	21706	2					8
312175	2/22/2017	117.30	R44	408CL						8
312176	2/22/2017	124.80	Bell	2927W						8
312177	2/22/2017	155.13	R44	7528R						8
312180	2/22/2017	264.01	Bell	233HC						8
312182	2/22/2017	162.77	Cessna	2938Y	2					
312179	2/22/2017	499.98	BH	822						8
312178	2/22/2017	28.90	L-2A	46587	2					
312181	2/22/2017	131.75	Sierra	6956R	2					
312183	2/23/2017	89.68	Cirrus	935SR	2					
312186	2/23/2017	66.30	R44	408CL						8
312184	2/23/2017	53.55	Sierra	6956R	2					
312185	2/23/2017	103.28	Cessna	3429F	2					
312191	2/24/2017	152.15	Piper Arrow	2018M		2				
312188	2/24/2017	479.03	BH	059						8
312189	2/24/2017	419.15	BH	052						8
312190	2/24/2017	494.00	AH	557						8
312187	2/24/2017	39.53	Sierra	6956R	2					
312194	2/25/2017	160.23	Mooney	3250A	2					
312195	2/26/2017	88.82	CE-172	4951G	2					
312192	2/25/2017	386.59	King Air	836UP						6
312196	2/26/2017	118.80	King Air	834UP						6
312193	2/27/2017	40.38	Mooney	7827V	2					

**Total Operations by type of Aircraft:**

86      4      30      24      472      0

## Code Enforcement Monthly Case Load FY 2017

## Violations

## Cases

Open Cases at the start of month	49	60	47	78	80					
Complaints			15	20	6	2				43
Pro-Active - Self Initiated			19	37	14	28				98
Total New Cases	11	34	57	20	30					152
Closed Cases	1	47	26	18	23					115
Citations	2	0	7	6	12					27
Open Cases at the end of month	60	47	78	80	87					352
Utility Inspections	27	17	22	26	68					160

# Building Permits Monthly Report FY 2016

## Heart Of Texas Hospital Transfers

Feb-17



## MEMORANDUM

March 17, 2017

**To:** City Council

**From:** Kim Lenoir, City Manager

**Subject:** FINAL Monthly Update of Civic Center Construction Project

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Final certificate of occupancy was granted. ADA inspection was done and some follow-up items have been addressed. Room signage was installed. Handicap parking marked and signage installed. Fire Marshall Inspection was completed Dec 9. Fire lane is marked/painted. Staff will repaint the pipe fence soon.

TXDOT has approved and staff opened a new access drive to the Civic Center from Highway 87 to the east end of the parking lot. New address is 816 San Angelo Highway. City installed some recycled parking lot lights and used Uvalde mix for the parking lot.

Kitchen equipment, stage and PA are installed. City is waiting on delivery of outdoor trash cans and 2 outside benches. If funds are available, 2 entry reception tables and stand-up bar tables for receptions will be ordered. Some additional chairs and tables were purchased. Staff worked with the newspaper to print and mount several historical black and white pictures of Brady, to celebrate and showcase our community's rich history of public events. Largest event to date is dinner seating for 400 at the Hope for the Heart Charity Event. The next 2 weekends will host dances and concerts for the annual HOT County Music Festival.

KSA is scheduling final inspection and close-out paperwork soon. The building and equipment has a one year warranty by Waldrop Construction. Re-dedication Ceremony, Open House and Tours will be held March 18. Dedication plaque is ordered.

Original Contract Waldrop Construction Project Budget: \$1,727,046 (included \$10K contingency)  
+Change Order#1 \$25,926.00 HVAC redesign – funded by KSA  
+CO#2 \$3,924 – exterior signage on rock wall (from \$10K contingency in contract)  
+CO#3 \$14,796 – floor moisture barrier, fill holes in old floor (use remaining \$10K contingency  
\$6,076 & \$1500 deduct from Waldrop = \$7576 ) + \$7,220 from FFE  
Final Contract for Waldrop Construction = \$1,760,192.00

Size of the grand hall is 9,940 S.F.

Seating auditorium style capacity 700; banquet 450.

Size of the overall building is 94ft x 140ft or 13,160 S.F.