

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 19TH DAY OF DECEMBER, 1978, AT 5:00 P.M.

On the 19th day of December, 1978, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers at City Hall with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
Pat Foley	Commissioner, Ward No. 2
Jack McMullen	Commissioner, Ward No. 3
E. C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
Richard Thompson	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Asst. City Manager

being present, and

R. A. Brookshire	Commissioner, Ward No. 1
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Harvey Westerholm, City Manager, in absence of scheduled pastor.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Comm. Pat Foley made motion that minutes of regular meeting of December 5, 1978, be approved. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

4. Annexation & Permanent Zoning-Crown Colony Subdivision Section VII-A-Ordinances Approved 2nd Reading

Mayor Garrison stated that annexation and permanent zoning of Crown Colony Subdivision Section VII-A covering property located East of U. S. Highway 59 South in the Crown Colony Subdivision area had been approved on first reading of ordinances at last regular meeting.

There were no persons present appearing in opposition to request for annexation and permanent zoning. Comm. E. C. Wareing made motion that ordinances annexing and permanently zoning this property be approved on second and final readings. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

5. Annexation & Permanent Zoning-R. B. Thompson & Exeter Investments-Ordinances Approved 2nd Reading

Mayor Garrison stated that annexation and permanent zoning of R. B. Thompson & Exeter Investments covering property located North of Angelina College Campus and West of Daniel McCall Drive (FM 35), had been approved on first reading of ordinances at last regular meeting.

There were no persons present appearing in opposition to request for annexation and permanent zoning. Comm. E. C. Wareing made motion that ordinances annexing and permanently zoning this property be approved on second and final readings. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

6. Zone Change Approved 1st Reading-Pascal Foley from RL to RM District

Mayor Garrison stated that zone change application by Pascal Foley from RL to RM District covering property fronting on & South of Moffett Road, West of Loop 287 (Medford Drive), had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to zone change as requested. Comm. E. C. Wareing made motion that zone change application by Pascal Foley from RL to RM District be approved on first reading of ordinance. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded. Comm. Pat Foley abstained from discussion and vote on this item due to his relationship to applicant.

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7. Zone Change Approved 1st Reading-Fred L. Walker from LB to LB District, Special Use, Item 13 (Fairweather Lodge)

Mayor Garrison stated that zone change application by Fred L. Walker from LB to LB District, Special Use, Item 13 (Fairweather Lodge), covering property located & fronting at 1020 N. First Street, between Laurel & Fred Streets on East side of street, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to zone change application as requested. Comm. E. C. Wareing made motion that zone change application by Fred L. Walker from LB to LB District, Special Use, Item 13 (Fairweather Lodge), be approved on first reading of ordinance. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

8. Zone Change Approved 1st Reading-Richard Smelley from RM to RM & C District, Special Use (Construction Warehouse & Office and Cabinet Shop)

Mayor Garrison stated that zone change application by Richard Smelley from RM to RM & C District, Special Use (Construction Warehouse & Office and Cabinet Shop), covering property located South of Highway 103 East, between Maxwell & Neches Streets, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to zone change application as requested. Comm. E. C. Wareing made motion that zone change application by Richard Smelley from RM to RM & C District, Special Use (Construction Warehouse & Office and Cabinet Shop), be approved on first reading of ordinance. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

9. Texas Dept. of Highways & Public Transportation-Disc. of Proposed Ordinance to Control Portable Flashing Signs

Mayor Garrison stated that members of Commission had received a letter from Mr. J. L. Beaird, District 11 Engineer of the Texas Dept. of Highways & Public Transportation, regarding control of flashing signs on state and city highways. Mayor Garrison stated that the City Attorney had been requested to prepare a proposed ordinance for consideration by members of this Commission regarding same, but it was his understanding Mr. Jack Gartner was present in opposition to this type control. Mayor Garrison inquired of City Attorney Flournoy as to whether or not the City had control over other type signs. City Attorney Flournoy stated that under the Southern Standard Building Code additional controls were enforced by the City. Mayor Garrison also inquired as to whether or not the state law related only to portable signs or control of all signs and as to what distance same were to be located from existing roadways. City Attorney Flournoy stated in his opinion the nearness of the sign to the street was the main problem and 50-feet from the street should be adequate for placement of same.

Mayor Garrison recognized Mr. Jack Gartner who was present in opposition to control of these signs and presented members of Commission a signed petition containing approximately 30 signatures, of which at least 65 percent were users of flashing portable signs within the corporate limits. Mr. Gartner stated that he rented and sold these type signs and was very much concerned with their control. Mr. Gartner stated that various small businessmen within the community used these signs to assist them in the success of their business operations and a sign control ordinance of this type seemed to be too severe. Mr. Gartner stated that some types of these signs, in his opinion, would be hazardous and were located too close to the curb. Mr. Gartner stated that permanent signs also blinked and a determination should be made as to the type of lights and the control of the blinking apparatus to be used.

Various questions were presented and Mayor Garrison expressed his opinion as to using a controlled light wattage on the sign to create less distraction.

Comm. Pat Foley inquired of Mr. Gartner as to whether or not he was aware of the fact that this sign control ordinance as proposed would not eliminate portable signs, but only control the flashing lights attached to same. Mr. Gartner stated that he was not aware as to what the ordinance would actually omit.

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City Attorney Flournoy stated that in accordance with recommendation from the Texas Dept. of Highways & Public Transportation this proposed ordinance would control flashing intermittent or moving lights except those types providing public service information.

Members of Commission discussed the distractions of these type portable signs and Mayor Garrison stated that the wattage and color of the lights being used could be regulated to the degree that same may not be as distracting. Mayor Garrison also stated that members of Commission should receive more information regarding this subject prior to final approval of ordinance. Mayor Garrison expressed his reluctance not to comply with recommendations from the Texas Dept. of Highways & Public Transportation due to their expertise in this area.

Comm. Pat Foley informed Mr. Gartner that the proposed ordinance by the Texas Dept. of Highways & Public Transportation was also for the purpose of conforming with the Highway Beautification Act.

Comm. E. C. Wareing requested that City Attorney Flournoy meet with Mr. Beird regarding this subject and recommend an alternative to this Commission based on information discussed at this meeting.

City Manager Westerholm reported that under the new provisions of the National Electric Code, signs of this type would have to be wired with conduit. Mayor Garrison was of the opinion the City Commission should assist the local businesses throughout the community while at the same time protecting the public interest. Mr. Gartner stated that he would find additional information regarding this subject prior to further discussion of same.

There was no opposition to deferring this item until next regular meeting and Mayor Garrison tabled further consideration of same on his own volition until the January 2, 1979, City Commission meeting.

10. Fire Department-Purchase of Hurst Power Rescue Tool-Texas Firefighters Equipment Company

Mayor Garrison stated that members of Commission had been furnished a letter from Fire Chief Billy Stephens regarding purchase of a Hurst power rescue tool with accessories for use by the Lufkin Fire Department. Mayor Garrison stated that this tool was very unique in nature and would be used in auto accidents to remove trapped victims. Mayor Garrison stated that bids received for this tool were attached to letter of recommendation from Chief Stephens as follows:

Hurst Safety Products Division
Huntington Valley, PA.

\$6,488.49

Texas Firefighters Equipment Company

\$6,484.19*

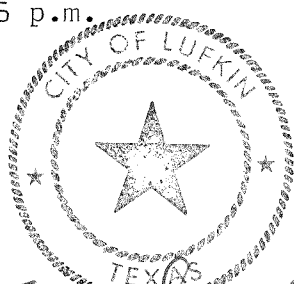
*Discount Provided If Ordered Before December 28 and Payment Upon Delivery & Training Price Will Be \$6,159.98.

Members of Commission reviewed information regarding this equipment and it was determined that \$6,000 had been budgeted for the purchase of same. Comm. W. O. Ricks, Jr., made motion to authorize purchase of this power rescue tool from Texas Firefighters Equipment Company in the amount of \$6,159.98 as indicated in bid tabulation. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

11. Adjournment

There being no further business for consideration, meeting adjourned at 5:45 p.m.

ATTEST:



Roger G. Johnson
Assistant City Manager

Peter V. Garrison
MAYOR - City of Lufkin, Texas

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TO THE HONORABLE Mayor Garrison, Mayor of the City of Lufkin and
TO THE HONORABLE City Councilmen of the City of Lufkin:

BE IT KNOWN that the following list of signatures are Citizens and Merchants who reside in our City of Lufkin - That we Citizens and Merchants do not want any Ordinance passed eliminating the FLASHING ARROW LIGHTED SIGN, which we understand is being proposed by our City Council.

Free Enterprise is the heart beat of our City; many, many small businesses in the City of Lufkin contribute to its energy, growth and stability. We believe the Lighted Signs in question have contributed not only to the growth of small businesses in Lufkin, which in turn bring more revenue into the our city.

We ask you to please reconsider your Sign Ordinance. Why such haste to step on the toes of many small Businessmen in our City????

CAN WE HELP YOU FIND A BETTER WAY??? WE HOPE SO.

Jack Gartner - Jack's Auction Service 1703 N. Raguet
C. S. Rosenbrook Cycles Washburn 1616 N. Raguet
Antonio Maldonado 1705 W. Raguet
Claude M Ratcliff H & H Grocette 1502 N. Timberland Dr.
Tom Humphreys Hunt Way 2105 N. Timberland Dr.
Joe Deaton - Westside Auto Sales 1701 N. Timberland Dr.
Bobby H. Jenkins Shell 1110 S. Chestnut
Marilyn Jo Roe H & H Brenner
D. Slaughter Iceberg 1020 S. Chestnut
E. H. Armstrong (PHAST print) 103 E. FRANK
E. H. Baker P.O. Box 353 Lufkin
Jim Benfield
J. McHarg 601 N. Timberland - Lufkin, Tex
Bill Whissler WINDSOR Food N. Timberland
Arthur Hunter 1102 N. Timberland Dr.

WATTS DISCOUNT AUTO PARTS
905 North Raguet
Lufkin, Texas 75901
634-7444

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~~John Barrows~~ ~~John Barrows~~ ~~1903 N. Bayard~~
B. L. Barrows Burnett Mtr Co 20211 Timberland
Herman H. Simey Diamond Placks 1302 N. Bayard and
1005 E. Lufkin
Robert E. Conner 1311 N. Bayard
J. W. Lockett, Betty R. Lockett 1104 N. Timberland
Pike's Discount used cars 710 Atkinson + 603 Atkinson.
W. G. Pike
P. W. Shell on South First St.
Jeff Anderson Box Makers Shop S. Timberland
Chloe Walker Asst Manager Kena's Pizza 1102 S. Timberland
W. Schupman - Lufkin Truffles Shop 1505 S. First
Norman B. Feltz CARS UNLIMITED 1601 S. First
Nancy Hawkins - Rock House Cafe 1715 S. First
Arnie Stokely - BILLUPS - 1902 - S. First
Clyde Mank (Tosco) 1511 S. Medford Pl.
Archie Foster Service Manager 1306 N. Medford E.
Clyde Mank 201 N. Timberland