

SPECIAL COUNCIL WORK MINUTES
OCTOBER 8, 2014

The City Council held a special work meeting on Wednesday, October 8, 2014, at 4:00 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson; Councilmembers: Ron Adams; John Black; Paul Cozzens; Don Marchant; Fred Rowley.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; Executive Assistant Barbara Barrick; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Chief Paul Irons; Leisure Services Director Dan Rodgeron; Public Works Director Ryan Marshall.

OTHERS PRESENT:

Tracie Sullivan, Bailey Bowthorpe, Connie Childs, Maria Twitchell, Tom Jett, Larry Palmer, Doug Hall, Harold Shirley.

CALL TO ORDER: Mayor Wilson called the meeting to order at 4:03 p.m.

REVIEW SIGN ORDINANCE:

Rick – This has been a topic that has been brought up and there have been a few comments made about the ordinance. I want to remind everyone here that this is part of the Planning and Zoning ordinance, so any proposed changes will go to the to the Planning Commission and then to the City Council. Let's brainstorm today and identify items of interest to anyone here. Our intern, Bailey, will make notes and when we identify items of concern, we will forward them to the Planning Commission and staff will assist in making recommendations for changing the ordinance. We will not change the ordinance tonight. We will just go over different ideas. We can identify governing principles that are part of the ordinance so we can see if the ideas we come up with are according to those. Some may see the ordinance as too much regulation and some may see it as not enough. We need to look at aesthetics like we did before. This limited signs along the freeway, etc. This was a principle that we believed was important when we revised this ordinance the last time.

Doug Hall – Will this have no impact on state streets? Are they governed by the state?
Rick – Behind their right of way, we can impose the sign ordinance. Paul B – Sidewalks are on the state right of way, but the businesses abutting wouldn't be impacted. Rick – The state is quite creative in how they assign jurisdiction, so I doubt it would be a problem. Doug – But we need to consider that we have the state's right of way involved during this discussion. Don – We had appointed a committee. I thought we were calling this meeting today to get this committee going, but only Maria is here. Rick – They were all invited. Don – Will we have to do this over again? If the people that were invited want to be on the committee, fine, but if not let's get other representatives. Rick – This meeting is for brainstorming from the Council's position and from those who are present and then we can share these ideas with everyone. Don – But what they hear and how

they perceive it could be an issue. It's a problem for me when people say they will give input and then they don't show up. Mayor – If we can go through things we have identified today and bring them to the forefront, then the committee can go through them. The community reports their concerns to you Council Members as well. Fred – Tom and Maria have given good input and we have received emails from some of the other committee members. That can offer a beginning framework. I would like to hear Maria's input.

Maria – I can't speak as to why others aren't here. We did have some confusion on the dates of the meeting. Fred – We did change the date on them. Maria – I don't want to take away from business, but in the tourism world our guests come to Cedar City expecting a tourism community and are bombarded by temporary signs. They say our town seems a little trashy. What they mention is the banners and the A-frame signs and the temporary signs that go floating in the wind. Maybe if the City could enforce the current ordinance it would be enough. For example, according to the current ordinance, banners are only allowed for 30 days. We have some businesses that have had banners as their only sign for years. Our tourists are seeing this and it doesn't impress them. A-frame signs can be quaint if they are done right, but if not, they are trashy. Aesthetics need to be kept in mind so the tourists will spend their dollars here. At the Visitors' Center we meet with tourists every day and these concerns are anecdotal, but we do have some letters. Fred – So enforcement of what we already have is a start? Maria – Yes. Fred – What about signs that are not maintained, is that in the current ordinance? Larry – I don't know that is included. Fred – Would that be an important part of this ordinance? It seems that an unkempt sign is worse than no sign at all. Ron – In Ordinance 26-16-2, #4 it says the Building Department will give written notice to those with poorly maintained signs. Larry – I believe that refers to the stability of the structure itself. I drafted that one. Fred – This language is kind of vague, and I think we should include maintenance in the ordinance. If you have a sign, you need to maintain it. Maria – I also think there is confusion on which construction materials can be used. Since the ordinance was passed there are different and less expensive materials that can be used. There isn't a quality standard there, either. The ordinance says the sign can be made out of wood and have three dimensional lettering, there's no specification on the quality. Maybe we could require the business owner to go through a professional company? Also, if someone installs a sign themselves, is it safe?

Fred – Can't we transfer some of these duties to the Code Enforcement Department?
Larry – Let's also decide who is going to decide which signs are aesthetically pleasing. Everyone has different ideas. Paul B – Was the idea on the material standards to expand it from the downtown area? The examples that have been used of poor signs are not downtown. Fred – We should all agree that a sign not have missing letters. Don – How do you define aesthetically pleasing? All have different views. John – Could complaints be sent to the committee? Rick – That is an option. Paul B – If you do that you will have to fix the standards that will be applied to the committee. We need this body establish the rules. Ron – That is what Rick is trying to do. Aesthetics is a big one and is subjective. Fred – Don't some cities have a style guide that says you need to have it be a certain color, etc.? Paul B – The in-house style guide for Cedar City is similar. Tom – The style

guide committee is for the City and the City benefits from it. The City needs to be careful to not legislate if my roof can be a certain color, for example. We've seen this in other communities and it would be a constant problem. Larry – Will it apply to the entire town, chains, etc.? Paul B – Springdale said okay, here is the standard. Businesses that are already here have so many years to switch over to these new standards. We have the authority to do that. Rick – Many years ago we talked about signs and we started out too strict. A different approach would be to establish the things you don't want to see and give the businesses flexibility. John – We need to create a small number of zones. The historic downtown would be different than the interchange areas. Ron – Maria, what is your feedback? Maria - Visitors like the downtown, as it is quaint, but some of the buildings are not compliant and the temporary signs are a big problem. Fred – That could be the first wave of attack then. Maria – It's already in the ordinance, but it's not enforced. Paul C – Off-premise signs are all over town. Larry or Code Enforcement could take them down. Can we get in trouble for that? Paul B – It's other people's property, and so to dispose of it could be a problem. We get complaints every campaign season, for example, that people are taking down campaign signs. It's the same thing. You can establish by ordinance a system to remove their signs. You can remove a sign on your own property. We could remove it if it's on the City right of way. Fred – They have littered if they do this. Paul B – I still suggest we give them notice. We could incorporate some trespassing elements in the ordinance.

Mayor – What would prevent people from putting signs up and then expecting the City to take them down? Paul C – Could they be fined? Paul B – You could put that in the ordinance. Tom – Who do you fine? The business or the person who put the sign up? Paul B – The sign is in behalf of the business, and so the business should be fined. Tom – You will never regulate good manners and courtesy. I understand it can be trying, but it's difficult to regulate. Mayor – We don't want the City to have to store the signs. Rick – We can call them and tell them their sign is here and to come and get it. Fred – What about the off-site signs from out of town? Paul B – You can do this with a nuisance provision and a fine. You need to be careful because there are signs that we like such as the Summer Games sign in the park. We need to decide which signs we want. John – How about having the signs on a permission basis. Rick – Who would they ask? John – You. Paul B – We could use a location basis. Larry – Off-premise sign enforcement could be a full time job. I drive around with a truck bed full of off-premise signs.

Tom – So are we talking two dollar off-premise signs by the side of road or signs on someone's property that is off-premise but with the permission of the property owner? We need to decide what is off- premise. Rick – This would include the signs at the ball fields from the sponsors. Tom – It would also include the bicycle race banner on the side of the City Office. I'm glad it's you discussing it and not me. Fred – It's like we all know a crummy sign when we see them but it's hard to describe. Tom – Things have changed since the sign ordinance was passed. There are other means now-a-days to advertise, such as LED Boards. We allow electronic boards. The City has them and no ordinance prohibits them. Are you allowed to put a business on these if the business is not on the same property? Rick – I think we need to keep aesthetics in mind. We don't

want to look like the Vegas strip. Tom – I don't want our city to look like Las Vegas, either.

John – I agree with the aesthetics part and could we change the distance between signs?
Tom – On state roads the rule is 200 feet. There are many rules. Paul B – Is aesthetics the guiding principle or are there others? Fred – Safety is an important part. Mayor – Should that include the maintenance material, quality, and all combined into safety? Paul B – How about economics? Some businesses will say there is an economic benefit to buying a sign and some will say times are tight and I can't update this sign right now. If we base our recommendations on pure aesthetics we could take the Springdale model and give them a timeframe to change. John – We might want to be more restrictive in the zones downtown. Fred – Maybe have the signs match the time period of the buildings. Paul B – Park City has the same motif on all of their signs and so does Springdale.

Connie Childs – I'm a student at SUU. I've been involved with historical things a lot in my life. I was president of the Washington Historical Society. I suppose you have a historic district, correct? Take someone from that district and someone from the signage committee and get a feel for what they want. You need a committee that's going to work, and if they are not here tonight that's a big problem. St. George has a historical committee for downtown and it does a great job. You see that a lot. Don – Your point is well taken and we do have a historic downtown which needs to be preserved. We need to have that as our core identity. As John mentioned, we need to keep that but the elements change as we go to other areas of town and the emphasis changes. Connie – I have to agree that the aesthetics needs to be taken into consideration as well as safety. Paul B – Safety, zones, enforcement, aesthetics, are there any other values?

Fred – Look at some cities that have a good look to them and see how they went about enforcing their rules. Ogden was listed in the top 20 quaint towns in America. Their downtown looks great. Paul B – But other areas don't. Doug – We have we looked at other sign ordinances in other Cities. Let's plagiarize them. Paul B – There is a mode-sign ordinance publication. We looked at it six year ago. Rick – What are some communities we might want to emulate? Fred – St. George, Brigham City, Park City, Ogden. John – Richfield has a centralized downtown that's older and very clean. Connie – Washington City has a variety of historical buildings. Maria – Grand Junction CO. Doug – Springdale. Tom – I think our City is very attractive and I don't think the signs are nearly as unattractive as those in other cities.

Fred – For a couple of weeks let's get our enforcement people out and get rid of some of the signs that are up, and let people know we are enforcing this. Doug – Are we looking at Code Enforcement doing this or the Building Department? Paul C – I think Code Enforcement should do it. Larry has his hands full with building. Fred – I think Larry should get the two code enforcement guys together and tell them to work on the signs. Like work on the banners first. Larry – Removal of banners would need written notice, and I don't have time. Fred – Just give them a single kind of sign to look for each day. Larry knows which signs are in violation. Do one type a day. Doug – That's a big part of our problem, enforcement.

Mayor – We’ve gone back and forth on who’s in charge of this. Tom – Recently there is a truck on 200 North with an electronic sign. Do those fall in the off-premise category? Paul B – No. In Draper, there was a suit about moving signs and people with costumes waving signs on the street and Draper lost the case. Paul C – Could Code Enforcement take a more active role? Rick – Now that we’ve hired a replacement person it could be done. Ron – The business aspect of a franchise such as a Baskin Robbins, that requires a certain type of sign in their agreement, could be a problem. Paul B – So that’s a value we’ll incorporate. Mayor – How do other communities do this? Rick – We’ll look at their enforcement methods. Larry – The big companies will work on their signs, but the small ones won’t.

Maria – Mesquite and Lehi have a program where they have a kiosk sign that sends people to a business district and the sign is on a main thoroughfare. So it is an off-premise sign that sends people to the business areas. We should look at doing that. TODS (Tourism-Oriented Directional Signing) is the program that UDOT uses specifically for towns on byways. Rick – We’ll immediately look at the enforcement and take the notes that are presented here and establish a more accommodating date and time for the sign committee to work with this. Mayor - Let’s re-evaluate the willingness and availability of the committee members to attend these meetings and work on this. Rick – We can put a Council representative on the committee. John – I’d like to see this.

Ron – What about economic development, how do we incorporate that in our recruitment of businesses? They drive down Main Street and think it looks like crap, so they wouldn’t want to establish their business here. Paul B – Economic Development will be one of the guiding principles then. Paul C – Make it part of the new Code Enforcement Officer’s job description and have him sit on the committee. Rick – We’ll talk to the Police Chief about it. Fred – Sounds like it should be a Code Enforcement duty to me. Mayor – Larry could ensure the sign was structurally safe and the Code Enforcement Officers could enforce the ordinance.

ADJOURN: Councilmember Marchant moved to adjourn at 5:10 p.m.; second by Councilmember Cozzens; vote unanimous.


Barbara Barrick
Administrative Assistant