



## PROVO MUNICIPAL COUNCIL Work Meeting Minutes

3:00 PM, Tuesday, July 07, 2020

Electronic meeting: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil)

### Agenda ([0:00:00](#))

#### Roll Call

The following elected officials were present:

Council Chair George Handley, conducting  
Council Vice-chair David Harding  
Councilor Travis Hoban  
Councilor Dave Shipley  
Councilor Dave Sewell  
Councilor Shannon Ellsworth  
Councilor Bill Fillmore, arrived 3:30 PM  
Mayor Michelle Kaufusi

#### Prayer

The prayer was given by Councilor Shannon Ellsworth.

#### Approval of Minutes

February 4, 2020 Work Meeting  
February 18, 2020 Work Meeting  
*Approved by unanimous consent.*

#### Business

- A discussion regarding proposed amendments from the Sign Committee to Provo City Code regarding electronic sign hold times and permitted locations. (20-101)**  
[\(0:24:18\)](#)

Hannah Salzl, Policy Analyst, presented. Ms. Salzl gave an overview of the proposed changes from the Sign Committee, including current and proposed hold times, multi-tenant signs, and comparisons with other municipalities' sign regulations. During the ensuing discussion, the Councilors who served on the Sign Committee shared insight and clarifications on the elements of the proposal. Councilors shared comments, concerns, and feedback on the proposal:

- Councilor Shannon Ellsworth shared concerns about the commercial designation along south State Street, as this area was set for a lot of residential growth. There were many factors negatively impacting quality of life in this area of the city, and she was reticent to contribute further to diminish the quality of life for residents of this area. She thought the proposed long hold-time area should be restricted to south of 1860 South.

Please note: these minutes have been prepared with a timestamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussion held during council meeting.

- Committee members noted that in discussions, they had considered and tried to balance factors such as business visibility with safety and quality of life. They felt the proposed changes offered substantial improvement for many areas of the city. In many mixed-use areas, the proposal would result in improvements to the visual aesthetics and safety in the area. The committee was concerned that an outright ban of electronic signs would not be legally defensible, but electronic signs are not permitted in residential zones, nor are they permitted in the downtown historic core. Regarding the historic core, Javin Weaver, Planner, explained that the downtown area had its own unique sign ordinance, which was thorough in addressing signage issues unique to historic downtown.
- Councilor David Harding asked for clarification on the map; Mr. Sewell explained that in the current code, digital signs were allowed everywhere except for residential zones. The map doesn't highlight all areas where long hold-times were allowed, but the intent had been to highlight areas where changes would be introduced.

*Presentation only. This item will return to the Sign Committee for further review.*

## **2. A discussion regarding Provo City's permitting process for demonstrations and protest. (20-103) ([0:52:57](#))**

Wayne Parker, CAO, presented. Mr. Parker shared details from Chapter 6.20, Assemblies and Special Events, in the Provo City Code. He reviewed the City's process and responded to questions from Councilors, noting the challenges inherent with unplanned events taking place.

Councilor George Handley expressed concern about the recent counter-protests with armed citizens forming a spontaneous militia of sorts. Camille Williams, Assistant City Attorney, noted that Utah is an open-carry state and shared insight on the nature of the recent spontaneous gatherings. Brian Jones, City Attorney, noted that armed protesters had the same Constitutional rights to gather; if armed protestors took action, then traditional criminal and legal principles would apply—other laws regarding defense for the protection of life or property could come into play. Mr. Handley reiterated his concerns about the perceived vigilantism demonstrated in the community; Mr. Jones clarified that unless these armed citizens actually took action, all they have done is engage in exercising free speech. Councilor Shannon Ellsworth asked whether there was recourse for bad actors built into the permitting process. Mr. Parker noted that it was problematic when bad actors were not necessarily associated with a specific group.

Mr. Parker highlighted other considerations with public protests and similar events; for protestors, often the process and experience is important and visible locations are desirable. Utah County has frequently allowed use of their grounds for events. Ms. Williams noted some procedural methods in Salt Lake City with the establishment of protest zones. After some earlier conflicts, this concept was introduced to help reduce friction as well as mitigate opportunities for assault or other criminal attacks. Police Chief Rich Ferguson noted that in recent weeks, the Police Department's Community-Oriented Police officers worked closely with business owners downtown to provide resources. Councilor Bill Fillmore shared his concerns with enforcement (or lack thereof) of the permitting process for events. Mr. Parker indicated that future events would follow the specific process in place.

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**Motion:** Bill Fillmore moved to establish a public gatherings committee, to review the permitting process for public gathering and recommendations for changes to the city's ordinance, with Bill Fillmore as Chair and George Handley as a committee member. Seconded by Dave Sewell.

**Vote:** Approved 7:0.

## Policy Items Referred from the Planning Commission

- 3. A discussion regarding rezoning all R2.5, R3, R4 properties to Low Density Res., Medium Density Res., or High Density Res. and the removal of the R2.5, R3, R4, R5, and Campus High Density zones from City Code. (PLRZ20190427 and PLOTA20190428) ([1:42:07](#))**

Javin Weaver, Planner, presented. The city code currently contains 71 zones. Mr. Weaver noted that many zones share similar elements; staff has reviewed some of the existing zone designations and have recommended zone changes to parcels in the R2.5, R3, and R4 zones to reassign them to currently existing zones that were more broadly applied throughout the city. Mr. Javin responded to a question from Councilor David Harding about what changes would take place with these zone changes; Mr. Weaver indicated that there would likely be a few non-conforming elements, but that new projects would conform to the new zone designations, which were very similar to the predecessors. This was a code cleanup item that would streamline the city code by removing the redundant and disused zones. PRO zones were a separate topic and would be addressed separately. *Presentation only. This item was already scheduled for the Council Meeting on July 7, 2020.*

## Closed Meeting

The Municipal Council or the Governing Board of the Redevelopment Agency will consider a motion to close the meeting for the purposes of holding a strategy session to discuss pending or reasonably imminent litigation, and/or to discuss the purchase, sale, exchange, or lease of real property, and/or the character, professional competence, or physical or mental health of an individual in conformance with 52-4-204 and 52-4-205 et. seq., Utah Code.

Brian Jones, Council Attorney, indicated that it would be appropriate for the Council to close the meeting under the statutory provisions.

**Motion:** David Harding moved to close the meeting. Seconded by David Shipley.

**Vote:** Approved 7:0.

## Adjournment

*Adjourned by unanimous consent.*