ROLL CALL was answered by Councilmembers Barry, Collins, Lillquist, Perrie, Savidge, Sowards and Mayor Bassett.

Others present were City Manager Barkley; Community Development Director Witkowski; Deputy Clerk Keno; Daily Record Reporter Muir; and approximately nineteen members of the audience.

**SIGN CODE— PROPOSED AMENDMENTS**

The purpose of the special meeting is to provide a forum for discussion and review of proposed language changes to the City’s sign code. The three types of signs that would be affected are temporary signs, electronic signs and freestanding signs. Staff has provided a draft of a proposed ordinance for Council’s consideration.

**Temporary Signs**

Current sign code language allows temporary posters, banners, pennants, flags, balloons or other signs or displays of nondurable material to be displayed for a period not to exceed 30 days for any consecutive 12 month period. This has proven very difficult to regulate since such signs are easy to put into place, no permit is required for tracking the start date, and businesses often have multiple banners and temporary signs which vary slightly in content from sign to sign. Strict enforcement would be expensive, and would not likely be effective since the language still allows multiple banners etc. to be erected over time.

The proposed language establishes an entirely new set of criteria for the display of temporary signs. Display would be limited to specific days of the year that are keyed to established community events recognized by Council. Those community events that qualify from past experience are listed in the draft language. Council is also given the option to add events and other specified time periods as deemed appropriate over time.

Temporary signs would be allowed, as scheduled, citywide in all commercial and industrial zones and would not need to be related to any specific community event or message. Language is also added clearly limiting the use of such temporary signage to non-residential zoning, except for political, real estate, or construction signs. Current language exempts flags of government or public institutions from regulation and that exemption is carried forward in the draft language. Civic and welcome banners and temporary signs placed in the public rights-of-way are also subject to a different set of display and timing criteria.
Council reviewed a summary of temporary sign standards in other Washington cities as compiled by staff.

In answer to Council inquiry, staff did not research the enforcement aspect of these cities temporary sign standards; Council expressed interest in how other cities enforce their temporary sign standards.

Statutory and relevant case law strongly sets forth the requirement that governments can regulate the type, location and sizes of signs, but not their specific content. In answer to Council inquiry, alcohol and tobacco signs would probably fall under content and the City could not regulate them.

Some optional methods of handling temporary sign enforcement could include:

? Keep banners and other temporary signs limited to special event time periods.

? Allow businesses to purchase “punch cards” for the use of banners and other temporary signs which would allow a specified number of display times per year. Businesses would be limited to the display of banners and other temporary signs to the amount of time allowed for on the “punch card”.

? Allow businesses to have one wall-mounted banner on a year-round basis. Additional banners would only be allowed during special community events and would need to be related to the special event.

The following audience members spoke:

Jack Piper, University Place Apartments, stated he needs every advertising tool possible and uses banners to rent his apartments.

Matt Grittner, store manager for Super 1 Foods, stated Super 1 tries to display its banners up to two weeks prior to the event. If the proposed language were adopted limiting the display length of banners customers may not come back for the event. In addition, Super 1 sponsors food fairs for many local organizations that generate money for those organizations through match funding. Limitations on advertising for these fairs could impact the amount of funds these local organizations are able to raise.

Jerry Williams, Jerrol’ s, stated the sign code needs to be flexible and creative. The proposed sign changes are anti-business. He suggested the formation of a steering committee to work on this issue.

Ralph Smith, Jantzen Distributing, questioned how the City reached this point of concern. He requested clarification from an administration viewpoint and also suggested a committee of business owners with all viewpoints represented examine the issue.

Martin Kaatz stated enforcement costs should not dictate change.

Tom Morris, R & R Autobody, stated the issue is whether the City is or is not pro-business. The City
should not take a position that favors one group over another group.

Ben Kern, Big Apple Country and Gift, stated a majority of his business comes from Interstate 90. Putting these types of restrictions on businesses would not make new businesses come to Ellensburg. Mr. Kern favors a steering committee.

Pat Kelleher, representing a major gas station on South Canyon Road spoke in favor of rules that treat everyone fairly and the need for the sign code to provide protection for adjacent businesses.

After discussion, consensus of the Council was to form a steering committee to include members of the business community. Council directed staff to bring back a proposed committee structure for review at the September 15, 2003 meeting.

**Electronic Signs**

The current sign code does not allow any electric sign to flash, alternate light intensity or be animated in any way. Those few electric signs now in use that do incorporate “scrolling” or changing messages are “grandfathered”.

The proposed ordinance language would allow “electronic signs” (to include a new definition of that term) and limits their use to land that is zoned as Public Reserve (PR). Use of electronic signs would be controlled by local government units owning PR-zoned land with no limitations placed upon the content of the sign. The proposed language does contain limitations as to maximum size, length of time delay for messaging, and light intensities.

Staff wants Council direction on whether electronic signs should be allowed, and if so, under what conditions. One option Council could consider is an ordinance allowing such signs on public right of way. In that instance, the City of Ellensburg would have to own the sign.

The following audience members spoke:

Martin Kaatz questioned construction and maintenance costs for electronic signs.

Jack Piper spoke against allowing the signs and in the case of the University’s request, cautioned Council to think about who determines what is going to be placed on the sign.

Kevin Keno, representing the Catholic Credit Union, requested an interpretation/clarification of a sign over the Credit Union’s new drive through lanes which City staff has determined is not allowed by the code. The intent of the sign was to provide information for credit union members utilizing the drive through only. Council took the Credit Union sign issue under advisement.

Mark Anderson, Director of Public Relations and Marketing for CWU, spoke in favor of a large electronic message board and gave a history of the events leading up to the University’s request. In answer to Council inquiry, if CWU funds the sign it will want an equivalent amount of time on the
board.

David Cross, Downtown Task Force member, stated electronic signs should not be allowed on PR zoned property if they are not going to be allowed on private property. Such signs should not be competing with private business.

Alan Walker, Chamber of Commerce Director, stated from the onset the Chamber viewed the University’s proposed sign as a community events calendar. Council requested input from the Chamber as to what its members want. Up to this point, Chamber discussions have dealt with the issue of the signs on PR zoned property and not tonight’s discussion of public right of way location. The Chamber is in favor of continuing the discussion and the concept of the signs in public rights of way.

Pat Kelleher spoke against electronic signs because they don’t work with the theme of Ellensburg.

Ben Kern spoke against City involvement in electronic signs; business owners should have the same opportunity to use electronic signs as public entities.

Council requested staff provide proposed guidelines for PR-zoned electronic signs along with a definition for such signs. Council consensus was a preference toward electronic signs in public right of way—not necessarily in PR zones.

**Freestanding Signs**

Current sign code language allows businesses in all zones to install one freestanding sign per street frontage with a maximum of two (2) freestanding signs allowed. Businesses in C-H and C-T zones are allowed additional freestanding signs if their site meets certain criteria. Current language does not contain any restrictions on the content or text of the signs. Requirements for such signs involve only height, size, and location. There is no separate definition of “single or multi-occupancy” buildings, the criteria used to determine the number of freestanding signs allowed. Wall signs are treated separately from free standing signs. All businesses are allowed to erect on-premise wall signs not to exceed 300 square feet.

The Downtown Task Force recommends the following changes to the sign code: 1) adopting a new definition for multiple-occupancy buildings; 2) limiting multi-occupancy buildings to one free-standing sign regardless of their location; 3) requiring multi-occupancy buildings to list all tenants on their free-standing signs; and 4) limiting all tenants in such buildings to one 30 square foot wall sign when a free-standing sign is used for the property.

The proposed ordinance language incorporates all the changes proposed by the Downtown Task Force with the exception of recommendation #3. In staff’s opinion, requiring specific text on a sign is a likely violation of commercial free speech. Staff recommends against limiting multi-occupancy buildings to one free standing sign. Martin Kaatz, Downtown Task Force member, stated the Task
Force has been consistent in trying to minimize the duplicity of signs.

Another issue for consideration is whether similar buildings should be treated with the same requirements. The proposed ordinance language treats single and multi-occupant buildings differently with regards to the number of free-standing signs that would be allowed. Staff recommends that both single and multiple occupancy buildings be subject to the same restrictions for free-standing signs, not different standards as reflected in the proposed ordinance language.

After a brief discussion, Council did not express an interest in changing this section of the code at this time. Council discussed a possible tour of the City’s business signage and asked staff to provide a list of examples for Council to review.

ADJOURN Adjourn at 10:34 p.m. Barry Affirmed

Mayor

ATTEST: ______________________________ City Clerk