

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY
December 19, 2016 – Noticed Agenda Attached

Meeting Convened: 5:30 p.m. in the City Hall Auditorium

Meeting Adjourned: 7:58 p.m.

City Council Members present: All Councilmembers except Councilmembers McArthur and Taggart

Staff present: Caton, Shaver, Dackonish, Lanning, Portner, Thornton, Watkins, Mathis, and Tuin

Also: Ron Wriston, Amy Hamilton (The Daily Sentinel), Diane Schwenke (Grand Junction Area Chamber of Commerce), C.J. Rhyne (Grand Junction Area Chamber of Commerce), Bruce Lohmiller, Allan Storey, Logan Gamble (Colorado West Outdoor Advertising), Mark Gamble (Colorado West Outdoor Advertising)

Council President Norris called the meeting to order.

Agenda Topic 1. Review Proposed Code Amendments Regarding Content Neutral Signage

City Manager Greg Caton introduced Kathy Portner (Community Development Manager), Dave Thornton (Principle Planner), and Shelly Dackonish (Staff Attorney). Ms. Portner said Council tabled this item at the November 16th regular meeting and asked staff to provide more information regarding content neutrality and digital and electronic signage. Staff met with the Grand Junction Area Chamber of Commerce (COC) specially on digital signage; this information will be provided separately early in 2017.

Ms. Portner said this presentation will focus on content neutrality and cited the Supreme Court ruling for Reed vs. Gilbert, AZ (if one has to read a sign to see if it should be allowed, then it is unconstitutional) which has had a significant impact on municipal regulations. Review of the City's Sign Code found that much of the Code is based on content and needs to be revised. She defined what on and off premises signs are and how each are currently regulated. Ms. Portner then listed the categories for the proposed amendments: 1) signs not requiring a permit, 2) governmental signs, 3) signs requiring a permit, 4) wind driven signs and banners, and 5) outdoor ads and billboards.

Councilmember Traylor Smith asked how the proposed regulations differ from current regulations. Ms. Portner said the proposed regulations would only consider a sign's physical characteristics: location, size, height, how long it can be up, the distance between signs, and number of signs.

Ms. Dackonish noted the Reed decision made a distinction between commercial and non-commercial speech and then clarified that these proposed amendments would not make a language distinction, but rather place limits on signage based on the area's zoning and distance/separation from sign to sign.

Councilmember Traylor Smith asked what the impact would be to current business owners. Ms. Porter said they propose all signs that currently conform to Code, continue to be designated as conforming and be allowed to upgrade. The remaining non-conforming 36 signs would be grandfathered in, but would not be able to be upgraded.

City Attorney Shaver said there is not only disagreement among business owners regarding the interpretation of the Reed decision, but also on the need for the proposed changes. He added City regulations would need to be rewritten to make the non-conforming signs conforming and the Court allows for regulations to change if owners can reasonably get a return on their investment.

Ms. Dackonish said some of the proposed changes could be challenged in court since more signs would be allowed and digital sign content can change frequently which could change the sign's classification back and forth between on and off premises.

COC President and CEO Diane Schwenke asked why the City was taking the lead and suggested finding out what changes other communities have made in response to the Reed decision. She also expressed concern regarding unintended consequences on the possible removal of the on and off premises designation.

Discussion continued regarding how hate speech could be regulated if content neutrality for signs was adopted (the 1st Amendment protects all speech except for obscenity or for safety), amortization of signs (difficult to enforce), if the proposed amendments would encourage owners of non-conforming signs to keep old signs (not replace with current technology), if consideration was given to a letter submitted by Richard Holmes from Mark Gamble (yes, it expressed concern that the proposed changes would negatively affect their business by allowing more competition), benefits of "unified signs" like ones the Colorado Department of Transportation uses, how non-conforming signs should be dealt with (allow them to be brought into compliance or compel them to be torn down), why content neutrality would be blended with the on and off premises designation (if not blended, regulations would be difficult to enforce and it could lead to a legal liability).

City Manager Caton said the intent is to move to less restrictive regulations based on the Reed decision and to only regulate physical characteristics. Ms. Dackonish said all municipalities had unconstitutional sign codes when the Reed decision was handed down and are in the process of amending them. She said Council's options are to table the entire issue or to keep the on and off premises distinction while moving forward with the content neutrality section; she suggested the later.

Council's consensus was to give direction on time, space, and manner of signs and address the other aspects (digital and electronic) separately and at a later time.

BREAK

Agenda Topic 2. Review Revised Ordinance Governing Outdoor Burning

Present were Fire Chief Ken Watkins, Fire Marshal Chuck Mathis, and Community Outreach Specialist Dirk Clingman. Chief Watkins reviewed the background of the item and noted there has been more community interest in 2016 and Council requested information on this in May 2016.

Chief Watkins defined portable and non-portable "fire pits" as proposed in the amendments. There was discussion that the proposed changes do not make a distinction between temporary and permanent fire pit structures. City Attorney Shaver suggested a definition for a permanent fire pit be added. Chief

Watkins explained how the fire pit is constructed and its distance to permanent structures (fencing and residence) were considered in forming the definitions. Type of fuel used and property size were brought forward to also be considered. Fire Marshal Mathis said terms could easily be confused, but gas fed fire pits would be approved.

Chief Watkins reviewed the type and number of 2016 permits issued in City limits. The Council consensus was to make an open burning allowance for properties of 1+ acres. Chief Watkins said he worked with Public Works Director Greg Lanning to create a list of “green” waste disposal options. He then noted the biggest change would be to allow recreational fires, although they would be regulated.

There was discussion regarding the new 10-day window limit for Mesa County burn permits and how that may create a shortened season with concentrated burning.

City Manager Caton said concern was expressed at the November 2nd meeting by Council that it was unknown what direction Mesa County was going to take regarding changes to burn permits. He suggested staff talk to the County to see what changes they plan to implement and bring that information back to Council. Chief Watkins suggested transferring all burn permitting, including City permits, to the County. It was noted that the Fire Chief and the Fire Marshal do have the authority to issue no burn restrictions.

Chief Watkins noted fire regulations prohibit what is burned, not the type of container used for a burn.

It was decided to bring this item back to Council with the recommendations made.

Agenda Topic 3. Next Workshop Topics

January 16th - Broadband

Agenda Topic 4. Other Business

Proposed Resolution Establishing a Change in Use Incentive Grant Pilot Program – City Manager Caton explained the historic use for downtown properties is retail, but if there is a change in use, typically a transition to a restaurant, it would trigger “plant investment fees” (PIF) to be assessed in order to keep the Wastewater Enterprise whole. The City was approached by Grand Junction Economic Partnership and two possible restaurant businesses about the fee and have challenged it saying it is an impediment to them going forward. City Manager Caton suggested a 2017 Pilot Program to keep the Enterprise Fund whole because these businesses will incrementally add to the system and the Enterprise at some point will need to be updated and expanded due to use. The proposal is for the City to offer a 25% reduction (up to \$10,000) to be subsidized through the General Fund (specifically from the North Avenue Revitalization Commercial Catalyst Grant Program Funds). Historically, the City has also offered payment plans up to five years and allowed delayed payments until a Certificate of Occupancy is obtained. Additionally, the City Manager will approach the Downtown Grand Junction Development Authority and the County to see if they would also offer a subsidy.

Mr. Lanning explained the PIF goes toward plant use capacity and infrastructure.

It was noted property owners are responsible for the pipe infrastructure (typically cast iron lines) below their buildings. Another restaurant requirement/cost is to install and maintain a grease trap.

It was agreed this would be a positive influence on development downtown and City Manager Caton will bring it forward at the January 4th regular meeting.

Colorado Mesa University (CMU) Right-of-Way Vacation Master Plan – City Manager Caton said CMU President Tim Foster asked that a Master Plan be put in place so only one public hearing would be held for the ordinance requesting all the needed vacations. The Master Plan would be for about 2/3 of the area remaining for their growth west to N. 7th Street.

Ms. Portner explained this presents an opportunity to update CMU's Future Land Use to match their Business Park designation and then on an annual basis any property purchased by CMU and rezoned within that year will result in the new rezones being consistent with the rest of the campus.

With no further business the meeting was adjourned.



GRAND JUNCTION CITY COUNCIL
MONDAY, DECEMBER 19, 2016

PRE-MEETING (DINNER) 5:00 P.M. ADMINISTRATION CONFERENCE ROOM
WORKSHOP, 5:30 P.M.
CITY HALL AUDITORIUM
250 N. 5TH STREET

To become the most livable community west of the Rockies by 2025

1. [Review Proposed Code Amendments Regarding Content Neutral Signage](#)
2. [Review Revised Ordinance Governing Outdoor Burning](#)
3. Next Workshop Topics
4. Other Business