

AGENDA
MAYOR'S DOWNTOWN TASK FORCE
Meeting #3 – July 28, 2008
2:00 p.m. – 4:30 p.m.
Siskiyou Room, Community Development Building
51 Winburn Way, Ashland OR

- 1:15 p.m. Optional tour of several downtown signs/right-of-way issues.
Task Force members and general public are invited to attend. Meet in front of the Varsity Theater.
- 2:00 p.m. Call to Order – Pam Hammond
- 2:05 p.m. Public Comment
- 2:30 p.m. Complete Committee discussion of options on remaining issues from July 21 meeting.
- Use of the Right-of-Way
- a) Signs in the Right-of-Way
 - b) Newspaper Racks
 - c) Encroachment
- 3:15 p.m. Follow-up on July 21 decisions.
- a) Draft ordinance amending Downtown Employee Parking Ban and options for improving enforcement/collections.
 - b) Exempt Signs.
 - c) 3-D Signs.
 - d) Options for signs for businesses on side streets, alleyways, and off parking lots.
 - e) Commercial use of the sidewalk, including merchandise and café tables.
- 4:14 p.m. Discuss possible August 4 meeting.
- 4:30 p.m. Adjourn

Memo

Date: July 16, 2008
Bill Molnar, Community Development Director
From: Adam Hanks, Permit Center Manager
To: Downtown Task Force
Re: Sign Code Options – Version #2

The following issues and options have been modified based on the discussion and informal straw pole votes made by the Task Force. Through the course of Monday's meeting discussion, several suggestions were made to "simplify" the ordinance in general, which may be something worth discussing but may not be feasible at this time given the charge of this Task Force and the time that has been allotted.

Staff would stress that the committee proceed with caution. In particular, the city sign code is an extremely successful tool that has had a tremendous influence upon the transformation of Ashland's downtown into a community focal point, revered throughout the State and beyond. The existing sign code is a classic product fashioned by a community well-known for its dedicated and farsighted citizenry. Significant changes that lack a full assessment and understanding of potential unintended consequences, may lead to a slow and deliberate dismantling of one of the formidable elements integral to the town's unique and historically resilient town center.

Changes to the Sign Code beyond tweaks to the exempt sign number and size allocation and other similarly scaled changes could have a much greater affect on the overall intent and long standing effectiveness of Ashland's Sign Code. Staff feels strongly that much more work would need to be done to research and present alternate methodologies for the allocation of signs.

With that caveat, Staff has provided the following revisions to the options put forward in the last meeting and has offered some additional comment on the potential effect of each option.

Issue #1:

Particularly in the Downtown area, the limitation on exempt signs (no permit required) of 2 signs of two square feet do not meet the needs of the businesses

Option #1: Modify the Sign Code to allow one additional exempt sign (2 sq ft or less) to provide additional sign area and number for items such as restaurant menu's, sale of the day, specials, etc in the ~~C-1-D zone~~ **Downtown Design Standards Overlay** only.

Option #2: Modify the Sign Code to allow the existing exempt signs to be a maximum of 3 square feet rather than the existing 2 square feet

Option #3: Modify the Sign Code to allow one additional exempt sign with a maximum area of three square feet. This would provide businesses with two exempt signs of two square feet each and one exempt sign of three square feet.



Option #4: Allow one of the two (or three) exempt signs to be three dimensional with a similar scale of the exempt signs, such as a 1x1x2. (also listed as option #1 on 3-D Issues #2)

Effect: Additional sign area is created with each option. The Task Force seemed to be in favor of option #3 which is a hybrid of options #1 and #2. Businesses would have the choice of using the exempt signs as permanent (affixed to the building, window, awning or ground) or temporary (on a stand, hanging during the day, removed at night, etc). While this solves some of the enforcement concerns recently raised, it should be noted that many businesses already have three or more exempt signs so the true effect of adding exempt signs is making some existing signs legal rather than providing the availability of new signage opportunities.

Issue #2:

The Sign Code currently prohibits three dimensional signs/representations of merchandise of any type

Option #1: Allow one of the two (or three) exempt signs to be three dimensional with a similar scale of the exempt signs, such as a 1x1x2.

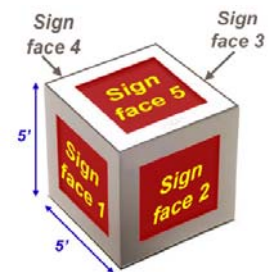
Option #2: Remove prohibition of 3-D/rep of merchandise from the Sign Code entirely (AMC 18.96.040 F), which would allow 3-D/rep of merchandise as a sign type, but would not necessarily add number or square footage to the signage allowed.

Option #3: Retain prohibition of 3-D/rep of merchandise code section, but create exemption for 2-D or 3-D Public Art based on acceptance by a Jury appointed by the Public Arts Commission with predetermined criteria for acceptance. Additionally, the art would need to be donated and be located on public lands or public easement areas. (see Public Arts Memo for further details)

Option #4: Remove prohibition 3-D/rep of merchandise from the Sign Code, but create a separate sign area/volume and number maximum separate from the current maximum sign areas for 2-D signs.

Effect: Allowing 3-D/rep of merchandise in addition to the existing 2-D signage opportunities would create flexibility in determining the appropriate total volume (cubic feet) of the 3-D being permitted as it would not have to relate to the 2-D area allocation (square footage).

The Task Force should also consider the possibility of a business utilizing the 3-D sign option to create a solid cube with graphic content on five or more surfaces (see illustration). This could have a substantial impact on the overall sign area devoted to one business.



The Task Force will also need to discuss whether they feel it is appropriate to require the 3-D sign/merchandise to be permanent (attached to a structure, ground, etc) or if it could be temporary and be moved at will around the private property, removed at night, etc.

Issue #3:

Some businesses, by virtue of their business access, have limited signage opportunity along the main streets within the downtown area.

Option #1: Change the projection sign limitation from 18 inches from wall face to 24 inches from wall face to provide greater visibility for businesses on side streets/alley/pedestrian access ways

Option #2: Create guidelines/policy for the expanded use of the section of the Sign Code that allows "Informational signs placed by the City of Ashland in the publicly owned right of way" to include business directional/directory signs to be located in the public right of way. The guideline/policy would determine the standards for the signage and could include maximum size, color, font, content (name and arrow only), materials, location, etc.

Effect: While a comment was made that the expansion of the projection limit "didn't amount to much", Staff feels that the availability of installation of signs that project two feet from the building face provide many businesses with "non-standard" street frontage with a variety of creative options in gaining exposure from the primary street frontages.

The potential expansion in the use of the "informational signs placed by the City of Ashland" would not require a change in the Municipal Code and could be crafted to address issues similar to the Blue Giraffe scenario, in which a truly informational sign is needed to provide basic direction to a particular business. Again, because the signs are placed by the City in the public right of way, the City is able to regulate content, materials, size, color, etc.

Issue #4:

The use of the public right of way for private commercial use is limited by the Municipal Code to Sidewalk Café's (AMC 6.44), which is not an equitable method for allocation of our limited public resource, downtown public sidewalks.

Option #1: Eliminate AMC 6.44 Sidewalk Café's

Option #2: Modify the Sidewalk Café Code to expand the allowable uses of the potential leased/permitted area to include any type of commerce, but maintain all public safety elements of the existing code section. The modification would include changes to



the fee structure to be based on comparable per square foot lease rates for downtown commercial space.

~~**Option #3:** Modify the fee structure and lease terms to better match the value of the “storefront bonus” that is created with the allowed use of the public right of way.~~

Effect: This issue plays a large role in how our downtown streetscape functions. A prohibition of commercial use of the sidewalks provide less obstruction, affording greater pedestrian capacity and comfort level. Allowing all types of commercial activity by permit/lease may lead to a very cluttered downtown area, both physically and aesthetically. It isn't clear at this point whether the permit/lease could prohibit signs as part of the commercial use.

Issue #5:

Sign Code compliance efforts have included enforcing the current prohibition of placing signage in the public right of way (sidewalk area primarily). Some businesses have exposure issues with their business location and feel that off-site signage is necessary for adequate exposure for their business.

Option #1: Create guidelines/policy for the expanded use of the section of the Sign Code that allows “Informational signs placed by the City of Ashland in the publicly owned right of way” to include business directional/directory signs to be located in the public right of way. The guideline/policy would determine the standards for the signage and could include maximum size, color, font, content (name and arrow only), materials, location, etc.

Option #2: Allow temporary signs located in the public right of way through a permit process and establish language in AMC Ch 13 to regulate their approved location, i.e. distance from business frontage, size, duration, etc

Effect: Either option would create additional signage in the downtown area, with option #1 providing a more structured and controlled approach, but may not fit all needs of the businesses seeking additional signage exposure. If the exempt sign options are put in place and temp signs by permit (option #2) are approved, the cumulative effect of additional signs on the business property and temporary signs in the right-of-way could create a visual overload of signage and quite possibly detracts from the appeal of the business placing the signs.

The generally limited sidewalk space within the downtown area could also be further impacted with the addition of temporary signs in the right of way.

Issue #6:

The proliferation of newspaper/misc publication racks within the downtown is creating a variety of problems, both functional and aesthetic.

Option #1: Commit to work on newsrack placement & use ordinance to be in place before next season (April '09). Issues to work out include: maximum groupings by area,



distance between groupings, aesthetic standards, who owns/operates, fee, maintenance standards, what types of newspapers/publications would qualify, etc

Option #2: Inventory all downtown zone newspaper/publication racks to ensure that each rack/box complies with current Municipal Code requirements for distance from curb (18 inches), minimum of six feet clearance between rack/box and other permanent obstruction, etc. Determine legal issues regarding immediate removal of rack/boxes that are not in use (no materials in them)

Effect: Possible reduction in number of rack/box obstacles in the sidewalk right of way. Better organization and tracking of approved locations for ongoing management. Maintain pedestrian's ability to purchase newspapers/publications on street.

Issue #7:

The business community has noted that there is inconsistency within the encroachment permit process, which does not have clear standards for what types of objects are encouraged, allowed or legal in the public right of way

Option #1: Develop standards/criteria for encroachment permits and utilize the permit process for all encroachments for non-City placed objects. This would include benches, tree grates, trash cans, news/publication racks, plantings/flower pots, etc.

Option #2: Allow the abutting business owner/operator a specific amount of area immediately adjacent to their frontage to place objects from an approved list

Effect: Each option would gain a level of control and regulation on the amount of the sidewalk right-of-way used. Option #1 would provide a greater degree of regulation and may have a more coordinated appearance to the downtown area. An issue with either option is the amount of sidewalk area used for these pedestrian amenities vs. the potential space used for commercial use of the sidewalk area if modifications are made to the Sidewalk Café ordinance.

Issue #8:

Downtown business owner and employees are frustrated with the seemingly inconsistent enforcement of the downtown employee parking ban and also have expressed concern over its potential overreaching effect of limiting owner and employee access to the downtown area while not at work

Option #1: Eliminate section of AMC 11.30.020 which removes employee parking ban

Option #2: ~~Allow each business within downtown area to purchase one monthly parking pass/permit for the downtown zone which would allow vehicle to park within the zone (maybe just their block face?), but still not exceed time limits of parking space.~~

Option #3: ~~Allow the parking pass issued in option #2 to apply only to loading spaces~~

Effect: The parking pass/permit would assist in solving the issues of frequent but short duration parking by key personnel associated with a particular business, but would retain the frustration



and potential inconsistencies of enforcement for those that do not have a pass/permit. Elimination of the ban would result in each business monitoring their own employees with attempts at voluntary compliance to the concept.

Issue #9:

The City has several parking management items that need to be resolved to more efficiently administer the downtown parking program

- Review block face parking regulations to be clear of parking management of all spaces
- Create code section to allow for “booting” of vehicles with XX amount of unpaid parking tickets
- Review signage for directional signage to public parking lots (preferred locations for longer term parking)

Please refer to Draft Ordinance language prepared by Ashland City Attorney Richard Appicello for additional details for potential recommendations for the Task Force to recommend to the City Council for adoption.



ORDINANCE NO. _____

AN ORDINANCE RELATING TO PARKING REGULATIONS, ALLOWING USE OF IMMOBILIZING DEVICE, AUTHORIZING TOWING, REMOVING DOWNTOWN PARKING LIMITATIONS, UPDATING AND CORRECTING PARKING PROCESSES AND PROCEDURES, AMENDING AMC 2.28.215, AMC 11.28.080, AMC 11.28.110, AMC 11.30.010- AMC11.30.050.

Annotated to show deletions and additions to the code sections being modified. Deletions are **bold lined through** and additions are **bold underlined**.

WHEREAS, City processes and procedures concerning parking regulations are in need of clarification; and

WHEREAS, the City would like to remove downtown employee parking restrictions in lieu of voluntary parking measures by downtown employers relative to their employees; and

WHEREAS, the City would like to authorize the installation of an immobilizing device on vehicles and towing of vehicles in certain circumstances for persons with specified levels of unpaid parking violations, and

WHEREAS, the City wishes to provide more process and procedures before resulting to issuance of a warrant in the case of parking violations.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Section 2.28.215 [Municipal Judge – Parking Violations] is hereby amended to read as follows:

The Municipal Judge is authorized to assign any and all unpaid parking violations ~~issued to persons residing outside the City limits of Ashland~~ to a collection agency or agencies for collection of the penalty provided for such violations. The penalties for parking violations as provided in the Ashland Municipal Code shall be enhanced in each case when the defendant fails to appear or post bail within the time required by the citation as follows:

- A. When the defendant fails to appear or post bail within seven (7) days of the due date thereof, the penalty shall increase by Ten Dollars (\$10.00).
- B. When the defendant fails to appear or post bail within thirty (30) days of the due date thereof, the penalty shall increase by Thirty Dollars (\$30.00).
- C. When the defendant fails to appear or post bail within fifty (50) days of the due date thereof, the penalty shall increase by Fifty Dollars (\$50.00).

A defendant who fails to appear or post bail within the time required by the parking citation or penalty enhancement waives any objection, and cannot contest or appeal the initial parking violation or penalty enhancement previously imposed. Notwithstanding any other remedy provided in this code, included immobilization, towing or warrant, a default judgment may be taken by the Court following any failure to appear or penalty enhancement and the matter referred to a collection agency.

SECTION 2. Section 11.24.090 [Exemption] is hereby amended to read as follows:

11.24.090 Exemption

The provisions of ~~this chapter~~ **Chapters 11.24 and 11.28** regulating the parking or standing of vehicles shall not apply to a vehicle of a **State Agency**, City department or public utility necessarily in use for construction or repair work, **or to a vehicle with a Special Permit for Delivery, Maintenance or Construction** or to a vehicle owned by the United States while in use for the collection, transportation, or delivery of the United States mail.

SECTION 3 Section 11.24.095 [Special Permit for Delivery, Maintenance or Construction] is hereby added to read as follows:

11.24.095 Special Permit for Delivery, Maintenance or Construction

A. Loading and unloading of vehicles shall be permitted as provided in the Ashland Municipal Code.

B. A Special Permit may be granted by the City Administrator when substantial evidence is submitted that demonstrates that an exemption from the two or four hour time limits for parking is necessary based on the size or complexity of a delivery or for the safe and convenient placement of construction, repair or maintenance vehicles adjacent to a construction, project or job site.

C. The Special Permit must be prominently displayed in the vehicle while parked in the restricted parking area. Vehicles displaying the Special Permit shall be exempt from the provisions of Section 11.24 and 11.28 concerning two or four hour parking limitations, but must abide by all other traffic and parking regulations, including loading zone parking time limits.

SECTION 4. Section 11.28.080 [Violation – Penalties] is hereby amended to read as follows:

11.28.080 **Parking** Violation – **Prohibition Penalties**

A parking infraction violation is a violation of any parking prohibition, limitation or regulation of the City of Ashland. A vehicle parked in violation of this chapter shall have a notice of violation attached to the vehicle and the owner or operator of the vehicle shall be subject to the penalties provided in Section 1.08.020 **and this chapter**, and may be subject to the impounding of such vehicle as provided in Chapter 11.36. **A person who commits a parking infraction violation may not suffer any disability or legal disadvantage based upon conviction of a crime.**

SECTION 5. Section 11.28.110 [Fines for parking infractions and warrants of arrest] is hereby amended to read as follows:

11.28.110 Fines Penalties for parking infractions violations; immobilization, towing, and show cause and warrants of arrest

~~A parking infraction is a violation of any parking prohibition, limitation or regulation of the City of Ashland. A person who commits a parking infraction may not suffer any disability or legal disadvantage based upon conviction of a crime, and, the penalty shall be limited to a fine not to exceed \$150. Provided, however, a person who commits three or four parking infractions in any calendar year shall pay an additional fine of \$25 and a person who commits five or more parking infractions in any calendar year shall pay an additional fine of \$50. In the trial of a person charged with a parking infraction, neither the defendant nor the City of Ashland shall be entitled to trial by jury. If a person cited for a parking infraction fails to appear any time fixed by the Court, a warrant for the arrest of such person may be issued.~~

A. Fine. Fines shall not exceed \$150 per ticket not including all late fees and assessments. However, a person who commits three or four parking violations in any calendar year shall pay an additional fine of \$25, and a person who commits five or more parking violations in any calendar year shall pay an additional fine of \$50 for each five parking violations they receive in that year.

B. Immobilizer (boot) Installation and /or Towing.

- (1) When a driver, registered owner, or person in charge of a motor vehicle has either (1) three or more outstanding unpaid City of Ashland parking violations on any number of motor vehicles, or (2) a City of Ashland parking violation, or any number of such violations, with a total unpaid balance that exceeds \$150, regardless of the number of motor vehicles involved, then any police or parking enforcement officer of the City is authorized, directed and empowered to immobilize such a motor vehicle or vehicles found upon a public street or city off-street parking lot by installing on or attaching to the motor vehicle a device designed to restrict the normal movement of the vehicle. In the alternative, or in addition to immobilization, any police or parking enforcement officer of the City is authorized, directed and empowered to order such vehicle towed, by a licensed tow company under contract with the City of Ashland. In the event the vehicle is towed, the person who orders the tow, shall send by certified mail, return receipt requested, a notice advising the registered owner of the vehicle that it has been towed by the city pursuant to this section and that release of the vehicle may be obtained upon receipt by the Ashland Municipal Court of full payment of the outstanding balance owed.**
- (2) For purposes of this section, bail or fine shall be outstanding on a citation when the citation is issued and shall remain outstanding until the bail is posted or the fine is paid.**

- (3) Ten days before immobilizing or towing a vehicle according to the provisions of this section, the city shall mail a notice by certified mail, return receipt requested, to the registered owner of such vehicle as shown by the records of the Oregon Motor Vehicles Division notifying the owner that the motor vehicle or vehicles may be immobilized and/or towed ten days after the date of mailing the notice herein for failure to pay outstanding parking bail or fines.
- (4) If the vehicle is so immobilized, the person who installs or attaches the device shall conspicuously affix to the vehicle a written notice on a form approved by the city, advising the owner, driver, or person in charge of the vehicle that it has been immobilized by the city pursuant to this section and that release of the vehicle may be obtained upon receipt by the Ashland Municipal Court of full payment of the outstanding balance owed.
- (5) A vehicle towed and impounded pursuant to this section shall be held at the expense of the owner or person entitled to possession of the vehicle. Personnel, equipment and facilities of the city or private tow companies under contract with the City may be used for the removal and storage of the vehicle.

C. Show Cause and Warrants.

- (1) Show Cause. The Ashland Municipal Court may issue an order that requires the defendant to appear and show cause why the defendant should not be held in contempt of court, including contempt for failure to appear as ordered or failure to comply. The show cause order shall be mailed to the defendant by certified mail, return receipt requested, no less than ten days prior to the appearance date; alternatively service may be made by any other recognized method, such as personal service according to the same timeframe..
- (2) Warrant. If the defendant is served and fails to appear at the time specified in the show cause order, the court may issue an arrest warrant for the defendant for the purpose of bringing the defendant before the court.

SECTION 6. Sections 11.30.010 – 11.30.050 [Downtown Parking District] are hereby amended to read as follows:

~~11.30 Parking Surcharge Downtown Parking District~~

~~11.30.010 Downtown Parking District – Established~~

~~A Downtown Parking District which shall encompass the shaded areas depicted on the attached map marked Exhibit :A: and all on-street timed parking spaces and public timed parking facilities within the Downtown Commercial District, Zoned C-1-D.~~

11.30.020 Duration and Effect

~~A. Except as provided in subsection B of this section, no person shall, while at such person's place of employment, educational or non-profit institution, cause any motor vehicle owned, operated or controlled by that person to be parked in any one or more parking spaces upon a public street or timed off-street parking facility within the Downtown Parking District, described in Section 11.30.010, between the dates of May 1 and September 30, and between the hours of 8:30 a.m. and 5:30 p.m. on any day except Sunday and legal holidays. Motorcycles parked in designated parking spaces shall be exempted from this Title.~~

~~B. Subsection A of this section shall not apply to any person parking in the Hargardine Parking Facility.~~

11.30.030 Special Permits for Loading, Unloading, and Delivery

~~A. Loading and unloading of vehicles shall be permitted as provided in the Ashland Municipal Code.~~

~~B. A Special Vehicle Permit may be granted by the City Administrator when substantial evidence is submitted that shows that the permit is necessary for frequent delivery and pick-up which is vital to the normal operation of the business, education, or non-profit institution. In the case of real estate offices, up to four (4) such permits may be issued to the office for use by the broker or the licensed sales persons. In no case shall more permits than the number of sales persons on the largest shift be issued.~~

~~C. The Special Vehicle Permit must be prominently displayed in the vehicle while parked in the Downtown Parking District. Vehicles displaying the Special Vehicle Permit shall be exempt from the provisions of Section 11.30.020, but must abide by all other traffic and parking regulations, including parking time limits.~~

~~D. The Special Vehicle Permit shall not be valid on North Main Street or East Main Street in the Downtown Parking District.~~

11.30.040 Downtown Parking Utility Fee

~~A. There is hereby imposed a fee on all users of City electric utilities in the Downtown Parking District. Such fee shall be one dollar (\$1.00) each month for each parking space required by the utility user, but not provided on private property.~~

~~B. Uses shall not be considered vacant unless the electric service is disconnected.~~

~~C. Estimates of parking requirements shall be determined by the data and procedures contained in the Off-Street Parking Chapter of the Ashland Land~~

~~Use Ordinance, Section 18.92, regardless of whether the zoning of a particular lot requires off street parking be provided.~~

~~D. In the case of private parking shared among several users, and in the absence of written agreements to the contrary, private parking shall be allocated on a pro-rata basis to the users of the parking.~~

~~E. All revenues received from said fee shall be segregated and be used only for meeting debt service on bonds issued for parking improvements, leases, and/or future parking improvements and studies.~~

11.30.005 045 Parking Fine Surcharge

There shall be a surcharge of ~~four two~~ dollars (~~\$4.00 \$2.00~~) on all parking citations issued within the ~~City of Ashland, Downtown Parking District~~. All revenues received shall be segregated and used only for meeting debt service on bonds issued for parking improvements, leases, and/or future parking improvements and studies.

11.30.050 Violation – Penalties

~~Any person parking in violation of the provisions of this Chapter shall receive a written warning for the first violation. Each violation and conviction thereafter, shall carry a fine of not more than twenty-five dollars (\$25.00) for the first conviction, nor more than fifty dollars (\$50.00) for the second conviction, and not more than one hundred dollars (\$100.00) for the third conviction and every conviction thereafter. Any person, business, or institution affected by this Chapter who fails to comply with the requirements herein, shall be guilty of an infraction and punished as provided in Chapter 1.08.020 of the Ashland Municipal Code.~~

SECTION 7. Section 11.28.060 [City Parking Lot] is hereby amended to read as follows:

11.28.060 City Parking Lot

Parking in the parking lot owned by the City immediately adjacent to the public library, which is on the southwest corner of Gresham Street and East Main Street, is limited to two hours ~~except that employees of the public library may park for a longer period of time in the spaces presently designated as employee parking spaces.~~

SECTION 8. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 9. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall

remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 10. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 8-10) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2008, and duly PASSED and ADOPTED this _____ day of _____, 2008.

Barbara M. Christensen, City Recorder

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2008, and duly PASSED and ADOPTED this _____ day of _____, 2008.
Barbara M. Christensen, City Recorder

SIGNED and APPROVED this _____ day of _____, 2008.

John W. Morrison, Mayor

Reviewed as to form:

Richard Appicello, City Attorney

**DOWNTOWN TASK FORCE
MEETING MINUTES
JULY 14, 2008**

CALL TO ORDER

Task Force Chair Pam Hammond called the meeting to order at 2:00 p.m. in the Siskiyou Room, 51 Winburn Way.

Members Present:

Pam Hammond, Paddington Station, Chair
John Morrison, Mayor
Renee Compton, Rocky Mountain Chocolate Factory
Daniel Greenblatt, Greenleaf Restaurant
Sandra Slattery, Chamber of Commerce
Dana Bussell, Public Arts Commission
Dave Dotterer, Planning Commission
John Stromberg, Planning Commission
George Kramer, Citizen at Large
Dale Shostrom, Citizen at Large
Don Laws, Citizen at Large

City Staff Present:

Martha Bennett, City Administrator
Richard Appicello, City Attorney
Bill Molnar, Community Development Director
Adam Hanks, Permit Center Manager

WELCOME & INTRODUCTIONS

Pam Hammond and Mayor Morrison welcomed the group and each member introduced themselves.

PURPOSE & GOALS OF TASK FORCE

Mayor Morrison commented briefly on what prompted the creation of this task force and noted issues have been raised regarding the City's sign code, use of the public right of way, and the downtown employee parking ban. He stated the Downtown Task Force would be meeting for three weeks and encouraged them to focus on addressing the immediate concerns.

OVERVIEW OF TASK FORCE SCHEDULE

Hammond briefly reviewed the meeting agenda. She indicated their second meeting would include a staff presentation of options and committee discussion; and hopes they can have deliberations and come to a recommendation by their third meeting.

OVERVIEW OF THREE ISSUES

Community Development Director Bill Molnar presented an overview of the City's sign code, use of public right-of-way, and downtown employee parking restrictions.

Sign Code

Mr. Molnar stated the 1966 Central Area Plan called for the development of a sign program and the City's sign ordinance was officially adopted in 1968. He stated there have been several updates to this section of the code over the years and noted the 1988 Downtown Plan acknowledged the success of the sign code. Mr. Molnar provided the definitions of "signs", "exempted signs", and "prohibited signs" and listed the main compliance issues the City deals with.

Use of the Public Right of Way

Mr. Molnar noted there are many competing interests within the sidewalks and stated the City has regulations regarding the outdoor display of merchandise. He explained the Ashland Municipal Code prohibits using the street or public sidewalk for selling, storing or displaying merchandise or equipment;

and businesses within the City's commercial zones are required to obtain a conditional use permit (CUP) for the outdoor storage of merchandise on private property. Mr. Molnar noted the City has a sidewalk café ordinance and it is administered by the Public Works Department.

Downtown Employee Parking Ban

Mr. Molnar explained the ban was first adopted in 1985 at the request of the Chamber of Commerce and the seasonal restrictions were made permanent in 1986. He explained the ban restricts downtown employee parking in the downtown parking district between 8:30 a.m. to 5:30 p.m., May through September; and listed some of the issues that have been raised by the affected businesses and their employees.

PUBLIC COMMENT

Tom, Pasta Piatti & Tabu/Shared his concerns regarding the newspaper racks.

Nola, Renaissance Rose/Noted she had been cited by the City and requested clarification on the ordinance governing the outdoor display of merchandise. She noted the sale of merchandise on Guanajuato Way and asked about the City's CUP process.

Steve, Soundpeace/Asked if there was a way for current businesses to be "grandfathered in" and require anyone new to receive approval for the display of items. He agreed with the concerns expressed by the previous speaker regarding newspaper boxes and suggested there be a maintenance requirement for these. Steve noted the signage in Boulder, Colorado and suggested the Task Force review the Boulder sign code for comparison. He also commented on the employee parking ban and noted employees are being issued tickets when visiting downtown businesses on their days off.

Julie, Wiley's Pasta/Noted her business is not located downtown and stated they use their "Alfredo" statue to show customers that they are open for business.

Lenny, CD or not CD/Stated there is a small space in front of his store that he would be interested in obtaining a CUP for. He commented on the height of his sign and suggested they allow businesses to sell merchandise outdoors on weekends only. He stated it is possible to have attractive sandwich signs, newspaper boxes, and neon signs; and suggested the City form a review board to determine what is aesthetically pleasing.

Dave, Endless Massage/Noted that his is a newer business and commented on the use of sandwich boards to attract business. He stated his board did obstruct people walking and stated it made a big difference in bringing people into his business.

Susan, Pilaf/Questioned why people dressed as the Statue of Liberty or dressed in sandwich boards does not go against the sign code. She stated that parking is one of her major stressors and explained that she often has to come and go several times a day from her business.

Kate, Earth Friendly Kids/Stated being unable to put merchandise out in front of her store has made them struggle financially and believes the City is hurting the vitality of the town by making such strict rules.

Ramona, B Ella/Noted her store has no back entrance and all of their supplies have to come through the front door. She questioned the fairness of the parking situation and asked if downtown employees who work at night are being ticketing as well.

Jimmy, Blue Giraffe Spa/Noted their building is set back from Water Street, behind the parking lot and customers cannot see his sign from the street. He stated he receives a lot of complaints from clients because they cannot find his store. He suggested the City have some sort of hearings process to deal with unique situations like his own. He also questioned putting up a small sign similar to Pilaf's or Iris Inn's signs.

Don, Ashland Springs Hotel & Larks/Stated he was cited for placing the building's original sandwich board in front of the hotel and noted the challenge of educating guests on what they offer. He stated that inadequate parking in Ashland is a big issue and noted the parking garage is consistently full.

Mike Morris, Planning Commissioner/Recommended the sign ordinance be removed from the Land Use section of the Municipal Code and recommended they set criteria for a variance. He suggested different requirements be set for areas outside of downtown (at least until these areas become more populated by pedestrians) and recommended they establish maintenance requirements for newspaper boxes.

Pam Turner, Ashland Municipal Judge/Noted that she handles the City's parking violations and stated the intention of the employee downtown parking ban is not to prohibit employees from visiting businesses on their time off. She encouraged everyone to read this section of the code (AMC 11.30.020).

City Administrator Martha Bennett clarified 95% of the businesses have complied with the City's requirements and stated she would like to continue to work cooperatively with the businesses while this process is going on.

City Attorney Richard Appicello commented briefly on the concept of grandfathering. He clarified the City is required to treat everyone equally and does not believe grandfathering is an option.

Mayor Morrison clarified that public testimony will be included in this process and encouraged the businesses and members of the public to submit their information to the Task Force.

COMMITTEE DISCUSSION

City Administrator Martha Bennett indicated staff would be preparing white papers and submitting them to the group within the next few days. She recommended they inform staff if they are in need of additional information or if there are options they are leaning toward. She agreed that parking in Ashland was a valid concern, but recommended they limit their discussion to the employee parking issue.

Clarification was requested on the process of obtaining a conditional use permit to display merchandise on private property. Permit Center Manager Adam Hanks stated this is a Type I land use action and the fee is currently \$882. He stated the City has seen this type of CUP for larger scale uses, such as the hardware store, but noted the approval criteria are fairly general.

Mr. Hanks clarified the Iris Inn's sign was obtained through ODOT, not the City.

Sandra Slattery commented that these requirements were put in place for good reasons; however they need to ensure that Ashland businesses can be successful and stated it is time to look at these regulations with the current view of the community in mind.

City Attorney Richard Appicello commented on the issue of placing 3-D objects in front of businesses and clarified they can only limit the time, place, manner and size of these objects, not the content. George Kramer added they could also control the materials they are made of and can require the object to be maintained.

Ms. Bennett noted the City would be bringing forward options regarding sidewalk cafes, including options for permitting, regulating, and leasing public right of ways. She clarified the vendors along Calle Guanajuato lease this space from the City and stated the Task Force could consider creating a similar provision for individual business to display merchandise in front of their stores.

Don Laws requested the City Attorney prepare a memo that cites the court cases and laws that deal with grandfathering and the equality of treatment. He stated he would like to know what is legal and whether the City could make changes. Mr. Laws provided some history of the sign code and stated its intent was to make Ashland businesses more appealing. He commented on how the sign code has contributed to the overall success of businesses in Ashland and recommended they be careful about making changes.

Dave Dotterrer suggested the sign code differentiate between private property and public right of way. Ms. Bennett voiced her support for this suggestion. Mr. Appicello clarified the City could permit larger 3-D objects on private property than on public right of way.

Dana Bussell commented on the Public Arts Commission's master plan and noted the plan did speak to some of these issues. She clarified one of the goals of the plan was to change the sign ordinance to allow for murals. She also commented briefly on the public art jury process the commission utilizes, and clarified people affected by the object are represented on the jury.

Sandra Slattery noted that there are other communities, such as Carmel, California, that have very pleasing signage and suggested the group take a look at how other communities deal with this issue. Ms. Bennett requested the group clarify which cities' sign codes they are interested in. Staff was directed to look into the sign codes for Carmel, California and Boulder, Colorado, particularly for small, directional signs. Ms. Slattery noted she would also try to gather information and obtain samples from other communities that are attractive, high visitor destinations.

Mayor Morrison requested information on newspaper boxes, including what governs their installation, maintenance, and removal. Additional request was made for how many spaces a publication can have and whether the boxes interfere with pedestrian and vehicle safety. It was also questioned if the City could designate certain areas where the boxes would be permitted.

Ms. Bennett indicated staff would gather the information requested by the group and stated materials for the next meeting would be sent out later this week. She noted the next Downtown Task Force meeting is scheduled for next Monday, July 21 at 2 p.m.

ADJOURNMENT

Meeting adjourned at 4:05 p.m.

*Respectfully submitted,
April Lucas, Administrative Assistant*

**DOWNTOWN TASK FORCE
MEETING MINUTES
JULY 21, 2008**

CALL TO ORDER

Task Force Chair Pam Hammond called the meeting to order at 2:00 p.m. in the Siskiyou Room, 51 Winburn Way.

Members Present:

Pam Hammond, Paddington Station, Chair
John Morrison, Mayor
Renee Compton, Rocky Mountain Chocolate Factory
Daniel Greenblatt, Greenleaf Restaurant
Sandra Slattery, Chamber of Commerce
Dave Dotterer, Planning Commission
John Stromberg, Planning Commission
George Kramer, Citizen at Large
Dale Shostrom, Citizen at Large
Don Laws, Citizen at Large

City Staff Present:

Martha Bennett, City Administrator
Richard Appicello, City Attorney
Bill Molnar, Community Development Director
Adam Hanks, Permit Center Manager

Absent Members:

Dana Bussell, Public Arts Commission

STAFF PRESENTATION OF OPTIONS

Permit Center Manager Adam Hanks briefly reviewed the nine key issues and options listed in the staff report.

PUBLIC COMMENT

Ron Roth, Geppetto's/Shared his concerns over what he felt was an overzealous Code Enforcement Officer and recommended more direct supervision of this City employee.

Graham Lewis, United Methodist Church/Noted the church is located on the corner of Laurel and N. Main, but they are only allowed signage on one of the streets. He stated signage on both frontages would be helpful.

Steve, Soundpeace/Questioned if he would be permitted to place a prayer flag in the garden in the morning and take it in at night. Regarding the parking situation, he thought this was always voluntary and not necessarily enforced.

Julie, Wiley's World/Stated she does not view her Alfredo statute as a sign, but rather a piece of art; and stated the statue needs to be able to come in at night to avoid potential theft or vandalism. She voiced her support for removing the 3D object prohibition from the Sign Code.

Melissa Markell, Chair of the Public Arts Commission/Voiced her support for Option #4 regarding the three dimensional sign issue, which would create an exemption for 2D or 3D public art.

Susan, Black Sheep/Submitted signature petitions supporting the placement of the lion statue in front of the Black Sheep's entrance. She stated if they remove the lion it would result in an unsafe doorway and stated this is a historical building and the entrance cannot be changed.

Lee, Downtown Employee/Stated she received a ticket a few years ago, without warning, after parking in the same block twice. She stated this is a silly rule and the City should at least put up a sign warning employees.

Pam Turner, Ashland Municipal Judge/Noted all parking appeals come to her and voiced her support for repealing or revising the downtown employee parking ban. She stated the ban is very difficult to enforce and felt the language was over broad.

Lance Pugh, Ashland Resident/Voiced concern with what he felt was staff running the meeting and directing the focus.

Brent Thompson, Ashland Resident/Voiced his support for the option permitting one additional exempt sign. Regarding the parking issue, he suggested diagonal parking could be used to create more spaces in certain downtown areas.

Donna, Webster's/Stated if they change the sign code, they need to make sure it can be universally applied. She commented briefly on the sidewalk issue and noted they are heavily congested in the middle of the season.

Mike Morris, Ashland Planning Commissioner/Asked how they would feel if every building had something out in front of it, and questioned where the limits are.

Ramona, B Ella/Stated if they are going to enforce the parking ban, it needs to be applied to everyone.

COMMITTEE DISCUSSION & DIRECTION TO STAFF

Downtown Employee Parking Ban

Hammond voiced support for Option #1, which would eliminate the employee parking ban from the Ashland Municipal Code. She stated the City could still send out a letter each year asking the downtown businesses to voluntarily comply with the seasonal parking limitations. The Task Force voiced unanimous consent for this option.

Unpaid Parking Tickets

City Administrator Martha Bennett explained how the City currently handles unpaid parking citations and stated the City's current enforcement tools are very weak. She stated booting or towing vehicles that have an excessive amount of unpaid parking violations is one option the group should consider.

The group discussed the option presented by staff. Stromberg voiced his concerns with booting vehicles and felt towing was a better alternative. City Attorney Richard Appicello clarified due process would occur before anyone was booted and the individual would receive proper notice before this action occurred. Ms. Bennett listed the outstanding parking citation figures for the group. Laws voiced his support for booting, and stated this type of action is needed if they have people who simply do not care. Greenblatt agreed that this needs to have some "teeth." Kramer voiced his support for the towing option. Compton agreed, but questioned what the outstanding ticket amount would have to be before this action was taken.

Hammond recommended they move onto the next issue and look at this option further at their next meeting.

Amount of Signage Permitted

Hammond listed the two options for Issue #1. She stated they could modify the Sign Code to allow for one additional exempt sign or they could choose to modify the Code to allow the existing exempt signs to be a maximum of 3 sq. ft.

The group discussed the two options. Shostrom suggested modifying the requirement to allow for two signs at 2 sq. ft. or less, and one additional sign at 3 sq. ft. or less. Kramer recommended they not limit this to the C-1-D zone, but permit the additional signage in the entire commercial district. Compton noted that being able to display menus is not only a benefit for the restaurants, but also the pedestrians. Kramer suggested they increase the total amount of signage permitted (based on the linear footage of the building's frontage) and allow businesses to allocate the space as they choose. Compton suggested they establish two different parameters; one for inside the downtown area and one for outside this area.

Mr. Hanks clarified the current provision which allows businesses to use up to 20% of their window space for changeable copy. He also provided a brief explanation of how businesses with no windows or those located on second and third stories are accommodated.

Staff was directed to return at the next meeting with information on the new options presented by Shostrom and Kramer.

3-Dimensional Signs/Representations of Merchandise

Hammond listed the options for Issue #2 outlined in the staff report. Kramer and Compton voiced their support for Option 2, which would allow 3D representations as a sign type. Laws expressed concern with permitting 3D objects, though supported the ones we currently have. He questioned if there was a way to exempt those that exist today. Slattery voiced her confidence that businesses would do everything possible to make their business attractive and is not concerned that Option 2 would result in a surge of undesirable objects.

Hammond conducted a straw vote and the majority of the group supported Option 2.

The Task Force agreed to continue with the meeting until 4:30 p.m.

Limited Signage Access due to Location

Hammond listed the options for Issue #3 outlined in the staff report. Kramer suggested businesses, such as the Blue Giraffe, with no frontage on a public street be allowed one offsite sign as part of their sign allocation; however include a provision that this sign could not be placed on public right of way. The group briefly discussed these options and agreed to come back to this issue at their next meeting.

Use of Right-of-Way for Commercial Use

Hammond listed the options in the staff report. Laws noted when the Sidewalk Café ordinance was passed, its intent was not to benefit the restaurant specifically, but to enhance the ambiance in town. He felt opening up the use of sidewalks for merchandise was unacceptable and would destroy the Ashland's appearance. City Attorney Richard Appicello briefly commented on the legal issues surrounding this matter. Slattery commented that sidewalk dining is something the public loves, and suggested they look at other communities and how they deal with this issue. Kramer noted that selling flowers, fruit or vegetables on the sidewalk could also add character.

City Administrator Martha Bennett commented on Option 2, which would allow the City to lease sidewalk space to businesses, and questioned how much merchandise that business would need to sell to make this worthwhile to them. Comment was made that this would be for the individual business to decide. Greenblatt noted Greenleaf was the first restaurant to have outdoor seating on the Calle and

voiced support for allowing the City to rent the public right of way, so long as the parameters are followed. Ms. Bennett clarified the sidewalk space would be only leased to the adjacent business.

Hammond conducted a straw vote and the majority of the group were interested in a combination of Options 2 and 3.

Ms. Bennett indicated staff would do more flushing out of the details on the input provided by the group. She noted they would pick up where they left off at the next meeting and encouraged interested citizens and business owners to submit their comments and concerns to staff.

ADJOURNMENT

Meeting adjourned at 4:30 p.m.

*Respectfully submitted,
April Lucas, Administrative Assistant*