

CITY COUNCIL
INFORMATION COMMITTEE MEETING MINUTES
Wednesday, November 19, 2008

ALDERMAN PRESENT:

Ron Weifenbach, Deb Hadcock, Karen Gundersen Olson and Malcom Chapman. Lloyd LaCroix arrived at 12:53 pm

STAFF PRESENT:

Robert Ellis, Marcia Elkins, Jason Green, Rodell Grosz and Katie LeClair

(NOTE: For the sake of continuity, the following minutes are not necessarily in chronological order. All referenced documents are on file with the Master Minutes.)

Council President Hadcock opened the Informational Committee Meeting at 12:00 p.m. in the Council Chambers at City Hall, 300 Sixth Street, Rapid City, SD 57701.

TOPIC: Beautification Committee Update.

Council President Deb Hadcock opened the meeting and welcomed presenter, Cathy Calhoon, a member of the Rapid City Beautification Committee, and turned the floor over to Ms. Calhoon. Ms. Calhoon introduced Jim Peterson, a fellow concerned citizen who would be doing the digital billboard portion of the presentation. Ms. Calhoon stated that she was on the county sign ordinance committee that met last year. She stated that they were able to change some of the ordinances in regards to size, height and spacing, yet still ended up with giving the sign companies some of their requests such as the use of electronic billboards within the county.

Ms. Calhoon continued by stating that Rapid City has an ordinance in place regarding billboards that is far superior to those across the nation. However, she continued, as technology has expanded there are parts of the ordinance that still need to be tightened. Ms. Calhoon recommended that a committee be appointed soon to make some changes to the current ordinance.

Ms. Calhoon discussed the balance between the interest of business and the interest of the public. She stated that she feels that as more research is done it will be found that their interests are the same. Ms. Calhoon discussed research which shows that strict billboard control is financially positive for a community. She discussed the packet that she handed out to the council and the reports and photos that it contained.

Ms. Calhoon stated outdoor advertising has increased nationally from a 4.4 billion dollar industry in 1998 to a 7.28 billion industry. She stated that the industry plans to grow their business by adding additional signs in available space. Ms. Calhoon discussed a report that she received from Sioux Falls that discussed community ratios of billboards. Sioux City 2.13 billboards per square mile, Sioux Falls has 3.3 billboards per square mile while Rapid City has 9.2 billboards per square mile. Ms. Calhoon stated that Rapid

City is above the national and regional average regarding billboards per square mile. Ms. Calhoon continued discussing the packet that she distributed to the council.

Ms. Calhoon quoted Richard Lamb, the former governor of Colorado, which stated that billboards did not have positive economic impact in communities. She then referenced an article which stated that there is no evidence that billboards have any benefit for local economies and that over a thousand communities in 5 states prohibit new billboards and there is no sign that this has had an economic impact. Ms. Calhoon quoted several more articles from Scenic America. She followed by quoting public option polls about billboards that reflected an unfavorable view of billboards.

Ms. Calhoon discussed what they (the Pennington County sign ordinance committee) were able to change in the county ordinance. She also discussed what the city is able to change in the ordinance: height, spacing, face size, bumper of sides that are viewed and weather to have billboards and they are shown, lighted and how the messages change. Ms. Calhoon stated that communities are not able to outright ban billboards.

Hadcock asked Elkins and Ellis if they knew the ordinance on billboards. Elkins asked if there was a specific question.

Ms. Calhoon stated that she believed that there was a state law that prohibits municipalities from completely banning outdoor advertising. Elkins stated that she was not able to answer that specific question, but that the legal council the city had received in the past was to not outright ban billboards but to limit them.

Olson stated that the state codified law states that you can limit outdoor advertising but cannot prohibit outdoor advertising.

Ms. Calhoon then presented slides that related to size, spacing and face size of billboards. The slides included photos of the approach to Rapid City along the interstate.

Olson stated that the billboards shown in the slide, along I-90 in Box Elder were in the DM&E right of way. She continued by stating that DM&E has the railroad right of way and that they have chosen to lease space to billboard companies.

Calhoon stated that there are a lot of questions and legal issues that have to do with that.

Ms. Calhoon resumed her slide show presentation. She discussed spacing between off premise signs with in the city and within the county. Ms. Calhoon discussed the different face sizes of billboards: mega size, middle size, poster size and one smaller size. She discussed that the poster size was the size limit in Rapid City. Ms. Calhoon stated that she does not believe that large signs such as the poster size signs are necessary for a message to be communicated effectively.

Ms. Calhoon stated that due to the brightness, clarity and intrusiveness of the electronic signs they do not need to be as large as the poster size signs, which is currently allowed. She suggested that they be much smaller. She stated that Jim Peterson would discuss that further.

Ms. Calhoon discussed sign height, and stated that she felt that the height allowed should be lowered. She continued discussing how the height is measured and that it is a critical piece of the ordinance to include. Calhoon stated that she feels that we need to do some work on the city off premise sign ordinance.

Ms. Calhoon asked if there were any questions. Hadcock asked the council for questions, there were none. Ms. Calhoon turned the floor over to Jim Petersen

Jim Petersen introduced himself and identified himself as a constituent and stated the he represented a lot of other constituents that he had talked to. He stated that he has not come across a single person that was excited about the signage in Rapid City. He stated that most people believe as he does, that billboards are, visual pollution, sky trash, litter on a stick, the junk mail of the American highways. Mr. Peterson stated that he has a more militant view than Ms. Calhoon. He feels that we should have a complete prohibition on any more signs in Rapid City.

Mr. Peterson discussed digital signs. He stated that it was the Rapid City Council that waived the ordinance to allow digital signs at the Civic Center and called it startling. Mr. Peterson stated that the specific issues with the digital signs were aesthetic concerns, safety concerns and environmental concerns. He also discussed that the signs effect property values.

Mr. Peterson discussed how often the messages on digital signs change and stated that they are distracting. He continued by citing a study that supported his view. He also mentioned a federal study that his going to be released in mid-2009 which should state whether the signs are safe. He mentioned an independent study that is currently being done which should be out within a year.

Mr. Peterson stated that as it can not definitively be proven that digital signs are safe and intuitively we know that the signs are not safe. He stated that he felt that the rational approach would be to have a moratorium on any more digital signs until the before mentioned studies come out. Mr. Peterson stated that we don't ban anymore digital signs and we allow these signs to be built and someone's child is killed the city would be legally (he feels) and morally liable.

Mr. Peterson stated that the industry will say that they have studies that say that the signs are safe, however, those studies are done by the industry. He stated that it was flawed science. Mr. Peterson continued by stating that the industry will argue that last year the Federal Highway Department relaxed their ordinance to allow digital signs on the national highways. Mr. Peterson stated that as the current administration leaves office they are relaxing all kinds of laws. He stated that this violates several laws and will be challenged.

Mr. Peterson stated that as an environmentalist he wonders the digital signs are truly needed. He discussed how much power the signs use and stated that it is a tremendous carbon footprint.

Peterson asked if there were any questions. Hadcock presented the question to the council, there were no questions.

Ms. Calhoon took the floor and stated that their recommendations are stricter enforcement of regulations, additional money for enforcement could be generated through fees, increased fines. She stated that most of the signs that she has seen that are in violation are on premise signs. Ms. Calhoon continued with her recommendations: height limit be changed, change the sign face size that is allowed within the city and expand the spacing that is required between signs. She continued by recommending that restrictions be on the brightness of electronic signs, face size be reduced and that a moratorium be placed on new electronic signs until the before mentioned studies are released. She stated that she would be available to make another presentation at a later date to show alternatives technologies to billboards and commented on them briefly.

Ms. Calhoon stated that Rapid City could still remain a tourist destination with out billboards. She cited Maine, Vermont, Alaska and Hawaii all banned billboards and are still successful tourist destinations. Ms. Calhoon discussed that people choose where to live by how it appeals to them.

Ms. Calhoon thanked the council for allowing them to make their presentation. Council President Hadcock asked if this was the view of the entire Beautification Committee as they are representing the Beautification Committee. Ms. Calhoon stated that it was the view of the people on her sub-committee.

Olson asked if the billboards were taxed.

Ms. Calhoon stated that she was not sure. Mr. Petersen took the floor and stated that there was an annual fee of \$75.00 and that was all. He stated that if you consider what he does, promote wind, they have to pay property taxes on the million dollar tower every year. They also have to pay a production tax on the electricity that they sell. However, if you are Lamar and put up a big ugly sign you pay nothing. He stated that they use the public common and make money off of it. Ms. Calhoon mentioned that the electronic billboards cost approximately \$100,000.00 to put up and the community gets nothing in taxes. She sated that if a \$100,000.00 house were built something would be paid in taxes.

Olson discussed the difficulties in regulating electronic signs. She discussed that the electronic signs can be changed form a remote location and that it is very difficult to regulate.

Calhoun agreed and stated that that is why she suggested that violators are ticketed, so that it is not economically viable for them to violate the law.

LaCroix apologized for being late. He stated that he sat down with the ordinance review committee approx 14 mi ago and that they had some good changes at that time. He agreed that that task force had some of those same problems, such as on premise signs. He stated that he needs to some more research.

Calhoun and LaCroix discussed the task force that had been appointed recently.

Hadcock asked for any more question. No questions.

Hadcock stated that there was someone in the audience that would like to come forward and speak. She asked if there was anyone who had any objections. There was some discussion as to if the speaker in the audience should be allowed to speak. After it was reiterated that the Council would not be taking action it was determined that Brendan Casey, from the audience, would be allowed to speak.

Casey stated that the presentation just given was a fairly standard presentation from Scenic America. He stated that this was far form accurate and he would have appreciated being informed. He stated that the industry has information as well.

Hadcock stated that Casey could present at an Informational Meeting as well to allow for information from both sides.

Calhoun took the floor and stated this was not an issue about sides. She stated that it should be all of us working in the interest of Rapid City.

Hadcock thanked Calhoun for her presentation and stated that it was a good presentation.

Peterson took the floor stated that they are the citizens and they are telling the council what they think. Peterson stated that is what they are supposed to do.

Hadcock thanked them for their presentation again and stated that they did a good job.

Peterson stated that as far as the beautification committee, he stated that he felt that the billboards had more to do with beautification than shuffling a few potted plants around. He stated that this is a discussion about beautification in Rapid City.

Hadcock called for a motion to adjourn. Olson made the motion and it was seconded by Weifenbach.