

Tacoma Billboard Community Working Group

Meeting 3

Monday, October 20, 2014, 4:00-6:00 P.M
Center for Urban Waters, 326 East D Street

DRAFT MEETING SUMMARY

Working Group Members Attending:					
Andy Mordhorst	X	Sharon Winters	X	Evette Mason	X
Doug Schafer	X	Ray Velkers	X	Rusty George	X
Tricia DeOme	X	Steve Wamback	X	Pete Grignon	X
Nick Fedaiay	X	Pam Guinn	X	Eric Jackson	
Jill Jensen	X	Mike Luinstra	X	Rose Mednick	X
Dale Cope	X	Dale Reed	X	Tony Powell	X
Working Group Member Alternates Attending (* -- in audience):					
<i>*John Thurlow</i>	X	<i>*Al Ralston</i>	X		X
<i>*Petr Wangoe</i>	X				
City Representatives, Staff, & Support Team Attending:					
Brian Boudet	X	Elizabeth Pauli	X		
John Griffith	X	Karen Reed	X		
John Harrington	X	Michelle Regan	X		
Guest Speakers attending: Paula Rees					

Facilitator Karen Reed welcomed the group and asked the working group members to go around the table and briefly introduce themselves, saying where they were born and identifying a hobby they have .

Ms. Reed reviewed the CWG member roles and rules and reminded Group members that care should be taken when communicating with members of the public to keep the Group’s mission in mind, that the working group meetings are open public meetings, and that their communications are subject to the public records act which means that emails relating to the work of the Group are subject to public disclosure. City Attorney Elizabeth Pauli suggested that Group members could establish a separate email account for the business of the Group. Steve Wamback mentioned that one approach is to funnel all emails through the consultant, Ms. Reed. Ms. Pauli mentioned that sending emails through the consultant would also help avoid violation of the open public meetings act.

The summary minutes of Meeting 2 were approved as submitted.

Staff is working on responses to questions from the group. Some of these responses will be available at the next meeting.

Ms. Reed welcomed Pat O’Leary, Highway Advertising Control Program Manager for Washington State Department of Transportation (WSDOT). He presented an overview of federal and state law relating to advertising signs. The publication *Advertising Sign Control on Washington State Highways* was distributed to the group members. The presentation will be posted on the CWG website.

Mr. O'Leary responded to questions, and some discussion ensued. He clarified that the regulations he works with are state regulations. The Local Programs Group at WSDOT works with MAP 21. MAP 21 added a number of City arterials to the equation, some of which actually have billboards and some of which do not. John Harrington is working on a map which will display this.

Mr. Wamback asked what is done when new MAP 21 areas are added and signs become illegal. Mr. O'Leary described non-conforming (or grandfathered) signs. Any signs in place legally prior to the law changing could remain with some restrictions.

Tricia DeOme asked (in connection with MAP 21), if a billboard company wants to add a sign to SR 163, who has jurisdiction? Mr. O'Leary responded that it is a shared jurisdiction. State law must be followed, but if a local jurisdiction has tighter regulations, those are recognized.

Doug Schafer mentioned that federal law says states must compensate when billboards are removed. Washington state RCW provisions require compensation be paid if the state requires removal of a billboard. If a city or town requires removal, they too must pay.

Mr. O'Leary stated that if DOT is widening the highway and property is taken, the property owner is compensated. Sometimes the sign (a conforming one) can be moved; in some cases (nonconforming) it can't be moved.

Pam Guinn asked that with the expansion of MAP 21, doesn't that mean more signs fall into the area where compensation is required? Mr. O'Leary said that it is not clear what a local jurisdiction is supposed to do when a state highway runs through it in terms of compensation vis-à-vis MAP 21.

Ms. Reed mentioned that MAP 21 will be discussed further at the next meeting. Brian Boudet said that there is an overlay of regulations. It will be important to understand clearly the state regulations that apply.

Elizabeth Pauli, City Attorney, then joined the table. She had provided some documentation of Tacoma's history surrounding billboards. She stated that to date the City Council has not banned billboards. One of the more recent pieces of city code does make billboards in Tacoma nonconforming, but it is not an outright ban. This is a difficult area of law in which it is very important, but not easy, to find a balance.

Ms. DeOme asked what has happened between 2010 and 2013 that made the City of Tacoma decide not to enforce the current regulations. Ms. Pauli responded that when it became clear the Council was not willing to adopt regulations that would have allowed the settlement agreement to go forward, the standstill agreement was negotiated. The Council wanted to control the resolution of the situation rather than have litigation drive the result; hence the standstill agreement so this current process can occur.

Mr. Fediay asked what has happened since the standstill agreement went into effect. Ms. Pauli responded that the formation of this working group is what is happening as a result of the standstill agreement. The City needed some time for planning and for assembling a balanced group.

Information Request: Mike Luinstra asked how much money the City has spent on this issue in total. He would like some estimates. Ms. Pauli responded that outside counsel was hired in 1997 and again after the settlement agreement. This is in addition to staff time. She can provide the information about fees paid to outside counsel.

Ray Velkers asked if the group is dealing with a subjective topic.

Ms. Pauli said she would not use the term subjective but agreed it is a difficult issue to make “black and white.” The issue is that every jurisdiction has a different appetite for these things. We **can** regulate for aesthetics. You can only ascertain what the local public will want by engaging in a public process such as this one.

Review and discussion of the Tacoma Municipal Code changes and the Clear Channel—City of Tacoma settlement agreement will be held to meeting number 4.

Paula Rees, community activist, distributed copies of her presentation and introduced herself. She showed the trailer to a film related to emotional branding and billboards and then gave her presentation. She mentioned that Tacoma is a model among billboard removal activists and that courts are recently setting precedent upholding outright bans in local jurisdictions. The film trailer and Ms. Rees’s presentation will be posted at the Group’s website. Some questions and discussion followed.

A Group member asked Ms. Rees about federal TAP grant funds. What are allowable uses of the money?

Ms. Guinn stated that slide 20 displays on-premise signs which are not pertinent to today’s discussion. She stated that digital billboards are not a part of this discussion unless the community wants it.

Mr. Luinstra stated that one cannot argue with opinion. He asked Ms. Rees why she had purchased billboard advertising space in the past if there is no public benefit to billboard advertising. Ms. Rees responded that she found billboard advertising to be the least effective option even in the past when she used it in connection with major sports team marketing. Now there are many more options and billboards are artifacts of a time gone by.

Mr. Schafer asked for more information about the case she mentioned where citizens sued the City to enforce codes. Ms. Rees said the article just came out a couple days ago.

Ms. DeOme asked Ms. Pauli if the content of billboards can be controlled. Ms. Pauli responded that with some minor exceptions, in regulation the City cannot address content except for when the sign is on City-owned property.

Ms. Guinn said that Clear Channel self regulates for content stating that, for example, they do not put alcohol ads within 500 feet of schools, parks, etc.

Sharon Winters stated that on-premise signs and billboards, while not the same thing, will compete with each other for attention. Are there cities regulating on-premise signs in connection with billboard regulations? Ms. Rees responded that this is beginning to happen. There is the recognition that if digital is allowed for on-premise signs, it offers an opening for digital use with off-premise signs.

Andy Mordhorst thanked Ms. Rees for coming. He stated that even though on-premise signs are not on the table now, what this group does will have an effect on them.

Brian Boudet said that on-premise signs came up in 2011 and the Planning Commission also weighed in because of safety, The City Council has adopted revised, more limiting, regulations for on-premise signs.

Rusty George asked Ms. Rees what her view of the ideal regulations would be. Ms. Rees responded that the perfect regulations differ from community to community. Each community must decide.

Dale Reed asked what constitutes community as it relates to this topic. Ms. Rees said that residents of various areas of a city can decide what they want in their area. Each community decides for itself. In Tacoma there is little money in the community to do battle on this issue.

Tricia DeOme noted that they went across the City to get signatures on an anti-billboard petition a couple years ago and got 1500 signatures.

In response to Mr. Fediay bringing up the topic of property taxes generated by billboards, Mr. Schafer offered some information. They are classed as equipment, he said. The property tax is based on initial cost which is then depreciated, so it is not a significant source of property taxes.

In response to a question about how much business and occupations tax is raised by the City from billboards, Ms. Pauli said that while the City does have the information, we are prohibited from disclosing taxpayer data when it can be attributed to specific taxpayers which is the case in Tacoma for billboards since there are only two owners.

Mr. Luinstra urged the group to keep perspective when opinions are stated.

Information request: Mr. Wamback requested a list of property owners leasing space for billboards noting all who have business licenses for such activity.

Ms. Rees thanked the group, and Ms. Reed adjourned the meeting at 6:00 pm.