

**Planning & Zoning
Meeting Minutes
April 19, 2010**

ATTENDANCE: Chairman Michael Fortner, Commissioner Michelle Linkey, Matthew Oberholtzer, Pete Reich, Priscilla Turgon, Town Planner Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

Meeting called to order at 6:35 p.m.

APPROVAL OF MINUTES

MOTION was made by Ms. Linkey and seconded by Mr. Oberholtzer to approve the March 15, 2010 Planning and Zoning Meeting minutes as written. Pete Reich abstained-not in attendance. **Four in Favor. Motion Carried.**

New Business

File No. 2010-02 – Site revisions to Hollywood Casino Perryville; **PROPERTY OWNER/APPLICANT:** Penn Cecil Maryland, Inc., 825 Berkshire Boulevard, Wyomissing, PA 19610; **LOCATION:** 1201 Chesapeake Overlook Parkway, Perryville, MD 21903; Tax Map 29, Parcel 70, Lot 1; Zoned CEMUD, 30.070 acres.

Mr. Bob McAnally with Taylor Wiseman and Taylor stated we thank you for being here tonight and we're here to discuss and seek your approval of some modifications that need to be made to the casino site. This is a blow up of the area with the front entrance to the casino. Chesapeake Overlook Parkway comes in this way and we have a parking field in the front. This is the main access driveway coming into the casino; this is the casino building itself and the support building. The changes that we are proposing to make to the casino are we need to have a smoking pavilion for gaming patrons. The access to the casino building is through the front main entrance and from an entrance on the south side. Access to the smoking pavilion is from inside the casino only. It is an area that is enclosed with an access way into the casino. We'll have some infrared heat, ventilation, a roof, benches, and it will be used for smoking. There is no smoking permitted inside the casino itself. It's about seven hundred and fifty (750) square feet. We also are proposing a smoking pavilion for the support building which will be for employees only. The access to that is from inside the support building. It's six hundred (600) square feet and will have the roof, sidewalls, infrared heating, ventilation, lights, and that's basically what we're proposing. They are pavilions, they are really not considered part of the building itself but it is an enclosed space. That's the first of the changes we're proposing for the site plan. The next change I have is at the main drop off area instead of having paving and concrete sidewalks, what we're proposing is decorative pavers all the way across the drop off area and along the sidewalk in this area. We also have a similar type arrangement on the south side of the casino for the secondary access. We looked at operations and what the people at the casino did and decided they really wanted to

provide V.I.P. parking area. What we're proposing is to have a single point of ingress and egress and this would be controlled by a gate and card readers for V.I.P. patrons. Out of sixteen hundred (1,600) parking spaces, one hundred fifty-four (154) will be designated for V.I.P. parking. We've also provided for emergency vehicles a grass paver access way to get out to the loop road for the project. What that is, it is concrete pavers that are then filled with a stone sub base below and then you can plant grass. So it's really reinforced turf so that the emergency vehicles wouldn't have to swing around here and come out. It's much easier to come out and leave this way. In connection with that we didn't want to have too many handicap accessible spaces in here. On the former site plan we had an additional six (6) handicap parking spaces along this route here. What we've done with those spaces is we put two of them here and four of them in this parking area here. We've also relocated some of the handicap parking spaces that were in the area of the smoking pavilion, we've provided four back here for the employees for access to the support building. Overall because we needed to change the configuration of these driveways and put a wider center island in here and another concrete sidewalk coming through the V.I.P. parking area, we've wound up losing nine (9) parking spaces. So instead of having sixteen hundred (1,600) parking spaces we're going to have fifteen hundred ninety-one (1,591) and operations have said that is more than adequate parking for the facility. The other change that we're making to the site overall is we had originally planned an average foot-candle level of ten (10) for the overall site and they've taken another look at that and in order to be more energy efficient we want to reduce the foot-candle level to five (5). Now if I can characterize that for you, ten would be very bright, five is bright and a normal shopping center is about two to three average foot-candles. So we have the minimum foot-candle levels of all our parking fields of five instead of ten. And the major consideration is energy efficiency and sustainability for the project. This shows the overall casino site itself so all the parking fields surrounding the casino and driveways and whatnot, for all of the onsite lighting would be an average of five foot-candles instead of ten. The way we did that is we still have the twenty-five foot high poles with the four hundred watt metal halide lamps and still have the same number of poles and the poles are in the same locations, the only difference is in the parking fields, the poles that are in the parking fields, instead of having four luminaries on the pole they will have two. That's pretty much everything that we're asking for your approval on this evening. I would certainly be happy to answer any questions you may have and I have Himbert Sinopoli here from operations for the casino and he would be glad to address any other concerns or questions you may have.

Mr. Fortner asked regarding the lighting, will the lights look the same?

Mr. McAnally responded the design is the same, it's the same fixture, they're the same pole height with a four hundred watt lamp cutoff luminaries, but instead of having four fixtures at the top of each pole, where there were four, there are only two. And where there were two before, now there is one. So there's perfectly half as many lamps which is going to reduce the energy consumption and still providing more than adequate and more than normal light levels within the parking fields. I think one of the Mayor and Commissioners concern was, what they felt, they weren't sure why we were reducing to five instead of ten because we had asked for ten initially and they asked URS to review

the lighting. Ms. Skilling had URS review the lighting and URS has sent a short memo that Ms. Skilling sent to me this afternoon and they state here in the second paragraph, *"The present lighting plan will be brighter than a typical shopping center, but not necessarily evenly lighted"*. When we do a lighting plan, a very important thing on lighting is uniformity of it. That is, you don't want to have bright spots and dark spots. Because of the way we presented our lighting plan to the Town on this it has places with foot-candle levels that show the limit of five foot-candles, the limit of two but in order to generate that, what we do have is a point-by-point which is something that URS is talking about here that shows actually the foot-candle level on a grid. The averages on our plan uniformity ratio we have just less than ten to one which actually is a good thing. The uniformity ratio you want it to be lower not higher because we're talking about driving through the parking fields at night and you don't want your eyes adjusting from dark spots to bright spots. But on this proposal our lighting I believe is very even and actually addresses all the comments that they issued concern with. Other than, they did point out in here in an email to Kevin Pampuch from Michael Troxell, *"I would recommend that the Town request that the maximum illumination be no more than 5 foot-candles"*. Well, five foot-candles at the base of a pole is not practical. This is an average of five foot-candles but the minimum average is one point, well the absolute minimum is one point four, but the minimum average is three point six. So the minimum average is three point six, the average is five.

Mr. Reich asked what does that mean; what does minimum average mean?

Mr. McAnally replied minimum average means, what we show on this plan is actual foot-candle levels. This circle here is five and the one outside that is two and this one overlaps that one. So the minimum average is if you take all the points and do a grid, you do a computer model with all the points, and then you average the number of points which is about one thousand one hundred fifty nine points on average, and that's the minimum average, and then...

Ms. Linkey interrupted I have a silly question, we increased the light pole height to twenty-five feet, correct, that was an increase.

Mr. McAnally responded correct.

Ms. Linkey continued now when you're looking at the candle strength, the five foot-candles, where is that strength, is it up at the top where it's twenty-five feet up or is it down on the ground.

Mr. McAnally replied this is measured on the ground. These foot-candle levels are measured on the surface.

Ms. Linkey commented and if it goes from five to one that doesn't seem to be all that even.

Mr. McAnally responded the one is all the way around the perimeter out here. In the parking fields, that's the absolute minimum. When the light throws down at an angle and reaches out to a certain point, that's the minimum there, and then you measure the field. But the average inside here, everything in here, is over three with an average of five. At the very base of the pole, the maximum at the base of the pole with two four-hundred watt lamps twenty-five feet high is thirteen point seven.

Ms. Linkey stated you said you didn't want it to have too many highs and lows.

Mr. McAnally responded that's correct.

Ms. Linkey indicated well thirteen to one seems like a very big swing.

Mr. McAnally stated but the one is all the way over here and its one point four, so the thirteen point seven to the one point four gives you a uniformity ratio of nine point seven nine. So it's just less than ten to one. The important things in a lighting plan would be good visibility at night. The luminaries address esthetic needs. The architect chose to stay with the luminaries. The light is pretty fancy; instead of just being a square box they have some architectural shape to them. It's a cut off luminaire so it restricts the emitance of light into the atmosphere because it's focused down and you don't see the light source unless you're directly under the pole. If you're standing on the side or over here you don't see that light source because it's a cut off luminaries. You want to create a secure area. That's very important to us and we have an average foot-candle level of five foot-candles. We don't want to create any discomfort to drivers who are driving through here that's why we have a uniformity ratio that is recommended in accordance with the illumination society.

Ms. Linkey asked why did you choose ten to begin with. If this is what the recommendation is then the ten would have been more, correct?

Mr. McAnally replied ten would have been more. Our client wanted to have ten at the time and they have revisited that and now the average five foot-candle level is more, much more than a typical shopping center which is two or three foot-candle levels. Five is going to be more than adequate and they want to reduce the energy costs.

Ms. Skilling stated one of the other concerns with Mayor and Commissioners was the safety in the area with the lighting being lower and it seemed like it was still some consistency in that. And the other thing is the gaming facility does have its own security measures for the people in those areas to provide security. So that was a concern to the Town but since they are going to provide that additional security there as well, it seems the lighting still is adequate.

Mr. Fortner indicated URS's recommendation seems to be a maximum of five foot-candles. The ten was too bright and it's very bright now even.

Ms. Turgon asked could you just review the V.I.P. lot again. It was just one hundred fifty-four (154) spaces in that area.

Mr. McAnally commented yes, the area on the south side of the casino at the secondary access from the main access, there will be a restricted V.I.P. parking area which will be controlled by an access gate and there are one hundred fifty-four parking spaces.

Clarification was made of the total parking spaces to be provided will be fifteen hundred ninety-one (1,591) overall.

Mr. Fortner commented on the V.I.P. parking, I see a lot of open space or stuff that's not being used for parking. Is that going to be green space?

Mr. McAnally responded back in here what we have is a berm which hides the loading area and the support building and also we're going to have a buried propane tank here right behind the berm.

Mr. Fortner asked are you creating a buffer between the V.I.P. parking, like a landscape buffer with some trees or something to kind of hide the parking.

Mr. McAnally replied we're not trying to hide the parking. There will be shade trees. This is all one parking area and our buffers are around the perimeter of the site.

Mr. Fortner stated I like the concept because it sort of hides but maybe the shading of the parking, it breaks up the parking lot and that's why I kind of liked the proposal. I didn't know if there was any way to keep that green and put more green on the front side of the casino to create more of a....

Mr. McAnally interrupted to swap this with that. The problem with doing that is we're building a berm here and landscaping the berm and behind that we're burying a very large propane tank, a thirty thousand (30,000) gallon propane tank.

Ms. Turgon questioned do you have ornamental trees as you come in that driveway along the right.

Mr. McAnally replied yes we have it on our approved landscape plan with ornamental trees. It'll all be planted with trees and landscaped. For instance at the main entrance there is a lot of landscaping and throughout the site we have shade trees in accordance to your Ordinance and over and above that, and shrubs on the different landscaping islands, and over and above that on these large islands through here we have designed those as our bio-retention areas so as the parking lot is flowing through the landscaped areas, then they're overflowing to the storm drain system, and get directed to the stormwater management basin. This basin discharges into a pipe that connects into another stormwater management basin over here.

Mr. Reich asked did the Fire Company see this change with the V.I.P. lot with the fence.

Chief Ryan answered yes I have seen it.

Mr. Reich commented because I'm sure he's going to ask the question, but I'm going to ask it first: can he get the hook and ladder truck up in there.

Mr. McAnally replied yes.

Mr. Reich asked close enough to be able to get to the roof of the building.

Mr. McAnally answered yes, we didn't move this driveway. This driveway is still in the same location.

Discussion continued using the lighting plans regarding the lot and light pole placement throughout the parking area, paved and graveled areas, and the uniformity ratio.

Mr. Fortner asked Ms. Skilling do you have any comments.

Ms. Skilling provided comments:

*Mary Ann Skilling, Town Planner
Project Review*

Modification to the Final Site Plan for Hollywood Casino Perryville

Taylor Wiseman & Taylor, engineers for Penn Cecil Maryland, Inc. is submitting an amended Final Site Plan for Hollywood Casino Perryville. The attached letter explains the modifications to be considered.

On April 6, the Mayor and Commissioners reviewed the proposed modification and referred the modifications to the Planning Commission for review.

My comments coincide with the numbered information provided on Mr. McAnally's letter.

1. Smoking Pavilions

A 750 square foot smoking pavilion along north side of building has been added. The parking along the building in the area was reconfigured and 4 handicap parking spaces and two regular were removed from this area (total 6) to add the smoking pavilion.

2. The support smoking pavilion (600 square feet) along the west side of the support building was added over the existing site for employees smoking. Amenities have been added to both smoking areas. Construction plans will need to meet County Code if approved.

3. *Decorative Concrete Pavers*

These areas were already considered impervious and will not impact approved stormwater calculations.

4. *VIP Parking Area*

The parking area to the south of the casino building is being proposed as a controlled VIP parking area separated from the loop access drive and controlled with a gate. A sidewalk will be provided in a widened area to the south of the VIP parking. Modification to the parking will relocate 10 handicap accessible parking spaces – 6 to the front of the building, 4 to the north by the entrance to the support building. Based on the assumption of 1 car per VLT, the 1591 still provides 91 addition spaces for possible employee parking. This is a reduction of nine space from the approved plan.

The applicant indicates the changes are not significant as far as impervious coverage or drainage patterns. Copies of the plans were forwarded to Cecil County DPW to make the final determination based on the approved Stormwater & S&E Plans. Final approval should be contingent on their concurrence.

5. *Energy Efficient Lighting System*

The applicants are requesting a modification to the plans to reduce the foot-candle levels in the parking areas. URS has been contacted to verify that this reduction will be adequate for public safety based site use.

Ms. Skilling indicated we got URS comments and what they are indicating and I talked to Kevin Pampuch, it appears that the casino is really providing a lot of safety there. I think one of the big issues was is there going to be safety with the lighting and will it be adequate for the safety. They seem to think it would and very similar to a shopping center, plus the casino is providing their own security measures there so I don't think they are going to vary their standard there as well. The lighting I think is adequate based on the information that has been provided.

6. *The applicant has also requested a modification to the building to include an extended porte-cochere extending over the entry drive. A rendering is included for your information. The porte-cochere changes the design of the entry. A modification to the Zoning Certificate for construction of the building will be made.*

Ms. Skilling indicated the original entrance was a very small portico in the front and they've extended it and since it's not really changing anything, again it's over an impervious area, it's just a structural extension on the building. We're just handling it with a modification on the Zoning Certificate here with the construction change and we'll be sending that through zoning once we get the final plans. So we just wanted to let you know that has changed and will really add to the front of the building a more grand entrance than what was there and I think that was the idea with making it larger.

Mr. Reich commented it also gets people out of the weather.

Ms. Skilling stated it provides that for people to be able to drive through. And the other thing too, the drop off, and with any concern with the handicap parking, you can drop people off and have a safe covered area.

Mr. Sinopoli indicated we are also having valet parking too.

Based on the information provided and conditioned on final information from URS verifying lighting safety and Cecil County DPW verifying that changes do not require modifications to Stormwater or S&E Plans, I recommend approval of the proposed changes.

Ms. Skilling commented the other thing I wanted to mention too regarding some concerns that were mentioned at the Mayor and Commissioner's meeting, the V.I.P. parking, and I think Ms. Linkey you brought this up too, but it mentioned about V.I.P. parking be made available to other people because on some occasions if that parking lot is sitting there empty and there is a need for it, and I believe Mr. Sinopoli you had mentioned, based on the times like on the weekends, or during a heavier use time.

Mr. Sinopoli stated first of all we have to build up our V.I.P. client base first, however long that takes, a week or five months, I don't know. So initially the parking lot will be available, the arms will be up but then after that as business progresses and there might be entire days of the week, Monday through Friday, or Monday through Thursday, or it may be open even to the public maybe even on Saturday mornings. At a certain point during the week or during certain days we'll shut it down and block access to cars. So we don't want it to sit there empty either. We just know we won't keep it shut down if we're extremely busy or near parking capacity and we'll make sure our players have a place to park.

Mr. Ryan asked I think I know the answer to this but do you know if any of the fire hydrants were relocated.

Mr. McAnally replied no.

Mr. Ryan responded ok, and you'll still have the access, the locked areas for our personnel and the other thing I wanted to talk about was how are we going to be able to access any of the secure areas. If an emergency is happening inside we want to be able to get inside quickly.

Mr. Sinopoli replied all that will be worked out prior to opening and we'll work out a main area for access, some sort of network place, for the Fire Department and others.

Mr. Ryan stated we had talked about a Knox Box access with access cards, or however you do it, inside that Knox Box. I know someone will be there 24/7 but just in case. Just to have it. I know access cards are put in there, however you do it, inside that Knox Box

so we can access it and then put it back. The other thing I had was concern regarding that large of a propane tank. But I know there are a lot of safety features out there in that industry so it really shouldn't be a concern. I just didn't realize there was going to be that large of a tank there.

Mr. Fortner asked are there any questions or comments from the members.

Mr. Reich indicated I have a question for Ms. Skilling. Your last paragraph of your comments, does this email consider URS verifying the lighting.

Ms. Skilling replied I think the email addresses that as far as I'm concerned it addresses some of the concerns but the last thing about Cecil County DPW...

Mr. Reich responded yes I got that, I was just talking about URS.

Ms. Skilling stated I think it addresses the concerns that everybody had to verify.

Ms. Turgon asked when is the opening.

Mr. Sinopoli replied right now its October 26th, that's the latest date to open.

Ms. Linkey questioned and there's no problem with the Fire Department for the new front portico, to be able to reach the roof of the building.

Mr. Ryan responded no, there are other ways near the entrance to reach the roof with our ladder truck, what we call a side access, so that won't be a problem.

Mr. Fortner asked any other questions.

Ms. Turgon commented the entrance and the exits, there are two, three?

Mr. Sinopoli replied there are two entrances into the main building but there are also exits as well, besides that. There is an exit only on the north side of the building. Also in the back of the house there are two entrances and exits, and of course the loading dock that could also be used as an exit.

Ms. Skilling stated I thought the exit to the north there was, is that for the smoking pavilion?

Mr. Sinopoli indicated (on the plan) this is an exit only on the north side of the building separate from the smoking pavilion. It is an emergency exit only.

Discussion continued regarding emergency exits from both the casino and the support building, including loading dock areas. All emergency access and exits are reviewed by Cecil County and are calculated for the correct number and width of openings for the building. The Fire Marshal reviews the plans and he has a formula that is used to

determine the number of the exits required for the size building and for the number of people served. They review that for emergency access, everything.

Ms. Linkey commented with the V.I.P. parking, you said you still have to get final approval from Cecil County DPW for the stormwater management.

Ms. Skilling replied not necessarily just for the V.I.P. parking; it's for every place we made changes. Just to verify there is no increase in drainage areas and impervious surface that would change calculations.

Ms. Linkey stated so you said you don't see any change for stormwater management but we haven't got that confirmed from DPW.

Ms. Skilling responded no, I have not had that confirmed from DPW.

Mr. McAnally indicated out of one thousand nine hundred (1,900) square feet of impervious surface it is insignificant within the thirty (30) acres.

Ms. Linkey stated in this it says no change to the stormwater management plan and I'm just checking that.

Ms. Skilling replied that's what I'm still waiting for, verification.

Motion was made by Mr. Reich and seconded by Ms. Turgon to approve the changes contingent on Cecil County approval. **All in Favor. Motion Passed.**

Discussion of Master Signage Plan for Chesapeake Overlook.

Ms. Skilling stated I just wanted to bring it to your attention, one of the criteria for the CEMUD was to make sure we have a master signage plan. It is being prepared and finalized now. I met with Brandon Freel last week and it will be coming before the Planning Commission next month and it will include signage for the whole development. That's the criteria that is used in our Ordinance. There are a lot of things going around as far as requests for a sign from Penn but the criteria and the way the attorneys have looked at the CEMUD, and I'll be sending you all this information, is that a Master Signage Plan had to be developed like we have done for all other developments coming through the Town. So the Stewarts have prepared that Master Signage Plan and we will be getting that very soon. The Mayor and Commissioners looked at the sign and I don't know if any of you have even seen the sign yet. I probably shouldn't bring it up because it needs to be part of a Master Signage Plan. I can get a copy and show you. Penn has requested this sign to be done and I don't want to go into a lot of detail right now because I think it would be unfair for you. I'll show you a picture of the sign but it will be part of the Master Signage Plan and we have to look at it based on our regulations for signage and that's what will come before you next month. You'll get that package early and it is a very well put together signage plan.

Ms. Linkey asked so you've see the plan.

Ms. Skilling replied I've seen the tentative draft they brought in to show us just to make sure it had all the elements that we needed for a Master Signage Plan.

Ms. Linkey questioned and how tall is the tallest sign allowed to be.

Ms. Skilling responded well this the criteria, under the CEMUD it can be whatever the standards are but the Planning Commission has to approve that. They do have a pylon sign. The one that Penn is proposing is one hundred seventy-five (175) feet and the other one is less, the pylon sign for the whole development I think is one hundred twenty-five (125) feet I believe, which is less than the initial pylon sign from Penn. So these are the concerns that will be confronting you next month because our regulations do not allow, number one pylon signs, and number two how they are going to advertise the Chesapeake Overlook as a whole or the casino individually. These are some concerns that are going to have to be addressed.

Mr. Reich asked did we do this already, did we address signs.

Ms. Skilling replied you did not address a signage plan. Remember the booklet (Design Book) that was presented for the CEMUD they talked about signage and gave some examples of what signage should look like in the development, a major entry sign, and signage within the development. They just gave us some general ideas of what they are proposing but when we approved that a Master Signage Plan had to be done prior to any sign or opening of any particular section of the development.

Mr. Reich questioned we didn't put size in the CEMUD right.

Ms. Skilling responded no, in the regulation for the CEMUD the one thing that was put in there, in the last section, and I don't have it all before me, but you'll get all the information, the last section if you look at the CEMUD, the last section indicates that a Master Signage Plan had to be developed and it refers back to the signage section of our Ordinance. It doesn't say that you can just do whatever. In all the other parts of the CEMUD it indicates Mayor and Commissioners can supersede some of the regulations but in this case the Master Signage Plan supersedes that. That's why we need the Master Signage Plan to be able to determine. The Planning Commission needs to look at the Master Signage Plan to determine whether it meets the standards.

Mr. Reich asked so the Mayor and Commissioners can over rule the sign that is in the regulations? Is that what you are saying?

Ms. Skilling replied no, the Master Signage Plan would prevail. They can look at it, once you look at it and make your recommendation based on the regulations because you're going to be looking at it as the planning group on the regulations because it is something in our Ordinance. It refers back to our Ordinance. It's not specific to the CEMUD. So the Planning Commission has to decide when you look at the Master Signage Plan to

determine does it meet the regulations; it does or it doesn't. Then you make a recommendation to go to Mayor and Commissioners and they can look at that. A determination as to on whether it meets it or not, but they potentially could look at it and they could return something different. But I think they sent it back to you because the Mayor and Commissioners did get a chance to look at it.

Ms. Linkey asked the Master Signage Plan?

Ms. Skilling responded, no just the sign for the casino, just the one sign. And they chose, because of some of the legal interpretation, and I chose to get legal interpretation. It was sent to Fred Sussman who created the CEMUD and the Town attorney, Keith Baynes, both of who indicated the same interpretation, that a Master Signage Plan had to be developed prior to any approval at all of any sign. So we have to get a Master Signage Plan and approve it first before anything can happen.

Ms. Turgon asked and they may be asking for exception to that, is that what you're saying?

Ms. Skilling answered they are asking for an exception, except right now we'll have to go through the Master Signage Plan first so you'll get a copy of that and you'll look at the major components of it and we have to compare it to our regulations and you'll be getting that very soon. I have a lot of that put together already because I prepared information for the Mayor and Commissioners.

Ms. Linkey stated but you can't make exceptions for that. Once a Master Signage Plan is in place, it is very specific and very limited ways of making any kind of exception.

Ms. Skilling replied that's right. The Master Signage Plan and once it's approved, the standards for the Master Signage Plan, they have to follow that Master Signage Plan.

Ms. Linkey commented we can't make an exception after the fact.

Ms. Turgon answered no, but my question was are they asking for an exception to the regulations that are on the books right now.

Ms. Linkey responded but that's looking in Town, but the CEMUD can have a Master Signage Plan that doesn't necessarily have to go with the Ordinance, is that correct.

Ms. Skilling replied correct. We can do a Master Signage Plan and if you choose, indicating that because it is an unusual overlay zone, a floating zone, if the Planning Commission looks at it and decides that a pylon sign would be a way to present something or other signage, we do have standards of what the height, width, of everything. Now I believe what is being presented gives some good ideas of what should be on that site, whether we agree with that based on our regulations will be up to you.

Ms. Turgon stated so our recourse would be to either change the regulations, or....

Ms. Skilling responded that is the bottom line. That is exactly what they're trying to say. In order to do anything beyond that, we would have to change the regulations. You would have to change several things; you would have to change the CEMUD regulations, and you would also have to change our signage regulations.

Ms. Turgon commented and that takes public hearings.

Ms. Skilling replied yes, any amendment or change to the Ordinance. It would take two public hearings, one for the Planning Commission and one for Mayor and Commissioners.

Mr. Reich asked are you going to include the attorney's response.

Ms. Skilling indicated I'm going to include everything and all the exhibits so you'll have it, and everything that was sent to me I will have already put together. I wanted to wait until I had the Master Signage Plan. I should have that soon. It's supposed to be here by the end of this week.

Mr. Reich stated I'm confused about what you just said. One thing you said was we have to have a Master Signage Plan. That's in our Ordinance. And the CEMUD points back to our sign regulations in the Ordinance as the standards. Now, however, we could get a Master Signage Plan that does not agree with our regulations, correct.

Ms. Skilling responded you would have to look at the Master Signage Plan and determine whether it meets our regulations. If it does not, I don't think you have a whole lot of leverage of changing it unless you change the Ordinance.

Mr. Reich answered that's the question I didn't understand you before. I thought you said you could, using the Master Signage Plan, through the Mayor and Commissioners get an exception to that.

Ms. Skilling replied let me get all the information together and there is different language submitted from the attorney. I think you need to get it all before you and I'll try to be clear on the process because the process is fairly clear at this point, especially that approval of that Master Signage Plan.

Ms. Linkey indicated you say it's clear but now I've heard two different sides to it, because I thought our Ordinance states the signage can't be any higher than forty (40) feet, correct.

Ms. Skilling responded no, twenty-five (25).

Ms. Linkey commented ok, twenty-five (25). So if we do a Master Signage Plan and it has to be in accordance with our Ordinance, then it would still be twenty-five (25). But I

thought because it was CEMUD that we could make...a Master Signage Plan could be established that would supersede the Ordinance.

Ms. Skilling commented the Master Signage Plan, under the last wording of the CEMUD, does say something about superseding, that the Master Signage Plan would supersede if approved by the Planning Commission and Mayor and Commissioners.

Mr. Reich stated I have to go back and read the Ordinance on that in particular. And I also want to go back and read the sign ordinance.

Ms. Battaglia indicated when we send this to you we will send everything to you with the Master Signage Plan when it is received. This was just brought up to keep you informed because the sign has been in the Cecil Whig a couple of times and you hadn't seen it yet.

Ms. Skilling stated I just wanted to bring this up because you haven't seen anything yet and this discussion was just for your information. I need to get it all together and again, until I get that Master Signage Plan it's kind of hard for me to come back with what is in there that will meet the standards and what's in there that does not meet the standards and what in there could you approve. So we're supposed to get that this week and I want you to look at the details of the plan, of the Master Signage Plan and what the attorney indicates and the things you have to do in order to make major changes.

Mr. Reich asked can he be present at next month's meeting, the attorney.

Ms. Skilling indicated we will extend the request to Keith Baynes to be here and I'm sure Penn will be here.

Mr. Reich asked who will present the plan.

Ms. Skilling responded Mr. McAnally or Mr. Sinopoli probably. And Mr. Freel will actually do the Master Signage Plan and they will be here to give their side of it. The Master Signage Plan is actually from the Stewarts or their architects, one or the two.

The next meeting is scheduled for the third Monday in May, May 17th.

Motion was made by Mr. Reich and seconded by Mr. Oberholtzer to adjourn the meeting at 7:45 p.m. **All in Favor. Motion Passed.**

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator