

**Planning & Zoning
Meeting Minutes
January 18, 2012**

ATTENDANCE: Michael Fortner, Priscilla Turgon, Michael Dawson, Pete Reich, George Jack, Ray Ryan, Town Planner Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

Meeting called to order at 6:30 p.m.

APPROVAL OF MINUTES:

MOTION was made by Mr. Jack and seconded by Ms. Turgon to approve the November 21, 2011 Planning & Zoning Meeting minutes as written. **All in Favor. Motion Passed.**

MOTION was made by Mr. Ryan and seconded by Mr. Reich to approve the December 19, 2011 Planning & Zoning Meeting minutes as written. **All in Favor. Motion Passed.**

AS PER ZONING ORDINANCE SECTION 18:

MOTION was made by Mr. Jack and seconded by Mr. Ryan to nominate Mr. Fortner as Chairman. Nomination was accepted by Mr. Fortner. **All in Favor. Motion Passed.**

MOTION was made by Mr. Ryan and seconded by Mr. Jack to nominate Ms. Turgon as Vice-Chairman. Nomination was accepted by Ms. Turgon. **All in Favor. Motion Passed.**

Ms. Skilling expressed congratulations to Mr. Ryan as reappointed to the Planning Commission by the Mayor & Commissioners, and has completed the training as required.

NEW BUSINESS:

File No. SUP2012-01 – Subdivision; PROPERTY OWNER/APPLICANT: Barrow, Margaret E. & Gerst, Anthony, P.O. Box 726, Perryville, MD 21903-0726; LOCATION: 301 Broad Street, Perryville, MD 21903; Tax Map 0801, Parcel 0558, Zoned TC.

Mr. John McTee, vice-president of Frederick Ward Associates, representing the property owners with the Subdivision Plan. Mr. McTee described the property located at 317 Broad Street and when Ms. Barrow and Mr. Gerst acquired the property in January 2000. The is an irregular shape, beginning at the corner of Front Street and Broad Street. At the time the property was acquired there was a dwelling in the back corner, very close to the property line. This structure is a residence and has been since the time it was acquired by the current owners. In 2002 a site plan was submitted to the Town for the creation of a commercial use as an Ice Cream Shop. It went through the process and was constructed in the 2002, 2003 time frame and one of the things the plan doesn't show that you have in front of you is the water and sewer services to the commercial use and the residential use. And I do have that updated and I will leave copies with you. There is separate services going to the Ice Cream Shop both water and sewer, and the residence in the back has a separate water and sewer service that comes in off of Front Street, crosses the adjoining property and serves the residence there. What we're proposing is a subdivision. There are no improvements planned for the property at this time. Essentially the current owners would like to offer for sale not only the business but to make it a little more palatable for somebody to purchase it and have the assets to go along with the business. So the intent is to subdivide this property so the commercial use now would be on one lot and the remainder, the residential, will be a separate lot.

The lot line to divide the two as separate lots would continue as an extension from the edge of the residential property down to Broad Street. The intent is to subdivide the commercial use but the current owners would retain the residential use. There are no plans to tear down the house and build a different house more centered on the property. One of the things is that is a nonconforming use now with the residence and that's how it was when the property was acquired. There are no immediate plans to do anything there, right now it is a rental unit, but certainly in the future anything that would end up proposed for that residence, for the remaining portion of land, would certainly come before the Town.

Ms. Skilling presented Staff Report (attached separately).

Mr. McTee submitted revised plans showing separate water and sewer lines to both the residence and the commercial use.

Motion made by Mr. Dawson and seconded by Ms. Turgon to approve the Subdivision Plan (File No. SUP2012-01) subject to review of revised plan showing water and sewer lines. **All in Favor. Motion Carried.**

OLD BUSINESS:

Continued discussion of Article XV Signs

Mr. Fortner explained first the structure of rules and I ask all to comply so we can have a good discussion. First, we have a proposal by Mr. Dawson and I would like to give him an opportunity to talk about his proposal uninterrupted, to explain his thought process to us. After he's had an opportunity to explain it to us then point of fact questions, clarification type questions, but not discussion questions yet. We'll have an opportunity to discuss things. Then we'll turn it over to Town Staff for their submitted proposals for an opportunity to explain. After that we'll have questions for Staff and this is also the opportunity to ask how the current sign ordinance is working now and there can be questions on that. After that we'll have public comment and then open for discussion. Once everything is presented to us, then we can engage in discussion and try to find some consensus, have some debate, you'll be able to state your opinions. The object of this order is to come to consensus and to make some good public policy.

Mr. Dawson stated I think the rules need to be simplified. Since I've been here for seven months I've had three business owners with sign issues. If I may ask Ms. Skilling a quick question, what I've laid out are my notes, and I think it kind of resembles how the Master Signage Plan works. I think you said before individuals would come in here and present, and the board sits down and everybody bounces ideas off each other, is that how the Master Signage Plan works?

Ms. Skilling responded Master Signage Plans are done for commercial properties, mostly shopping centers, industrial park or other commercial business, institutional, and industrial development that involves more than one use, on a single property. So the Master Signage Plan isn't necessarily for everything; it's only for those larger parcels where there are multiple uses. And that Master Signage Plan, they provide all the information based on the guidelines and they present the Master Signage Plan to the Planning Commission for approval. We have done that with the CEMUD, Perryville Station, Principio Health Center, all of those were commercial uses that provided us with Master Signage Plans. They usually meet with us first and we review the regulations for what the signage is for their Master Signage Plan because it may also have way-finding signs to get you through a development. So it's not only the advertising of the business, it's also how you get

around within the business and those signs are also part of the Master Signage Plan. Some of those signs also have to meet State and County guidelines for safety issues.

Mr. Dawson commented the whole process, this is not to eliminate every single thing, it's simply to give this board, if we're going to be in existence then we should have some teeth and be able to make some decisions and have the flexibility to have those business owners come in here and sit down with us and we could probably eliminate some of the issues that have come up, especially with Pasquale's, All About You Hair Salon. We should be inviting these people to come in here to sit down with us, and we should also go out to them and find out what they need. It's all of us together, we need our businesses here, we can't be pushing the businesses away. And to have such tight rules and regulations that say no scrolling sign or no flashing sign, which is debatable, what is flashing? Flashing to me is a quick, sudden, burst. A scrolling sign is not flashing, yet under these rules it says you can't have it. I showed the board last time we met some pictures, and we've all driven around different parts of the State, or even this County and seen nice looking signs, in North East, the new bank they put up has a scrolling sign that says Rates 2.9%. It would be great for the Town. We still have the old type sign where you have to change the letters by hand. It would be nice for the Town to have the ability to promote events, to promote what is going on, and I don't see anything wrong with a scrolling sign. I think any business that comes in here should be able to sit down with us and show us. Instead of us looking at this and having discussions, and wasting time over what the square footage actually is, and then trying to figure out whether or not it's the background we're talking about or the letters. We shouldn't have to make these businesses wait and wait and wait, and keep delaying, delaying and have these individuals have to go to court. The majority of our small businesses are not going to take these issues to court. Why would you spend two, three thousand dollars in attorney fees to put up a little sign. Staff has confirmed there is one person who did that and that was the High Roads School, is that correct? And I wouldn't consider them small business, that is State funded. So this was just to get the ball rolling, to stimulate some conversation, to see if we could make some changes and reduce fourteen pages to one page. And give everybody here the opportunity to make a decision, to hear what people have to say.

Mr. Jack asked are you suggesting that we abolish just Section 255 or everything that follows after 255. You keep saying fourteen pages, but Section 255 is general regulations only. There are other sections that address specific zoning areas, commercial, residential.

Mr. Dawson responded the sign sections consist of fourteen pages, however just 255 because we have to take it one step at a time. The problem is there are too many rules and regulations.

Mr. Jack reiterated so you're just trying to replace 255 now.

Mr. Dawson replied that is correct. It's not about replacing the whole thing; it's about reworking it to make it more conducive to our business owners. We need the business owners here. We should not be putting up a barrier between us and our business owners. I'm out there speaking to them, and I encourage you to. I heard individuals in this room say to come to us. I would encourage you to go out to them and ask them, what can we do to make things better for you.

Mr. Reich stated the whole purpose of all this is not just for the businesses; it's for everybody in the Town. If you went to the Bines and Crabbe when they were operating and saw all the signs that were on their neighbors, it was an absolute mess and disturbed the neighbors. I know where you stand, you're business only, nobody else, and I don't look at it that way.

Mr. Fortner indicated we'll have discussion, this is clarification questions right now on this proposal. Your idea is if someone wants to put a sign up, a business that's not currently there, the

process now is they would look at our Ordinance and review the regulations for what is allowed, speak to Ms. Battaglia to submit a Zoning Certificate, review it with the regulations to make sure it fit within the guidelines and then approve it, or disapprove it, and then they would build it. It sounds like under your system they would no longer do that, Ms. Battaglia would refer them, they would have to schedule a meeting with the Planning Commission, and then we would convene to review their sign. We wouldn't necessarily take any consideration about what the size would be, that would be one less for us to decide with what you are proposing, we wouldn't be bound by anything that's written in the Code, and then we would make a decision on that, is that right?

Mr. Dawson responded that is exactly right. The goal would be for a business owner to come in and submit their application for whatever the sign is and give it to our paid staff, review that it is properly filled out, and emailed to us so we have it. At the next possible meeting we sit down and we can discuss it. We can look at this and say you know what, this makes great sense, this is a great layup, or we might say we think it's too bright, can you tone it down, and get the dialog going with the business owner. So we can talk about this and you're free to make any decision that you want to make. You can still vote it down or vote it up. It's up to you and I kept it limited to three things: every sign should have good scale and proportion, colors, lighting, graphics held to a minimum, and no sign would jeopardize the health and safety of another person or property. The point is to have them come in here to make the decision. You are appointed to this board, it is our community. You're not bound by anything other than what you think is the right thing to do for this community. It doesn't mean we still can't have rules and regulations, it doesn't mean you can sit there and say this is our five-year for Route 40 and we would like it to kind of look like this, we want it to look like the old railroad town, but still give the people the opportunity to put a flashing sign up, or a rotating sign, or a scrolling sign, or a sign that's a little bigger than one we already have. You can still say no, and then they can go to the Board of Appeals, and if that doesn't happen, they can go get a vote from the Mayor and Commissioners for a super majority vote and after that, go to court. It gives them three extra levels of appeal process.

Mr. Jack questioned under your proposal if we rejected his plan then it would go to the appeals board but then again, on the third thing he can go to the Mayor and Commissioners which negates all authority that we may have to keep signs in a position that we like them.

Mr. Dawson responded right and I made it super majority vote of four to one, it can't just be a majority vote. But they are already doing that when we as a Government change the zoning rules such as the casino and that can happen already.

Mr. Jack stated but it can't happen on the other, there are issues where they can't change what this board has decided, under the rules and regulations in place.

Ms. Skilling indicated there needs to be a better understanding of the division of powers. That's why there is a Planning Commission who are appointed by elected officials, the elected officials are voted in, so they appoint people who are on the Planning Commission. The Mayor and Commissioners are not the planning group. Now, you indicated with the CEMUD, and we don't change zoning, that was a special floating zone that was established for major, large commercial areas and the things that are established there. And the one thing that was in that floating zone that allowed the Mayor and Commissioners to change something, there were certain conditions in there to allow them to change some of the conditions as we know, the pylon sign approval, by the Mayor and Commissioners to change that. The Planning Commission though, it was always sent back to the Planning Commission before the decision was made by the Mayor and Commissioners. I can't think of any other situation because we don't have any zoning that allows that to happen except for the Commercial Entertainment Mixed Use Development regulations. That is a

regulatory authority under 66B that the Planning Commission is the planning group. It doesn't say Mayor and Commissioners can't make amendments to an Ordinance, they can but they're going to send it back to you, for clarification that's one of the things you had in here, that Mayor and Commissioners would review application during first scheduled work session, and the next scheduled Town meeting it would be voted on. The Mayor and Commissioners wouldn't vote on a signage plan in any case I know normally, and they don't get appeals, it would go to the Board of Appeals, that's the process: Planning Commission, Board of Appeals, Circuit Court.

Mr. Dawson asked who subbed that CEMUD floating zone, the State, the Town.

Ms. Skilling responded it was a combination of local people, it went through three public hearings, the Town, Planning Commission, attorneys from both parties, Town as well as the Commercial Mixed Use or Penn National Gaming, the Stewarts, the owners of the property, they were all party to the floating zone, and you have to look at what a floating zone is. A floating zone is to bring in those kinds of large, commercial developments that are to establish revenue for the Town, and that's why it was established. So there are special conditions that were put in that floating zone and it's not unusual but it's an established zone over another zone, which is still commercial as the underlying zoning.

Mr. Dawson responded this is an idea but here's my point that I think we're missing about Government, because you can do that. We just change the rules. Ms. Skilling just reviewed the whole thing, you change the rules for a particular group. So rules can always be changed.

Mr. Jack stated I understand what you're trying to do and I just wanted you to clarify the process, the rejection and where, ultimately, the power lies. I just wanted to make that clear, that's all I was trying to do. I didn't want to debate this, I was just trying to make sure I understood where you were going.

Mr. Ryan commented so for our understanding of a floating zone, it would go Planning Commission, Board of Appeals, then the Mayor and Commissioners can make a change no matter what the first two say.

Ms. Skilling explained no, in a floating zone they have to make application to establish a new zoning district. There are floating zones, overlay zones, and they have their own guidelines for establishing. Overlay zones could be like Critical Areas or a PUD (Planned Unit Development), with established guidelines. Mayor and Commissioners have to look at that and then they send it to all to you which is what happened with the floating zone. The guidelines are established and certain things had to happen because when they submitted their application certain things were going to happen in that whole floating zone. It was to include not only the casino but all these other things were going to happen and the Mayor and Commissioners as well as the Planning Commission looked at not only for the casino but to make it part of, representing entertainment for other people in the Town which is why there is a section in there for family entertainment. So it's how it is established and the process which you go through to get it established whether it's a floating zone, an overlay zone or just changing a zoning district. Every one of them has to go through multiple public hearings.

Mr. Ryan indicated but in the case we could recommend, and we'll discuss signs because that's what we're talking about now, we could say no we don't like a sign, they could take it to Board of Appeals for yes or no, and if they don't like the answer they get from the Board of Appeals then it goes to the Mayor and Commissioners, as Mr. Dawson has suggested. He wants to add that in. So ultimately, no matter what we say the courts can overturn anything we say anyway, if they looked at

our rules and regulations and decided that we were making decisions outside of them or improper to them, and change anything they want.

Ms. Skilling stated if you look at a lot of the legal opinions that have been done, the two words that are always used: they can't be arbitrary and capricious. You can't make decisions that are arbitrary. If a decision is appealed the court can look at your findings and see they were not arbitrary, you made it based on some regulations. That is why we have what we have because the law has told us we have to have standards to be able to make decisions otherwise you get into this category of going to court all the time.

Discussion continued about how to address signs that advertise property for sale if they stayed any length of time on the property, if they are being negligent with not taking the sign down. It's a violation under current sign regulations but how would that be handled by the proposed changes to 255; would property owners have to bring issues to the Planning Commission.

Mr. Dawson stated property is owned by an individual and what role is it as a Government to tell somebody they have to take their sign down. We have nuisance and property standards in our rules and regulations that Ms. Hickman enforces, right? So if it's in violation of that then obviously we can take it up with that. It's none of our business as a Government, to tell someone to take a for sale sign down. If I want to have a sign in my front of my house that says M&M Mortgages refinanced my house, are you going to come by and take it out of there. That's my property.

Mr. Jack responded no, that's not what this is about. This is number 3 under Section 255 that says all real estate signs advertising property for sale shall be removed within thirty days following the sale of the property. When I look at your proposal I'm trying to see what we're throwing out and trying to get some clarity of what your understanding is of what we're throwing out and why, that was all.

Mr. Dawson replied if you want to put a for sale sign and you don't want to take it down, if you're selling your house and I buy the house and I leave the for sale sign up, why I would want to do that I have no idea, that's my property and that's none of our business to say take the sign down, unless it's a violation of our rules and regulations for property standards.

Ms. Skilling started to review previous proposals from the last meeting....

Mr. Dawson interrupted point of order Mr. Chairman, can I clarify the whole thing again. These are notes to simulate conversation so we're all on the same page here. If an individual business owner comes in here to this board and says I would like to put a sign up it's up to this board to make a decision of whether or not that sign is best for the community based on the most limited rules and regulations that we can put in there, such as is it going to harm someone, is it to scale and whatever colors and materials. What it does is it puts more of the decision process on this board. We all asked to be on this board and we make these decisions. It also makes these elections more important because maybe more people pay attention to who's running for Mayor and for Commissioner if they know who is making the plans. Let's use me for an example: I'm a pro-business kind of guy, I'm a limited Government kind of guy and maybe people in this community don't like that and say I'm not going to vote for that guy because he may appoint such and such a person to that board. Or say it's the other way, say it's somebody who is far to the left and wants tight Government, wants big Government. They might appoint their kind of people to this board. It makes people pay attention to what is going on in our Town here. They might say I don't want that guy for my next Commissioner or my next Mayor and that's one of the most important things we have here, and the best thing I can do is compare it to the President of the United States when

he is elected. What's the most important thing he can do; he can appoint Supreme Court justices and we all know how that goes. And that's what we can do here, get more people involved so the elections are more important. So for the people on this board, obviously I see it different and I would probably never have appointed them to this board if I was a Commissioner when they were appointed. So it's just the other way around, if people can't stand my views then they won't vote for me based on my ideology, and I think that is an important thing. It gives this board more teeth and it makes more people pay attention.

Ms. Skilling reviewed staff proposals (attached separately-changes to Section 255 and 270). Since I gave you this proposal I want to share with you this news release and text for the new State Highway regulations for signage in their Right-of-ways. We would have to make sure we look at these regulations and if it's in the right-of-way we also get them to approve that. Now it says State Highways has the final approval authority on that but they have to come to Town first. We may have to make some change here just to mention that even though we do it already. The other was to add a little clarity in this as far as with Mr. Dawson's ideas of having the Planning Commission look and review some of the modifications on some of these requirements. The addition to Section 255 could take away some of the things as Mr. Fortner had brought up, for additional signs on Route 222 and Route 40 for Perryville Station, and that particular sign I think we could accommodate probably if we talked to the property owner on this site because we don't have control over that. They have control over what goes on that sign. We have been able to make some of these accommodations and we continue to try to make those accommodations when the property owners do come in. We do talk to everyone who comes in here for a Zoning Certificate. We sit down with them and discuss these regulations. Regarding Electronic Signs, we have been reviewing different towns and communities in the State, throughout the country. In the Star Democrat, the Town of Easton is getting ready to ban electronic signs because of what they are seeing on Route 50 as very distracting and disruptive with excessive digital signs. It looks like even though digital seems to be an easy way, it may not be the best way. I've looked at digital signage and some towns are eliminating them because of the numbers and again with State Highways controlling them now, so it's not just us. In this discussion of electronic message signs, we thought we could add something in here. To answer your question on flashing, flashing is movement. It could be blinking, it's a movement, scrolling, that's the definition of flashing from the dictionary. As proposed, we have suggested existing public uses; Perryville Fire Company, the library, the schools, and the Town probably could use one too. They are serving the public, it's not just one person, it's serving the public and it does serve a use for them to have. With that, these are just considerations if we want to include electronic message signs. There are possibilities to provide public service such as Amber Alerts and this type of notice could be posted immediately.

Ms. Turgon commented first of all I would like to thank you for providing the article "Zoning Turns 85", which was very interesting. Regarding the signage proposal, I am a business owner and if I was coming in here I want a road map. I think our signage will become arbitrary and capricious if we don't have a road map like this and I just feel that what is in place is necessary. I think we've made good revisions to that but we're not going to be the Planning and Zoning Commission in perpetuity, the same people sitting here today. And I just think when you talk about something being arbitrary and capricious then there would be no road map if there isn't this type of guidance. I think if you come into Town and you want to do business then we all want a certain environment in our Town. The danger to me is that any semblance of order or uniformity would get thrown out the window if we got rid of this. I think it's always good to revisit it and suggest modifications. I wouldn't feel comfortable leaving this and going to that, I think that's an extreme jump. I understand where you're coming from but that's my opinion, and you did a good job of putting your thoughts down. I do apologize for having to leave. (Ms. Turgon had to leave the meeting at 7:30.)

Mr. Dawson asked Ms. Skilling to clarify what other towns, I don't think that is appropriate for you to throw that out there because that gives the impression that there are several others, so can you identify those other towns for the record, just so we're accurate in our information.

Ms. Skilling responded Chestertown, downtown Havre de Grace, but I will go back and provide a list of others.

Discussion continued regarding non-conforming signs and proposed changes. The intent is to allow discretion to the Planning Commission with what someone would want to do to make it better, but not necessarily conforming to regulations. The proposal gives some possibilities of not having to move it totally toward conforming. It could be a property that is non-conforming and can't adapt to the new Highway Corridor commercial zoning district with setbacks and they can bring it to us, kind of like grandfathered, to rehab the place, not necessarily meet all regulations but they could be improving the business. As long as they don't expand or aggravate the non-conformity, replacing the sign with equal or less area, or equal or less height, they potentially could come in here and say we're going to do this and it's non-conforming but would you agree if we met this criteria, we're not expanding, we're not aggravating but we're putting it back at it's non-conforming value, dimensionally. The goal would be to bring it to conformity but we're saying if it's non-conforming you can equal it or not, you would still have a sign that is non-conforming but it hasn't expanded that non-conformity. We need to review the language in that section to clear up any confusion. The proposed change specifically says Town Center and you can't designate it to a particular district. It has to be consistent with all areas.

Mr. Fortner indicated under Mr. Dawson's proposal, it seems to me the structure created unintentionally makes our signage ordinance more bureaucratic, not less bureaucratic. One thing is businesses and developers like, as Ms. Turgon was saying, a road map, but they like to have the guidelines spelled out. They like to have predictability. When they come into a community to develop or to do business, they like to know what the rules are and what they can expect. If there is something they want to change then we go through a process. What they less like to do is to have arbitrary and capricious comments or having to come in front of a board. Under the regulations we have now, if a business comes in and they want to put up a new sign, they can look to see what kind of square footage we allow in our sign ordinance and then they can get with Town Staff, and if it falls within the regulations it gets approved and they could have it up tomorrow. If it's disapproved, if they want something more, then they can come to us. Under this process no matter what they wanted they would have to at least wait ten days.

Ms. Skilling stated it could be thirty days because Staff needs time for review, posting the agenda and providing materials.

Mr. Fortner continued even in best case scenario of ten days, the Planning Commission meetings are held on the third Monday and if they just missed it, the proposal says within ten days so this would create a Staff burden that they would have to email everyone to try to schedule and then with everyone's different schedules trying to come up with a specific date could be difficult. I have this regular meeting on my calendar every month and I can count on one hand how many meetings I've missed since I've been doing this and it's rare that everyone is here. Often times we're here with just four and we always know what day the meeting is and some of us still can't make it. Not to mention the Staff burden to stay late. This means the business owner, who now can come here during normal business hours and talk to Town Staff to find out what they need, they would have to come here at night and meet with us. Under Mr. Dawson's proposal there are no guidelines for what the Town expects in terms of their signs. All they know is they're going to go in front of a

board and they're going to come here with their sign proposal and the board is going to decide whether they like the sign or not without any more guidance. This would be a very nerve racking thing and I think people want to know what to expect. Like with zoning, a developer can come in here in comfort when they turn in a proposal that it meets the zoning, it meets all the setbacks and guidelines and they have comfort coming in front of the board that this proposal is going to go through. I'm sure with the Fire Department and with Fire Marshal regulations you have all those regulations written down somewhere so you are able to tell the builders when they come in what those regulations are. If they follow all that they are comfortable that it is going to get approved because they have addressed it. Under a system where there are no guidelines of what the Town is going to accept, like whether we're going to require sprinklers or not, it will depend on which members show up that day. This is a very unpredictable situation for business owners and developers. The regulations are fourteen pages which basically outlines their rights for what the Town wants in our business districts, everyone follows them, it's applied equally to everybody and doesn't change for different individuals because the board members who were there that day liked one sign at that meeting and then liked something different another day for someone else.

Mr. Dawson responded to address some of those issues, you kept saying that it makes the process longer. Ms. Skilling, how long does it take to go through the whole permit process for someone to be able to move in to a building. If someone comes in here to open a Sushi shop you would have to go through x amount of permits and procedures. I know when I opened my business it took me over two weeks just to get through.

Ms. Skilling replied it could take a week or more because they have to go through the County for building code regulations and possibly the Health Department to make sure it meets health code regulations, building code regulations. Our process was only basically to meet the zoning regulations as far as was it a permitted use. When they came in, we looked at the regulations and they were allowed signage and there were other stipulations that needed to be done on the site by the property owner. The process didn't take long because it was already an existing restaurant use and I don't remember exactly. It may have taken five days, but the only reason it may take longer now is because right now we're going to be changing the Charter so that the Planning Department and make some of those changes without getting the Zoning Administrator, which is Ms. Breder, to sign off on those things. Ms. Battaglia prepares the findings to support that, which she would do in our department anyway, to attach to that, but we have to wait to get time with Ms. Breder to sign, so it may take some extra time, so once we get all the technical things taken care of it should be easier.

Mr. Dawson stated again these are notes; this is just a starting point. It's very simple. If you think everything is great then there is no need to discuss it but if you think we can improve it this is where I would start to improve things. You kept saying that my process would make the process longer because businesses and developers need to know what they are getting themselves in to, they want to know what the rules are. Well any developer who is going to build a restaurant or renovate a building within thirty days so I think they could come in here and get a sign and talk to us within that thirty day period. Second point is getting people together. We have an obligation to serve the people and I think if somebody came in here and said I want to get together in ten days we should do the best we possibly can to clear our calendars and come in here. We're serving the people of Perryville. That is our obligation. And to continue to say the burden on the Staff, our Staff are public servants. We serve the people. So if there is a job that needs to be done that's why we pay them, to get the job done. If anyone is looking to save money, it's this gentleman sitting here, when we have a pier that is two hundred thousand dollars over budget, that's your tax money paying for that. When we have a public works building which, who knows, six or eight thousand over budget, that's coming out of your pocket. And when we have an outreach program that didn't

go through the proper process, that's another one hundred twenty thousand dollars out of your pocket, so whenever you want to talk about saving money please come down the street to my house and I'll show you what happens every other Tuesday in this room. Now I'll give the floor back to you.

Ms. Skilling stated in response to a lot of the statements you are making, I'm not going to go into money issues because that's not our concern here, but the Planning Commission members are public servants in as much as they are volunteers. They are here as volunteers to serve on this commission, unpaid, and this board has been really good to serve and to have good information before them which I think is the most important thing. These are volunteers, they are not necessarily public servants as I may be or an elected Commissioner, it is a little bit different in your service to the Town.

Mr. Ryan indicated I would like to bring up that obligation point and concur along with Ms. Skilling. There is probably no one at this table who takes his obligation of serving the people any more than I do, and I have emulated that over thirty some years now for this Town. I do have a little bit of an issue with short notice of meetings because of other obligations I have made to serve my community. I don't have a lot of free time. I like knowing every thirty days I'm here the same night and you wouldn't believe what I went through to change my schedule to be here tonight because of the holiday. Holidays don't mean anything to me in the business I'm in. I understand that point but do have an issue with it. I agree it is an obligation I took on to serve the community and I take it very seriously but to throw the burden on top of other things we're already burdened with and everything you get involved in as a Commissioner. I think you need to take a long look instead of just throwing it out there that we've got an obligation to take care of the people because I think we're already doing that. As a whole, I'm not really sure if we haven't wandered a little astray here because if I remember correctly we started taking about some electronic signs as well as what happened at the casino and now we're talking about changing the entire process and maybe what we should be looking at is simple things of do we now allow electronic signs and if so, what is the criteria for that. I think the idea of the signage with the CEMUD issue has been well addressed and there are some frictions that are going to happen as a result of the CEMUD being a floating zone. I do agree with the signage issues and that we need to look at this as a whole but I don't think we need to throw out whole sections and I can give you an example: Section 270, I generally would not want to change that. To me, if we're going to change a sign that is non-conforming we need to change it towards the way of making it conforming, not allowing it to stay in that same non-conforming state. It should stay exactly the way it is. My opinion is if we're going to move things forward in this Town it needs to go from non-conformity to conformity, not to spending more money towards continuing the non-conforming. And I'm not sure 50% cost is the place to draw the line as far as having to replace it but I think we're on the right roll there by saying to move towards conformity with all of our signs, not allowing them to continue over and over having the non-conforming stay non-conforming. I do have some concerns with the application permit and I would have to form this as a question, "the Administrator will forward the application to the Zoning board and Board of Appeals for review". I'm assuming that means that as soon as the application is received and is reviewed for completeness both boards would get it, but my only concern would be is it necessary to show the Board of Appeals at this time because they may not get that. It may come to us and we like it and then move on and it may never go to the Board of Appeals. I'm not saying they shouldn't have information but I don't think it's necessary at that point. Again, I had a problem with the ten day thing and throughout I had a lot of concerns with this whole thing but in general I like the idea that you have taken the time to look at this to try to change things around. I also tend to lean towards the side that if we don't give them guidelines to follow we are going to be leaning more and more towards arbitrary and capricious decisions, not necessarily in our own minds or even in the Mayor and Commissioner's minds, but when it goes up to the judicial minds

that they may see differently than we do, that we don't have the road map to follow. I do have some concerns with all this. If electronic signs are the issue, let's talk about electronic signs.

Mr. Dawson responded it says a ten day notice will be given; it could be twelve, fifteen, it's a number, and it also says a fee will be assessed for that expedited process, so if that goes back to them, the question how are we going to pay for it, it says right there we'll charge them a fee. It's simply trying to get things over and done with as quickly as we possibly can. The next question is, how many permits do we get in a year? How many sign permits do we get?

Ms. Skilling replied we don't get that many. The major signs that we get are for large developments and they would come in as a Master Signage Plan which is a much more complicated issue. So we don't really get a lot of signage and as far as Staff, I can honestly say when we present and provide information on our Zoning Certificate in order to make sure that we don't fall into those categories and standards, we actually do findings. Findings are what are used if you have to go through the legal process to say this is how we made the decision. Ms. Battaglia puts together the package of findings, to reference our regulations, how did you come up with this decision. These are the standards and this is what we did for your application, either for or against, and if there is a reason they need to change it we provide that information. One other clarification for providing information to the Planning Commission and Board of Appeals, the Board of Appeals is like the court, and so the Planning Commission would make the decision and the only time it would go to the Board of Appeals is if the applicant wanted to appeal the decision made by the Planning Commission or appeal the decision of the Zoning Administrator. That's the process and then we do findings for that based on what you said to make your decision, and then the circuit court would be the next step.

Mr. Reich indicated one of the things I see here, if we come in and bring all the signs into us and we say we like this sign or we don't like this sign besides being arbitrary, what would the people have to go on to appeal it if they went to the appeals board; I don't like the decision of the planning and zoning board? If you go to court, whether it's a civil suit or whether it's a criminal suit, the appeals from the judgments of those courts is based on fact and based on rules of law. So they may think they have a reason to appeal based on rules of law. If we come in and just say I like this sign or I don't like this sign and the applicant says I don't like your decision, I'm going to the Board of Appeals, what would they be appealing except I don't like your decision. Not only do we have the general regulations but there are specific parts in those fourteen pages for things to go to conformity. I think what we're trying to do is make Perryville a class place, which reminds me of Catholic schools and they wear uniforms with ties, not because they want uniformity but that makes a class atmosphere for the school. I think that's what we tried to do in 2002, 2003 when we wrote the Ordinance and I worked on the committee. I don't think the Mayor and Commissioners have asked us, or appointed us to a board, for us to turn around and send it back to them to make the decision, which I thought they empowered us to do. The CEMUD is a whole other issue, but it's not the standard, that's the exception. I understand these are the Commissioner's notes and I understand there's some time and process in this. I had actually expected to see a whole lot more across the fourteen pages. There is nothing in our regulations that says anybody who has a sign can't come in here and ask for more square footage and give a reason why. If we're going to do this why don't we go back and review for fine tuning. I think what Ms. Skilling has provided shows some fine tuning.

Mr. Jack commented any time we get into something like this is a good thing because it enhances our understanding of what our rules and regulations are so that it's always exciting and it challenges me to dig in deeper and obviously it's challenges all of you to dig deeper. I see in what Mr. Dawson has brought to us, we do fifty percent of that now. Anything that comes before the

board as far as signage goes, there is a recommendation by Staff but that doesn't mean we can't negate that recommendation. It doesn't mean we can't alter it. It doesn't mean we can't make a different recommendation or approval of something as they stand. When I reviewed this I was more taken back by the fact that the Mayor and Commissioners would come into play on this whole thing. I would definitely not see that as a positive thing for our system. I do agree with what Ms. Turgon said. I think I'm a structured person, and it's something we have to have. I'm all for change if there is a way to change something for improvement. As far as I'm concerned, Section 255 does not offend me and I think everything in there is important. I do have a problem in this age of signs that are electronic that we should have some kind of rules and regulations maybe either allowing something or maybe better defining those, but we should have something in there about electronic signs other than to just say no flashing signs. We need to address some of these issues and if there is a way of changing it to enhance what it says, I'm all for that.

Mr. Fortner stated in relation to the current section 255, item d. public service, political signs, it provides guidance for putting up those types of signs. Under the new proposal if we abolish the current, it says all signs will come through the Planning Commission so in order to put up a political sign there's now no guidance for it so I have to come to this board, and this could go on for any kind of sign, church signs, all signs. We're talking about business signs but when you change section 255 you're changing it for all signs. You talk about taking it down, but what about putting it up. Our code has regulations on how big a For Sale sign can be, with the proposed change, now if you want to put a For Sale sign you have to come to this board. We have professional staff, there was a lot of work done on this ordinance with public participation, and it is typical and very similar to most communities. If you drive down Route 40 in Havre de Grace the new signs that are going in are all conforming. It's a lot of pages but these pages protect your rights, they outline your rights and what you're permitted to do by right. Same with zoning; if you have property that is zoned commercial, you have a right to open up a restaurant, a McDonalds. I don't like McDonalds but I can't vote against it. It doesn't matter if you like it or not, it protects the developer. Our staff is able to take these regulations and administer. They can take this burden, we pay them to do this, and we are an oversight committee to give guidance. If we want to change regulations, if we decide we want to add electronic signs or scrolling signs, we give them the guidance and we tell them what to enforce.

Ms. Skilling indicated to follow up with what you are saying, we're sensitive to people in the community. We have guidelines so the businesses have something to look at. I think there are situations in the Town where businesses have asked for signs that I think you have to look at what happened in the follow up because a lot of the things that are being brought up was not that we turned them down for a particular reason it's just that we told them they needed to do certain things that they did not do, so are we at fault because they didn't follow up. I hope all of you read the article on planning because it does give you an idea of the kinds of things that people are looking at now and why we have these standards and why we have zoning regulations. I'm hoping that we can make some revisions to address some of the things that keep coming up. What I proposed is not necessarily what is going to end up but I'm asking all of you to help to decide. Do you think we should change some of these? There has been some good feedback today and it could be we go back and look at some of the rewording. Do you think we should pursue the electronic message sign and review whether we should allow this considering you are talking about a commercial district. Look at Route 40 for a visual, look at the pictures we sent to you before, Glen Burnie is a good example, they did away with theirs and continue to do away with them. Do you want our Town to look like that and you have to realize as we move towards digital, what do you think Route 40 will look like if we provide for these. Is this what the Town wants? We can't look at just what businesses want, we have to look at what the whole community wants.

Discussion continued regarding State and Federal regulations. If it comes here first and we say ok, what difference does it make because then they say no, it sounds like they have the final say about what happens along 40 and 222. The new guidelines is for State right-of-ways, it has to be on your property, and we need to get more clarification on the State regulations but this is effective now. If we do digital, we have to look at their guidelines for digital on the State highway. Right now Section 255 says it has to conform to State and Federal regulations. It may be easier to adopt theirs and put it into ours instead of changing it around or why even come to us if the State has to approve it anyway.

Mr. Reich indicated the APG Federal Credit Union in North East, that sign is not in the highway right-of-way, it's on their property and in my opinion it has good points and bad points. It displays things electronically but the bad point is where it scrolls because it scrolls so fast you can't read it. Look at the sign at PNC bank that displays date, time and temperature, which is allowed now, but one might argue that is a flashing sign. It displays faster than the eight second limit. I think we have to be careful about where the sign is. Is the common sign for Perryville Crossing in the highway right-of-way?

Ms. Skilling responded I believe it is, and I don't know yet how we're going to deal with that. Are they going to be grandfathering those in? I'm presuming they got permission to put it in the right-of-way because based on their new guidelines they can take it down. We need clarification on the new regulations too. It says we have to follow the State regulations anyway, so I don't think we need to add all that but we need to look at that.

Discussion continued about other areas in Town such as Aiken Avenue, and Ercole's, if they want to put a sign up, what regulations to use. When Aiken Avenue was redesigned, everything was repaved and moved in, the sidewalks are Town but I think they are in the State right-of-way so if something is put in back further they would be ok but they couldn't put it in that grassy area because of that whole right-of-way there. Before allowing digital signs it was suggested to take a drive and look at the electronic signs along Route 22 heading towards Bel Air in Harford County where there are a slew of different digital signs. Harford Community College has one that changes, the Arena says the Athlete of the Week and changes, there were several churches that do it, flashing and scrolling. CVS listed all kinds of things scrolling and things were changing. There were none in the Town of Bel Air. Mr. Fortner commented I found them distracting and unless you're stopped you can't read them. MacGregor's in Havre de Grace has two types of digital signs on their building.

Ms. Skilling commented having three children in the digital world I can tell you there isn't anything you can't find on your iPad or your iPhone. Advertisement of businesses on the internet now is the way to go. It's cheaper, you don't have to deal with zoning regulations and people use it all the time now. In the digital world all these things have changed, it's making a big change in the way we live every day.

Mr. Fortner stated at MacGregor's with their scrolling sign in downtown, it's more pedestrian oriented, and I think more effective. Look at Times Square, it's great there but it doesn't work everywhere. You wouldn't want Times Square on Route 40.

Ms. Skilling indicated everybody needs to look at what is representative of the Town, in different areas of the Town. What do you think this Town wants? The Ordinance was designed by many people, the Planning Commission, population, and a lot of the citizens attended the meetings. There have been instances that were issues, and there are explanations for that and if the process had been followed all issues could have been avoided.

Discussion continued regarding the permit process and requirements for Town zoning and Cecil County for building or health department. All signage requires a permit as an administrative procedure to verify conformity to zoning regulations.

Mr. Ryan commented I personally would like to continue to work with Mr. Dawson to straighten out some of this because obviously we're not on the same page and I want to get us on the same page, so it's better for everyone and the citizens as a whole. At this point we should table our discussion until we can bring back more suggestions or some possible changes that you want us to look at and discuss. There are very good ideas that were brought out but we still need to bring it together. Mr. Dawson brought this to the forefront and he has had some constituents come to him saying they have issues and he brought it to the forefront and I would like to continue looking at it with him. I don't know if I want to work it up alone but I'll work with someone to get it to better consensus based on what we've heard tonight. I would like to say we'll get together and get you something in the next couple of weeks so everyone has time to review them. We're in the right frame of mind here with the fact that everything needs to be looked at occasionally, it needs to be readdressed sometime because of changes but I'm not sure that everything should be changed.

Mr. Reich asked you brought up that everything started when we talked about electronic signs, so shouldn't we at least address the original starting point of this and then go from there.

Mr. Ryan responded and that's kind of what my plan involves when I sit down with Mr. Dawson, but I don't think we can look at one portion, for example section 267 without looking at how it might affect another section. You have to look at the whole. I've heard a lot of changes tonight, and specific changes in section 255 but what about the other thirteen pages.

Discussion continued about the entire signage regulations and how other sections affect the whole. We need to look at especially 255 the general regulations, and how it affects things elsewhere, to look at the bigger picture because if we're going to allow electronic signs on Route 40, should we allow or maybe not allow electronic signs downtown if a new business wanted to move in and wants to spend their money digitally verses the typical. That's a consideration we need to take. What we do in C-2 may or may not be applicable to Town Center and vice versa.

Ms. Skilling replied we have to do that anyway. I'm just making suggestions here because these two sections, nonconforming and general regulations, deal with the rest of the regulations, they're very general and these would be consistent with the nonconforming type situations. So that's why we started here because these are the ones that are really impacting a lot of things. I want to ask the rest of you on the electronic message sign, do you think that is something that should go beyond the commercial district, should it be allowed in Town Center or in residential districts.

Mr. Reich responded it depends on what the sign looks like, you have to see it and visualize it. If the Methodist Church would want to do a digital sign that they could change weekly and advertise their events, that's not in C-2.

Mr. Ryan commented the fire house is talking about some possible sign change and looking at some kind of digital sign, but if we're zoned residential it makes it even more important to look at residential areas, do we want to have those types of signs in a residential area. It's obviously a benefit for the fire company but is it a benefit for the rest of the community.

Mr. Dawson stated to Ms. Skilling, as I asked in my email what section addresses LED signs currently?

Ms. Skilling replied right now we don't have anything that addresses LED specifically.

Mr. Dawson continued so anybody can put a sign up if they wanted to right now because it's not addressed.

Ms. Skilling responded no because it talks about lighted signs. The illumination of LED is definitely a lot brighter, but we have not addressed that yet.

Discussion continued regarding the definition of flashing. The online dictionary says anything that's moving, movement. When the existing regulations were created for no flashing the committee meetings mindset was signs that had continuous changing lights going around an oval or arrow shape to attract your attention. Proposed addition for electronic message signs provides messages to be static for eight seconds and eliminates continuous scrolling. We should consider providing definitions in the ordinance. Ms. Skilling indicated (proposed changes to Section 267, 4) if you look at C it says "continuous scrolling of text, animated images or images which move, or give the appearance of movement or flashing are prohibited". PNC Bank is in violation of the no flashing because it flashes every two seconds. Mr. Reich commented that the sign does not flash, it changes. Current regulations state in two sections that no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date or weather conditions.

Mr. Dawson questioned and it's ok that you made an exception for that.

Mr. Jack replied we make exceptions on everything, this whole thing can probably be construed as an exception to somebody. But here's a rule that was voted on by people that says "except" you can do this. That is the exception we allowed.

Mr. Dawson commented so I guess on that philosophy, most scrolling signs aren't flashing. So can I get the board's consensus, is a scrolling sign flashing?

Ms. Skilling responded is it moving? It says in here flashing is prohibited. Flashing means movement, it could be scrolling too.

Mr. Dawson stated I would like to make a motion to add that to subsection Section 265, number 6.

Mr. Fortner indicated there is no concern for us to make a motion; we're in discussion with no business for voting on. It's getting close to 9:00...

Mr. Dawson interrupted declaring point of order, of Robert's Rules of Order.....

Mr. Fortner responded as Chairperson, I'm in the middle of a sentence...

Mr. Dawson stated point of order allows you to interrupt anybody speaking, it's for a situation where parliamentary procedures...

Mr. Fortner indicated I'm just saying I'm trying to finish my sentence and don't understand...

Mr. Dawson responded I'm trying to explain...point of order allows individuals to be interrupted. That's the only time you're allowed to do that. I want to make a motion. I don't want the meeting to end without making a motion and that's where I see we're going right now. I make a motion for

LED scrolling signs to allow as an exception, in section 265. 6, to allow LED scrolling message signs in the C-2 district area to reflect the same exception given to the time and date for banks.

Mr. Fortner asked is there a second? Seeing none motion fails.

Motion was made by Mr. Reich and seconded by Mr. Jack to adjourn the meeting at 9:00 p.m. **All in Favor. Motion Carried.**

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator