Joint Public Hearing
November 7, 2007

A Joint Public Hearing of the Elkton Town Council and the Elkton Planning Commission was held to receive comments regarding the advertised amendments to the sign and fence ordinances. The Public Hearing was held at 6:15 P.M., on November 7, 2007, in the Elkton Area Community Center. Mayor Wayne E. Printz presided. The following Council members and Commission members were present:

PRESENT
M. Dearing
M. Isom
D. Kite
M. O'Neill
T. Pence

ABSENT
S. Sigafoose

PRESENT
D. Talbot
H. Armbruster
M. Dixon
C. Morrison
J. Ream
T. Pence (Council Representative)

Fence Ordinance

Town Attorney Lauri A. N. Sigler, Acting Town Superintendent/Zoning Administrator Marty Shifflett and Clerk of Council Denise R. Monger were also present.

Mayor Printz opened the Joint Public Hearing regarding the advertised ordinances.

Vice Mayor Dearing stated that he supported the meals tax increase. However, he did not support the fence ordinance noting his opposition to the height allowance. He added that decorative fences should be allowed and written into the ordinance stating such. He asked Council to review the issue again before rendering any final decisions.

Council member O'Neill noted there should be a height limit on a view obstructing fence, but the ordinance should exclude wrought iron, picket or chain link, etc... fences. His recommendation would be a restriction for a forty-two or forty-eight inch view obstructing fence with no specified restriction on a non-view obstructing fence.

Chain link fences with slats were determined to be view obstructing.

Council member O'Neill noted that the provision does not apply to walls.

Daniel Talbot, Chair of the Planning Commission, stated the main concern for the revision of the current fence ordinance was safety.

Vice Mayor Dearing stated his concern regarding a six foot fence established in Town between two businesses.

Further discussion took place regarding frontal and corner lot restrictions.

Town Attorney Sigler read the definitions for fence pursuant to the Town Code as: "A barrier enclosing or bordering a field, yard or lot to prevent entrance to confine or to mark a boundary." She noted that a "wall" could be interpreted into that code. She

continued with the definition of wall as: "A structure intended for defense or security or for enclosing something. One of the upright enclosing parts of the building or roof."

Council member O'Neill suggested an average height for a proposed wall should not exceed four feet.

Further discussion continued regarding residences in Town with fences.

Vice Mayor Dearing queried if a height revision could be made to the ordinance since the First Reading stated the fence height could not exceed thirty-six inches. Town Attorney Sigler noted that changes could be made before the Second Reading.

Council member O'Neill noted there may be "grandfathering issues" to consider regarding the matter.

Vic Corbo, Elkton, queried Council as to the purpose of the fence ordinance.

Dan Talbot stated the Planning Commission had held numerous discussions regarding the fencing issue. The commission's concern was public safety or the creation of situations that would be detrimental to the Town.

Town Attorney Sigler stated there was a six foot limit on any other type of fencing written generally into the current fence ordinance.

Council member O'Neill stated that view obstructing language would need to be provided into the new ordinance.

Placement of fencing was discussed briefly.

Sign Ordinance

Daniel Talbot briefly discussed the published sign ordinance which would be amended to better define a flashing sign.

Town Superintendent Shifflett read the following: "Any sign which displays scrolling text, flashing or intermittent lights, or other lights of changing degrees of intensity, brightness or color, except a sign indicating time or temperature which changes alteration on not less than a five-second cycle."

Town Superintendent Shifflett stated this ordinance would prevent signs, such as the ones on Route 33, from being established in Town.

Mr. Talbot added that external neon would also be prohibited.

Vice Mayor Dearing noted the need for all businesses to advertise. However, he noted that there were portable signs in the Town that were in violation of the current code.

Council member O'Neill questioned if "scrolling" was included in the proposed amendments. Town Attorney Sigler confirmed that issue was added.

Council member Kite questioned the ordinance in regards to the Community Center's ability to advertise upcoming events. Mr. Talbot noted an electronic message board in which the message could be changed daily was allowable.

Town Attorney Sigler stated the proposed amendments to the current code also defined display restrictions for electronic message boards.

Council member O'Neill raised the issue of a special provision application being made for a special exemption sign. He noted his dislike of any red neon signs.

Further discussion continued regarding types of signage including color and affects of certain signs.

Council member O'Neill reiterated his support for a case-by-case process to take place regarding special signs. This process would include an application, Planning Commission approval, public hearing, recommendation, and vote by Council.

Town Attorney Sigler stated there was no "special use exception" process currently in the Code. However, if a business needed a "special exception permit" to operate, a sign could be applied for.

Daniel Talbot noted this change would be in contradiction with the Town's Code. He noted the intent of the Code was to have businesses and buildings as the center of attention, not the signs. He continued that the proposed amendments were meant to update the Code with the technology of today. He urged Council to take precautions to protect the intention of the Code and re-address certain issues in the future. He noted his concern that if the process were changed, this action may leave the Town vulnerable in other areas. He asked Council to amend the Code for protection purposes and review additional issues at a later date.

Discussion regarding future Community Center sign discussed.

Vice Mayor Dearing noted his concern regarding enforcement of a sign ordinance and urged Council not to amend the Code in such a manner that would make it difficult to enforce.

Carla Pence, Rooster's Restaurant, noted the need for signs in a business district. She urged Council not to place too many restrictions on businesses.

Town Superintendent Shifflett noted that the commission wanted to maintain a small town "Mayberry" atmosphere.

Town Attorney Sigler stated the purpose of the amendment was to make the code more inclusive. She noted the current code stated that you could not have flashing or intermittent illumination in a sign. Language was going to be added to state that scrolling was not allowed either. She noted the intention was to try to be more inclusive with some new terms and new technology regarding signs.

Additional discussions took place regarding the pros and cons of scrolling signage.

Council member Isom urged Council to keep the ordinance restrictive in order to keep the historical value of the Town.

Town Attorney Sigler suggested a further definition be given in regards to electronic message boards.

Vice Mayor Dearing noted that Council asked the Planning Commission to review the sign ordinance. The Planning Commission studied the issue and made a recommendation which was submitted as a First Reading to the public. He encouraged Council not to vote against the issue due to the dislike of certain aspects of the ordinance.

Town Attorney Sigler noted that Council did not have to vote on the issue that night, but could review the matter at Committee or have the Planning Commission review the matter again.

George McDaniel, Elkton, suggested the ordinance define permanent and temporary signs.

Town Attorney Sigler suggested a definition of an electronic message board would enhance the understanding of the proposed amendment.

Council member O'Neill suggested all applications that meet the criteria for an electronic message board be submitted to Council for be a Special Use Permit. Mayor Printz supported that idea. Mr. Talbot was not in favor of that concept.

Council member Pence did not support the restrictions of the proposed sign ordinance.

Bill Royer, Ray's Diner, Elkton, stated that signs were important to help businesses develop. He noted that his signage was of significant importance due to the location of his restaurant. He noted that he had not received information regarding sign regulations from the Town and suggested the Town provide sign information to new businesses when applying for licenses.

George McDaniel, Elkton, discussed signage on major roads.

Council member Kite opposed an increase in meals tax due to complaints he had received from restaurant owners. He noted that 70-80% of the restaurant patrons are senior citizens who would be affected by the increase. He encouraged Council to fully review the Town's finances before initiating the meals tax increase.

Vice Mayor Dearing stated the Town has a financial problem and a full review of utility, water and sewer rates should be considered. He noted it had been fifteen years since the last increase in water rates and the Town's electrical department was working in a deficit. He stated the Town could not continue to operate on contingencies with a 5.5 million dollar debt.

Town Attorney Sigler called a point of order and advised Council to continue discussions on the meals tax at the Special Council Meeting.

As there were no additional business, **Council member Kite moved, seconded by Vice Mayor Dearing, and carried to close the Joint Public Hearing.**

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Mayor: _____
Wayne E. Printz

Recorder: _____
Denise R. Monger, Clerk