

## APC MINUTES

**FEBRUARY 23, 2022**

Members present: Tom Kerns, Tom Chalfant, Adrian Moulton, Bob Lahey, Don Calhoun, John Reece, Steve Hernly, Coy Applegate

Members absent: Andy Fahl, Amy Alka, Terry Alfrey, Will Greer, Jim Hufford

Legal Representation: Jason Welch

Staff Present: Randy Abel, Executive Director, Debra Johnting, Recording Secretary

Others present: Bob McCoy, Kip Wagner, Jeff Hill

President Calhoun: Okay, it's seven o'clock, so we'll go ahead and get the meeting of the Area Planning Commission started. First on the agenda is the approval of the minutes. Has everybody had a chance to look at the minutes? I'm sure you haven't yet. I'd entertain a motion to accept them if there's not any changes to the minutes.

A.Moulton: I make a motion to approve the minutes from the January 19th meeting.

President Calhoun: It's been moved and seconded that we approve the minutes of the January 19th meeting. All those in favor say aye. All those opposed no. Motion passes. Before we start, we've got a new member on the board tonight. I think he just got appointed yesterday, so if you want to, we'll go around and introduce everybody. So you want to start? Tom Kerns, from the County Council. Tom Chalfant, County Commissioner. I'm Coy Applegate, I'm the new guy. Bob Lahey, Union City City Council, Don Calhoun, appointed by the Commissioners, Adrian Moulton, School Superintendent, Randy Abel, Area Planning Director, Jason Welch, Board Attorney, Deb Johnting, Administrative Assistant to the board and Area Planning Commission. John Reece, City of Lynn, Steve Hernly, Farmland Town Council.

President Calhoun: Glad to see you on the board.

C. Applegate: Thank you.

President Calhoun: Okay, first we have a request by the Union City Redevelopment Commission. Would you want to come up and explain what you're asking for?

C. Spence: Yeah, this is for the TIF area for the expansion of the area for the housing development on Plum Street. Plum Street will be approximately, we've been down this road previously, about 50 to 60 homes and, [inaudible] is closed this Friday and the City Council will be voting on the infrastructure on Monday at the City Council meeting. So we've got to get this ball rolling. Because housing, I've heard it again and again at the county level, from various folks that housing is at a crisis mode. And with the knowledge that we have of what's coming in to Union City on a positive level, it's whatever the next level beyond crisis, that's where we will be at. Any questions?

President Calhoun: So, do any of the board members have any questions about the TIF District? So, Randy, do we just go ahead and vote for the TIF?

J. Welch: Yeah, there's going to have to be an order issued, which do you have a copy of that with your materials? That needs to be signed so they can move forward with their project, basically you're saying that what they want to do complies with the plan for the County

President Calhoun: So do we need to take it to a vote then? Does anybody have any questions about the development plan? Basically the TIF District is mainly when the property taxes goes to fund the infrastructure, so that's what it amounts to. I would entertain a motion to accept this.

T. Kerns: So moved.

President Calhoun: Is there a second?

T. Chalfant: I'll second.

President Calhoun: Okay, it's been moved and seconded that we accept this Economic Development Plan. We need to have a roll call vote.

J. Welch: Yes, a roll call vote, because you have to have at least seven.

D. Johnting: Adrian Moulton, yes, Steve Hernly, yes, John Reece, yes, Tom Kerns, yes, Don Calhoun, yes, Tom Chalfant, yes, Bob Lahey, yes, Coy Applegate, yes, and Amy Alka, Will Greer, Andy Fahl, Jim Hufford, and Terry Alfrey are absent, motion approved.

C. Spence: Thank you, gentlemen. And, thank you for what you do.

President Calhoun: Next on the agenda is APC2022-8-Z. Kip Wagner, a request to rezone from Ag Intensive to M-1 for a welding business at his home. If you want to come up and state your name and your address and what you're wanting to do.

K. Wagner: Kip Wagner, 3601 S 400 W, near Winchester. I have an existing property building facility that I would like to do part time welding operations out of. As I have a current full-time job it would only be evenings or weekends when it's available. In the future of potentially make that full time. My current job is traveling. So as I get older or one day want to stay home.

D. Johnting: So, a couple things, it's just the section around the barn, it's not this strip behind your house. And it's just by appointment only. You won't have people stopping by leaving stuff for you to work on?

K. Wagner: Correct, yes.

R. Abel: It's the Planning Commission's recommendation on this that, and we can put conditions upon zoning, upon other things. Because in the past we've had problems with spot zoning in the county. And when a business goes away or changes hands...if it changes hands and remains the welding business that is allowed, but we would like to put a condition upon there that if it for any time is an abandoned use, which is basically not used for one year as this business or is sold and not used as a business, then it would return to Ag Intensive. That saves us a lot of trouble in the future to have to rezone property at the end and then it also alleviates some of the neighbors' concerns because of what can go into an M-1. I mean, it's not just the welding. It could be lots of things. You just look through C-1, C-2, C-3, M-1. It could be any of those uses in those, so, putting this condition on just basically protects the county, the neighbors and allows it potentially to go back without having to be rezoned again.

K. Wagner: For anyone who's unfamiliar with the area there is only one house remotely close, and that belongs to my father.

D. Johnting: Oh, and Patty Coats called, they own a lot of the property around you and she said that she had no problem with that at all.

President Calhoun: So as far as for this condition put onto it, is that something that we need to vote on?

R. Abel: Yeah, so when you do get ready to make a motion to vote, you need to make a motion to approve with conditions. If you approve of those conditions or you can just say approved, whichever you choose to do. But our recommendation is that you approve this with the recommendation that the condition be placed on there, that when it stops or is an abandoned use, it goes back to Ag Intensive.

President Calhoun: Are you willing to accept that?

K. Wagner: I believe so, yes. Yes.

President Calhoun: Does any of the board members have questions?

A. Moulton: I'd make a motion to approve BZA2020-8-Z with the conditions that Randy explained.

B. Lahey: I second.

President Calhoun: Okay, we need a roll call vote for it then?

J. Welch: It will be for a recommendation.

D. Johnting: Steve Hernly, yes, John Reece, yes, Tom Kerns, yes, Don Calhoun, yes, Tom Chalfant, yes, Bob Lahey, yes, Coy Applegate, yes, Adrian Moulton, yes. And Amy Alka, Will Greer, Andy Fahl, Jim Hufford, and Terry Alfrey are absent. Favorable recommendation. It'll go to the Commissioners next, and I'll get with you when you should be there. Pretty much will be about like this hearing.

R. Abel: So, just a little side note so everybody understands here that, so when this goes to the Commissioners with the condition, the Commissioners can accept that or if they change it, it comes back to us. So that's the way the conditions work. And then we have the option to send something else back or...But that's just the way it works.

K. Wagner: Thank you.

President Calhoun: Thank you. Next on the agenda, APC2022-9-Z. Jeff Hill, to rezone from Ag Limited to C-3 to start a new cargo trailer sales business. If you would like to come up, state your name and address and what you're wanting to do.

J. Hill: Jeff Hill, 7159 W US 36, Modoc, Indiana. We just bought the land, it's just outside of Modoc. We are currently renovating about two acres of land for an open cargo trailer sales lot. Also, we are going to carry flatbeds, dump trailers, things of that nature. And we do a lot of custom race trailers that we ship we throughout the entire world. So that's what we're looking to do there. We've been selling out of Modoc for about 7 years now, but we've finally decided it's time to expand and get bigger. So, we've made significant improvements on the property already getting ready. Because I knew you all were all going to say yes. And if not, I guess it's just money wasted that I've done so far so.

D. Johnting: So, you're buying five acres, right?

J. Hill: We're buying 5 acres.

D. Johnting: And on your map you can see the box about where it is.

J. Hill: We're only going to be using about two acres of that land for the actual trailer lot. Because there's a creek that runs through it and we're going to stop it at the creek.

T. Chalfant: Where is your current location now, where do you sell from?

J. Hill: We actually sell from our home, is where I'm working out of. And that's what we've been doing the last seven years. But we use an address for Shore's legally for our trailer lot, which we have to do for the State of Indiana. But we don't actually have a sales lot right now.

President Calhoun: So, you are close to Shore's?

J. Hill: Yeah, yeah. Most of our trailers are custom ordered. As soon as they're done at the factory, they're shipped, whether it be here in the United States, Canada or overseas.

R. Abel: So, then the Commission again would like to suggest that maybe you might want to look at some of the uses in C-1, C-2, C-3. Because once you pass this, it's going to be pretty much the same as the last one. If you look in C-2, you'd be allowed automobile repair accessory stores. I don't see anything wrong with that. You would also allow a bar or tavern with live entertainment. You're allowed nightclubs, you're allowed just different things. If you want to look through, C-2's and C-1's and C-3's. I mean it's up to you, but if you believe this is a valid use for this property to rezone to C-3, or maybe have reservations against some of the other uses going in. Again, you can place those same conditions upon this property as other properties, but we certainly, in the future we would like to see a lot of these uses be put into special exception. Because once a special exception, once you have an abandoned use, it remains the zoning that it is now, and it goes away, right? But with a lot of these zoning's your spot zoning out in the country, this one is not quite as bad as because it's on 36, obviously, but you still gotta consider some of the other uses that are available to the property. Because once it's rezoned it stays rezoned. And if you believe that all these are appropriate uses on that property then rezoning is no problem. But if you do believe that some of these, you have reservations against some of these uses being put in. You might want to just put the same condition, like after it's an abandoned use. And it goes back to the original zoning, if he wants to sell it as a trailer sales, he can do that and it continues on with the C-3. And it doesn't limit the sale, so if he sells it to somebody else, say, that wants to put it in a motel. Then they can come back and get a special exception or a rezoning for that. So it gives you the option of hearing what new uses are going to be attempted on the property.

J. Hill: The tourism industry in Modoc is big. Hotels are starting to pop up.

R. Abel: Well, I'm just saying, or a nightclub with live entertainment, you might decide to have a biker bar there or something like that, yeah?

J. Hill: Or a micro-brewery? Free beer for everybody.

R. Abel: Yeah, that would bring them in, right? Well, that's just a consideration, and I know we haven't done much of that in the past, but we're seeing some issues with spot zoning in places that's really bad, and we'd like to avoid it. Hopefully within the next year or so we're gonna get this new UDO done, and we'll be able to solve some of those problems by applying special exceptions to some of these cases like this. So, again, that's consideration you can discuss or, whether you think it's good or not. And I really didn't read down through all the uses in C-2, but you have the ones in C-3. You know that's just some of the ones I thought there might be issues with. There's liquor stores, there's you know, micro breweries, that you mentioned. Somebody said that. There's nightclubs, stuff like that. And like I said, that doesn't stop the use in the future, it just makes them come back here to have a hearing and to see if

the neighbors, you know most neighbors hear that we are putting in a trailer sales, will say, well, I don't care about that, but then you say oh, by the way, we're putting in a nightclub with a motorcycle gang, and oh, gee you don't want that? You know, and once it's passed, you know they just walk in the door and we can't turn them down if it's in the C-3. Or C-1 or C-2 so.

President Calhoun: So we make a condition for trailer sales?

T. Kerns: Yes, what is adjacent? Is there any other properties or homes or anything?

J. Hill: Not really, no.

D. Johnting: I think it's Terry, he's the closest one. And he's the one that sold it to you.

J. Hill: Yeah, it's Terry, he's the closest one and he's the one that sold it to me, which he knew what we were doing, and he's right next door. Yeah, he's the closest to me and I think Cates are across the street, but they're a ways down too. Yeah, and all the neighbors know what we're doing, and I don't think anyone's complained yet.

R. Abel: No, no, and when the letters are sent out, it states that this is going to be a trailer sales and it's going to be his trailer sales.

D. Johnting: I talked to Terry last night and he said, oh no, I signed off on that a long time ago. So he's good with it.

President Calhoun: Say he wants to sell it to someone to make it an auto repair?

R. Abel: All they would have to do is come back and...

J. Hill: And it used to be auto repair, that's what that building was built for. It was a junkyard in the 70's. I was surprised it was Ag Limited even to begin with, and it must have changed at one point, probably for tax reasons? They may have taken it out of the commercial zoning or back then you didn't need a commercial zoning.

R. Abel: Probably didn't need it back then.

President Calhoun: So, what are we going to do with it?

T. Kerns: I really don't see a reason for putting any restriction on it considering the location, being right there on the highway, but that's one opinion.

T. Chalfant: I move we vote for a favorable recommendation on the zoning change.

T. Kerns: I'm good with it.

President Calhoun: Roll call vote?

D. Johnting: So, with no restriction? Tom Kerns, yes, Don Calhoun, yes, Tom Chalfant, yes, Bob Lahey, yes, Coy Applegate, yes, Adrian Moulton, yes, Steve Hernly, yes, John Reece, yes. Favorable recommendation and Amy Alka, Will Greer, Andy Fahl, Jim Hufford and Terry Alfrey are absent.

J. Hill: Thank you. And thank you.

D. Johnting: You're welcome.

J. Hill: And we'll be opening in March, if anyone needs a trailer.

D. Johnting: Okay, you guys can stay, or you're all done, so you are free to go, we are going to talk about signs.

President Calhoun: Next is the Sign Code Amendment, discussion and voting.

R. Abel: So if you look at some of the yellow on the Table 4. There's things that changed in there from the last time we looked at this, last month. So, on the freestanding signs there is a minimum separation of one sign from the other is 250 feet, which I see that or more in a lot of the ordinances. We made an adjustment on through lots for the maximum area. So, when you have a through lot, obviously you don't have one facade, it's probably facing one road or the other, so I'm assuming most businesses are going to want to put a pole sign up on both sides. But then if you limit it to the facade and then you have to split the size of the sign between 2. So, what basically this does is say you are allowed to have two signs, so you figure the facade and the one sign you know allowed an equal sign on the other side of the property so that kind of gets...and then it doesn't count toward the cumulative area. So, they're basically getting a free sign because they're a through lot. And, then we add the sign illumination. There was some discussion on the sign illumination. I hope you all got your...I don't know how many of these research papers we sent to you, but hopefully you all read a bunch of these. The one that I thought was the best was put out by the International Sign Association. So, I think these standards are pretty well accepted by the industry and because they are put out by the Sign Association, I'm assuming they're generous to the sign companies, so I don't think anyone would think it was too restrictive to have that portion in there. If you want to go ahead and look back from the next page I think that's got the illumination part in Exhibit B. Has everybody had a chance to read through that? Which this is concentrating obviously on the nighttime illumination. There's one section at the very bottom which says daytime internal illumination shall be no more than 5,000 nits. That's just put on there, I mean, that's really, really bright. So, I don't think we'll ever see one like that. Once they get so bright, actually it obscures the message. You know, no sign company is going to do that, just because, unless the only thing is if you somehow got it set up wrong, it gives us a chance to go in and say, hey turn it down a little bit. You've got to be over that. But you can't read the message so, usually you have no trouble in the daytime. If you look at C up there that's in red. It says external illuminated signs shall be mounted at the top. I saw that in a lot of basically I would say it would be larger communities that had that. I don't know that that's really necessary. I don't think we have had that problem here where we have sky glow above Winchester do we? But that's what that is to avoid. But I don't see making people do that or change that, obviously. I would just say let it be permitted either way from below or above, in a small community like this, we really don't have those issues with that like you would in a big city. I just put those in there because I see these things in other ordinances and just for discussion, if somebody thinks it's a good idea, you can do it. If not, you know throw them out. That's what it's all about. I did see in several of them, that they took an extra step to protect residential areas from these signs, from the brightness, and so they...And this was suggested by the sign associations suggested going down to .2 in a residential area. Just to avoid, I think complaints and you know, from the neighbors and stuff. And obviously, most of the time you're not going to find these in residential areas. I just know there was a concern last time about brightness and I just found that research and I thought that was a pretty simple answer really. Doing foot candles is pretty easy to do. And the table behind that obviously is just you do the square foot of the sign That's how many feet you go away and you measure your foot candles. It's just like the size of the light. You stand back further if it's a bigger light. And again, these were all recommended distances by that International Sign Association and the research done by that association.

President Calhoun: That measurement distance from the sign face, is that from the road?

R. Abel: No, that's from the face of the sign, so you measure the illuminated part of sign and that's in the first column. That's how many square feet you would have. And then say it's a 50 square foot sign, you would stand back 71 feet to take your measurements. That kind of keeps everything in balance. Some scientist did that research, I'm assuming. Like I said, it's pretty simple and you don't have, I mean you just stand on the ground and do it. And technically, unless somebody actually comes to you and complains about it, you probably don't even need that part. But if somebody does complain about it, you can go and see and if it meets the standards. Then you can tell the person complaining, you know you don't really have a valid complaint. And so that gives the office the opportunity to defend, you know what the sign is putting out. And once in a while they may get bright, so then you have to tell the sign operator turn it down just a little bit. That makes it less subjective. Are there any more questions on that illumination chart, or any comments on it? I mean, think that's a good solution to our brightness? It seemed like the people that attended the meeting seemed to be a little more concerned about that than anything. About looking at the lights and stuff. Okay, so you go back to the other page we had where I think we had four hours I wrote down. I got that off about I don't know how many ordinances, some said 8, some said you know, down to seconds. I just took an average knowing that we would discuss it, so I changed that in there to say 15 seconds. Now, I don't know if any of you did go drive down the road and look at these signs or not, but you know, most of them I would guess would take you 10 or 15 seconds to read them. And you're by the sign by that time. So if you're really trying to get a message across, if you ever get caught in a half a message and you don't get either one read, so I don't know. They've got formulas in some of these counties that are ridiculous. I mean, they're like, oh it takes 4 seconds for you to acquire the contact with the sign when you're driving down the road. If it's a sign you're familiar with. And if it's a sign that you've never seen before, it takes you 10 seconds to find that sign. Then they start doing it by how large letters are and how, I mean, good grief, if you go to formulas, it would drive you crazy. I know we don't want to do that. So I think we just want to set a time limit and do it. And technically, who's going to go out and count the seconds, right? Unless it's...Me? No, probably not, I'm tired of counting seconds.

A. Moulton: Hey, you reported that at the 4H Fair, yeah? You said at the last meeting you counted.

R. Abel: So if you've got a sign, and you serve me a McDonald's meal, I'll go out and count the seconds.

A. Moulton: I have looked at several of the changeable copy signs in the county. And I'm sure that someone will prove me wrong here. But, I tell you every changeable sign that I have seen in the county would not comply with the languages right here. And I've not driven throughout Winchester. You mentioned the hotel, so after the meeting I went to the hotel sign. It's changing every five to six seconds.

R. Abel: The time and temperature? Or what? I didn't look at the whole thing.

A. Moulton: No, you had mentioned that the menu was on in there so I went afterwards and I didn't see a menu, but it was and there was some animation in that sign and then whatever the bank is, I went and filled up with gas just right there beside Arby's, I don't know that bank, but that sign is right on the highway and it's a nice sign; it's changeable copy. Like I said, the town of Parker has a really nice sign and they've just put it in and it's a great advertisement for the town. They put in all kinds of great things in it, and it would not comply with this. The Cultural Center there in Farmland has a scrolling

marquee sign in the window with events and it's just a little like a message sign. And it just scrolls. So I would say that would not comply with this as well. The school signs. I've talked to the school superintendents and all but Randolph Central, the other four county schools have some type of sign and none of them would comply with this.

T. Chalfant: What if someone like the Cultural Center said well, if they say that sign is meant for pedestrians, you know? Because, so what do you know what's happening and what do you do then, what is it for? If they said that sign is meant for pedestrians, we don't intend for road traffic. We just want the people walking by the sidewalk to read it. It's just, you know, what do we do then?

R. Abel: Well, I will say, all the signs I've seen could easily comply to this. If you took out the flashing. Anybody can make them do a 15 second copy change. Most of them, I think most of yours do at least 10 or 15 seconds. The only ones I've seen are the ones that do the animation things, but those animations can be made a solid screen so you can have a background screen that has a flag on it and has a message. And it can be up there for 15 seconds, or it can be up there for 15 minutes, it doesn't matter. Because these are the minimum standards. And then it can just change instantly to another message with another background, another color scheme. The good thing about electronic message systems is that you're not telling them take the sign down, you just tell them to reprogram it. So it's not an expense to them, really. Because they're probably programming it anyway. So, I guess it's just whatever you guys want to do. It's not, I don't have the decision, I just did the research for you, but I can tell you it's really, really, really, really, really hard to find any community that allows animation. Because of this distraction, so I suppose somebody has made the ruling that that's a safety issue on the roadways. And, for the most part, this is fairly generous. I mean, from what I've seen in other counties, a lot of them don't even allow electronic message signs which is hard to believe, because I can't believe anybody wouldn't allow that. But some of them limit the size of the letters by the speed limits, and I mean they just go bizarre. I'd rather not limit the message or the signs or the background you want to put on there, if you want to put a logo on there. You know, I think what most communities are trying to get away from is the effect of animation and flashing. And the brightness obviously at night is, it would be the brightness issue. I mean, like I said, I don't think I've seen any that couldn't meet the standard with just a programming change. And if I look at most stuff that even has animation, they may only have animation on one or two of the panels where they're where they're going around. Now I look at that one going home on 32 all the time. It's got one that's animated with the flag, and the rest of them it's just a panel that flips up and says support your local businesses, and then it will have another panel that will flip up that says, you know, sometimes I think the people that put those messages on don't actually drive down the road and look at them. Because some of them you can't read. If you put too much information on there and you only leave it up for 10 seconds, I don't know what good it does, but you know, you really can't hardly read those. Maybe if you drive by every day eventually. But if you're trying to get a message like, there's a chili supper tonight at a church or something, you better just put that up there so people see it for a couple days. And maybe flip it to something else, but not have too many panels. But, I don't want to get into how many panels they can do, what the message is, how many letters, how big the letters. I don't want to get into any of that. I just want to take away, I think what most of these ordinances do, just take away the animation and the brightness.

A. Moulton: Because of safety?

R. Abel: Because of safety is what I believe they're doing it for. I don't know what other purpose there would be really.



T. Kerns: I really don't see the purpose of going to 15 seconds, in my opinion. I don't...if it's only on for five seconds and somebody doesn't get the message then they don't get the message. But I almost think that's up to the sign owner. I don't see how that going to affect safety? Or is it just because it's changing? You're saying it's going to flash too often if it's every five seconds?

R. Abel: I think it flashes too often and I think people are then trying to see when that message comes back. I think they're concentrating more than perhaps the motion of that than they are...I don't know. I'm just telling you what other towns have done what I've seen. I've never seen one down to five seconds. I've never seen one...

T. Kerns: I was just thinking, it just seems like they're not much more than that. But I haven't sat there and counted so.

President Calhoun: In fifteen seconds you're going to travel a quarter of a mile. Well, I don't know if I can see it that far or not.

R. Abel: No, that's the whole point, you're only going to see that sign, maybe readable for seven seconds, maybe. And so if it's flipping in there, you've lost the message. So, you are not hurting the person putting the message out. You're probably helping them. I mean, it's up to you guys. I don't, it doesn't matter to me because I'm not going to go out and count them anyway.

J. Reece: Probably, 45 or 50 years ago, the State of Indiana decided that no packaged liquor store shall have a blinking strobing light in the window. So there's gotta be a reason for that. And it's distracting more than it is, step in and have, buy a beer, it's a total distraction.

R. Abel: It's a total distraction. But I don't know of any county that's been sued because they passed an ordinance that allows a flashing light.

J. Welch: And to me they look gaudy, too, to have ten signs flashing right next to each other.

J. Reece: And I am having enough trouble just driving. I mean, I am looking at headlights, taillights, something in my rearview mirror. I don't have time to...

R. Abel: Yeah, well, there's an aesthetic component to this to you on how you want your town to look and what you've got to understand is every business can have this right? Once you pass this it can go all the way through town. I'm not saying it will, but you've got to understand, you know what you passed anybody can have.

T. Kerns: So downtown might look like Times Square?

R. Abel: Well, it might at that, or Vegas? That's what you've got to understand is that what you pass goes for everybody, not just you know, not just the ones you see today.

President Calhoun: I think we've got a couple people that think that the fifteen seconds is too long. What is everybody else's opinion?

B. Lahey: I'm good either way, fifteen, four or five. 4 hours was definitely not good.

B. McCoy: Randy, so all the current signs around the county, I guess I'm the only one here right now, right? They're actually non-conforming because they were never approved?

R. Abel: Yeah, mostly there's only been one or two that ever had a hearing or ever got a permit.

B. McCoy: So I guess there are a lot of non-conforming digital signs out there right now?

T. Kerns: So, if we pass this and they don't conform, what are we going to do?

R. Abel: Well, that's the next question down the road. How do you want to bring people into conformance? And I mean the easy thing for electronic signs is it's very easy to get to conformance, right? It's the other signs that are harder to get to conformance.

T. Kerns: We put the mayor in charge of that, right?

R. Abel: Yeah, so the other question is, so a legally established non-conforming sign it states in there that can't be expanded or replaced so at that point in time is when you bring them back to conformance. So it depends on how you define, and then the next one down says something like if they're damaged over to 50%. So if you got it...

B. McCoy: So are you going to address that part of the ordinance now?

R. Abel: In a little bit, yeah. So, it says it's 50%. Obviously you got a sign that's blown over and the face of it's damaged, that's going to be over 50% of the sign. And so at that time they're going to have to replace the sign anyway, right? So you're not really adding to their costs, because they're probably either going to have to make it smaller, or there's even the option that they could make it bigger maybe. But at that time, they're going to have to replace it and conform to whatever you guys decide on tonight. So, there's also been some discussion on this, on the height requirement. I'm guessing there's more violations on height than anything else. I mean, if you want them to go back to conformance. So if you're saying 15 feet and the new company comes in and puts their 15 foot sign in and then you've got a company sitting right beside them that's got 25, 25, 25 and they come in and replace their sign and leave it 25, you know you're going to have a hard time convincing that guy that you may do 15 foot that you know...so you've got to bring everybody back to conformance, or you've got to...I mean you have to go one way or the other here. You've got to bring everybody back to conformance or you've got to expand it.

T. Kerns: What are you going to do? What's your enforcement to bring it back?

R. Abel: When they replace the sign.

T. Kerns: Well, but how do you force them to do that? Are we going to fine them? What if they just replace their sign and say, that's my sign. It's there. I mean, there's no reason to put rules into effect that there's no remedies for.

J. Welch: There's remedies. There's remedies for enforcement. There are injunctions, where you could have the court order that they be taken down, take it out, or they could be held in contempt. There are fines available under this, under the ordinance, so there are ways to enforce it and we've only had to do this in a few cases. Usually a letter takes care of it in most cases.

R. Abel: Yeah, most people comply, right? I mean we got one going on right now, the guy, we tried to work with him, and he wouldn't do it. So, he's getting fines. And we told him once Jason gets involved you're going to court, period.

J. Welch: But it's not a sign.

R. Abel: No, it's not a sign. But you know, in a violation that's the only option we have. That's the enforcement, and it's not a good one, what's the best one is you write them a letter and they say, okay, I understand. But you know, it's whatever you decide on is what they're going to have to go with so.

A. Moulton: But you're saying that only if the sign needs repaired or replaced, so everybody else is grandfathered in at this point, and there would be no action against any of them?

R. Abel: There's no action until they replace part of it.

A. Moulton: So that's what I'm saying so all...

R. Abel: And like I said, it's up to 50% was what the one section says.

A. Moulton: So all current signs, they don't have to comply with any of this, whatever is passed, unless they want to replace that sign, or if they want to add a new sign?

J. Welch: Are you talking about the letters too, Randy? The animated signs too?

D. Johnting: Not the animated.

R. Abel: No, this is just size. Animation's never been allowed. Every animated sign out there is in non-compliance and illegally established.

A. Moulton: So what do you do to those folks?

R. Abel: You send them a letter like we do and say, hey, cut out the animation and just put in your lights and your message and your backgrounds.

A. Moulton: So a scrolling message is animation, it's not static. And I'm just talking about the little message boards that just, I mean, they're not... Jason's Meat Market. Go look at it. It's on the square and it's not offensive at all, so I mean it just says Jason Meat Market, open nine to five, and it's just scrolling very slow it's not distracting, but that's not in compliance.

R. Abel: It's not in here. If you want to put that in that section that allows a two square foot scrolling sign you can do that. I mean, that's why we're here tonight. If you want those exceptions put in there now is the time to do them, yeah, absolutely. Now this is just the basis of the research I did. It's not the, you know, I see some people that say no scrolling signs period, and then others say here's a size limit like you say, like a small storefront. Some allow barber shop poles. I mean, so you can put exceptions in this any way you want.

A. Moulton: So, I went through, and at the movie theater, the marquee is doing exactly what you talked about, and that's not the strobe lights, it's not the real bright, but it's, it's flashing the whole marquee, with the lights all the way around it right there on the square. It's flashing.

J. Reece: But doesn't that go to the pedestrian traffic? I mean, Tom said there's probably an exception to it?

A. Moulton: Oh, I'm not, I don't know. I mean, I am driving through and it's a block away and I see it. It drew my attention to it, because I knew we were going to be talking about it.

R. Abel: And again, I'll pull you back to whatever you approve, anybody can do. So, you could have every business downtown doing that. So, I mean I'm just bringing it up, so don't lose focus because of one.

D. Johnting: Well, my problem is they are all doing this and I don't know how we could possibly chase them down. It's like wild west when it comes to signs. Somebody wants a sign, they just put it up and then what I'm going to go around and knock on the door and say, excuse me, you didn't get a permit for that?

R. Abel: But then they usually have a sign company put it up that's already gotten a permit in the past. But they didn't know, right? I have very little sympathy.

D. Johnting: We found this guy who is putting up the electronic signs and Lynn who is telling people. Oh, you don't need a permit, you're fine. And they don't know any different and they don't call until it's already too late. You want them to get a permit. Do you want them to? I mean, I'm the one going to be telling people, well, I know that your neighbors got this, but you can't have it.

R. Abel: If you're not going to make them get a permit, you might as well exclude the sign ordinance. And then you're going to be looking at 300, 400, 500, 600 square foot signs going up and bright lights and flashing. I mean whatever you want to do. I hate to be the one saying that, but look at some of these other places, they have nothing. And you get what you ask for.

A. Moulton: So hey, this may be out of order, and if it is just tell me. I can't see him because that dang pole is in the way.

R. Abel: He's back there hiding.

A. Moulton: Mayor, I would just be curious to hear what your thoughts are on this.

B. McCoy: Well, Randy kind of hit the nail on the head on the non-conforming. And a perfect example is Taco Bell. They are wanting a rebrand and the sign is 25 foot tall, approved in 2001.

D. Johnting: It was legally done.

B. McCoy: Yes, legally done. The ordinance passed for 15 foot, so now it is a non-conforming sign but all they want to do is change the brand. They're not doing anything but putting a new insert in that sign so their question is why do we have to get, it's a variance, right?

R. Abel: Well, they can ask for a variance.

B. McCoy: Now if they ask for a variance, it could be approved at the 25 foot height?

R. Abel: Yes.

B. McCoy: Or, should they even have to ask for a variance if all they're doing is changing the logo?

R. Abel: So here's my point to them, that I made, and it's up to you guys if you want to enforce it this way. If you say you can reface forever, you're never going to say it's replaced. That pole is going to last for 100 years, so now you're telling this guy down the road that has to put a 15 foot sign up, you're always going to be looking at this 25 foot sign and you have no hope in your lifetime of getting a 25 foot sign, or being able to be equal to the business next door. So when I require a 15 foot sign of this one, they know eventually they're going to reface, and they're going to come back down to 15 feet, and then they're going to be equal signs, it's going to look...and you're competing equally.

B. McCoy: I mean, I don't think it's going to kill Taco Bell to lower their sign.

R. Abel: No. And it's not a cost issue.

B. McCoy: But that's not an issue for them, but what about the business, let's just say Pizza House, and I don't think they have a sign like this. But what if it is a small business that this is a major expense for them to take that down to that height?

T. Kerns: We have right now in Union City, the old Eagles building that the church owns. And then we have the daycare in there through the Y. We just ordered new panels for that sign, so we're changing them and I guarantee it's over 12 feet. So that's one right now. That would be a big expense for a church and obviously for the daycare to have to take that sign down and redo the post.

B. McCoy: But I understand that point. The 25 to 15, because they probably never will comply. McGalliard is a perfect example. The Taco Bell bank. Little sign now. The Burger King, little sign now, on down all tall signs because they changed the ordinance to make them bring their signs down. Now, I don't know how it operates once they change the faces.

R. Abel: I don't either.

B. McCoy: Or they're playing what you're saying. They're just going to keep changing the faces, and keep the height where they're at. But I understand the point. But this was brought to me...

R. Abel: But I think if you put something in place and everybody is aware of it, it goes back to zero, right? I know some people are going to get caught, right now. And I know some of the people who have not come into the office, I've seen probably a dozen signs go up in the last few months. They're going to get caught, right? But somewhere some sign company guy is going to say, oh, if you're going to do that in Randolph County, you better go get a permit. Right now, there is no enforcement. There's no rules, there's no laws, there's no consistency. It's like let's go walk over Randolph County.

T. Kerns: We're the ones that, we're the ones that are doing all that ourselves as church trustees. We ordered new pans to put in the signs to reface them. So we didn't have a sign company tell us, you can do that, you can't do that. You know I didn't even consider that we needed a permit because changing the existing sign would change anything.

R. Abel: Yeah, I know.

T. Kerns: And I am on this committee and I didn't even consider asking about that.

B. McCoy: I think the school made a sign for the lady beside the city building, and I question whether it's even conforming. Foxy?

D. Johnting: I haven't seen it.

B. McCoy: And the crazy thing about it is, the school made it, and laser cut it and actually helped her install it between 2 posts and I know it's bigger than 2' x 10'. But I mean, it's a pretty good size sign, actually. It looks kind of ugly because it's too big for the area.

R. Abel: See, they should have some in to the office.

B. McCoy: I understand that, but I mean, I kind of wonder whether each city maybe ought to regulate the signs. Take it before the Councils. I mean, come up with a standard.

D. Johnting: You can put anything you want in this ordinance, but then we have to enforce it.

R. Abel: Well then you have the ones that call and just go ahead and do what they want.

J. Welch: I suppose you could just take it out of there completely and just let the cities deal with the signs, but you have the county still.

R. Abel: Yeah, I mean this would just apply to the county then.

D. Johnting: I don't know that every city would take you up on your offer to do that though.

B. McCoy: Well, I agree.

T. Kerns: You could leave it, the cities could accept the county, or they can do their own.

D. Johnting: And they can actually do that now, right?

R. Abel: They can do that now. And seriously, if they want to approach the Commissioners or the APC here, that can be written into the ordinance, except for Farmland, except for whatever...but I don't want to get into a zoning ordinance where, okay, I have to enforce that Winchester wants a 10 foot square sign, Union City wants 15, Farmland wants this...I don't want that. We've got one instance of that now where we have 100 foot set back to a bar, but it's 50' in Farmland. And there would be no way in the world we could keep track if this thing were cut up like that and had a million different rules. We'd rather just find common ground and do it, and that way everybody in the county is kind of aware of what it's going to be then. Then you don't have somebody from Winchester saying, oh, they allow this and then you know they allow that. So you know I think we need to come to some consensus on what we really want and think is good for the county, for the whole county if we can. Obviously, I'm not opposed to going to the different cities, because boy would that ever lessen our load? But if you've got a Unified Zoning Ordinance, and if we are an Area Planning, Area Planning does include all the incorporated cities and towns and county property so. But there can be exclusions if that's wanted.

B. McCoy: Can the, if somebody would come before the board for a variance and you guys, just like you do anything else, make a favorable or non-favorable recommendation would it be booted to the city, the county, whatever or could it be?

J. Welch: Variances are not a recommendation, it's an approval or not approval. By the BZA, it's different.

B. McCoy: They come before the board for a sign approval, and then they say yes or no.

J. Welch: That would be a BZA issue. Board of Zoning Appeals.

B. McCoy: I'm just thinking.

D. Johnting: So, if Winchester had their own, they'd still come to us for a variance?

J. Welch: No, it would be separate.

B. McCoy: I'm trying to help you Deb.

R. Abel: So, we had this discussion a little bit with the BZA. And kind of the consensus was we need an ordinance that's going to be good for everybody. So, when you look at a variance, so somebody comes in for a setback variance I have to say the BZA hasn't exactly done what most communities would do in a BZA. So, I give you an example for a sign, so I think everybody is probably familiar with I think it was the old Farm and Fleet down in Richmond on 40? You had to go down a hill and that parking lot was probably 20 foot lower than US 40. Does anybody I think it's like an equipment

sales now or something. Yeah, yep Case. So if they came in and said hey we want a 40 foot sign. Well, you're thinking 40 foot from the ground road level, it might be 15 feet, so you'd grant the variance because of the lay of the land. And the way the lot sat in all those special circumstances. If there's no special circumstances that would warrant such an approval for a variance, they should be denied. We've had people coming in and asking for zero setbacks against a farm field. That's crazy. You couldn't even build your barn without trespassing.

T. Kerns: So, do the cities do away with their signs on the water towers?

R. Abel: So, I had a conversation. There's exemptions on community signs, there's exemptions on city signs, there's exemptions on murals. There's exemptions on ballparks. There's exemptions on, this is just part of the ordinance it's in the whole thing a lot of that is exempted but we don't want to deal with it. Directional signs. We have enter and exit signs and different things you're allowed to do all that stuff. And actually, if we ever get the UDO going, I would put a lot more exemptions in there. I mean, you see those little signs at Walmart, that says, oil, gas, tires, you know, whatever. I would exempt all that. I mean, yeah, this isn't going to solve all the world's problems. I realize that, so yeah. And you know, we end up getting a lot of these from big towns and we're just not a big town, right? They don't really apply to us so much. So, I see us giving a lot more exemptions than what, you know? And I see some communities exempting all those farm signs that go up for seeds. You know and they are allowed to stay up for so many months and you know ours doesn't really do that yet. But it will by the time we get the UDO done, because I have all that written down somewhere. That those need to be exempted. Yeah, some of that stuff can just be broadly exempted in that earlier language in the ordinance. So, I don't care what you guys want to do with it, you can do the 15 foot, you can go back to 25. You can do 10 seconds, you can do 5 seconds, you can do whatever you want. You can even do animation if you want. I mean, it's really up to you guys what you think is best for the county knowing that it's going to go, whoever wants it can just come in and get a permit.

D. Johnting: And it's really hard when someone comes in and they are not there five seconds before they are telling me they want to do the right thing although none of their neighbors are doing the right thing and we are not stopping them. So, they feel punished if they come in our office and have to follow the rules.

R. Abel: It's really great when we had two people come in within a half an hour of each other one to put a pumpkin patch in and the other wanted a fruit stand or something we say you can do that.

D. Johnting: And we had our first two people all week who did not require a hearing. But even when they have a hearing, Don, Jim is not here, but you remember the BZA gave Union School a variance to put up an electronic sign, and they agreed to no flashing, no bright colors, no strobing, and a few months later it is doing all that and more and they didn't get a permit. The next month a business here in town came in and drew out this really nice plan for a sign and then a couple weeks later we drove by their new place and there are three signs in the window, and none of them were what was approved by the BZA. And they didn't get a permit. So, they bother to come to a hearing but not come back for a \$30 permit. So then, I mean, who's the jerk that gets to say, well, you can't have that sign because you violated the terms of your approval from the BZA and also didn't get a permit?

R. Abel: But, there's so much in that office we just don't have hardly time to do all this reinforcement stuff. It's crazy, it really is. We need an ordinance that we can just say look, here it is, just do it.

T. Kerns: I hear that.

R. Abel: Yeah it, it's just crazy.

D. Johnting: And what do you do with, I mean, every time I talk to someone, well, have you seen the lighted sign over on Plum Street, have we seen a sign over here and they've got a sign and they've got a sign... We've done a couple of those sign permits. That's it. So, do you guys want them just doing, would you want houses built like that? No permit, no inspections, no permission. No input on what the neighbors think, to make sure that it's actually on their property?

R. Abel: Would it be easier if you go through the discussion and say what you want to change? So, do we want to change the scrolling signs and limit them to just a couple of square feet and just let them scroll? I mean, yeah, I'm open for anything you guys want to put in here. Like I said, we just did the research. It's up to you to make the final decisions here on what you want. Or what you think the community might want? I mean, really, that's what we're here for, the people we serve is to do what's best for them, to preserve their property values, preserve the safety, health, and welfare all that good stuff you hear all the time. I mean, we're not out here to punish anybody.

President Calhoun: I guess I feel like those small scrolling signs are alright.

R. Abel: Okay, so I can put that into the, the best place to put that would be where it prohibits animation. And you can just say animation does not include a, do you want to set a size limit? Probably you would or you're going to have a big billboard sign going up like that. I guess I can just go by later and see what Jason's got. Do you think it's probably under three square feet? I would guess it's probably under three square feet because most of those are just about so long and that runs the words across.

A. Moulton: I guess in Farmland at the community building, I don't know what they call that now, the old grocery store, they have one of those scrolling signs in their window too. Probably about the same size as Jasons. Might be a little taller than Jasons too.

R. Abel: So, I can go over and measure that to make sure that we allow both of those. And obviously that won't be in this one tonight, but we can come back next time with an amendment?

D. Johnting: We do have a hearing next month.

R. Abel: Yeah, so you're going to be back anyway.

T. Kerns: I would do away with on your illumination at the scene and letting them put the...

R. Abel: Okay, yeah, I would to.

T. Kerns: In my opinion, the lighting from top and bottom. I don't see an issue, I think there's lot of different places it shines lights up on.

R. Abel: There is.

T. Kerns: And I don't see that being a big problem. Yeah, I don't know.

R. Abel: In what you're doing anyway, you're going to test how bright it is anyway, so that's easy.

T. Kerns: They are going to shine on the sign and not in somebody's window.



R. Abel: Yeah, yeah. And the good thing is, if you find out these are too restrictive or whatever, you can always come back and change them. And I try to tell everybody it's easier to go up and down. It's easier to go less restrictive later.

T. Kerns: So, you need a motion to pass this, are you going to try to pass what we have tonight and then amend it later? Or we going to just wait and amend it and do it all one time?

R. Abel: So, it's easy to cross this, you say pass it with crossing out C, we can make that statement and then this will technically go to all the legislative bodies then with the recommendation from this board. I feel like if you're going to add in the scrolling, you should probably wait and just pass it all at once, because it's a it's a tremendous amount of paperwork to send each amendment to all of the...

T. Kerns: That's why I was asking.

J. Welch: To all of the municipalities, so I would wait if there are going to be other changes and just pass one change. That would be my recommendation on that.

R. Abel: Yeah, we've got several people waiting on this ordinance now.

A. Moulton: On the sign ordinance?

R. Abel: Oh yeah. we've told people if this passes, you will be okay. You can come get a permit. I mean, it has to pass the Commissioners and all the towns and legislative bodies and all that. But you know, they're like chomping at the bit.

A. Moulton: But they're being told they cannot put up a sign for that because this is pending?

R. Abel: Or they have to go get a variance.

T. Kerns: Well, we have sign ordinance in place, and hardly anything applies to it. Period.

R. Abel: No, ten square feet is what is allowed.

A. Moulton: So, it's far more strict than this, that's right.

R. Abel: Oh, yeah.

T. Kerns: What do you think those scrolling signs are? Size wise?

R. Abel: Oh, I don't know.

T. Kerns: Do we have any idea? Are they six inches by three feet? Are they a foot by three feet?

A. Moulton: They're a lot bigger than that, you know.

T. Kerns: Can we come up with something we can agree on?

R. Abel: Do we have to agree on this exact wording, or can they agree verbally what to do?

J. Welch: They can agree verbally and we write it in, if it's written in exactly what is voted on right now.

R. Abel: So, if we were to do, to add the scrolling, what I would do is put in Amendment 3 and I would amend under prohibited signs under animation do not include scrolling signs of the dimensions of

those signs. So, it would be like a third amendment under this page that we would send out under our recommendation.

T. Kerns: Can we come up with that amendment tonight, just come up with it?

R. Abel: We can verbally agree to it now, and I will just write up what we agreed to.

T. Kerns: So, what are those signs, can we get a general idea how wide those signs are and just add 20% to them so that we know they are in compliance?

J. Welch: I wouldn't think it's greater than ten feet, would it be?

T. Kerns: I wouldn't think so.

R. Abel: Oh, no.

J. Welch: Maybe six?

R. Abel: I'm guessing maybe 3 foot by a foot and a half ?

S. Hernly: It's probably about 18 inches.

A. Moulton: Which one you're talking about?

S. Hernly: At the Cultural Center. Probably about 3' by 18".

R. Abel: I'd say six. Six square foot sounds reasonable. Yeah, we can put that in there, real easy.

B. McCoy: Coy, aren't you glad you said yes?

C. Applegate: I used to work for the Department of Corrections, I've been through meetings that lasted longer. And I got blasted a lot more.

T. Kerns: I will make a motion recommendation, and you can go from there, that we accept this, with the 3rd amendment, deleting the C and going to 10 seconds, if we're happy with the amendment otherwise.

C. Applegate: I will second.

President Calhoun: It's been moved and seconded that we accept this with the changes. Now, do we need a roll call vote?

J. Welch: It would be a vote for a favorable recommendation to the county.

D. Johnting: Don Calhoun, yes, Tom Chalfant, yes, Bob Leahy, yes, Coy Applegate, yes, Adrian Moulton, no, Steve Hernly, yes, John Reece, yes, Tom Kerns, yes, and Amy Alka, Will Greer, Andy Fahl, Jim Hufford, and Terry Alfrey are absent. Favorable recommendation.

R. Abel: So all of you that are appointed by city councils and the such make sure you discuss it with them to clarify what we decided tonight. And also let them understand that you know the question came out by some of these signs that are exempted. So, let them understand this is not the whole sign ordinance that there are a lot of signs that are exempted from this. So, this just covers commercial signs.

J. Welch: And it's much less restrictive than what we have in place right now.

R. Abel: Much, much less restrictive. And it puts everything into proportion, which I think is probably going to look better in the long run.

President Calhoun: Okay, is there any old business? New business, Notice of public hearing for the City of Winchester Redevelopment Commission.

B. McCoy: We sent out two letters. There's a public hearing on March 10th at 5:30 at the Redevelopment Commission pertaining to the TIF District at Vision Park, which is the one on the north side of town. Where the windmill is at. We are extending that TIF until 2037, which is the max that TIFs allow. Originally there was a couple TIFs that were combined and they left them at the original date. This allows us to go out further and finance a project that we're looking at right now putting 12 houses along Old 27 out there and build the infrastructure so this allows us to create the financing to keep that in place so we can continue to upgrade that area. The other letter for the same meeting night is for Willow Ridge III, which is along the golf course. 18 houses. Currently there's two foundations being prepared right now, and we broke ground for the sewer and the water recently, so this will have to be amended because the lots were not at the time I think at the time we originally did the first resolution, so it's kind of in a nutshell what this is all about. So, if you want to come on March 10th at 5:30 you are more than welcome. Any questions?

President Calhoun: Thank you. So, is that it?

D. Johnting: We do have a hearing next month, I will get the information out to you as soon as I can.

President Calhoun: Thank you for coming everybody, I will accept a motion to adjourn. Meeting adjourned.

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President, Don Calhoun

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Vice President, Andy Fahl

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Recording Secretary, Debra Johnting