

**LOWELL PLAN COMMISSION MEETING
JANUARY 15, 2015**

President Kelley called the meeting to order at 7:00 P.M. The Pledge of Allegiance was recited. Recording Secretary Dianna Cade called the roll. Members answering the roll call were Richard Kelley, Elias Carras, Matt Felder, Craig Early, Christopher Salatas, and Don Parker. Jim Konradi was not in attendance. Also present were Planning Consultant Jim Mandon, Town Attorney Jim Kramer and Building Official Tom Trulley.

APPROVAL OF MINUTUES

Mr. Parker made a motion to approve the December 11, 2014 regular meeting minutes, seconded by Matt Felder and carried with six ayes.

NEW BUSINESS

Election of Officers -

Mr. Carras made a motion to keep all the current officers in place for 2015, seconded by Mr. Parker and carried with a roll call vote. The officers for 2015 will be as follows:

President: Richard Kelly
Vice President: Jim Konradi
Secretary: Elias Carras

PUBLIC HEARING

15-001 Temporary Signs

Mr. Mandon stated that this is basically an ordinance that fills a few gaps that was initially a problem in the new ordinance that was passed a year ago. Mr. Mandon stated that from the Town's perspective, it tries to be as specific as possible for each one of the temporary sign areas that Tom has to see when they have to come in and ask for permission to put these sign up. Mr. Mandon stated that there are certain things that we cannot regulate such as specific free speech issues. Mr. Mandon stated that we made the changes that we think were recommended by the membership. Mr. Mandon stated that the Board needs to look at the changes that were recommended and ensure they are correct and to bring to the staff's attention any other changes they would like to have made to the ordinance so that a recommendation can be presented to the Town Council. Mr. Kelly stated that there were suggestions made by Councilman Early and Matt Felder, he is assuming those suggestions have occurred. Mr. Mandon stated that in terms of what we think those were; yes. Mr. Mandon stated that the staff would just like to make sure that they reflect what the actual change request was in each case. Mr. Mandon stated that the changes requested pertained to size and what language could be on the sign. Mr. Mandon stated that he and Mr. Kramer also had discussions between this meeting and the last one, that it was very difficult to come up with actual language that would prevent someone from filing suit against the Town. Mr. Kramer stated that

the staff worked through the ordinance in order to make it accommodating to what the Commission wanted and at the same time not running a fowl at any constitutional issues. Mr. Kramer stated it is virtually impossible to write an ordinance that is going to be completely bullet proof of any challenge at some point in time. Mr. Kramer stated that he felt this ordinance was drafted as solid as it can be protecting the Town from any litigation that could arise in the future.

Mr. Mandon stated there also were recommendations about the size of some of the signs and the staff reduced those down to what was reflected in the minutes of the previous meetings. Mr. Felder asked if the change was made to limit signage to one per zoning lot. Mr. Mandon stated yes.

Mr. Felder asked if (i)1 is defined which refers to gross displays. Mr. Kramer stated it is not. Mr. Felder stated what about adding the language immoral or obscene, he stated that his occupation is selling signs and he has seen a lot of sign ordinances with this language on them. Mr. Kramer stated that the obscenities you can certainly include, immoral becomes a little hazy on exactly what does that mean. Mr. Kelly stated that obscenity is also, what is obscene to me might not be to someone else. Discussion followed on adding defining language to this section of the ordinance.

Mr. Kelly opened up the public hearing, with no one to speak for or against the petitioner. The public hearing was closed.

Mr. Parker made a motion to forward a favorable recommendation to the Town Council, subject to adding to section (i)1 the language, obscene, offensive and immoral, seconded by Mr. Early and carried with a roll call vote.

ANNOUNCEMENTS

ADJOURNMENT

With no further comments or questions Mr. Felder, made a motion to adjourn the meeting at 7:25pm, seconded by Mr. Early and carried by a voice vote.

Richard Kelley, President

Elias Carras, Secretary

