

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, AUGUST 15, 2017
4:30 P.M.**

The Murray Planning Commission met in regular session on Tuesday, August 15, 2017 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Commissioners Present: Jim Foster, Tom Kind, Bobby Deitz, Robin Zhang, John Krieb, Loretta Jobs, Martin Milkman and Marc Peebles

Commissioners Absent: Jordan Smith

Also Present: Gerald Gilbert, Jessie Boshell, Maurice Thomas, David Roberts, Attorney David Perlow and public audience

Chairman Kind called the meeting to order and welcomed all guests. He then asked for a roll call of the Commissioners. Chairman Kind asked if there were any changes to the minutes from the July 18, 2017 regular meeting.

A motion was made by Loretta Jobs to approve the minutes from the July 18, 2017 Planning Commission regular meeting as presented and seconded by Jim Foster. The motion carried unanimously.

Discussion: Amendments to Chapter 155 of the City of Murray Code of Ordinances – Subdivision Regulations: Mr. Gilbert explained that Planning Staff is asking that they be allowed to approve the Final Plat at staff level. The Commissioners will continue to approve the Preliminary Plat. Basically Staff will implement and approve everything that was previously decided on in the Public Hearing and then approve the Final Plat. This will actually streamline the entire process which will cut the time of the procedure for the applicant. Mr. Gilbert used a Power Point presentation to show the Ordinance along with the proposed changes. There was discussion amongst the Commissioners. *Commissioner Milkman entered the meeting.* No action was required by the Commissioners. Mr. Gilbert stated if the Commissioners had additional comments to give him a call and share them with him. The next meeting will be the public hearing. Once approved, an amendment will be made to the City Ordinance.

Discussion: Amendments to City of Murray Zoning Ordinance – Section III, Article 1 – Sign Regulations: Mr. Gilbert stated that Staff had recently attended a required training session where “content neutral” signage was discussed. Mr. Gilbert revealed that the Planning Department has had criticism that shows that they are not “business friendly”. They are sensitive to that; therefore, they are looking at specific signage concerns. Staff is currently involved with their attorney to take out the statements in the Ordinance that regulate the contents of a sign. In short, everything about the sign except what the sign says can be regulated. Commissioner Jobs and Commissioner Krieb spent time with Mr. Gilbert the previous week working on revisions. There was discussion amongst the Commissioners concerning unfit or adult-oriented signage. Attorney Perlow said the reason that signage is such an issue is because the U.S. Constitution gives people freedom of speech; therefore, signs are considered “freedom of speech”. He

Murray Planning Commission Regular Meeting
Tuesday, August 15, 2017

explained that the Supreme Court's meaning of "freedom of speech" is very confusing; it is binding, but not overwhelming. When there is a Sign Ordinance, in order to be fair, all signs should be treated equally and not governed in different ways. The attorney suggested that the staff discuss this matter with a larger city such as Lexington or Louisville to see how this is addressed in their Ordinance. Attorney Perlow does not think there will a noticeable difference in the Sign Ordinance even though the wording will change. The object should be to try to keep the same character in Murray. Jessie Boshell then reported on his assessment of sign variances since 2008. He showed the comparison of a sign that was within regulations to one that was increased by 7.5 - 10 percent. He reviewed the amount of temporary signs that were applied for since the first of the year with a \$10 charge for each. Jessie concluded that there are a lot of people that do not come in to get a permit for temporary signs; thus, they are hard to enforce. *Mr. Foster left the meeting at 5:45 p.m.*

Mr. Gilbert used a Power Point presentation to show the current Sign Ordinance and the proposals for change. There are different allowed times for different type temporary signs. Technically, all temporary signs should be allowed the same amount of time for display. KLC says that you do not need a sign permit for a temporary sign. Maybe our Ordinance should be changed since it is impossible to mandate all temporary signs. Wall signs were discussed. There seems to be a community perception that smaller businesses are not allowed the same opportunities as larger businesses regarding signage; however, some businesses do have differences in their sign sizes and their amount of signs because of approved variances. Reader boards are the way of the future. Are they different from a regular sign? Staff has lots of requests for flutter flags and questions as to why they aren't allowed here. A lengthy discussion amongst the Commissioners concerning all aspects of signage followed. There was concern that the public does not actually know the regulations of the Sign Ordinance and how they should be educated. Mr. Gilbert is waiting on a return call from Mr. Pike at Pike Legal concerning the legality of what can and cannot be regulated. Planning Staff will make recommendations to amend the Sign Ordinance based on what they are doing on a day-to-day basis and on previous actions. After those revisions/updates are made, they will be presented to the Commissioners for their review and comments. These could be presented several more times for discussion before a public hearing is held. Attorney Perlow said that this should not have a time frame since it has been an issue for years. It should be talked about and decided upon in length to see that an appropriate proposal can be made. Is there an opportunity to update our Ordinance to reflect things that are acceptable? Ultimately it is up to the council to make the final decisions, but it is the Commissioners who make the recommendations. Mr. Gilbert said we need to create a good set of rules and then we can focus on enforcing them.

Questions and Comments: Commissioner Jobs asked if they were being credited with their continuing education. Maurice said that all she needs is a signature from the Commissioners to affirm that they attended.

John Krieb made a motion to adjourn and Martin Milkman seconded the motion. The meeting was adjourned at 6:15 p.m.