

*"A Historic Past"*



*"A Bright Future"*

CITY OF DELAWARE CITY  
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**MINUTES  
REGULAR MEETING OF THE PLANNING COMMISSION  
CITY OF DELAWARE CITY  
FEBRUARY 6, 2017**

**CALL TO ORDER**

Commissioner Snow called to order the regular meeting of the Planning Commission (PC) at 7:00 p.m. Those present included Commissioners West, Hendry, Snow, McKinley, Williams and Renoll. City Manager Cathcart was also in attendance.

**ACTION ON THE PREVIOUS MINUTES**

*Commissioner Williams made a motion to accept the minutes of the January 9, 2017 PC meeting, as written. Commissioner Hendry seconded the motion. There was no discussion. A vote was taken, all ayes, motion carried.*

**DISCUSSION OF COMMERCIAL SIGNS**

Commissioner Snow reminded the attendees that there is no definition of "Commercial Signs" in the City Code. However, the other pertinent definitions are included in the Code. Commissioner Snow added that she had researched and found that no municipality has defined "Commercial Sign". Discussion followed. City Manager Cathcart said their task tonight was to define the terms "Commercial Sign" and "Residential Property" and to determine where these signs should be prohibited. Additional discussion occurred regarding the definition of "advertise"; and the definition of "commercial" from Webster's Dictionary - "occupied with or engaged in commerce or work intended for commerce". *Commissioner Williams made a motion to accept the Webster's Dictionary definition of "commercial" as the official definition for the Code. Commissioner Snow said they should first review the definition of "advertise" in*

*the Code. The motion was not seconded.* Commissioner Snow read the definition of advertise from the Code. Discussion followed.

City Manager Cathcart directed everyone to the response from the attorney that was handed out to them. He asked them to look at recommendation #8, which according to the City Solicitor was in violation of Free Speech and that the implementation of this recommendation would leave the City open to Constitutional claims to which the city would have little or no defense. As a result, his legal opinion was that this recommendation be withdrawn. Discussion occurred regarding the zoning of different properties in the commercial business district.

Council Member Malinowski, who was in attendance and had been asked to contribute to the discussion, recommended that they change the designation to “residential districts” rather than “residential property”, as stated in Recommendation No. 2. He also suggested that they delete Section 3. l.), m.), and n.) of Ordinance No. 16-1017-01. Discussion followed.

Discussion occurred regarding placing the language, with amendment, from Section 3 l.) “One portable sign per business, not to exceed six (6) square feet in area, placed by a licensed business, placed on property on the same thoroughfare as the business in located”, in Section 5 that refers to C-1.

City Manager Cathcart said that the revisions that the PC made this evening will be routed to the City Solicitor. If he agrees with the revisions, they will go on to Council in order to amend the ordinance that was previously adopted. If he has a problem with the language this would be returned to the PC for further revision(s). The history of the sign ordinance was discussed.

The City Manager asked Commissioner Snow to put the revisions in writing and send them to him so he can forward them to the City Solicitor.

**COMMISSIONER COMMENTS**

There were no comments.

**ADJOURNMENT**

*Commissioner Williams made a motion to adjourn the meeting. Commissioner West seconded the motion. A vote was taken, all ayes. Meeting adjourned at 7:59 pm.*

Respectfully submitted,

*Dawn K. Gwynn*

City Secretary