

RICHLAND COUNTY PLANNING COMMISSION MEETING**June 1, 2009**

[Present: Heather Cairns, Julius Murray, Steve Gilchrist, Patrick Palmer, Christopher Anderson, Deas Manning, Elizabeth Mattos- Ward; Absent: Inga Ward, Wes Furgess]

Called to order: 1:00 p.m.

CHAIRMAN ANDERSON: I just want to call the, the June 1st meeting to order. I want to read this, "In accordance . . ." - can you hear me now? Alright? "In accordance with the Freedom of Information Act, a copy of the Agenda was sent to radio, TV stations, newspapers, persons requesting notification and posted on the bulletin board located in the lobby of the county administration building." The next item on the Agenda is presentation of Minutes. Has everybody had a chance to look at the April Minutes?

MR. MANNING: Mr. Chairman, I'd like to make a motion that we approve the Minutes for April.

CHAIRMAN ANDERSON: I have a motion, do I have a second?

MS. CAIRNS: I second.

CHAIRMAN ANDERSON: I, I'll be unable to vote since I was not at the April meeting.

MS. ALMEIDA: Well I, I think we're gonna have that problem.

CHAIRMAN ANDERSON: Yeah, I think, okay.

MS. CAIRNS: We're gonna have to defer?

CHAIRMAN ANDERSON: We're gonna have to defer that, the April's? Alright, so we're gonna defer, we're gonna defer the April Minutes to the next month's Agenda. Okay, Agenda Amendments?

MS. ALMEIDA: There are no amendments or changes on the Agenda.

1 MR. PALMER: Mr. Chair, I have a request I'd like to make. I like to take up the
2 Text Amendments first prior to the Subdivision Review. So I move to, for Item VIII, all
3 the Text Amendments be considered after the Road Name Approvals.

4 CHAIRMAN ANDERSON: Anybody have a problem with that?

5 MS. CAIRNS: What are the sign-ups? Do we have the sign-up sheets to see
6 how many people?

7 CHAIRMAN ANDERSON: We do have the sign-up sheets.

8 MS. CAIRNS: They can't hear, I can't hear you guys, something's still up with
9 the sound system.

10 MS. ALMEIDA: You can't hear?

11 MS. CAIRNS: When you do that I can, but

12 MS. ALMEIDA: Can you hear me now? Hello?

13 CHAIRMAN ANDERSON: Can you hear me?

14 MS. CAIRNS: Can you hear us? So I mean, they're on, but they don't seem to
15 be picking up our voices.

16 CHAIRMAN ANDERSON: Is that better?

17 MR. PALMER: Can you hear me?

18 MS. CAIRNS: So we have to, I guess we just have to be very specific to speak
19 into our mics.

20 CHAIRMAN ANDERSON: There is a, Mr. Palmer asked if we could move the
21 Text Amendments to the beginning of the Agenda. Does anybody else have any
22 questions?

1 MS. CAIRNS: What, I mean, what are the numbers of people signed up to
2 speak?

3 CHAIRMAN ANDERSON: We have one, two, three, four, probably 20, 20 people
4 signed up?

5 MS. CAIRNS: For the, on the Map Amendments or on the Text Amendments?

6 CHAIRMAN ANDERSON: On the Text Amendments. One, two, three, four, five,
7 seven, seven people, I'm sorry. Seven people on the Map Amendments.

8 MS. CAIRNS: And more on the Text Amendments?

9 CHAIRMAN ANDERSON: It seems to be more on the Text Amendments.

10 MS. CAIRNS: Okay.

11 MR. PALMER: So I'll make that motion to agend the, to amend the Agenda.

12 MS. MATTOS-WARD: Second.

13 CHAIRMAN ANDERSON: I have a motion and a second. All those in favor,
14 please signify by raising your hands? All those opposed?

15 *[Approved: Cairns, Gilchrist, Palmer, Anderson, Manning, Mattos-Ward; Absent:*
16 *Murray, Ward, Furgess]*

17 CHAIRMAN ANDERSON: Alright, we will be moving the Text Amendments, so
18 we will be starting -

19 MR. PALMER: Doing the Road Names first?

20 CHAIRMAN ANDERSON: Alright, Road Names?

21 MR. PALMER: I motion to approve?

22 CHAIRMAN MANNING: A second?

23 MR. MANNING: Second.

1 CHAIRMAN ANDERSON: All those in favor of approving the Road Names,
2 please signify by raising your hands? Opposed?

3 *[Approved: Cairns, Gilchrist, Palmer, Anderson, Manning, Mattos-Ward; Absent:*
4 *Murray, Ward, Furgess]*

5 CHAIRMAN ANDERSON: Alright.

6 MS. CAIRNS: Is that, just first, does that, the, we have page two, which is a re-
7 name? Does that vote automatically pick up that re-name as well?

8 MS. ALMEIDA: It's all in the same report.

9 MS. LINDER: But I'm reading on page two, it looks like it, it's requiring a public
10 hearing. It says a public hearing announcement, I, I defer to the address coordinator,
11 but at this time you might want to just open a public hearing on that re-naming of the
12 road?

13 MS. CAIRNS: So that does meet -

14 CHAIRMAN ANDERSON: Was that advertised?

15 MS. CAIRNS: - I mean, that does need a different action.

16 MS. LINDER: I, I, I would recommend taking a different action on that. Ms.
17 TINDAL is here, maybe she could address that.

18 MS. TINDAL: Good afternoon, I'm Alfreida TINDAL, Richland County Addressing
19 Coordinator. According to state policy and state law, all renaming of roads must have a
20 public hearing, go through an advertisement and be available at public hearing. This
21 was put on the list back in April and we didn't have a quorum. It was in May, we didn't
22 have a quorum. We did not have anyone to come to rebut our renaming process, but
23 that was for background only to let you know what's in, what took place. So whenever

1 you have a street name change, you will always have a letter, sent, an advertisement
2 out to the newspaper, that's according to state law.

3 MS. CAIRNS: So all of that necessary notification has been done for this
4 meeting?

5 MS. TINDAL: Yes.

6 MS. CAIRNS: Okay.

7 MS. TINDAL: Everything has been taken care. All is, for you all to just do what
8 ya'll just did – approve it.

9 MS. CAIRNS: Okay, well I make a motion that we approve the renaming of -

10 CHAIRMAN ANDERSON: We need to have a public hearing first.

11 MS. LINDER: You, you may wish to just ask anybody in the audience if they're
12 here for the public hearing.

13 MS. CAIRNS: Okay.

14 CHAIRMAN ANDERSON: Anybody in the audience want to come up to the
15 podium and speak on this?

16 MS. LINDER: Thank you.

17 CHAIRMAN ANDERSON: So we'll close the public hearing. Alright, now, go
18 ahead and make the motion.

19 MS. CAIRNS: I, yeah, I, I would make a motion that we rename the Jacobs
20 Road as described in this to Jessie Brown Lane as offered in our packet.

21 MR. PALMER: Second.

22 CHAIRMAN ANDERSON: All those in favor, signify by raising your hand?
23 Opposed?

1 *[Approved: Cairns, Gilchrist, Palmer, Anderson, Manning, Mattos-Ward; Absent:*
2 *Murray, Ward, Furgess]*

3 MS. TINDAL: Thank you.

4 CHAIRMAN ANDERSON: Okay, we're gonna start on page 35, starting with the
5 Text Amendment, §26-175.

6 MS. ALMEIDA: Mr. Chairman, Mr. Carl Gosline, Staff member for transportation
7 will give you a brief overview of the Text Amendment.

8 CHAIRMAN ANDERSON: Okay, Mr. Gosline?

9 MR. GOSLINE: Good afternoon. This is in your package it's pretty self-
10 explanatory, but basically what we've tried to do is propose several changes to the Land
11 Development Code, mostly to be consistent with the changes in the SCDOT Access
12 Management Rules and their Traffic Analysis Rules. There's a few other things in there,
13 but beyond that I just welcome any questions. We did meet with the HBA on the 8th,
14 some time ago and the land development, their land development group and they had a
15 few questions but no real issues that came up. So, that's about it. I'll be glad to answer
16 any questions. Yes.

17 MR. MANNING: Mr. Gosline, is the county required to follow state guidelines?
18 Or are there times that y'all may -

19 *[Murray in at 1:11 p.m.]*

20 MR. GOSLINE: No, there's - what we're trying to do is to have our processes
21 and these traffic issues mirror DOT's as much as possible so that if there's any
22 duplication of requirements and we think we've done that. They've reviewed it, they
23 have, they think it's okay. There's, you know, there's some things you can't get right

1 down to the total, but we're real close in mirroring them and that's what we're trying to
2 do is just not duplicate efforts.

3 MR. MANNING: The thresholds in the, as it relates to the county ordinance -

4 MR. GOSLINE: Yeah, I'm, the - I'm stuffed up today with sinuses so you'll have
5 to -

6 MR. MANNING: There, there are requirements of 100,000 square feet?

7 MR. GOSLINE: Right.

8 MR. MANNING: And the business park or certain -

9 MR. GOSLINE: Yeah, I think -

10 MR. MANNING: - is any of that changing?

11 MR. GOSLINE: The, the question, well what happened was our previous Traffic
12 Management Plan Requirements mirrored the previous DOT Access Management and
13 Guidelines. When they, you know, they changed their guidelines in August of last year,
14 so we're coming back to mirror them again and instead of having specific, not a land
15 use, what they do is, is they, the triggers are based on any project that has a 100, a 100
16 peak, peak hour trips. So, and one of the big advantages to that is it, it deletes us, well
17 in the current Code if, if it's a PDD you have to do a Traffic Management Plan, well a
18 PDD can be two acres. And there's another requirement that says if you're a 100,000
19 square feet of non-residential space, you have to do a TMP. Well, a warehouse can be
20 a 100,000 square feet and not generate as much as, half as much as a McDonald's, so
21 what they've done is, is, is very proper and really zero in on the actual traffic end
22 generated. It doesn't matter what the land use is and that's what we've tried to do, too.
23 And our, and their requirements for traffic, they call them Traffic Impact Statements are

1 the same as ours and they were the same before and they're the same again, so in that
2 sense there's - and we, like I said we tried to keep it as close as possible to what they're
3 doing.

4 CHAIRMAN ANDERSON: Any other questions?

5 MR. GOSLINE: Shall I move approval, Mr. Chairman?

6 MR. MANNING: I do have one, one other question. In Access Management, it
7 says that, it recognizes that all properties are entitled to access, but not necessarily
8 direct access to adjacent or public roads?

9 MR. GOSLINE: Well it, that's, that statement was in the previous, well it's called
10 the ARM, for the Access and Roadside Management Standards. That was in there, it
11 was repeated this year and what that means is you can't deny somebody access, but it
12 doesn't necessarily have to be the most convenient access, that's the DOT policy. And
13 that, what that means is, of course, each individual case is gonna be kind of subjective.

14 MR. MANNING: I know you require a plat to be recorded?

15 MR. GOSLINE: Right.

16 MR. MANNING: And one of the requirements of getting it recorded is to have
17 access, but we have non-conforming lots out there. What happens in those situations?

18 MR. GOSLINE: In most, again it's on a case by case basis Mr. Manning, but I,
19 well I don't, wouldn't want to say most or half or anything, but it's gonna be on a case by
20 case basis and if there are non-conforming lots and there's no other access possible,
21 then, yeah, it will get granted.

22 CHAIRMAN ANDERSON: Any other questions?

1 MR. MANNING: Mr. Chairman, I'd like to make a motion that we adopt the Text
2 Amendment changes contained in the package.

3 MR. GILCHRIST: Second.

4 CHAIRMAN ANDERSON: We've got a motion and a second. Please signify by
5 raising your hands to approve §26-175? All opposed?

6 *[Approved: Cairns, Murray, Gilchrist, Palmer, Anderson, Manning, Mattos-Ward;*
7 *Absent: Ward, Furgess]*

8 MR. GOSLINE: Thank you.

9 CHAIRMAN ANDERSON: The next one will be on 53, Define and Permit Bus
10 Shelters in all zoning districts with special requirements.

11 MR. KOCY: Mr. Chairman, the next four items are all dealing with signs. We
12 have a brief PowerPoint that we could do to take you through ordinance by ordinance
13 that just touches the highlights, which might aid in your discussion and it would certainly
14 aid the public in following that discussion if you would not mind me using it?

15 CHAIRMAN ANDERSON: Sure, how long is it?

16 MR. KOCY: Very brief, very brief and, and we broke it up into four parts, so we'll
17 only show you the bus part during the bus discussion and then we'll move it on.

18 CHAIRMAN ANDERSON: Okay.

19 MS. HINK: Hi, I'm Erica Hink, I work in the Planning Development, I'm in
20 particular in the Neighborhood Improvement Program. Thank you for allowing me to
21 speak to you all this afternoon. First we're gonna look at the bus shelter proposed
22 ordinance and this, as it stands right now there is not any language in the Code
23 regulating bus shelters. So, what you have is some requirements, these mandatory

1 elements for certain, for bus shelters is that they have to have a framework, a steel
2 framework and a roof, concrete foundation, lighting. They also have to have three
3 transparent walls and a bench and a trash receptacle. They also have to be ADA
4 compliant and have to include the bus route number and a regional map. To install a
5 bus shelter, you have to pay a \$50.00 permit fee and you can only install a shelter that
6 is at an existing transit stop. These would also have to be maintained and owned by,
7 not part of the county, so that person is responsible for maintenance of the shelter. One
8 of the additions to this ordinance is to allow advertising and each shelter could have up
9 to two advertisings and they cannot be more than four feet wide or six feet in height.
10 And they can be on just two panels. They also can have a lighting source as well.
11 Those are just some examples of what a shelter would look like under these
12 requirements. Are there any questions?

13 MR. PALMER: I have a question, a couple. Where it talks about the shelter shall
14 be designed so that it will present an attractive appearance and not detract from the
15 adjacent surroundings. How is that quantified?

16 MS. HINK: Can you repeat the question please?

17 MR. PALMER: Part of the ordinance states that the shelter shall be designed so
18 that it will present an attractive appearance and not detract from the adjacent
19 surroundings. How do you, how do you judge that? Do I, I'm very hesitant to put, put
20 stuff into an ordinance that's very subjective to whether its appearance is okay and
21 whether it detracts from surrounding, you know, from it's adjacent buildings or whatever
22 is around it. I mean, who's, who's, it's just a very arbitrary decision somebody's gonna
23 make.

1 MS. HINK: Do you want me to answer?

2 MR. KOCY: That's a valid point, we can strike that.

3 MR. PALMER: The second question I have was on the first section where it talks
4 about the permitting for \$50.00, the last line it says that the permit maybe renewed upon
5 payment of the \$50.00, I think that should definitely be a shall rather than a may
6 situation.

7 MR. KOCY: We can amend that.

8 MR. PALMER: And those were the two things I had.

9 MS. CAIRNS: I would, I would just offer, you know, reviewing this that it's, I think
10 it's fundamentally a good step in the right direction. I think having bus shelters and
11 understanding that advertising sources is not any problem with, the, the major issues I
12 have with this is that we're creating the potential for the county having to manage an
13 unlimited number of permittees for these things. I think that this could use a little
14 tweaking to basically, maybe it's put out for bid, I don't know exactly how this works, but
15 that a company get the bid to erect these things, maintain them and - because, I mean,
16 there's gonna a, a trash can. Who's emptying the trash can? What happens when they
17 get damaged? I mean, people are gonna shoot these bus shelters. Bus shelters are a
18 shot gun targets. You know, they'll get damaged and dirty and I just think that, and my
19 feeling is they all ought to be uniformed. All of the bus shelters, that somebody, there
20 just should be an approved bus shelter, there should be a company that's responsible
21 for maintaining and erecting and removing when necessary and that that permit holds,
22 that that's the permit holder and then, yeah, the individual advertisees may need to get
23 permits. I don't know exactly how all of that would all work, but I think the way it's

1 written right now it's just, there's gonna be a, a logistical nightmare to have all these
2 potentially individual people or companies erecting bus shelters and having to go
3 through the whole process. I think from a maintenance standpoint and everything else,
4 this is a problem as written. I think it's fundamentally a good start.

5 MR. PALMER: Yeah, I don't disagree with you. I don't think that, I don't know
6 who would erect one of these on their own property because just simply by liability
7 issues that you invite by inviting the public onto your property, onto something that you
8 built that very easily could -

9 MS. CAIRNS: Use all kinds of conditions and intentions of that -

10 MR. PALMER: - could hurt someone. I, I don't know, I mean, you've got to really
11 be getting some money off the advertising I guess to somehow offset the possible
12 liability you have. I mean I, I think it's a good idea I, I just don't know who, who would
13 do it especially if the county's not gonna take ownership of the shelters, which I
14 understand why they wouldn't.

15 MR. KOCY: This initiated from the MTA, they were approached by an
16 advertising company and the company made the offer that they would, the, the
17 advertising company would provide shelters or benches in return for being able to sell
18 advertising on the shelter. The MTA contacted us because they knew that if it was
19 advertising, somehow the county, the Planning Department would get involved. Our
20 Code currently does not allow this sort of thing to happen, so we can certainly address
21 these issues with the MTA. I mean, they would be the one that would be negotiating
22 with the advertising companies as to where the shelters would be appropriate, where
23 they might be necessary and on the, the design and all this stuff. Or we can try to put it

1 in language to have, you know, specify a uniform bus shelter and let the MTA figure it
2 out.

3 MR. PALMER: And do they go on private property?

4 MR. KOCY: They go on the rights-of-way or private property. I mean, as you
5 point out many private property owners may not wish to have a bus shelter, but
6 currently the, the most efficient place to put a bus shelter would be in the right-of-way
7 and SCDOT would allow a bus shelter to be placed in a right-of-way.

8 MR. MANNING: But can't the county require, say for a large PUD, that a bus
9 shelter be placed at, in, in an appropriate location as a part of a PUD approval? Isn't
10 that, isn't that in the Code somewhere?

11 MR. KOCY: Yes.

12 MR. MANNING: So, not necessarily back on the, somebody saying I want to put
13 one on there, there could be a time that the county is gonna require that?

14 MS. CAIRNS: Yeah, but I mean, the way, the way I read this right now if, you
15 know, I mean, any individual could ask to put one up?

16 MR. MANNING: Right.

17 MS. CAIRNS: Go through all this process and yet then, that they decide after a
18 little bit of time it's, you now, it just, I just think there needs to be someone who's
19 responsible.

20 MR. MANNING: Does the county own any bus shelters outright?

21 MR. KOCY: No.

22 MR. MANNING: Who, all the ones we see around the City of Columbia, who
23 owns those?

1 MR. KOCY: In the City of Columbia, I don't know, but in, on, in unincorporated
2 Richland County we, there are no bus shelters. Some benches have been mysteriously
3 appearing on Two Notch Road from advertising companies just kind of throwing them
4 down and the MTA is working with these to have these benches removed until this is
5 solved.

6 MR. PALMER: I've noticed those. I was wondering what the deal was with
7 those.

8 MR. KOCY: Illegal.

9 MR. PALMER: I haven't used any of them, so. I haven't sat on any of them, so I
10 haven't done anything illegal.

11 MR. GILCHRIST: Based on the current language to Heather's point, is there any
12 enforcement if folks don't keep these things clean? And -

13 MR. KOCY: My colleague just reminded me in response to Mr. Palmer's
14 question, the reason the "may", the shelter permit "may" be renewed that's the
15 enforcement, if a permit holder doesn't maintain their facility we would deny the renewal
16 of the permit.

17 CHAIRMAN ANDERSON: Who's gonna take it down?

18 MR. KOCY: That would be part of the contract when you put it up, that you take
19 it down.

20 MR. PALMER: What would you do, bond court or something?

21 MR. KOCY: Yes.

22 MS. CAIRNS: And I would think as written, I, I mean I don't, well to me I think the
23 way it's written right now, I just think it just needs to sort of go back and be tweaked.

1 MR. PALMER: I agree.

2 MS. CAIRNS: And not go for a vote today.

3 MR. PALMER: I like Mr. Kocy's idea of sending it back to the bus company and
4 telling them it needs some more work on it.

5 MR. KOCY: We could do that.

6 MR. PALMER: So I'd make a motion to defer to our next meeting.

7 MR. KOCY: Not a problem.

8 MR. GILCHRIST: Second.

9 CHAIRMAN ANDERSON: We have a motion and a second. All those in, in
10 favoring of deferring Chapter 20, 26, to permit bus shelters show by raising your hands?
11 All opposed?

12 *[Approved: Cairns, Murray, Gilchrist, Palmer, Anderson, Manning, Mattos-Ward;*
13 *Absent: Ward, Furgess]*

14 MR. PALMER: Mr. Kocy, I'd like to get, so there's some sort of assurance to the
15 permit who is doing the right thing if their shelter is in compliance, then the permit will be
16 renewed. They don't have to worry about it.

17 MR. KOCY: We can beef up that language.

18 MR. PALMER: Okay.

19 MR. KOCY: Mr. Chairman, the next sign suggestion are weekend directional
20 signs and we'll do a brief overview of those.

21 MS. HINK: Currently the language does not allow for off-premise weekend
22 directional signs, so this ordinance seeks to allow that with certain requirements. A
23 weekend directional sign tells you the place and where to go and those who, this would

1 affect all groups, so this would be businesses, community groups, homeowner's
2 associations, etc. The requirements are that they are allowed between Fridays at 5:00
3 p.m. until that Sunday of the same weekend, 11:59 p.m. They require a, a sticker
4 permit, it's \$5.00 and they can only have on the signs the business name and the
5 direction. The sign itself cannot be farther than one mile from the targeted area and
6 there can only be four within the targeted area to that point. They are allowed, they
7 would be allowed in the right-of-way and they cannot obstruct visibility, and at
8 intersections they have to be 30' away. And this just provides kind of the little bit of
9 information about three lines of text, they have to be no higher than three feet above the
10 ground and no more than two signs per permit holder at an intersection. So, it would
11 only two signs of one type at an intersection. And DOT does not allow for odd signs in
12 the right-of-way, so on those streets, so you would have to have a permit from them in
13 order to be allowed access on a South Carolina road. Language does include
14 stipulations for violations and violators, immediate removal of the sign and we would,
15 the county would hold the sign for up to 10 days, if it is found in violation of what would
16 be in this ordinance, and the violators would receive a warning notice and the permit
17 would be revoked. Then for the third offense, they would be banned for a period not to
18 exceed six months and for the fourth offense and greater, it would be criminal penalties
19 as stated in the Land Development Code. Are there any questions?

20 MR. MANNING: There are no, there are no fines at all?

21 MS. HINKS: I'm sorry?

22 MS. CAIRNS: Are there ever monetary fines?

23 MS. HINKS: In the, I don't believe.

1 MR. KOCY: The, the fourth offense would be the typical sign violation, going to
2 Magistrate's Court and those fines are, can be up to \$1,080.00 some dollars per
3 violation.

4 MS. HINKS: That's the fourth offense.

5 MR. PALMER: What's the penalty for, if this gets passed and, and gets, you
6 know, ratified by the Council, what would be the penalty for a neighbor who just doesn't
7 like the sign ordinance from picking up the sign and taking it? Would that just be like
8 the normal theft situation with the police, or –

9 MR. KOCY: Correct. We're, we're not enforcing that.

10 MR. PALMER: Right, yeah.

11 MR. MANNING: Did the previous ordinance have any penalty in there for not
12 picking up the signs or putting them in the wrong place?

13 MR. KOCY: Currently this type of sign is not allowed period.

14 MR. MANNING: Didn't we have though, some recommendations from Staff
15 previously about this?

16 MR. KOCY: These are what's up here now, correct.

17 MR. MANNING: So we, we didn't have anything on it?

18 MR. KOCY: We, we, the, the county has never allowed weekend directional
19 signs or, you know, real estate directional signs. They have always been illegal.

20 MR. MANNING: Okay.

21 MR. MURRAY: What about, as you drive through the rural area and you see a
22 sign, maybe it's four feet by, four by five or something like that and it has directions on
23 there for three different churches, what happens to them? It seems like on Highway

1 769 or Highway 76, Sumter Highway or something like that, whether I, it directs you to a
2 particular church, what happens to those signs?

3 MR. KOCY: I believe those signs, if they're off premise signs they are illegal,
4 they shouldn't be there.

5 MS. HINKS: Are you asking if it were, if this ordinance were to pass, what would
6 happen?

7 MR. MURRAY: No, they're, they're up now all over the Lower Richland area, you
8 see signs directing you to the Beulah Baptist Church, St. John Episcopal Church and
9 different churches. If you have people coming from outside of the area that don't even
10 know where they are, what kind of planning do you have for that, plans period?

11 MR. KOCY: Mr. Murray, those signs are currently illegal, they have been and
12 they will continue to, this, this proposal we're talking about now doesn't address that
13 type of sign. Those are off premise signs. The next ordinance coming up, we're, we're
14 gonna, we'll be discussing today Kiosks signs that would give them an opportunity to
15 become legal, but currently those signs are illegal

16 MR. PALMER: I think this would apply because then they would fall under these
17 penalties, where currently the penalties are, are different. Wouldn't they just fall under
18 the \$1,000.00 a day penalty?

19 MR. KOCY: Yeah, all illegal signs fall into that penalty, correct.

20 MR. PALMER: So would, would this not take precedent then that they, you then
21 now have to notify them with the first offense, second offense, third offense about those
22 signs that are up?

1 MR. KOCY: But this, with these bandit signs or the weekend directional signs,
2 the ordinance, the regulations would be the first offense we take it down, the second
3 offense we'd call and scold you, third offense you forfeit, or the second offense you
4 forfeit your \$5.00 permit, third offense you're banned from six months from having them
5 and then fourth offense you go to Magistrate Court.

6 MR. PALMER: But what I'm saying -

7 MS. CAIRNS: Was, was, it yeah -

8 MR. PALMER: What I'm saying is is that the fact that those signs are currently
9 up.

10 MR. KOCY: Right.

11 MR. PALMER: And currently you have the authority to just fine them a \$1,000.00
12 a day or, or take them to court to do that?

13 MR. KOCY: Correct.

14 MR. PALMER: I think what you're doing now is you're creating a situation where
15 they now have the ability to fall under this and you then have to go take the sign down -

16 MR. KOCY: These, these, these are the -

17 MR. PALMER: - cause those are directional signs.

18 MR. KOCY: - these are the weekend directional that are, that are temporary, that
19 sit in the median there. These are not the big four by eight, those are totally different
20 signs.

21 MS. CAIRNS: Right, but I, I think Mr. Palmer's got a point is that if I'm an owner
22 of one of those -

23 MR. MURRAY: Signs?

1 MS. CAIRNS: - signs that never could have gotten permitted under that and you
2 try to fine me directly, I'm gonna pretty quick say well no you need to, it was a
3 directional sign, I just didn't quite follow the Code. I think we need something in here
4 that the first, second and third offenses are only available to those signs that could have
5 been permitted under this because if you're talking about a four by six directional sign
6 that never could have qualified for this -

7 MS. HINKS: The next one -

8 MR. KOCY: I, I get what you mean, by I, I believe that Amelia could, could
9 confirm that these violations, these violate -

10 MS. CAIRNS: How do you stop the currently existing directional signs from
11 trying to fall under this in terms of the penalty structure; not that they'd ever succeed?

12 MS. LINDER: If, if you have a nonconforming directional sign that's up now that
13 does not have a permit, they would first get a notice, it, it could be taken down, we'll
14 hold it and you get a notice saying you're in violation. If they do it again, a second, or if
15 they do it again and again, then they're gonna be subject to penalty provisions.

16 MR. PALMER: That's what I'm saying.

17 MS. CAIRNS: Right, but I think the existing nonconforming directional signs that
18 never could have qualified under this shouldn't get the penalty structure of this. They
19 should, it should be clear that they still remain in the penalty structure of generally illegal
20 signs.

21 MS. LINDER: They are, but it -

22 MS. CAIRNS: But it think it's, but I think with this passing, if it's a directional sign,
23 a pretty strong argument could be made for the fact that oops, it just isn't a properly

1 permitted weekend directional sign, but that's what it really could be. I think you just, I
2 just think it should, you know, signs that aren't permissible under this aren't eligible for -

3 MS. LINDER: If it doesn't have, if it doesn't have a permit or can't get a permit,
4 or -

5 MS. CAIRNS: Right, but the first violation in here is putting up a weekend
6 directional sign that doesn't have a permit. How are you gonna distinguish between the
7 sign that could never get a permit and the sign that could get a permit and is just up
8 without a permit? So all of them are gonna fall, so what you're saying is that all
9 directional signs are not gonna fall under this penalty structure.

10 MS. LINDER: To some extent, if, if you don't get a permit and you can get a
11 permit, there's a different way of handling it. If you don't have a permit, yes you're
12 subject to penalties.

13 MS. CAIRNS: But I think the direct -

14 MS. ALMEIDA: If you can't get a, if you can't get a permit, you can never get a
15 permit because maybe your sign's too large, you're subject to penalties.

16 MS. CAIRNS: Right, but I just think that it should be clear that the, the penalty
17 structure in this Code section, this specific one is limited to those signs that could have
18 been permitted. Like the first, the first offense, you know, that, which is that you don't
19 have a permit or you left it up too late or something like that, that that's only, you know,
20 for the four by six directional sign, they're not eligible for this violation section.

21 MS. ALMEIDA: But the next Text Amendment addresses permanent directional
22 signs.

23 MS. CAIRNS: Okay.

1 MS. ALMEIDA: As Mr. -

2 MS. CAIRNS: Right, and how to get those things legal?

3 MS. ALMEIDA: Yes, like a church, not just a function at that church.

4 MS. CAIRNS: Correct, I understand.

5 MS. ALMEIDA: That will be the next Text Amendment.

6 CHAIRMAN ANDERSON: I, just speaking of the church thing, I was under the
7 understanding that DOT can issue directional church permits. Is that, is that not
8 correct? Are those signs private signs for the most part? I mean, I know how
9 sometimes you can go -

10 MR. PRICE: You mean like the green signs that, DOT can issue those signs.

11 MR. MURRAY: Well what, what about the signs that's Congaree National
12 Forest, that you see them over on 76 and you see them on Bluff Road and those areas?

13 MR. PRICE: They erected the sign?

14 MR. MURRAY: Yeah, they erected them.

15 MR. PRICE: To kind of go back to what you were saying, the signs that you see
16 out there now, whether they be the four by six advertising for a church or any of the
17 other places, those would be illegal. Those are illegal signs. If we were, even if this
18 ordinance passed, I may send a letter out to whoever owns that sign telling them that
19 you have an unpermitted sign, it may be considered an off-premise sign, but it would be
20 in some type of violation, whichever, however we deem it. Then they would need to
21 come in, and we would give them the option to either get it permit, to permit that sign or
22 to remove it and when they come in to have the sign permitted, then we would just tell

1 them this sign does not meet the requirements, thus they would have to either take it
2 down or face the penalties.

3 MR. MURRAY: Then are you gonna assist them in determining where it should
4 go, or -

5 MR. PRICE: Well, whatever the regulations allow us to do, we'll work with the
6 applicants to, you know, assist them in, you know, locating the signs and the type of
7 signs, what they can do to bring the sign that they have out there into compliance.

8 MR. MURRAY: You, you know, back in 1977 and '78 I remember a person from
9 up in the Blythewood area named [inaudible], he used to sit on Council and one of the
10 things that, one of his concern was that the government is, is getting into too many
11 people's business. A sign that directs you to a church, a sign that directs you to the
12 prison and we have a lot of signs and folks need signs in the rural areas. And at one
13 time it didn't bother me, but it bothers me now because if I'm interested in going to
14 Blythewood to a church, I want to know how to get there and I don't, I don't have all
15 these sophisticated machines in my car that tells me, that talks to me, made in Japan,
16 and it talks to me and tells me how to get there. I need to know how to get there and I
17 sure don't want you all telling me that I can't have my signs. We didn't have them signs
18 in Viet Nam to tell us how to get any place. We had to make it on our own, but in, but
19 here in Richland County I don't expect this to happen. I would be opposed to anything
20 like that, sir and, and the reason is you have, you're filling the jails up with folks and
21 you're not concerned with trying to direct them to the place that can assist them in
22 straightening up their lives.

1 MR. PALMER: Well, I think, Julius what this does, this, this actually allows for
2 those signs to go up on the weekends whereas right now they're not allowed at all. You
3 know what I mean?

4 MR. MURRAY: Yeah, and Pat who in the world is gonna put up a sign every
5 week? If you, you go to church on Wednesday night for Bible Study or Tuesday night
6 and then you go on weekends to the regular services?

7 MS. CAIRNS: We have another ordinance coming up that's gonna allow
8 permanent directional signs to become legal?

9 MR. PALMER: Correct.

10 MS. CAIRNS: And what we're doing today is trying to make some of the signs
11 that are out there now that are illegal, legal. We're not trying to make anything illegal
12 today that's currently legal. We're not taking away anything with these ordinances,
13 we're granting those that aren't currently present.

14 MR. MURRAY: Well, I need some remedial, mediation training. See? And I
15 thought that when we had our last meeting we said that what we would do is have a
16 workshop. Didn't we say that?

17 MR. PALMER: Yeah, I think that was on the digital signs.

18 MR. MURRAY: I thought it was just signs, which would include all the signs that
19 we were dealing with. So what happened to that? We have a, we had a -

20 MR. PRICE: I, I was under the impression that it was also for digital signs only.

21 MR. MURRAY: Well, we, we didn't, you know -

22 MR. PALMER: Yeah, because this hasn't come up in a couple of months.

23 MR. PRICE: No.

1 MR. MURRAY: We've been dealing with signs for a good while now and there
2 were some questions I had. Well why, why did we not have our meeting, the called
3 meeting, you know, what we talked about?

4 CHAIRMAN ANDERSON: I, it, it's my understanding and, and granted I was not
5 here at the last meeting, but it was my understanding that those, we were dealing
6 directly with digital signs, so as far as these directional signs right here, these just give
7 a, the county, because everything right now is illegal, this gives an opportunity for the
8 directional signs to go up, with the permitting process, during the weekend. Only
9 directional signs and it's also, as you can see, well actually two down, they'll be some
10 off-premise Kiosk directional signs, which would probably address the concerns you
11 have in more detail.

12 MR. MURRAY: I hope so.

13 CHAIRMAN ANDERSON: Mr. Kocy, do you have anything else to add?

14 MR. KOCY: That's it, Mr. Chairman.

15 MR. GILCHRIST: Mr. Chairman, let me just ask one question. The measures
16 that you've outlined in the new ordinance, will that make sure that we don't have,
17 currently as I drove here today I, I saw those signs all over the place and I'm hoping that
18 this sort of kind of helps to remedy that by removing those that may fall illegal under this
19 new ordinance?

20 MR. KOCY: Mr. Gilchrist, as you remember that this Board and the County
21 Council passed a change to the ordinance giving the county the ability to immediately
22 remove illegal signs? We're doing a sign sweep next week.

23 MR. GILCHRIST: Okay, great.

1 MR. KOCY: So hopefully at July's Meeting you won't see all these illegal signs
2 on Monday afternoon when you drive to the meeting.

3 MR. GILCHRIST: I hope not, good deal.

4 CHAIRMAN ANDERSON: Alright, does anybody else have any more questions?

5 MS. CAIRNS: I do.

6 CHAIRMAN ANDERSON: You do?

7 MS. CAIRNS: Yeah, I have comments and questions. In terms of the distance, I
8 mean, we've got in the Code that there's a specific distance from intersections, but
9 away from an intersection I do not see anywhere where it's limited to as to how close to
10 the pavement it can be?

11 MR. KOCY: It can be, it can be in the right-of-way.

12 MS. CAIRNS: No, I know, but there's nothing in here that says how far away
13 from the edge of the pavement it can be. I mean, [inaudible] signs, when you do a
14 series of them, I know that they're limited to four, which would somewhat limit that.

15 MR. KOCY: These are limited to a quarter of a mile apart.

16 MS. CAIRNS: Well, I know, but I mean there, you could put one right next to the
17 edge of the pavement?

18 MR. KOCY: Correct.

19 MS. CAIRNS: Is that desirable? I would think you'd want some minimal distance
20 off the edge of pavement?

21 MR. KOCY: I suspect that by trial and error, when cars who leave the pavement
22 run over your signs and destroy them, users might put them a few feet off to allow for
23 people to exit the pavement without destroying the sign.

1 MS. CAIRNS: I would still ask that there be a minimum of, you know, five or ten
2 feet. I mean, even like for a cyclist coming down, I mean, he clips one of these, the sign
3 may cause a fair amount of damage to a cyclist. It's not necessarily a win-win on the
4 car. So I just think that there should be a minimum distance that they should be from
5 the edge of the asphalt regardless of distance from intersection. The other thing that I
6 saw in here that I had a little concern, and just being overly cautious, granted, but
7 Section E it talked about the fact that they can be in the right-of-way or on private
8 property. Wouldn't that, you wouldn't want that to be construed that this permit holder
9 had a right to put it on private property. So I think it should say that they can be on
10 private property with the written permission of the property owner.

11 MR. KOCY: We'll put that in.

12 MS. CAIRNS: Under Section G, it talked about a quarter mile apart and then
13 there was an, unless the sign is placed near an intersection to show a left or right turn. I
14 think the "unless" part should just be struck because otherwise it would let you put in
15 two quick succession at an intersection if there was a turn required.

16 MR. KOCY: We thought about that and we, we wrote this specifically to allow
17 you to have two within a quarter of a mile, to, to indicate to a driver that, continue
18 forward, continue, you know, continue straight and then once you get to the intersection
19 you're gonna be turning right or left.

20 MS. CAIRNS: Okay, okay. And this is really being, in, under E, the little graphic,
21 you just, you, dimension, the size of the road I think that should say various because
22 obviously the roads aren't always 24'.

1 MR. KOCY: We stuck the graphic in because at first we said 30' back from the
2 intersection and then we didn't know how to define the intersection. Do you mean the
3 actual dot in the middle of the road? And we didn't mean that.

4 MS. CAIRNS: No, I, I think that this, I think the diagram is, is good, but you've
5 got the road dimension as being 24' wide -

6 MR. KOCY: Gotcha, gotcha, alright.

7 MS. CAIRNS: - I just think it varies.

8 MR. KOCY: We can do that, gotcha, right, right.

9 MS. CAIRNS: That's all.

10 MR. MURRAY: [Inaudible] is 18', you know?

11 MS. CAIRNS: Yeah, I mean, there's just, it varies. Under Violations, we've got
12 an offense, is, you know, let's say we've got the weekend where come Monday these
13 signs are still present, is each sign an offense?

14 MR. KOCY: Yes, ma'am.

15 MS. CAIRNS: So if you have your maximum of four up and they're still up on
16 Monday, you've automatically triggered into four? In that, that that's a fourth offense?

17 MR. KOCY: Good, good point, that's not what we meant, we meant the fourth
18 time that it occurs, the fourth weekend or the, but that's a good point, right.

19 MS. CAIRNS: Okay, okay. So, yeah, that's what, so an offense is a durational
20 thing? Under 3, it talks about the fact that the permit holder will be barred, but the
21 permit holder, there's a couple of different entities that can be permit holders. I would
22 like that also to say that not only the permit holder, but the company or the entity that
23 was being directioned to is banned because otherwise you could simply get a different

1 person to go get the permit and still promote the exact same thing. I think there should
2 be ownership for the thing that -

3 MR. KOCY: That's going to be problematic. There are some real estate
4 companies that will have the company logo, I, I know Century 21, there, there might be
5 dozens of agents working out of an office. I don't think that the, the offense by one
6 agent should taint everybody.

7 MS. CAIRNS: But it would, but if -

8 MR. KOCY: And so and what we're doing is saying that this one agent would
9 lose the ability to have open house signs.

10 MS. CAIRNS: I gotcha. But I also think it makes a little easy to game around it
11 though. I understand where you're coming from, but you've, you know, because he
12 could just simply get someone -

13 MR. KOCY: Here, here's the, here's the other side of this. For many large real
14 estate firms, they contract out with sign companies to put these out and take them up.
15 They're concerned that if the sign company is in violation, the sign company loses the
16 ability to put anybody's signs out.

17 MS. CAIRNS: Well, that's the way it's written.

18 MR. KOCY: Exactly because that's, some firms go, choose to go with a sign
19 company and the sign company would lose the ability.

20 MS. CAIRNS: Okay. And one other provision that I would like to offer, to add
21 this, I think that this is potentially a good thing or potentially a bad thing. We are
22 permitting and allowing something that may work great. It may become a very handy
23 thing. It may also become a nightmare. To put in here an automatic 20, maybe a 24

1 months, some duration sunset that this law will sunset within a certain amount of time
2 and if, when that time comes up I think if it's been working fine, then it can get renewed
3 and become permanent. But if, because if we make it permanent and then we try to
4 remove it, you get into all kinds of vesting rights issues with signs under current, you
5 know, it's a potential problem. So I would just like to see, because this is an enormous
6 change to our sign ordinance and it could become a complete nightmare to just provide
7 the automatic sunset provision. And I think if there's not a problem with it, then it can
8 just get renewed. I think the interests that promote this would be more than ready to
9 come back and ask Council to make it permanent, but I think to make it permanent on
10 day one is unnecessary. So I would like to, and I don't know how exactly it would be
11 worded, but basically to amend this provision to provide an automatic sunset and I, I
12 was, I was thinking two, 24 months, give it two seasons to run through, thinking 12
13 months might not be long enough, so.

14 MR. KOCY: Ms. Cairns, I have a question on, you have a suggested distance
15 back from the edge of pavement the sign should go?

16 MS. CAIRNS: At least five feet if, you know, not ten feet. I mean, I think that
17 there, I mean, obviously if there's a slope issue, maybe five feet, because sometimes if
18 there's a, if there's a swale, 10' could put you into a pretty invisible spot.

19 MR. PALMER: Well, if the objective is to get it out of the roadway, I mean, why
20 not, why not a foot? What is, what does five foot do for you?

21 MS. CAIRNS: Let's make it three foot.

1 MR. PALMER: As a cyclist, she raises a good point, that if it was right at the
2 road edge and that's where I ride right at the road edge, it could clip your leg. I don't
3 worry about damage to my bike, I worry about damage to me.

4 MS. CAIRNS: Well yeah, I mean, that's the thing is the sign could clip out a
5 bicyclists pretty easy.

6 MR. PALMER: So you, you go a foot off your bike, when you go a foot off the
7 road when you're riding?

8 MR. PALMER: I typically ride like right at the pavement edge, just to stay out of
9 a car's way, yeah.

10 MS. CAIRNS: Let's just make it how about three feet?

11 MR. PALMER: Three feet would be good.

12 MS. CAIRNS: Yeah, I think that's sufficient to keep it off the road.

13 MR. PALMER: So can you go down your list of, of changes?

14 MS. CAIRNS: One was the graphic in Section E, the 24' get changed to varies.
15 That the, the fact that they can be placed on private property is with the written
16 permission of the property owner. That, I guess we just need an extra letter, or maybe it
17 goes under, where's the 30' at the intersection? Oh, that's part of E, that it should never
18 be closer than three feet from the edge of pavement. Somehow we have to word the
19 fact that an offense is, I don't know how, I mean, I just don't know how to word that, but
20 somehow that - because it could be, I mean, if you put the signs up on Saturday without
21 permits and they get removed and they're back up on Sundays, that's a second offense.
22 So you could trigger more than one offense in a weekend.

23 MR. KOCY: Right.

1 MS. CAIRNS: But at the same time you don't want one weekend of all four signs
2 to trigger the fourth offense?

3 MR. KOCY: Right.

4 MS. CAIRNS: So I don't know how, I don't know how, I could never word that on
5 the fly.

6 MR. PALMER: I think you just let that, that, I mean, they're already under
7 offense for that weekend. I mean, if they go back and violate it, I mean -

8 MS. CAIRNS: That's the second, no, I mean, if they get pulled, if the county pulls
9 them out on Saturday and come Sunday they're back up, that's a second offense.

10 MR. PALMER: I don't think it's that big of a deal.

11 MS. LINDER: In my opinion, it's worded sufficiently.

12 MR. MURRAY: But it's gonna be costly, too. It's gonna cost.

13 MS. LINDER: If it's a weekend sign, we wouldn't be pulling them on a Saturday.
14 We wouldn't, people, they wouldn't be in violation on a Saturday if they had a permit.

15 MR. KOCY: Amelia, the, the issue is that if I had five weekend directional signs
16 and I don't get them out by 9:00 on Monday morning, is that one violation or is that five
17 violations? Because I've got five signs that don't meet the law? And I think that's the
18 issue.

19 MR. MANNING: Well I think, you know, you could have a situation where the
20 sign company who's putting them out and picking them up had a flat tire and couldn't
21 get there and I'd hate to trigger an offense that prohibits them from ever being able to
22 put signs back out.

1 MR. KOCY: Right, and, and it's theoretical that a sign company might have 200
2 signs that they're putting out [inaudible] in violations or one violation?

3 MR. PALMER: I think you view a weekend as a, as a one instance. I mean, if -

4 MS. CAIRNS: I mean, but if somebody goes and puts up 20 signs for one thing,
5 even though they're only allowed four, I guess that's one offense?

6 MR. KOCY: Correct.

7 MS. CAIRNS: But in general a sign offense is per sign. I mean, that's the thing
8 is in general a sign offense is per sign.

9 MS. LINDER: Well, the violation is reading plural, signs, found in violations,
10 signs would be impounded.

11 MS. CAIRNS: Okay, okay, I mean, if it's sufficiently clear, that's just -

12 MS. LINDER: So if a permit holder puts out 20 signs and they're all in violation,
13 you've got an offense.

14 MS. CAIRNS: That's one offense? Okay, I mean, if you think it's -

15 MS. LINDER: That's one, one offense.

16 MS. CAIRNS: - that's fine, that was just my concern was, I, when I read it I didn't
17 find it clear as to what was an offense numerically, but okay. And then I've got the
18 proposal to sunset this after 24 months.

19 CHAIRMAN ANDERSON: How would, how would you propose we put that in to
20 where -

21 MS. CAIRNS: I, I don't feel comfortable trying to draft Code sitting here orally.

22 CHAIRMAN ANDERSON: Oh, yeah, does Staff have, have, have an idea or
23 have any suggestions?

1 MS. LINDER: What's, what's the question?

2 MS. CAIRNS: To have the law automatically sunset after 24 months.

3 MS. LINDER: I can, I can put a provision at the end. It would be, it would be
4 down where the effective date is, it would be a sunset provision down there.

5 MS. CAIRNS: So it would be from, to? Is that what -

6 MS. LINDER: Correct.

7 MS. CAIRNS: Okay.

8 MS. LINDER: I, I would borrow language from another ordinance that had a
9 sunset provision in it and insert it in this one.

10 MR. PALMER: If it becomes an issue, what vesting rights are you talking about?

11 MS. CAIRNS: Excuse me? I'm sorry.

12 MR. PALMER: I'm, I'm just typically not in favor of saying I want to stick my toe
13 in the water and try something. Either it's, either it's good to do or it's not good to do.
14 Either we do it or we don't do it. With the sunset provision, I mean, what, you, you
15 raised the issue that there could possibly be some, if two years from now a new Council
16 decides, you know, that they don't like this ordinance and they want to change it, they
17 certainly have the right to do that. So, what vesting rights were you speaking of that, for
18 the possibility of not allowing that to happen?

19 MS. CAIRNS: I mean, signs historically have grandfathering provisions and sun
20 setting, you know, that, that signs get vested rights. I mean, if you change the, like on
21 some of the other ordinances we've got, if you make a sign illegal, it has the right to stay
22 for a certain amount of time because -

23 MR. PALMER: These only have the right to stay for three days.

1 MS. CAIRNS: That's, I just, I mean, I think that -

2 MR. KOCY: Technically you would have a permit that would last a year. So
3 you're, you're sign permit is good for 52 weekends. That's more than three day?

4 MR. PALMER: So that sign's permitted for a year.

5 MR. KOCY: Correct.

6 MR. PALMER: So if the Council at any point said we don't like this, then you
7 have a one year sunset, you have, people are still able to use it for year and after that
8 year, they'll go down.

9 MS. CAIRNS: I just, I mean, I'm not surprised we come up on opposite sides of
10 this. I'm saying that I think this is an enormous grant and I would just, I'm offering that I
11 would like it to have a 24 month sunset provision. I understand that there are people on
12 the Commission that would not like to see that.

13 MR. PALMER: Right.

14 MS. CAIRNS: And I'm just saying that, that the nature of signs and this and that,
15 I think it also, you know, if anything it helps encourage compliance.

16 MR. PALMER: To another issue, Mr. Kocy, who has the ability to put someone
17 in violation? Could a neighbor who sees the sign that doesn't have the sticker on it pick
18 up the sign and bring it down to you and say Mr. Kocy this, these people are in
19 violation?

20 MR. KOCY: We're not authorizing that, no, but someone could alert us to a sign
21 that doesn't have a sticker on it and we would investigate.

22 MR. PALMER: Are the stickers easily taken off the signs?

1 MR. KOCY: We would hope not, they're, we, we want them to be easily
2 recognizable on the face of the sign and they would be adhesive, but -

3 MR. PALMER: But you, you have records here that says this sign in this area
4 was permitted and someone who didn't like the sign took the sticker off and wanted to -

5 MR. KOCY: We, we wouldn't have this sign in this area, we would have, we
6 would have a roster that would say Heather Cairns got 10 signs for her real estate
7 business, we don't know where they're at and the, the sign would be affixed to the front
8 of her, Heather Cairns' Realty open house sign.

9 MR. PALMER: I, I just know there's a lot of people out there that really hate
10 these signs and I'm not saying anybody would, but I, you know, I know of one sign that's
11 been taken down numerous times when it's a properly advertising sign on the lot and it's
12 still be taken down. It's because people don't like it.

13 MR. KOCY: I have no doubt that there are people that take down weekend
14 directional signs throughout the county because they know that they're not legal now
15 and there are vigilantes out there.

16 MR. PALMER: So what, what would you, how would you handle that if
17 somebody came in and said, you know, Mr. Kocy there's a sign out here on the corner
18 of Decker and Two Notch that's not permitted, it doesn't have a sticker on it when that
19 person actually took the sticker off. There's no way for you to know that that occurred
20 then.

21 MR. KOCY: We would, if the sign that they, that you just mentioned would
22 probably be some sort, have a business name or title on it and we can check our
23 records to see if that person did indeed have stickers for legal signs. Now it would be

1 difficult if somebody had 50 permits to know was this the 51st sign, we wouldn't know
2 that.

3 MR. PALMER: Right.

4 MR. KOCY: There, there might also be an indication, I mean, some sort of
5 damage on the front of the sign indicating that an adhesive decal had been pulled off
6 the sign.

7 MR. PALMER: I mean, I've seen those hard plastic signs and I, I, I just don't
8 know how it's gonna be implemented physically with the stickers.

9 MS. CAIRNS: Well, then let's not pass it at all. I mean, if it's going to - I mean, if
10 -

11 MR. PALMER: I'm just wondering if you've thought through those issue or not?

12 MR. KOCY: We've thought through the issues, we don't know how we're going
13 to address all of these issues. There's a bunch of what if's. I have no doubt that there
14 will be vigilante crews out, that, that are out now knowing that the county has passed
15 regulations saying that we have the authority to remove signs that are out there illegally,
16 that we don't have to send notices anymore to the sign owner. I have no doubt that
17 there are people that cruise the neighborhoods, yank them up, spray paint them white
18 and put yard sale on or garage sale and repost them in their front yard. We've, you
19 know, there are all sorts of permutations out there of, of vigilantes on sign violators that
20 we have no mechanism to address.

21 MR. PALMER: I, I appreciate it. I don't have any, personally I don't have any
22 issues with any of Ms. Cairns' amendments except for the 24 months sunset provision.
23 I just, I just don't think we should be in the practice of trying things out. I mean, there

1 are, there are ways that we, as a county can, can, you know, change law and that kind
2 of stuff that the Council can do. I think that if we, we need to do something, we just
3 need to do it and, and if it doesn't work the county has a mechanism in place already to,
4 to make that happen, to be able to change if it they don't like it. That's up to the
5 Council. That's my thoughts on the subject.

6 CHAIRMAN ANDERSON: Any other comments or questions? Does anybody
7 want to present a motion?

8 MS. CAIRNS: Well, I'd like to, just to have it on the Record make the motion to
9 amend this to add the 24 month sunset and have that be a, is that something under our
10 rules of order we can do? To have that as a separate and then vote the whole thing by
11 itself as it is?

12 CHAIRMAN ANDERSON: Okay, we probably -

13 MS. CAIRNS: We've lost our guru on rules?

14 CHAIRMAN ANDERSON: Yeah, I would think that we probably need to make a
15 motion stating every potential change, be it the written consent on E -

16 MS. CAIRNS: Well, I mean, what we often do is to make a motion to approve
17 with the provide, you know, if there's consensus on those, we can just incorporate in the
18 initial motion, but I would like to have the possibility of a 24 month sunset, because I
19 don't, you know -

20 MR. PALMER: I think it's probably easier if we just, I mean, I don't even know
21 what the other Commission Members' thoughts are on the other items that you threw
22 out, so it's, I would probably say that we do them one at a time and go with -

23 CHAIRMAN ANDERSON: With sunset and without?

1 MR. PALMER: Just go through every one of her amendments that she, she
2 wanted and vote on each one.

3 MR. GILCHRIST: Vote on each one? Yeah.

4 CHAIRMAN ANDERSON: It sounds good.

5 MR. MANNING: Are we gonna have to vote five different times on a -

6 MS. CAIRNS: Well, it's really only -

7 CHAIRMAN ANDERSON: So what I'm hearing is basically we're gonna take a
8 vote on Item Number E to, that signs may be placed along county roads or the right-of-
9 way or on private property with written consent?

10 MS. CAIRNS: Permission, yeah.

11 CHAIRMAN ANDERSON: With written permission?

12 MS. CAIRNS: Yeah, it doesn't matter, of the property owner.

13 CHAIRMAN ANDERSON: With written permission of the property owner? All
14 those in favor of inserting with permission, or with written permission of the property
15 owner into Letter E, signify by raising your hands?

16 MS. ALMEIDA: We need a second, to second that.

17 CHAIRMAN ANDERSON: Oh, I'm sorry, I'm sorry, we do need a second.

18 MR. GILCHRIST: I second, second.

19 CHAIRMAN ANDERSON: Those in favor, please signify by raising by your
20 hand? Opposed?

21 *[Approved: Cairns, Murray, Gilchrist, Palmer, Anderson, Manning, Mattos-Ward;*

22 *Absent: Ward, Furgess]*

23 CHAIRMAN ANDERSON: Check. Alright -

1 MS. CAIRNS: I mean, [inaudible] you're the Chairman making the motion I think
2 that's a little bit of an issue. I don't think you're supposed to do that.

3 CHAIRMAN ANDERSON: Did I, did I make that motion?

4 MS. CAIRNS: I think so, you're the only one that described it.

5 CHAIRMAN ANDERSON: I apologize. I was actually clear, I was actually
6 clearing -

7 MS. CAIRNS: I know you were, but it if, if it became a second in clarification
8 when we sort of converted it to a motion.

9 CHAIRMAN ANDERSON: Yeah, but -

10 MR. MURRAY: Yeah, but you were right, you're supposed to recite it.

11 CHAIRMAN ANDERSON: Procedural, procedural error there. Could we have
12 somebody please make a motion for what we just - could somebody make a motion
13 here? This is a debacle.

14 MS. CAIRNS: Okay, okay so I would make a motion to add the, with the written
15 permission of the property owner in Section E with regard to placing them on private
16 property.

17 MR. GILCHRIST: Second.

18 CHAIRMAN ANDERSON: All those in favor, please signify by raising your hand?
19 All those opposed?

20 *[Approved: Cairns, Murray, Gilchrist, Palmer, Anderson, Manning, Mattos-Ward;*

21 *Absent: Ward, Furgess]*

22 CHAIRMAN ANDERSON: Fantastic.

1 MS. CAIRNS: And I also make a motion to amend Section E of this section to
2 add that all signs are to be placed a minimum of three feet away from the pavement
3 edge.

4 MR. GILCHRIST: Second.

5 CHAIRMAN ANDERSON: All those in favor, please signify by raising your hand?
6 Opposed?

7 *[Approved: Cairns, Murray, Gilchrist, Palmer, Anderson, Manning, Mattos-Ward;*
8 *Absent: Ward, Furgess]*

9 CHAIRMAN ANDERSON: The, the map?

10 MS. CAIRNS: The map? I make a motion to amend the map as shown, the little
11 diagram, as shown in Section E, that the road width of 24' will be changed to simply say
12 varies.

13 CHAIRMAN ANDERSON: Do we have a second?

14 MR. GILCHRIST: I'll second.

15 CHAIRMAN ANDERSON: All those in favor, please have a, a show -

16 MS. CAIRNS: Huh?

17 MR. GILCHRIST: I'll second all your things.

18 CHAIRMAN ANDERSON: All those in favor, please signify by raising? All
19 opposed?

20 *[Approved: Cairns, Murray, Gilchrist, Palmer, Anderson, Manning, Mattos-Ward;*
21 *Absent: Ward, Furgess]*

22 CHAIRMAN ANDERSON: Alright, check.

1 MS. CAIRNS: And I also make a motion to amend the effective date, to include a
2 sunset provision such that the ordinance, this ordinance would only remain for 24
3 months.

4 MR. GILCHRIST: Second.

5 CHAIRMAN ANDERSON: All those in favor, please signify by raising you
6 hands? All opposed?

7 *[Approved: Cairns, Murray, Gilchrist, Mattos-Ward. Opposed: Palmer, Anderson,*
8 *Manning; Absent: Ward, Furgess]*

9 CHAIRMAN ANDERSON: That is a four to three.

10 MS. CAIRNS: Four to three? It passed.

11 CHAIRMAN ANDERSON: It passed, okay.

12 MR. KOCY: Mr. Chairman, I'm gonna suggest that we go out of order and we
13 take the Kiosk one next.

14 MS. CAIRNS: We still have to now vote on the entire one. Sorry, we, we lost
15 you there.

16 MR. KOCY: Sorry.

17 MS. CAIRNS: I now make a motion to approve the Weekend Directional
18 Ordinance as amended by our previous motions.

19 CHAIRMAN ANDERSON: We have a motion, do we have a second?

20 MR. GILCHRIST: You're looking at me, Mr. Murray, I'll second.

21 MS. CAIRNS: That way he seconded them all.

22 MR. MURRAY: That's right.

1 CHAIRMAN ANDERSON: All those in favor of sending the Land Development
2 Code of Chapter 26, §26-180 ahead to Council with the recommendation of approval,
3 please signify by raising your hand? All opposed?

4 *[Approved: Cairns, Murray, Gilchrist, Palmer, Anderson, Manning, Mattos-Ward;*
5 *Absent: Ward, Furgess]*

6 CHAIRMAN ANDERSON: Alright, Mr. Kocy.

7 MR. KOCY: Mr. Chairman, I'd like to take Kiosks next. I think it's a little less
8 complicated than the digital. We'll ease into the digital signs.

9 CHAIRMAN ANDERSON: Alright.

10 MR. KOCY: Our County Code, oh. Okay. Our County Code currently does not
11 allow off premise signs anywhere for any reason. This provision allows for a off premise
12 sign giving directions, for people to get to subdivisions or churches or any other facility
13 in the county.

14 MS. HINK: Alright, and the requirements and specifications for that would be a
15 minimum width of six feet and a maximum height of ten feet. Each of the signs could
16 have up to two faces. They do not have to have two faces. Go to the next slide. There
17 would be allowed, they would not be allowed in the right-of-way and they must have,
18 because they are on private property, you would have to provide documentation of an
19 agreement with the property owner. And they cannot obscure visibility. This would be
20 a, this is what I was talking about a second ago about requirements, this is an example
21 of what one would kind of look like. You can see that the top would allow for Richland
22 County, would have their emblem at the top and then each kiosk would provide no more
23 than six individual signs and one must always be given to the county. So, if they have

1 four, then they can, technically they can advertise three directions and the fourth would
2 be given to the county. Go to the next. That's basically what I just said. And like I said
3 there couldn't be more than six spaces and each of the signs would be \$100.00 per,
4 \$100.00 per face and you could not have more than two faces and this seeks to, the
5 permit holder would have five days from receipt of the notice, so they would have to
6 maintain it and repair it. Are there any questions?

7 CHAIRMAN ANDERSON: Any questions?

8 MR. KOCY: Mr. Chairman, this is copied from a Kiosk Ordinance used in three
9 different California municipalities.

10 MS. CAIRNS: In, in those municipalities is, some of my concerns with this or
11 some of my concerns with the bus stop ordinance is that, I mean, is there a single way
12 this looks or can they vary in what they look? I mean, should there be a single point
13 person who's responsible for these? Again, that it goes through a contract based -

14 MR. KOCY: No, the only, the only uniform thing on all these kiosks is that it must
15 have the county logo and, and Richland County on top. There are, there's a paragraph
16 in here that discusses that they should have similar colors, medium to dark colored
17 background with contrasting lettering colors and then this, the dimensions are all
18 uniform.

19 MS. CAIRNS: Alright, I saw up there that they can be removed?

20 MR. KOCY: The, the dimensions are on the third page, letter three, or numeral
21 III discusses how these things look.

22 MS. CAIRNS: Alright, but I mean, within five days, so, but I mean, again if one
23 falls into disrepair, they're just removed by the county within five days?

1 MR. KOCY: Correct.

2 MS. CAIRNS: If it's not addressed?

3 MR. KOCY: Correct.

4 MS. CAIRNS: Okay. In terms of Part H, which required apparently that a
5 community can only have a sign up there while there's a lot for sale?

6 MR. KOCY: Correct.

7 MS. CAIRNS: But wouldn't these sometimes be to just some, help someone find
8 a certain community? Regardless of whether there's something for sale by the
9 developer I suppose?

10 MR. KOCY: We could do that. Again, we pulled this directly from the California
11 language.

12 MS. CAIRNS: I mean, it just seemed a little inconsistent that the only way a
13 community could have themselves identified would be to have a lot for sale?

14 MR. KOCY: We, we can certainly edit that to make it an HOA could be, could
15 apply for a sign permit if you wanted to describe, describe your subdivision or your
16 community.

17 MS. CAIRNS: I mean, I think that one could write, you know, I think right now
18 and each, that's what I thought was interesting.

19 MR. PALMER: But then if you, if there's a new subdivision and there's only six
20 sign faces and there's six neighborhoods, they're just gonna be a permanent fixture on
21 there and it's not gonna go to help any new subdivisions that come in. It's kind of the
22 first six that get there. I mean, they're gonna pay \$100.00 a year for it.

1 MS. CAIRNS: Well, that's probably why, I mean, that's probably why I was
2 thinking is that, that the \$100.00, I mean, that's what's interesting about these is that
3 yeah there might be a location where there's 10 people that want to be a part of that
4 sign is not to have it be a, a race to the, I mean, so I guess the first person that picks
5 one up sells the first five slots and then it could - but at the same time I think that, that's
6 why, I mean, to a certain extent there needs to be some mechanism to deal with that.
7 Because, you know, I mean, you can't -

8 MR. KOCY: We don't limit the number of, we don't limit the number of kiosks in
9 this, so if the first five slots fill up, someone else will have an opportunity to erect a
10 second kiosk for the next five slots.

11 MS. CAIRNS: Okay, that's true because, I mean, some things will be permanent
12 on this. Churches may decide to be a permanent fixture on a kiosk. So, I, I mean, just
13 thought that, to me Section H should have simply been struck that, you know, as, as
14 long as you pay your \$100.00 the next year you can stay, as long as someone ponies
15 up the \$100.00 because a community may want to stay on there so, because these are
16 eligible for any entity.

17 MR. KOCY: Correct, any business, church, social organization, anybody.

18 MR. PALMER: So these can be stacked one right behind another?

19 MR. KOCY: Correct.

20 MR. PALMER: So I could, I could put one up conceivably and then someone
21 could come and put one right in front of mine?

22 MR. KOCY: Correct.

23 MR. PALMER: So it makes mine obsolete?

1 MR. KOCY: It has, it has to go on private property, so if you're a property owner
2 you would probably put it away from the edges of your property to make sure that your
3 next door neighbor didn't put one at the edge of his property obscuring yours.

4 MS. CAIRNS: Or you may, yeah, you may want to, because that would be
5 interesting. If it's, I think if you get your lease from the property, the private property
6 owner you may want to put in there some buffer.

7 MR. KOCY: Some rather large shopping centers might have one at each end of
8 the shopping center for directional or three, one at each end and one in the middle. I
9 mean, there's no limit to the number of kiosks you can have on a site.

10 MS. CAIRNS: But to protect the visual view shed, I think that's gonna be up to
11 the users who get your approval?

12 MR. MURRAY: I think you might be setting up some trouble, too.

13 MS. CAIRNS: Be a dandelion, I mean, just -

14 MR. PALMER: Well, why wouldn't you make, why wouldn't you make these be
15 separated like, you know, 10' apart or something?

16 MS. CAIRNS: They're going on private property.

17 MR. KOCY: They're going on private property. I don't want to be in the sign
18 measuring business. We're just creating a category of signs and letting the market take
19 care of itself.

20 MR. MANNING: But y'all get fees off of it?

21 MR. KOCY: Yep.

22 MR. MANNING: Well, you'd want it to be effective, wouldn't you?

1 MR. KOCY: We would hope. Again this is going to be a profit generator for a
2 private property owner. I would, I would think that a property owner would have
3 difficulty leasing a second sign if the second sign was so close to the first sign that it,
4 that both of them were ineffective.

5 CHAIRMAN ANDERSON: Any other questions or comments? Motions?

6 MR. PALMER: I make a motion to approve the ordinance.

7 MS. CAIRNS: I'll second.

8 MR. PALMER: Or to recommend approval of the ordinance.

9 MS. CAIRNS: Is any, is anyone here to speak on it?

10 CHAIRMAN ANDERSON: There is nobody signed up to speak. We have a
11 motion and we a second. All those in favor of sending §26-180 signs forward to the
12 Council with the recommendation for approval signify by raising your hand? All
13 opposed?

14 *[Approved: Cairns, Murray, Gilchrist, Palmer, Anderson, Manning, Mattos-Ward;*
15 *Absent: Ward, Furgess]*

16 CHAIRMAN ANDERSON: Alright, Mr. Kocy, now we're gonna jump back and we
17 do have signed up to speak -

18 MS. HINK: Okay, alright, great. Okay, the last one. Visual Display Devices –
19 currently these are not allowed and so this would be, this ordinance would be to allow
20 visual display devices. Specific in this ordinance, it prohibits any type of image, so
21 these are the different ways images can be displayed. So basically this ordinance only
22 allows for a static text or numbers, so any kind of image or pictures not, would not be
23 permitted. With the exception of, just one second, with the, go back, thank you, it's hard

1 not having it right here, with the exception of temperature and time, that would be
2 allowed to changed. And these would not be able to, these would be, not be allowed
3 100, 100' from a residential parcel. They cannot change more than five, every five
4 minutes. They cannot have flashing lights or any audio speakers. They are allowed
5 between the hours of 6:00 a.m. and 11:00 p.m. Okay, and the bottom of the sign must
6 be 10' from the ground. Illumination rules – day time it's allowed up to 5,000 nits and
7 that's kind of the max of the standard and that would be like taking your TV out into,
8 outside, that 5,000 nits would allow you to see the image you're, and at night it would,
9 could not be brighter than 500 nits and that's like taking, your computer screen is about
10 350, so that would be like taking your computer outside. It would be a little bit brighter
11 than that. Are there any questions?

12 MS. CAIRNS: I'd say that is pretty bright.

13 MS. HINK: One thing to point out is that the sign itself could not be more than
14 twenty square feet of the area. I don't know if I said that.

15 MS. CAIRNS: It would be a 100% of the sign?

16 MR. KOCY: We'll, we'll have Mr. Price address these questions. Mr. Chairman,
17 a few people arrived late who would like to speak on the digital portion of this hearing.
18 So, if they want to -

19 CHAIRMAN ANDERSON: What I'm gonna do is I'm gonna go through
20 everybody that has signed up and then anybody after the fact that wants to come up
21 can come up. But first of all if you would come up to the podium, state your name and
22 address for the Record. Marion Duncan? And we do ask that you limit your comments
23 to two minutes.

TESTIMONY OF MARION DUNCAN:

MR. DUNCAN: Hello, I'm Marion Duncan, I remember meeting you guys two months ago. I want to address that I am against the, the changes in the LED Board. I'm in the industry, I represent many people that are here today. I have been doing this for over 20 years in Columbia. I've put up quite a few. Some of the things as that, that makes this impossible and I, I want to address first, one of the things I'd like to quote first is the DOT person of the, of South Carolina. I quoted him today from talking to Keith Melvin(?). He said that if a sign, if a sign stays static for six seconds it is not considered to be a moving message center sign. This is quote from Keith Melvin that's over the DOT. I also had this sent to me from him. I'd like to quote from the Small Business Administration, federal government recognizes the superior communication value of electronic message centers and uses the MC's panels on many freeways to warn drivers of possible hazards, its use of the portable electronic warning signs like at construction or accident sites are also increasing. And drop down it says several states have conducted studies on the safety of roadside signs, including EMCs and none have found an increase in traffic accidents and in some cases have found a significant decrease in accidents related to the signs. Furthermore, nine leading insurance companies were surveyed and all indicated that they have never received an accident claim involving an, involving an advertising sign. It is a testament to the safety of EMC that since 1979 the Federal Highway Administration has not seen any need to revise its recognition of the legality of on premise commercial variable electronic message center signs. That's from the Small Business Administration and you can pull this right of the Internet and of course you can get this from the DOT. I would like to address the things

1 that we have here real quickly and I, I hope that you'll help me on the time because I
2 represent the industry. So, number one, such sign shall remain static at all times.
3 That's not a problem because if it doesn't move less than six seconds, it is a, it is a
4 static sign. The electronic area may not exceed 20 square feet, obviously is a mistake.
5 I guess it should be the percentage, but in all counties that I represent in South
6 Carolina, they represent, the let at least 50% of a sign be an LED sign. If you regulate
7 that to 20 square feet, it's ridiculous, it's too small to even be usable. Lower Richland is
8 one that's here sitting here today. We're doing one for them and theirs represents
9 about 40% of the actual sign. This, see not all these things are for, for profits. Schools
10 and churches use them to get messages out that are very important to the many, to the
11 people. It's got that the message must not change more than once every five minutes.
12 I hold strongly to the fact that that is wrong. The illumination, this is the one that's
13 technically totally wrong. Illumination shall be no greater than 500 Nits. You cannot
14 compare any product inside made from a TV to an outside LED with the sun that is
15 shining on it. I checked with all my manufacturers; if a sign is in full color, it cannot
16 operate properly. So if you're going to allow one, you've got to allow it operate properly.
17 It has to have 10,000 Nits to operate in the sun if it's full color, 7,500 Nits if it's red or
18 amber and to say that it operates at 500 Nits at night is the same thing as cutting it off.
19 You will not even see it at night if you run it. At nighttime, we, we drop ours down to 30
20 and 40% of it's capabilities, which would put it at about 4,000 Nits at night. If you go
21 less than that, you've, you've just, I don't have any problem with plain flashing lights, I
22 don't have any problems with audio speakers. The, the other one is signs only on the
23 bottom are to be used or displayed between the hours of 6:00 a.m. and 11:00 p.m.

1 Well, how do you tell a motel at 12:00 at night, that's still trying to fill its rooms up that he
2 has to cut his sign off? That would be, that would be horrible. But thank you for your
3 time for letting me go over, thank you.

4 CHAIRMAN ANDERSON: Bert Pooser?

5 **TESTIMONY OF BERT POOSER:**

6 MR. POOSER: Yes, my name is Bert Pooser and we operate Storeway Storage
7 up in Ballentine and I just want to say I'm against. Probably 85 to 90% of our business
8 is based on signage and in the industry I think you'll find a standard for storage
9 business is that the sign represents most of their business and most of their marketing
10 efforts along with the Yellow Pages. But I just wanted to let you know I'm against, that's
11 the main thing. Thank you, thank you for your time.

12 CHAIRMAN ANDERSON: Thank you. Mr. Brian Clark?

13 **TESTIMONY OF BRIAN CLARK:**

14 MR. CLARK: I'm Brian Clark, I represent, I manage Royal Z Lanes in Columbia.
15 My sign's atrocious right now because of the moratorium, I need some, some,
16 something to be able to do? I know the unemployment is at the highest it's ever been in
17 this, in the state. I know that these signs, the digital signs, if you, I don't understand
18 why anybody would want to restrict them. They say they'll bring 30% business up. If I
19 make more money, small business in the, in the United States is responsible for more
20 jobs than anybody, than anything else and if my business does better I'm gonna hire
21 more people, which is gonna pay more taxes and make the economy better. Thank
22 you.

23 CHAIRMAN ANDERSON: Certainly. Paul Stevens?

TESTIMONY OF PAUL STEVENS:

1
2 MR. STEVENS: My name's Paul Stevens and I'm Pastor of Speers Creek
3 Baptist Church and I signed to be against the, we read the language that's, that's been
4 proposed and a lot of these things we cannot comply to. There's, the sign that we have
5 was given to our church and it, it was donated and it didn't cost our church anything
6 and, and the county permitted our sign. Our sign is not 10' from the ground. We don't
7 have the capacity to do a lot of things that's in this language, so our sign probably would
8 have to be torn down if this is passed. And we cannot afford another sign and so I just
9 say, come to say that I'm against not all of the language. I know that our sign could run
10 by not flashing, by not scrolling, but we, we do not have the capacity and our sign is,
11 has already been put up and it's only eight feet to the bottom of our sign. So we would
12 miss it by two feet. And other than that, just to simply say we're against the proposed
13 language that's in there.

14 CHAIRMAN MANNING: Sure. Mr. Mike Davidson?

TESTIMONY OF MIKE DAVIDSON:

16 MR. DAVIDSON: I'm Mike Davidson, I'm the Congregational Council President
17 for Living Springs Lutheran Church, which is at the corner of Hard Scrabble and
18 Clemson. I think at the last minute we were scolded a little bit for scrolling. We have
19 stopped scrolling. We are against the language that is currently written in, in the new
20 ordinance just because of the, the Nit language for days and nights and some of the
21 other language also. And our sign also was permitted by the county and, and we
22 proceeded with the sign company and this is what we, and we want to do what's right,

1 we're a church, we want to do what's right and we thought we were doing what was
2 right and as it is written today we are against it. Thank you.

3 CHAIRMAN ANDERSON: Okay, anybody else that would like to speak if they
4 would just form a line at the, at the end of the stairwell please? State your name and
5 address for the Record.

6 **TESTIMONY OF MARVIN BYARS:**

7 MR. BYARS: Good afternoon. I'm Marvin Byars, I'm the Principal at Lower
8 Richland High School and we do not support what I just read. I, I'm not into all the
9 technical aspects of it. At Lower Richland we have a sign that Mr. Duncan actually put
10 in about 25 years ago and that sign is shot. It's really, really in bad shape, so when we
11 were trying to increase our ability to communicate with our parents and with our
12 community, we looked at upgrading to an LED sign. We thought we bought one that
13 was, would meet certain specifications. We've seen them in other schools, not just in
14 Richland County, but also in Lexington County and how we use that as a
15 communication tool, it's going to be very, very important to us. And the money was
16 donated by one of the preceding graduate, preceding graduating classes and, you
17 know, we've got everything in place to do this and in fact one of our other sister schools
18 in our district, and I know this is not your issue, we came up with the idea first and their
19 sign is already up and rolling and, and we're sitting here holding our hands. So we
20 would appreciate any consideration for Lower Richland High School. Thank you.

21 **TESTIMONY OF SUTTON SHAW:**

22 MS. SHAW: Good afternoon, my name is Sutton Shaw and I am a part owner
23 and managing partner with Sonic Drive-Ins. We own 75 Sonic Drive-Ins, 19 of which

1 are here in Columbia and three of which are in Richland County. We also operate and
2 have LED boards in the following counties: Lexington County, City of Columbia,
3 Newberry, Lugoff, Fairfield County, Orangeburg, Manning and Sumter. The current
4 proposed restrictions that you are proposing, I'm looking at here, are more restrictive
5 than any other county and the City of Columbia. And our boards, our LED boards, and I
6 brought all three of my permits, which I received in October of '07, signed by Ms.
7 Williams, she was shown an example of the board and she did mention here and it is
8 written, handwritten, signs must remain static. Animated signs are prohibited in
9 Richland County. So she was under, she was under the understanding because we
10 saw the sign, that it would have a changeable message that can change, we can
11 program it. Currently we have it at 10 seconds. So we purchased these signs for about
12 \$40,000.00 each, so three times \$40,000.00 is about \$120,000.00. I know you're
13 proposing these to help with driver distraction and your concerns with driver
14 distractions. Currently Marion has already quoted the Small Business Administration
15 where there is no scientific research that any of these LED signs in any way distract
16 from a driver and in fact I would propose that the sign sitting at Hard Scrabble by Piggly
17 Wiggly with Pepsi 12-packs at \$4.99, chicken legs I think at a \$1.79 a pound and there's
18 a third item are a lot more distracting than my signs that we now have apples and a
19 picture of an apple. And in fact it takes probably seconds to look up and capture that
20 message versus the few seconds it takes me to read all the items on the Piggly Wiggly
21 sign.

22 CHAIRMAN ANDERSON: Thank you, Ms. Shaw.

23 MS. SHAW: Okay?

TESTIMONY OF BILL THEUS:

MR. THEUS: Good afternoon, my name is Bill Theus, that's a tough act to follow there.

CHAIRMAN ANDERSON: Mr. Theus, would you state your address for us?

MR. THEUS: 1521 Tanglewood Road, Columbia, 29205. My partner, Walter Taylor and I own Arcadia Self-Storage on Decker Boulevard, the same business as Mr. Pooser has out in Ballentine. We, too, have roughly 80% of our business come by drive, come through drive-by. I have been told at one point or another that there are over a 100 of these signs in the county, which whatever it is, whether it's 80 or 120, I find it hard to believe that they all went up without, without the knowledge and consent of the county. I noticed the other day, the Goodwill, the new Goodwill shop out on Two Notch Road has a LED sign. We spent roughly \$30,000.00 on our sign. There's no way we would have bought that or that a reputable sign company such as Marion Duncan's would have sold that to us knowing that it was breaching some ordinance or law. At a minimum the existing signs, in my opinion, must be grandfathered. I have problems with the entire thing, but at a minimum the people who have their money invested in these signs ought to be allowed to continue using them as they are. Thank you.

TESTIMONY OF WILL ANDERSON:

MR. ANDERSON: My name is Will Anderson and I'm with the Richland School District 2 and he pretty much just stole my question; I was going to ask about if there was a grandfather clause in place. And the Principal for Lower Richland pretty much

1 explained the importance of those signs at all the schools and everything, but that's all I
2 wanted to say.

3 CHAIRMAN ANDERSON: Anybody else? Okay, then we can close the public
4 forum. Any comments or questions? Ma'am? Ma'am, I'm sorry we just closed the
5 public forum, but if, if you would like to come up and speak, that's fine, we'll just, we'll
6 give you two minutes.

7 **TESTIMONY OF ODESSA YOUNG PARKER:**

8 MS. YOUNG PARKER: Alright, thank you. Excuse my appearance.

9 CHAIRMAN ANDERSON: State your name and address for the -

10 MS. PARKER: My name is Odessa Young Parker.

11 CHAIRMAN ANDERSON: And address?

12 MS. PARKER: 901 Cottison Street, Columbia, South Carolina 29203.

13 CHAIRMAN ANDERSON: Yes, ma'am?

14 MS. PARKER: Yes, we sit, my father is Mr. Benjamin Young and my mother's
15 name was Hilda Young, so we have property up there but it's, after I-77 came through a
16 lot of, a lot of the folks has passed and gone and I want to know if we really have the
17 property or not. We don't understand because we haven't, they have died and left, left it
18 to people who are here, the owners of it, but the highway came through and it took and
19 divided it, so it is not very much you can do with it after you just got the [inaudible], you
20 got the, it takes a lot of money to develop it up. So I want to know where we stand by, if
21 we're gonna build, are we gonna put up a small business or a church?

22 CHAIRMAN ANDERSON: Ma'am, I, I, one, one thing we're, we're discussing
23 here is -

1 MS. PARKER: Is the signs.

2 CHAIRMAN ANDERSON: Digital signs, yes ma'am.

3 MS. PARKER: Yes.

4 CHAIRMAN ANDERSON: And if you have any questions I'm sure Mr. Price or
5 Ms. Anna Almeida will, will be able to help you with any of those questions.

6 MR. PRICE: I believe she's here for Case 09-08, that's the Michael Young on
7 Killian Loop.

8 CHAIRMAN ANDERSON: Oh, yes ma'am.

9 MR. PRICE: So we haven't gotten to that yet.

10 CHAIRMAN ANDERSON: Yeah, we're coming to that one.

11 MS. PARKER: Oh, alright.

12 [Inaudible discussion]

13 CHAIRMAN ANDERSON: No, she's got, she's got two more. Alright. Does,
14 does the, since the public forum is closed, does anybody, does Council Members have
15 any questions, or Commissioners have any questions? Comments?

16 MR. MANNING: Yeah, I've got some questions for Mr. Kocy or, or and we can
17 carry this discussion on with the Commission, but at the last public hearing we had on
18 this one of our major concerns was the grandfather clause. How, how did we get to this
19 point? There's got to be some acknowledgement of the breakdown in communication
20 and the permitting process was either not self-explanatory or we got a lot of people in
21 violation of permits. And there obviously needs to be some consideration given for the
22 existing signs out there. Forget the scrolling, forget the static, forget the, you know,
23 that, those issues, but we've got compliance issues on height. We've got color, we've

1 got a number of issues that, that I think has got to be separated from this whole other
2 issue of, you know, how long they are allowed to run and so on and so forth. And that
3 needs to be dealt with in some situations as well, but has the county given that any
4 consideration? If it hadn't, why, why is it not part of this ordinance?

5 MR. KOCY: Currently the County Code does not allow digital signs of any sort.
6 We have gone through, I believe there are 59, approximately 59 sign permits that were
7 issued for digital signs. Some were issued in error by the county, where we, we just
8 made a mistake. Other signs presented to us did not contain any information to indicate
9 they were digital signs. There are a couple of signs that are up there that don't bear any
10 resemblance at all to the permit, to the illustration shown on the sign permit, so there
11 was misinformation, specific misinformation presented to us. I think grandfathering of
12 the signs is, is a separate conversation for this one. Right, right now these signs aren't
13 legal period. So I think what I, our suggestions is, is for this Board and for the County
14 Council to come up with a category, if they decide to allow digital signs to become legal,
15 that's one conversation and then how to deal with the currently illegal signs is a
16 separate conversations. Most jurisdictions handle grandfathering by making the signs
17 legal for five to seven years to amortize the cost of the sign and then the sign has to
18 come down. That's the, that's the most frequent way it's handled, but right now these
19 signs are all illegal and I think it's premature to talk about grandfathering an illegal sign
20 until we come up with a category or some sort of legal means to make this technology
21 allowed.

22 MR. GILCHRIST: Mr. Chairman, it's obvious there's some, there's been some
23 miscommunication with this and I would like to ask this Commission if we could defer

1 this until our next meeting? I want to have a little bit more conversation with the Staff
2 about this.

3 MR. PALMER: I would agree. I mean, we've, we've asked for a work session on
4 this issue and it just showed back up on our Agenda without the work session. These
5 Nits, I mean, I would like to understand that more fully. I'd like to understand where,
6 where do these numbers come from and where, where did the 20 square feet come
7 from? Where did the five minutes? I mean, are these just numbers that were pulled
8 out? The ten feet? I mean, are these just numbers that are pulled out of the air and I
9 just, this past weekend a brand new Walgreen's, a grand opening on Rabon and Two
10 Notch Road, I'm sitting at the light reading about their 24 packs of water on sale for
11 \$2.99 and that sign just went up. So, I mean, I don't know there's just, there's, there's
12 something wrong here, so -

13 MR. MURRAY: Something's rotten in that cotton, has been.

14 MR. PRICE: Now just for clarification, having a digital sign with a digital
15 message is not illegal. That can actually be permitted. It's the, the changing of the
16 sign, any animation, that's where we get into the violation. So you can see a sign up
17 there that advertises toilet paper and that's fine. The idea is that it shouldn't changed.

18 CHAIRMAN ANDERSON: It can't? For clarification, it cannot scroll and it must
19 stay static?

20 MR. PRICE: You know, that's, that's the question. Right now, you know, in 24
21 hours, but really we haven't, there's nothing in our ordinance that gives us any guidance
22 as to a rate of change.

23 MR. MANNING: And no imaging?

1 MS. SHAW: Well, I don't see where it says 24 hours.

2 CHAIRMAN ANDERSON: Ma'am, we've closed off the public section. I
3 apologize we're gonna -

4 MR. PRICE: Right, go, going back this, there's nothing in our ordinance that
5 says when it can change.

6 MR. MANNING: Is there anything that says that -

7 MR. PRICE: But, but it clearly states that there can be no animation, scrolling,
8 just any movement of the sign. So if you take it, when can it change?

9 MR. MANNING: Animation would be anything beyond lettering?

10 MR. PRICE: Yes, I mean, we have -

11 MS. CAIRNS: It could be animated though? I mean, some signs animate the
12 letters?

13 MR. PRICE: Yes.

14 MS. CAIRNS: So it's not the letters that define animation or not?

15 MS. MATTOS-WARD: Mr. Chairman -

16 MR. PRICE: I think it works, if it is, if it is part of the Commission's desire to go
17 to, have a work session on this, I think one of the things that we can present to you if
18 there's some questions about the type of signs, is we can actually show you various
19 signs within the county and show you, you know, the changes that they have.

20 MR. PALMER: Mr. Kocy, how does this tie into the digital billboard issue that's
21 coming up?

22 MR. KOCY: It ties pretty closely. That's where the 5,000 Nits and the 500 Nits
23 came from, that came from language suggested by the digital billboard industry.

1 MR. PALMER: So if the Council chooses, changes to, chooses to allow digital
2 billboards in the county, would that not make this whole issue go away?

3 MR. KOCY: No, these are still two, two separate issues. They're closely related.
4 It would be difficult for the county to permit one and not the other.

5 MR. PALMER: [Inaudible] one step further than what Steven is and just table
6 this issue until the county decides what it's gonna do on the digital billboard issue
7 because it's, it's up for what second reading or so coming up?

8 MR. KOCY: No.

9 MR. PALMER: Well, they've un-tabled it, what, what's the, what's the status on
10 that?

11 MR. KOCY: It is coming to this Board on June the 6th, July the 6th.

12 CHAIRMAN ANDERSON: So, just explain to me why these particular signs are
13 different than digital billboards?

14 MR. KOCY: It's the technology, it's not a, as Mr. Price just said the technology
15 on these signs is not illegal, it's how the technology is used. The technology is that with
16 a keyboard you change the lettering, you don't have to go with the long pole and, and
17 hang the letters on the sign to say Breakfast Special, Lunch Special, Dinner Special.
18 You do it in a keyboard. The technology also allows you to keep a sign static or to
19 change it every five minutes or every five seconds or every second. The letters can
20 scroll across, can scroll down, can flash in, you can have animation, you can have
21 cartoon characters, it can be a video screen. There's all sort of technology out there
22 available on any type of sign, on a digital billboard or on a Sonic sign. But right now our
23 Code does not allow any of that stuff, no movement, none.

1 MR. PALMER: I think what I'm saying is that if the Council's changing the whole
2 issue with digital billboards, then obviously the same thinking should apply to the
3 changing of these signs as well. I mean, if that's the way they see it that the people in
4 the county are wanting to go.

5 MR. KOCY: The, the difference between digital billboards and these types of
6 signs, these signs are, business signs are allowed in any business location in the
7 county. Right now the billboards are frozen to existing billboard locations, so they'll be
8 slightly different.

9 MR. PALMER: But very similar.

10 MS. CAIRNS: Yeah, I mean, they're related, but the, the fact that they're under
11 several ordinances is normal, common and expected, you know.

12 MR. PALMER: Sure, [inaudible] overall [inaudible] of the county though.

13 MR. KOCY: For, for next month's Planning Commission, you will have a recently
14 published safety study from the Federal Highway Administration that does discuss
15 driver distraction and digital billboards.

16 MR. PALMER: That it very clearly says that it's inconclusive.

17 MR. KOCY: It's a 198 page document that lists many studies done around the
18 world and throughout the U.S. that lists several concerns that the Federal Highway
19 Administration has with moving signs.

20 MR. PALMER: But under the conclusion it says that this is inconclusive
21 [inaudible]?

22 MR. KOCY: Well, one of the studies quoted says that human beings are hard
23 wired to respond to movement in peripheral vision and we can't help turning our head

1 when we see something change, which is why these signs are so effective because
2 they draw your attention to them.

3 MR. MANNING: We, we've had the discussion more than once about the safety
4 issue and obviously all of us are concerned about it, but there's nothing that's been
5 shown that's conclusive, that says it's a problem. The problem I see right now is a legal
6 problem in that we've got 59 or 60 people who have already gotten permits to build
7 these signs, they're on, up and operating and until the issue of that is dealt with, I don't
8 think we ought to be dealing with it going forward.

9 MR. GILCHRIST: I don't either.

10 MR. MANNING: I think we've got to - the, the time and the money the county is
11 gonna spend fighting a bunch of lawsuits over this, it would seem to me they could sit
12 down with all of these people and come to a, a reasonable solution on how to operate
13 these things. Don't go to court, you, you're gonna have a problem in court. Avoid it if
14 you can. And us making rules and regulations that just push that aside, I think is, is not
15 a good thing to do.

16 MR. MURRAY: I am not in favor of the federal government making all of our
17 rules in the country, I don't care what's going on in Germany or Europe right now, but
18 the bottom line is this is Richland County and Richland County has its own unique
19 problems and we need to live here locally and make decisions. I don't, now you talk
20 about safety, I know, I remember Pat asked a question last time, how many accidents
21 have we had as a result of where those signs are located? We couldn't give him an
22 answer at that particular time. I don't know if we can give him one today or not, but I
23 was under the impression that we were going to sit down, plan out, you know, plan our

1 work, work our a plan and move on. And that would have included Mr. Manning's
2 concerns with lawsuits, my concerns with them red lights and flashing lights and how
3 many times those messages can change on the signs. I'm concerned about the church,
4 now how, now what is it, who made the decision to put the signs eight feet, 10' high and
5 what difference do it make? Mr. G, tell me now.

6 MR. PRICE: You know, just kind of looking at this of course, one of our ideas is
7 that as you're driving along, it kind of keeps your vision looking forward as opposed to
8 trying to look down. These are monument signs.

9 MR. MURRAY: Then let's keep them, keep them on, keep the lawnmower man
10 from hitting his head on the sign or something?

11 MR. PRICE: No, we're talking about if, if you're driving down the road.

12 MR. MURRAY: Driving down the road and you look over there and you've, it's
13 got to be 10' in, to have a -

14 MR. PRICE: Kind of, you get a better -

15 MR. MURRAY: - a vision?

16 MR. PRICE: - up as opposed to looking down.

17 MR. MURRAY: Okay, wouldn't it depend on the kind of car that person's driving?
18 If he's driving a tractor, a tractor trailer, a tractor trailer, he'd be high, so he'd be looking
19 down. If you, if I'm driving a Porsche or a little 240 or 350 Datsun, I'd be down below
20 the sign, so I'd be looking up. Wouldn't I?

21 MR. PRICE: Right.

22 MR. MURRAY: Wouldn't I?

23 MR. PRICE: I believe so.

1 MR. MURRAY: Okay.

2 MR. PRICE: But I mean I, as I travel down Two Notch Road, I don't run into too
3 many 18-wheelers, most of the, most of the vehicles are cars or trucks. So if you kind
4 of take the average of those, you are looking a straight line upward.

5 MR. MURRAY: And if you're going to Hopkins though, it would be a little
6 different wouldn't it?

7 MR. PRICE: Well -

8 MR. MURRAY: Wouldn't it?

9 MR. PRICE: No sir, I disagree.

10 MR. MURRAY: Well, I've been down there 70 years and it is different.

11 MR. PRICE: Yes, sir.

12 MR. MURRAY: I know it's different than Columbia and Lower Richland and
13 Hopkins and I know the difference than that Blythewood area.

14 MR. PRICE: Yes, sir.

15 MR. MURRAY: So we have a unique situation. I think and I agree with Mr.
16 Gilchrist and with Mr. Manning and Mr. Pat that we, we need to do our workshop, we
17 need to, we need to boil it down so when we come here we can at least have something
18 good to work with. You know, and, and we could be much more agreeable and I know
19 the time would be less. I, I'm unemployed, so I was waiting this month for you all to call
20 me, [inaudible] get a free meal and wonder why. So I was glad to sit down and, and go
21 over this because a lot of these things I'm not, I'm not in favor of having these, the
22 owners of these signs now take them down or that they, they become obsolete at this
23 particular time. [Inaudible] nobody has no money to throw away now unless you're

1 gonna, you're gonna work with your Governor and get some stimulus money to give it
2 back to them. I would be in favor of that.

3 MR. PALMER: Mr. Chairman? [Inaudible], I'm sorry.

4 MR. MURRAY: Oh, that's okay, you can cut me off, I'll stop, I just, you got my
5 two minutes, I got my two minutes.

6 MR. PALMER: I would, I would make a motion that we defer this case until next
7 month's Agenda with the recommendation that we get together within the next three
8 weeks and have a work session on the issue, not to take action, but simply to, to work
9 on it. I have a lot of issues here as well, I mean, even, even the church situation, you
10 know, you, you take a look at the, the distance from residential districts. Some of those
11 signs are in residential districts because churches can go in residential districts, so -

12 MR. PRICE: And schools, yes.

13 MR. PALMER: So that takes away all, some of the church signs right there, it
14 makes them illegal.

15 MR. PRICE: Once again those signs are illegal now.

16 MR. PALMER: But they're not at, the technology is not illegal, they're illegal if
17 they move, so the sign itself is not illegal?

18 MR. PRICE: Right.

19 MR. PALMER: So we permitted a sign that's eight foot of the ground and now
20 we want to make it 10' to make it legal or make them take it down? So you, when you
21 permitted the legal sign, it's not illegal until they change the message?

22 MR. PRICE: Right.

23 MR. PALMER: So, you see what I'm saying?

1 MR. PRICE: No.

2 MR. MURRAY: And I second your motion.

3 MR. PALMER: Because you permitted a sign at eight foot and now you want it to
4 be 10'.

5 MR. PRICE: Well, you know, once again I think as Mr. Kocy was stating earlier,
6 what we, unfortunately we have two issues here. We have, we're looking at trying to
7 draft an ordinance that potentially would allow these digital signs in the county with
8 some type of change.

9 MR. PALMER: But you allow the digital sign now/

10 MR. PRICE: But we also, but we also have signs that are, are currently in
11 existence in the county illegally, but they are currently here. So, now we have those two
12 issues. It seems like if you, you try to put them together, if we're trying to draft the
13 ordinance to keep signs, it seems like we're getting away from what we potentially could
14 have that, you know, would seem to work for everyone in the county from a safety
15 standpoint and also from an aesthetic standpoint.

16 MR. PALMER: But, I understand what you're saying, my concern is the ones
17 that are already up.

18 MS. CAIRNS: I think we could, I think we could, yeah, I mean, I think we can
19 deal with, like as you're saying signs that when they went up they were eight feet off the
20 ground, they were perfectly fine, the permit represented what was being built. We can
21 address that and I think that's, is actually easier to address after the fact, you know. I
22 mean, at the same time, but sort of after the fact. Let's come up with an ordinance that
23 works and then we'll figure out which signs were permitted, that the permit represents

1 what was built because Mr. Kocy says there's permits that they asked for something
2 and then built something completely different. We're not gonna grandfather those in,
3 they were fraudulent on their application in essence. You know, so I just think let's
4 come up with an ordinance that works and if there's a couple of signs that we say it's
5 10' and there's some eight footers, well those may get permanent grandfathers because
6 that would be, you know, that you may not let those in -

7 MR. PALMER: But the problem is -

8 MS. CAIRNS: - but, but to go out, you know, it's almost, I, I mean, almost what I
9 hear is that we need to go out there and find the worst sign in terms of how much it
10 violates everything and make that the ordinance so that we don't have a grandfather
11 issue and I don't think that's -

12 MR. MANNING: That's, no, that's not what I'm saying, no, no, no.

13 MS. CAIRNS: Well I, I, I'm being excessive, I, granted I'm being excessive, but I
14 think that let's come up with an ordinance that works and then we'll address, what do
15 we need, the grandfather issues?

16 MR. MANNING: I understand the, the need to have an eight foot or a 10', it's in
17 the ordinance and, you know, but how we got to this point is my concern. These signs
18 were permitted now, you know, it's up for discussion are they, you know, in violation of
19 their permit or were they not?

20 MS. CAIRNS: Well -

21 MR. MANNING: That there is a process in building a house, you've got to get a
22 CO, you, if you don't do certain things, you don't get the CO and if you don't get the CO
23 you don't cut the light on. The lights are on, you know, I don't know what the permitting

1 process is, but this seems to me to be a very fine line between what's proper and what's
2 not and we've got a lot of people here who say they thought they did it the right way, the
3 county's saying they did it the wrong way.

4 MR. MURRAY: Mr. Chairman?

5 MR. MANNING: I think we can avoid that and going back to what Pat's motion
6 was let's wait until next month, when we hear on the, the billboards. I'm not so sure that
7 we can tie it to that because that's, that is a different issue. I, I'm concerned that this is
8 a bigger legal problem than how the sign should operate.

9 MR. PALMER: Well, let's just have a work session on it and have the legal
10 people there and have the industry there and everybody else.

11 MR. MURRAY: The one thing that we must remember the government is, is a
12 little different sometimes. I'll give you a typical example, if we go and vote for
13 something and put it in there and then try to go back and change it, that don't work. I
14 recall us, at one time, we on County Council wanted to build the Judicial Center, the one
15 that's up on the corner of Blanding and Main? That one was supposed to have gone
16 down by Burnside Motors or now Jim Hudson or Jim Moore, Jim Hudson, that's where
17 the courthouse was supposed to have gone. And we got with the city and the city
18 agreed to make sure that we had some places to park up there. We was supposed to
19 put a parking lot along with the Judicial Center. We voted for the Judicial Center and
20 we didn't get the parking lot and the County Courthouse is up on Main Street instead of
21 it down some place in Richland County. So it don't always work when you agree on
22 something, they'll change on you and there ain't nothing you can do because you voted

1 for it. So we need to have the workshop and agree on what we're gonna do, do what
2 we gonna do and then vote on it after the fact.

3 CHAIRMAN ANDERSON: We actually have a motion and a second on the floor.
4 Any other comments? So we can vote.

5 MR. PRICE: Mr., Mr. Chair, if it is the, I was going to say Board, I'm sorry, if it is
6 the Commission's desire to have a workshop, could we establish a date? Because we
7 do have a number of people here in the audience and at least they'll know when to
8 come in.

9 CHAIRMAN ANDERSON: Absolutely, what date does Council meet?

10 MS. ALMEIDA: They, they will meet -

11 MR. PRICE: The 1st, the 1st, the 3rd and the 4th Tuesdays.

12 MS. ALMEIDA: The Zoning Public Hearing is June 23rd.

13 MR. PALMER: I'm not planning to act, I wasn't, it wasn't my motion for us to, to
14 take any action at the, at the work session, for us to take this actually up at our next
15 month's Agenda so it wouldn't go to Council.

16 CHAIRMAN ANDERSON: So your Motion was to defer until the next -

17 MR. PALMER: To defer until next month and have a work session between now
18 and next month.

19 MR. KOCY: Next, Mr. Chairman, next month is a very light Planning
20 Commission Agenda, so we could do a workshop on this issue next month and that
21 would give us plenty of time to get the necessary, necessary material together for you
22 and have a presentation and mail you stuff.

23 CHAIRMAN ANDERSON: At, at the -

1 MS. CAIRNS: After the meeting?

2 MR. KOCY: At, at the meeting, correct.

3 MS. CAIRNS: After right? As a separate issue or -

4 MR. KOCY: I, I think next month's meeting would be very, very short, so the
5 Planning Commission might go from 1:00 to 1:30 and the workshop would be at 1:30.

6 MS. CAIRNS: Okay.

7 MR. PALMER: I just want to make it clear though that it's, I, I don't plan for that
8 to be a, a two minute, in, it's not my opinion for a work session to be a two minute
9 cutting people off. I mean, I want to have a discussion and dialogue as to what all of
10 this, this stuff means, not just a two minute at the podium.

11 MR. KOCY: Two, two minutes is for public hearings, not for workshops.

12 MR. PALMER: Right, I just want to make sure since we're going to be trying to
13 do it at the meeting.

14 MR. MURRAY: Do you want to bring some DOT people in?

15 CHAIRMAN ANDERSON: We would have to invite to some DOT personnel? I
16 just, I think we need a little more information and this, the study you're bringing, now is
17 that the Virginia Tech study?

18 MR. KOCY: No, it's a Federal Highway Administration, it went to a research firm,
19 not Virginia Tech, not to a university, it went to a research firm.

20 CHAIRMAN ANDERSON: Okay.

21 MR. MURRAY: We probably need to bring in somebody from -

22 CHAIRMAN ANDERSON: And we can get copies of that pretty quick, right, in
23 the next day or so? You can email us those?

1 MR. KOCY: Sure, sure.

2 CHAIRMAN ANDERSON: Alright, we have a motion and a second on the floor.
3 All those in favor of deferring Case Number 26-180, digital display devices signify by
4 raising your hand?

5 MS. ALMEIDA: Mr. Chairman, are we deferring to the next Planning Commission
6 meeting?

7 MR. PALMER: We're just going to the workshop with, that we will be able to take
8 action at, at, after the next Planning Commission meeting. In other words this won't be
9 on the agenda for the Planning Commission Meeting, there will be a workshop to be
10 held directly afterwards.

11 MS. ALMEIDA: So, so we're deferring this to the September?

12 MR. PALMER: September, September Planning Commission, the ordinance.

13 CHAIRMAN ANDERSON: All those in favor of deferring to the September
14 Planning Commission Meeting, signify by raising? All opposed?

15 *[Approved: Gilchrist, Palmer, Anderson, Manning, Mattos-Ward; Opposed: Cairns; Not*
16 *voting: Murray; Absent: Ward, Furgess]*

17 MR. PALMER: And in the meantime since it's a -

18 MR. MURRAY: I didn't, I didn't vote because I didn't understand what you were
19 doing.

20 CHAIRMAN ANDERSON: Okay, for, for clarifications I think, you know, we're
21 deferring we've, we made a, there a motion and a second that you seconded.

22 MR. MURRAY: That's correct.

1 CHAIRMAN ANDERSON: That deferred this issue to the September Agenda.
2 Next month we will have a work session during the Planning Commission.

3 MR. MURRAY: That's right. Okay.

4 CHAIRMAN ANDERSON: So at that point.

5 MR. MURRAY: Okay, I know we were gonna have that work session after we
6 complete our meeting because we should get out by 1:30?

7 CHAIRMAN ANDERSON: Right.

8 MR. MURRAY: Um-hum (affirmative), and then we'll go into the work session?

9 CHAIRMAN ANDERSON: Right.

10 MR. MURRAY: Okay.

11 CHAIRMAN ANDERSON: The public -

12 MR. MURRAY: Then, then this information in which we compile from the, and
13 agree on from the, the work session will go on the September Agenda?

14 CHAIRMAN ANDERSON: Correct.

15 MR. MURRAY: Okay.

16 CHAIRMAN ANDERSON: I guess we need to take that vote over?

17 MS. CAIRNS: Yes.

18 MR. MURRAY: Okay.

19 CHAIRMAN ANDERSON: All those in, in favor of deferring Case Number 26-
20 180, the digital display devices, deferring it to the September Agenda, please signify by
21 raising your hands? All opposed?

22 *[Approved: Murray, Gilchrist, Palmer, Anderson, Manning, Mattos-Ward; Opposed:*
23 *Cairns; Absent: Ward, Furgess]*

1 MR. PALMER: And in the meantime, since this is under deliberation, the signs
2 are still operational and that kind of stuff?

3 MS. CAIRNS: They're still nonconforming, they're still illegal signs?

4 MR. PRICE: Yeah, they're still illegal.

5 MR. MURRAY: You don't have no money to hire nobody to even enforce
6 something, so it doesn't matter.

7 MS. SHAW: So who is part of this work session? Is it just you guys or is it
8 anyone?

9 MR. PALMER: Nope, the public's invited to have comments. We'll ask you
10 questions, you're able to, it's a free exchange.

11 MS. SHAW: Okay.

12 MR. POOSER: And that will be the first week of, of next month?

13 MR. PALMER: Directly after our meeting.

14 MR. POOSER: When is it next month?

15 MR. MURRAY: Right after our meeting.

16 CHAIRMAN ANDERSON: The first Monday.

17 MS. SHAW: Do I need to bring snacks from Sonic or? [Laughter]

18 CHAIRMAN ANDERSON: We're gonna, we're gonna take a small three to five
19 minute break.

20 MS. CAIRNS: We're on break.

21 MR. MURRAY: I'm sorry?

22 MS. CAIRNS: We're on break.

1 CHAIRMAN ANDERSON: Well, we need a, we have one more Text Amendment
2 that, that's along with that, along with that bunch. Staff wants to take it up real quick.
3 Can I ask everybody in the audience to, to please hold down the noise please?

4 MS. CAIRNS: Take it outside.

5 CHAIRMAN ANDERSON: Okay. The Text Amendment -

6 MR. MURRAY: I'm sorry, it was me, I assume responsibility for it, you can
7 suspend me until next month.

8 CHAIRMAN ANDERSON: This is, help me with this. And this is §26-152?

9 MS. ALMEIDA: Yes, communication towers?

10 CHAIRMAN ANDERSON: Communication? Okay, there's nobody signed up to
11 speak?

12 MS. ALMEIDA: The explanation is found on page 123 and it clarifies the existing
13 language and Mr. Price is here, he can give you a brief overview. Mr. Price?
14 Communication towers?

15 MR. PRICE: Oh, I'm sorry, I'm not used to speaking to y'all twice. Recently, at
16 one of the Board of Zoning Appeals meetings there was some discussion about exactly
17 what the meaning of the setbacks would be for cell towers, so to try to clarify that, we
18 just kind of revised the language to, more for clarification.

19 MS. CAIRNS: Is it, is part of the clarification, having been on BOZA at one point,
20 is it that the setbacks are being measured from the property lines, not from the actual
21 site?

22 MR. PRICE: Well actually the way the ordinance was previously interpreted, and
23 not just by me, by previous Zoning Administrators, was that the separation was from,

1 between structures, from the tower to let's say a house rather than from the property
2 line. The language you have before you would actually measure from the property lines
3 as opposed to between structures.

4 MR. PALMER: Mr. Chair, I make a motion to send this forward to Council with a
5 recommendation for approval.

6 MS. CAIRNS: Second.

7 CHAIRMAN ANDERSON: I have a Motion and a second. All those in favor of
8 sending this forward to Council with a recommendation of approval, please signify by
9 raising your hands? All opposed?

10 *[Approved: Cairns, Murray, Gilchrist, Palmer, Anderson, Manning, Mattos-Ward;*
11 *Absent: Ward, Furgess]*

12 CHAIRMAN ANDERSON: It's break time, we're gonna take a five minute break.

13 [BREAK]

14 CHAIRMAN ANDERSON: After our seven minute break, it's supposed to be five,
15 we're gonna go to the Map Amendments.

16 **CASE NO. SD-05-231:**

17 MS. ALMEIDA: Mr. Chairman, our first subdivision SD-05-231, Mr. David Tuttle
18 is here representing the applicant Lake Carolina and we are requesting a deferral to the
19 next Planning Commission meeting and he's here to address that.

20 CHAIRMAN ANDERSON: Mr. Tuttle?

21 **TESTIMONY OF DAVID TUTTLE:**

22 MR. TUTTLE: Good afternoon, yeah, there was some confusion on both party's
23 part, so we would just like to request a deferral at this point.

1 CHAIRMAN ANDERSON: Okay, okay.

2 MR. MURRAY: Peace.

3 MS. ALMEDIA: You'll need a -

4 MR. MANNING: Do we need a motion to defer?

5 CHAIRMAN ANDERSON: Do we need a Motion?

6 MS. ALMEIDA: Yeah.

7 MS. CAIRNS: I make a motion that we defer the matter of SD-05-231.

8 MR. MURRAY: Second.

9 CHAIRMAN ANDERSON: We have a Motion and a second. All those in favor,
10 signify by raising your hands? All opposed?

11 *[Approved: Cairns, Murray, Anderson, Manning, Mattos-Ward; Absent for vote:*
12 *Gilchrist, Palmer; Absent: Ward, Furgess]*

13 MR. TUTTLE: Thank you.

14 CHAIRMAN ANDERSON: The Map Amendments, Case 09-06 MA.

15 **CASE NO. 09-06 MA:**

16 MS. ALMEIDA: Mr. Chairman, this application is currently zoned RS-LD,
17 residential single-family, low density. The acreage of the site is .41 acres. The
18 applicant is requesting a zoning of neighborhood commercial. The site has
19 approximately 100' of, of frontage along Dakota Street. The subject parcel is located in
20 what we call the Crane Creek Neighborhood Master Plan areas. The property and
21 adjacent properties to the west of the site have been identified as appropriate
22 neighborhood commercial uses, therefore, based on the Crane Creek Master Plan, the
23 parcel is identified, there are what they call catalyst projects, it is identified as part of a

1 catalyst project in that Neighborhood Master Plan. Currently, as you can see from
2 some of the aerials, there are several surrounding parcels that are vacant and they are
3 zoned for neighborhood commercial uses. The property is not currently serviced with
4 water and sewer, although the adjacent parcels to the north and west have water and
5 sewer provided by the City of Columbia and it can be extended to the parcel. And the
6 Planning Staff recommends approval.

7 MR. MANNING: The parcels to the west are already zoned neighborhood
8 commercial?

9 MS. ALMEIDA: They are according to the, the Crane Creek Master Plan
10 designates that as neighborhood commercial. To the west, uh-huh (affirmative), to the
11 west are zoned.

12 MR. MANNING: It appears to be six lots, along the Terrace and Dakota?

13 MS. ALMEIDA: Yes. Sorry.

14 MR. MANNING: And they're proposed to be neighborhood commercial, or what
15 are they actually zoned?

16 MS. ALMEIDA: They are neighborhood commercial, I'm sorry, as seen on page
17 14.

18 MS. CAIRNS: But, I mean, they're currently vacant land?

19 MS. ALMEIDA: They're vacant, some are, yes.

20 MS. CAIRNS: Okay.

21 CHAIRMAN ANDERSON: Any questions for Staff?

22 MR. MANNING: And, I have just one more, the, the lot to the east of the subject
23 site, is it occupied? Is there a house on it and, you know, what's the status of it?

1 MS. ALMEIDA: It's an occupied residence.

2 MR. MANNING: It's an occupied residence? Okay.

3 CHAIRMAN ANDERSON: We have two people signed up to speak. Ted Hart?

4 **TESTIMONY OF TED HART:**

5 MR. HART: Yes, sir. Again my name's Ted Hart. I am the owner and applicant
6 for tax map number 09504-04-05.

7 CHAIRMAN ANDERSON: Alright, will you state your address please for me?

8 MR. HART: 1226 Heyward Brockington Road, 29203. I have with me, also in
9 support of this request Ms. Nicole Rhoan, she's the Neighborhood Community
10 President for Bookert Heights, and Ms. Lois Culler, the Neighborhood Community
11 Association President for Crane Forest, the two neighborhoods that are immediately
12 affected by it. And I also have, we've gone out and spoken with the community at
13 association meetings and they have actually done up a petition and I'd like to make this,
14 if proper, a part of the Record. But as Staff was communicating this is part of the, the
15 Crane Creek Master Plan and a part of catalyst four and so basically as a homeowner,
16 as a landowner I'm trying to support that by moving forward with that and in concert with
17 it.

18 MR. MANNING: Do you currently have a, a planned use for the property?

19 MR. HART: I do, we, we've developed a concept plan and that's one of the
20 things that we've been using to not only brief the neighborhood community associations,
21 but we've actually briefed the area, the subject property Councilwomen, Ms. Dickerson,
22 Ms. Gwen Kennedy and State Representative McEachern, who is also, all three on

1 board with what we're trying to do. I could make that available. It's, right now a concept
2 plan, but again there is work going on spirally and simultaneously and it's still -

3 MR. MANNING: So it's, it's still going on with the remainder of the neighborhood
4 plan and in conjunction with that?

5 MS. ALMEIDA: Yes.

6 MR. HART: Unless there's any questions?

7 CHAIRMAN ANDERSON: Thank you sir. Nicole Rhoan?

8 **TESTIMONY OF NICOLE RHOAN:**

9 MR. RHOAN: My name is Nicole Rhoan. My address is 1311 Heyward
10 Brockington Road, 29203, and I am here in support of this project, which we believe will
11 be an enhancement to our community. I am the President of the Bookert Heights
12 Community Association. Thank you.

13 CHAIRMAN ANDERSON: Thank you. Was there anybody else that wanted to
14 speak?

15 **TESTIMONY OF LOIS CULLER:**

16 MS. CULLER: I did, but I didn't put my name down. My name is Lois Culler, I'm
17 the representative of Forest Heights Community, which is Crane Forest/Haskell Height.
18 We are in agreement with Mr. Hart for his planning.

19 CHAIRMAN ANDERSON: Could you state your address for the record?

20 MS. CULLER: Oh, 1518 Bonair Drive, B-O-N-A-I-R Drive, 29203. And that's C-
21 U-L-L-E-R.

22 CHAIRMAN ANDERSON: We got it, we did spell that right. Okay, that closes
23 the, the public session I think unless you've got something.

1 MR. MURRAY: I move that we, we approve the application.

2 CHAIRMAN ANDERSON: Okay, we have a motion.

3 MR. MANNING: Second.

4 CHAIRMAN ANDERSON: And we've got a second. All those in favor of sending
5 Case Number 09-06 MA to County Council with the recommendation of approval,
6 please signify by raising your hands? All those opposed?

7 *[Approved: Cairns, Murray, Anderson, Manning, Mattos-Ward; Absent for vote:*
8 *Gilchrist, Palmer; Absent: Ward, Furgess]*

9 **CASE NUMBER 09-07 MA:**

10 CHAIRMAN ANDERSON: Alright, so moving right along to Number 09-07 MA.

11 MS. ALMEIDA: Mr. Chairman, the, this application is before you, the location is
12 Percival Road. The zoning, current zoning on the parcel or parcels is residential, single-
13 family medium density and rural. The applicant is requesting - well let me back up, the
14 request of this rezoning is to neighborhood commercial. As you can see on page 17
15 from the Staff Report, normally there are requirements for an applicant requesting a
16 rezoning, either there must be the requested zoning adjacent to the parcel if it's less
17 than two acres or it must be initiated by Council or Planning Director. In this case, it has
18 been requested, as you can see by the Planning Director that this be rezoned to
19 neighborhood commercial. This application, I'm sorry I lost my place here, the
20 neighborhood commercial zoning district of course encourages locations within adjacent
21 to residential neighborhoods where small neighborhood oriented businesses exist. The
22 existing structure on both parcels were previously used as a business at one time,
23 including an automobile and upholstery shop. These shops were nonconforming uses

1 until the business license lapsed. Sewer service is provided by East Richland Sewer
2 Service and water by the City of Columbia. Currently there are sidewalks along this
3 section of Percival Road. The properties do present potential opportunities for infill,
4 which is encouraged by the Planning Department. Due to the size configuration of the
5 existing creek on the subject site, there can be an issue with the amount of structure
6 that will be put on the property. We just want to note that for the Record. The
7 Neighborhood Master Plan does recommend a residential overlay for the subject
8 parcels and the overall, and the overlay calls for a mixed use, which would be
9 appropriate for the property fronting the residential roads and there is adequate capacity
10 for that. Staff is recommending approval of this request and I will entertain any
11 questions.

12 MR. MANNING: Well, going back to the Master Plan, you said that the overlay
13 was compatible residential?

14 MS. ALMEIDA: Mixed use.

15 MR. MANNING: Mixed use?

16 MS. ALMEIDA: Yes.

17 MR. MANNING: Okay. My other question would be, as it relates to access. Are
18 there existing curb cuts on the, on the property?

19 MS. ALMEIDA: Yes.

20 MR. MANNING: Would they be compatible with the future use? Wherever that,
21 you said the limitation of 5,000' or are we gonna have to deal with new curb cuts?

22 MS. ALMEIDA: Well, it's something that they're gonna have to, obviously it, it
23 would have to be wider than it exists right now, definitely some improvements. I mean,

1 there is, the driveway is quite wide. I mean, there are certain things they're gonna have
2 to deal with on the site.

3 MR. MANNING: And, and I guess my last question would kind of go back to that
4 as well. Two parcels, would each parcel be entitled to curb cuts based on one 5,000
5 square foot building? How, how do you do that?

6 MS. ALMEIDA: Each parcel could be, you know, if they're developing it in a
7 whole, which usually they would delete a lot line, create one development, obviously
8 they would have one. If not, we would encourage sharing some driveways.

9 MR. KOCY: Mr. Manning, we met with DOT on this. DOT typically likes to have
10 driveways align across the street from one another. This, this road is only, services
11 properties on one side, so DOT did not believe there would be a driveway issue.

12 MR. MANNING: Okay.

13 CHAIRMAN ANDERSON: Any questions for Staff? We do you have two people
14 signed up to speak? Duane Warr?

15 **TESTIMONY OF MARY MORGAN CURLIGON(?):**

16 MS. CURLIGON: Hi, my name is Mary Morgan Culler and I represent the sellers
17 of the property, the owners of the property and -

18 CHAIRMAN ANDERSON: Your address?

19 MS. CURLIGON: Pardon? My name?

20 CHAIRMAN ANDERSON: Address.

21 MS. CURLIGON: Address? 6339 Satchel Ford Road, it's Columbia, 29206.

22 Basically to, my, the owners apologize, they couldn't be here today, they could not get
23 off from work to do it. They didn't want to jeopardize their jobs, so I'm here to speak for

1 them. This property has never been anything but neighborhood commercial. The
2 Dentsville Auto Upholstery Shop was on one side, there was a drive-in on the other
3 side. My clients, the, the original owners were the parents, the parents passed away,
4 the son tried to continue the business, it was just personally too depressing for him.
5 Had they known that by letting their business license lapse that the zoning on this would
6 have gone from warehouse and drive-in to residential, they would have never let the
7 business, the business, you know, the licenses lapse. They just were not aware that
8 there was ever an issue that this property could ever be zoned anything but commercial,
9 because it's never been anything but commercial. So we respectfully ask that you take
10 that into consideration when making your decision regarding the rezoning of this
11 property. Thank you so much. Oh, also my clients have always paid taxes based on it
12 being commercial property for years. Just wanted you to know. We had no idea there
13 was ever an issue with this. Thank you so much.

14 CHAIRMAN ANDERSON: Mr. Warr, did you want to speak?

15 **TESTIMONY OF DUANE WARR:**

16 MR. WARR: Duane Warr, 2422 Mineral Springs Road, Lexington, South
17 Carolina. I'm here representing Mr. Garrett, the buyer of one of the plats and it basically
18 is the appearance of a dump right now. It's in a, shambles. The neighbors are real
19 excited about somebody getting in there and cleaning it up and putting something nice
20 in there and Mr. Garrett does nice things, he's got nice plans and it's gonna be an
21 improvement for our community over there. Thank you.

22 CHAIRMAN ANDERSON: Thank you. Do any Members have any questions on
23 that?

1 MR. MANNING: Mr. Chairman, I would like to make a motion that we send this
2 case to -

3 MS. CAIRNS: I'd like to just make a comment if, if possible just, slightly in
4 response. This has come up before and I would just like to say something about that,
5 that, it, I don't want to appear that, I mean, personally I think supporting a map
6 amendment because it reflects the use that always was there, that by itself is not
7 justification for supporting a map amendment. Not that it won't be considered, but by
8 itself is not an option, that, that, you know, these parcels considering where they're
9 located, the nature of the road, the nature of the how they fit with the community that
10 that's why, you know, supporting their conversion to neighborhood commercial, so that's
11 all. You know, just, in all due respect what I, we, we see this a lot of times and
12 sometimes it's not a particularly good reason in my opinion to rezone something, so
13 that's, that was it.

14 MR. MURRAY: Okay, moving on.

15 MR. MANNING: And I agree with you.

16 MS. CAIRNS: Go ahead with your motion.

17 MR. MANNING: And I agree. Mr. Chairman, in light of the fact that the Staff is
18 recommending approval of the neighborhood commercial use and that it is in
19 concurrence with the Decker Master Plan, I, I believe this is to be a proper and
20 acceptable use and I would recommend that we send this forward with a
21 recommendation of approval.

22 MR. MURRAY: And I second.

1 CHAIRMAN ANDERSON: So there's a motion and a second. All those in favor
2 of sending Case Number 09-07 MA ahead to Council, signify by raising your hands? All
3 opposed?

4 *[Approved: Cairns, Murray, Gilchrist, Palmer, Anderson, Manning, Mattos-Ward;*
5 *Absent for vote: Gilchrist, Palmer; Absent: Ward, Furgess]*

6 CHAIRMAN ANDERSON: Alright. The next case 09-08 MA.

7 **CASE NUMBER 09-08 MA:**

8 MS. ALMEIDA: Mr. Chairman, this lot, these two lots are located on Killian Loop.
9 The acreage of both lots are 2.73, the existing zoning is rural and the request for
10 proposed zoning is RS-E, residential single-family estate. The parcels contain
11 approximately 195' of frontage on Killian Loop, as you can see from the aerial, the site
12 is south of our Wal-Mart site along Killian Road.

13 MS. CAIRNS: North.

14 MS. ALMEIDA: North?

15 MS. CAIRNS: It's on the north side of Killian.

16 MS. ALMEIDA: Well, sorry about that -

17 MS. CAIRNS: Is it exactly like I didn't say it?

18 MS. ALMEIDA: We, Staff has reviewed the application, we feel the proposed
19 rezoning would have a minimal impact on the public service and the traffic in the area.
20 RS-E is designated for a low to medium density, rural residential development in areas
21 that separate urban communities from rural areas. The majority of the lots along Killian
22 Loop are approximately $\frac{3}{4}$ of an acre or larger.

23 MR. MANNING: Or more? Excuse me, $\frac{3}{4}$ of an acre or more?

1 MS. ALMEIDA: Or larger, yes. The RS-E zoning designation, the RS-E zoning
2 designation would allow for smaller lots than the minimum 33,000 square feet, which is
3 rural, our rural zoning requirement. But, obviously our RS-E would be more compatible
4 given the existing character of the area, so our rural zoning does allow for 33,000. Our
5 RS-E is lower in square footage, but due to the character of the area we feel it is
6 compatible. The area lots are serviced by well and septic. Our comprehensive plan,
7 our proposed 2009 comprehensive plan does designate the area suburban priority
8 investment area, which calls for a higher density. The current parcel does not have
9 water and sewer, but we feel that the request is, is a compatible request and we feel it
10 would fit nicely in the area. The Planning Staff recommends approval.

11 MR. MANNING: So with the no water and sewer?

12 MS. ALMEIDA: Correct.

13 MR. MANNING: Twenty thousand square foot lot, they couldn't apply if they
14 wanted to sub-divide this into a 20,000 square foot lot?

15 MS. ALMEIDA: They could apply, they could create, obviously with the RS-E
16 20,000 square foot minimum lots, they could carve it out, it would really be up to DHEC
17 whether they would approve their septic.

18 MR. MANNING: I thought the requirements for DHEC was that you had to have
19 a minimum of $\frac{3}{4}$ of an acre.

20 MS. ALMEIDA: Normally it is.

21 MR. MANNING: So I guess, I would be concerned, does the, is the applicant
22 aware of that? That -

23 MS. ALMEIDA: I believe they are.

1 MR. MANNING: Okay.

2 CHAIRMAN ANDERSON: Any questions for Staff? We have a couple of people
3 signed up to speak. Ms. Odessa Young Parker? She's gone? Okay.

4 MR. PRICE: I believe that was the lady that spoke to you previously.

5 CHAIRMAN ANDERSON: Okay.

6 CHAIRMAN ANDERSON: Scott Walker? Okay. Margaret Elton? Shirley Gain?
7 Sherry Brown?

8 MR. MURRAY: Come on down.

9 CHAIRMAN ANDERSON: State your name and address for the Record.

10 **TESTIMONY OF MILDRED TAYLOR:**

11 MS. TAYLOR: My name is Mildred B. Taylor. I'm the daughter of Cherry C.
12 Brown. Cherry C. Brown is a 92 year old resident that's been there since the early '40's
13 and she owns approximately seven acres on Killian Loop. So I'm here to speak for my
14 mother if anything that's important that I need to say. At this point I'm just, you know,
15 for information, I'm listening. I don't hear anything that I would have any objections to,
16 so I just thank you all. I'm just hoping that eventually there are going to be hopefully,
17 maybe city water and cable vision, or you know, come to the area, that would be
18 beneficial to the residents that's already there. But I speak for my 92 year old mother.

19 MR. MANNING: Ms. Taylor is your mother adjoining this property, or is it up on
20 the same -

21 MS. TAYLOR: She's on Killian Loop, her property does not join that property.
22 There is, next to my mother's property.

23 MR. MANNING: Okay.

1 CHAIRMAN ANDERSON: Ms. Taylor, could you just state your address for us?

2 MS. TAYLOR: My address is 4716 Faulkland Road and that's Columbia, 29210,
3 that's in the Dutch Fork area.

4 CHAIRMAN ANDERSON: Okay, there is nobody else signed up to speak on this
5 request. Is there anybody else here to speak on it? Then y'all come on down. State
6 your name and address?

7 **TESTIMONY OF MATT MCCAULEY:**

8 MR. MCCAULEY: My name is Matt McCauley, I'm at 100 Queensbury Court,
9 Columbia, 29212. I'm here representing America's Home Place, the applicant for the
10 Map Amendment. Obviously we're in favor of this, the intent with this rezoning is that
11 one, I believe and Geo correct me if I'm wrong, this does bring one lot that is currently
12 nonconforming into a conforming use? Is that, do you? I, I, believe, I'm sorry.

13 MR. PRICE: [Inaudible]

14 MR. MCCAULEY: I'm sorry, okay, I believe it does bring one that has two, or
15 well, I'll leave that alone. Our intent is to bring the lot that's closest to Interstate 77, so
16 that we may subdivide that for the placement of one additional home. The limiting factor
17 here as far as further subdividing it beyond in, from one lot into two is that we're only
18 currently have 75, 76' of road frontage. So you'll really only see the maximum with this
19 rezoning that could happen is one additional home on the property. There is currently a
20 mobile home, which is why we're proposing to subdivide it to begin with, that sits
21 towards the front of the property that has a well. We are also, as I think you guys stated
22 before, there will be a well and I've already applied, make application to DHEC, have

1 conditional approval. As soon as we have a recorded plat showing the cut-out, they're
2 ready to issue a septic permit for this, this new house. And so I think that's it.

3 MR. MANNING: So your plan would be to subdivide the lot adjoining the
4 interstate into a smaller lot?

5 MR. MCCAULEY: Yes, sir.

6 MR. MANNING: So it would be at least 20,000 square feet?

7 MR. MCCAULEY: Yes, sir. And they'll be approximately, I mean, roughly in half,
8 so $\frac{3}{4}$ of an acre.

9 MR. MANNING: And, are you aware that this, there's a requirement with DHEC
10 that says that you've got to have $\frac{3}{4}$ of an acre to have well and septic?

11 MR. MCCAULEY: Well I, I've seen that, I've seen that number thrown around,
12 I've never seen it specifically in the regulations. I'm not saying it's not there, that I've,
13 I've heard many or several lots that were less than $\frac{3}{4}$ of an acre, so including -

14 MR. MANNING: Okay. But you are aware of it?

15 MR. MCCAULEY: Yeah, oh yes, sir, yes, sir.

16 CHAIRMAN ANDERSON: Does anybody else want to speak? If not, does
17 anybody have any questions for Staff? Comments, motion?

18 MR. MURRAY: I move, I move that we approve this location, this application.

19 CHAIRMAN ANDERSON: We have a motion, do we have a second?

20 MR. MANNING: Second.

21 CHAIRMAN ANDERSON: I've got a Motion and a second. All those in favor of
22 sending Case Number 09-08 MA to County Council for recommendation of approval,
23 please signify by raising your hands? All opposed?

1 [Approved: Cairns, Murray, Gilchrist, Palmer, Anderson, Manning, Mattos-Ward;
2 Absent for vote: Gilchrist, Palmer; Absent: Ward, Furgess]

3 CHAIRMAN ANDERSON: Case, what's the case number on this?

4 MS. CAIRNS: 09-09 MA?

5 CHAIRMAN ANDERSON: 09-09 MA.

6 **CASE NUMBER 09-09 MA:**

7 MS. ALMEIDA: Mr. Chairman, this application is located at 4801 Rosewood
8 Drive. As you can see from the, the slide and, and in your report, it is surrounded
9 practically by the City of Columbia. The subject site is .03 acres, approximately. The
10 request is to go from a residential single-family medium density zoning to general
11 commercial. The, the applicant does own the portion of the site to the north, which is
12 general commercial. Okay? The portion above the hatched mark, which is in red, is
13 owned by the applicant and the applicant intends to delete that lot line and add that .03
14 acres to the portion in red that is zoned general commercial. I just want to make sure I
15 made that very clear. The proposed rezoning of the subject property to general
16 commercial would bring the existing nonconforming use into compliance with the Land
17 Development Code. As I said before, it is the intention of the owner to combine these
18 parcels. The general commercial parcels contained 62' of frontage along Rosewood
19 Drive Extension and is located within the 175' of the intersection of Rosewood Drive and
20 Beltline Boulevard. While the general commercial zoning would allow for 16 dwelling
21 units per acre, the combined lots would result in less than a quarter of an acre and
22 obviously would not gross more than two units on the, on the parcel. The proposed
23 rezoning would have minimal impact on the public service and traffic. The parcel is

1 located in an area predominantly surrounded by the City of Columbia and water and
2 sewer is provided by the City of Columbia. Planning Staff recommends approval.

3 MS. CAIRNS: Is this little piece a lot of record?

4 MS. ALMEIDA: Well, when the owner came in, normally we require that the, the
5 parcel, that lot line be deleted and it part of, have it recorded. Because it is not the
6 same zoning, we couldn't have that done, it's sitting in abeyance. If the rezoning goes
7 through, the applicant will record that lot line deletion.

8 MS. CAIRNS: I mean, this is a piece of land that he already owns?

9 MS. ALMEIDA: Yes.

10 MS. CAIRNS: And it is an existing lot of record?

11 MS. ALMEIDA: Yeah.

12 MS. CAIRNS: The cross zoning that allows the -

13 MS. ALMEIDA: No, it's part of the major portion of RS-MD, but we needed him
14 to identify the portion that he wants to adjoin to the GC. He did not -

15 MS. CAIRNS: Oh, he is subdividing the yellow lot?

16 MS. ALMEIDA: Yes, that hatch mark, yeah.

17 MS. CAIRNS: And get the red lot in full compliance with it?

18 MS. ALMEIDA: He did not want to rezone the entire -

19 MS. CAIRNS: Gotcha, okay.

20 MS. ALMEIDA: - parcel. Yes, he wants to, he wants to join .03, which is
21 hatched.

22 MS. CAIRNS: And it leaves the, the yellow lot left behind -

23 MS. ALMEIDA: The remainder -

1 MS. CAIRNS: - on Bee Cliff is sufficiently sized for its zoning?

2 MS. ALMEIDA: Correct, correct.

3 MR. MANNING: So, so he owns the yellow portion as well?

4 MS. ALMEIDA: Yes.

5 MS. CAIRNS: All of the yellow, all the way to Bee Cliff?

6 MR. MANNING: All of the, okay. And all of the surrounding city property, is that
7 general commercial?

8 MS. ALMEIDA: That I don't know what the zoning for that -

9 MS. CAIRNS: I don't know I think to the left it is, so this, this is actually near my
10 hood and so, this is near where I live. But yes, yeah, I mean, from his parcel up
11 towards Beltline is commercial.

12 MR. MANNING: Okay.

13 CHAIRMAN ANDERSON: We do have one person to speak? Does anybody
14 have any more questions? Mr. Welsford?

15 **TESTIMONY OF GLEN WELSFORD:**

16 MR. WELSFORD: I appreciate it, I, I'm Glen Welsford and I presently live at 166
17 South Marion Street, South Carolina 29205. I just moved this weekend. We, I
18 purchased that front little piece about 10 years ago, there was very little parking at that
19 site and I wanted a little bit more parking, so we moved the line back and I'm just
20 requesting more parking for that site.

21 CHAIRMAN ANDERSON: Thank you, sir. Questions? Comments or -

22 MS. CAIRNS: I make a motion that we approve Case 09-09 Map Amendment.

23 MR. MURRAY: I second.

1 CHAIRMAN ANDERSON: And all those in favor, please signify by raising your
2 hands? All opposed?

3 *[Approved: Cairns, Murray, Gilchrist, Palmer, Anderson, Manning, Mattos-Ward;*
4 *Absent for vote: Gilchrist, Palmer; Absent: Ward, Furgess]*

5 MS. CAIRNS: Are we done? We're done, right?

6 CHAIRMAN ANDERSON: Oh no, we've got five more. Let's see here, an
7 Explanation of Transportation Ordinance?

8 MS. CAIRNS: We did that.

9 MS. ALMEIDA: We did that already.

10 MS. CAIRNS: We did that already.

11 CHAIRMAN ANDERSON: Oh, yeah, yeah, I'm sorry. It was just sitting there on
12 my -

13 MS. CAIRNS: You could, you could stay and do them again, it's okay.

14 CHAIRMAN ANDERSON: Alright, we're all finished.

15 MS. ALMEIDA: He's just testing us.

16 MR. MURRAY: Well, can I get back down there.

17 MR. MANNING: Mr. Chairman, I'd like to make a motion that we adjourn.

18 MS. CAIRNS: Second.

19

20

[Meeting Adjourned at 3:50 p.m.]