

RICHLAND COUNTY PLANNING COMMISSION

April 6, 2009

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5 *[Members Present: Heather Cairns, Julius Murray, Pat Palmer, Deas Manning,*
6 *Elizabeth Mattos-Ward, Stephen Gilchrist; Absent: Christopher Anderson, Inga Ward,*
7 *Wes Furgess]*

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9 VICE-CHAIRMAN PALMER: We're waiting on one more Member who should be
10 here shortly. We'll get some of these preliminaries out of the way. I'll go ahead and
11 read this into the Record. "In accordance with the Freedom of Information Act a copy of
12 the Agenda was sent to radio and TV stations, newspapers, persons requesting
13 notification, and posted on the bulletin board located in the lobby of the County
14 Administration Building." Everybody get a copy of March Minutes? Any corrections?

15 MR. MANNING: Mr. Chairman, I make a motion we approve the Minutes.

16 MR. GILCHRIST: Second.

17 VICE-CHAIRMAN PALMER: Got a motion and a second. All those in favor
18 please signify by raising your hand.

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

21 MS. MATTOS-WARD: I'm recused, I wasn't here.

22 VICE-CHAIRMAN PALMER: And one recusal.

23 MS. CAIRNS: I'm sorry, I was just –

24 VICE-CHAIRMAN PALMER: No, no, we're just going to get some of the
25 preliminaries out of the way.

26 MS. CAIRNS: Such as?

27 VICE-CHAIRMAN PALMER: The Minutes.

1 MS. CAIRNS: Okay.

2 VICE-CHAIRMAN PALMER: And cases one through four have now been –

3 MS. CAIRNS: Yeah. [Laughter] I left some paper up here.

4 MR. MURRAY: What kind of paperwork?

5 MS. CAIRNS: The Minutes and the printout of the sheet they sent us.

6 [Inaudible] the Excel spreadsheet.

7 MR. MURRAY: [Inaudible] what else did you have?

8 MS. CAIRNS: No. It was just the printout of the Green Code.

9 MR. MURRAY: I don't see that.

10 MS. CAIRNS: [Inaudible] that's it. It's right there in your hand. Sorry everybody.

11 MR. MURRAY: I'm sorry I took your paper.

12 VICE-CHAIRMAN PALMER: Anna, you got any Agenda amendments?

13 MS. ALMEIDA: I'm sorry?

14 VICE-CHAIRMAN PALMER: The Agenda?

15 MS. ALMEIDA: There is a modification. Case No. 09-05 MA, A L Company,
16 LLC. The applicant has requested a deferral and we're recommending an
17 administrative deferral.

18 VICE-CHAIRMAN PALMER: There's nobody signed up to speak on the case.
19 Do we have a motion for deferral?

20 MS. MATTOS-WARD: Second. I make a motion we defer it –

21 MR. MURRAY: Second.

22 MS. MATTOS-WARD: - Case 09-05 MA.

1 VICE-CHAIRMAN PALMER: We have a motion and a second. I would imagine
2 that's until next month's meeting?

3 MS. ALMEIDA: Correct.

4 VICE-CHAIRMAN PALMER: We have a motion and a second by Julius. All
5 those in favor please signify by raising your hand.

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

8 MS. ALMEIDA: And those are all the modifications.

9 VICE-CHAIRMAN PALMER: Okay. Any modifications from the Commission?
10 Agenda amendments?

11 MS. CAIRNS: In terms of this storm water discharge, I mean, it's my
12 understanding that there's a roundtable that's looking at that and so basically what we
13 have in our packet today is not – it's going to come back to us anyways. So whether we
14 should just continue that also because our discussion will all get repeated anyways. So
15 I would make a motion that we defer the storm water discussion.

16 MR. MANNING: Well, I would agree with you on that. I guess one of the things
17 that I would like to see is that we get the roundtable before the Planning Commission,
18 hear those discussions ourselves at whatever the appropriate time is. We need that
19 information ourselves if we're going to make a decision on it.

20 VICE-CHAIRMAN PALMER: In a better form than just transcripts, you want live
21 bodies?

22 MR. MANNING: Yeah. I would like the –

1 MS. ALMEIDA: I believe that once the roundtable is put together that all
2 invitations will go out to all Planning Commission Members and anyone who'd like to
3 attend.

4 MR. MANNING: Well, there already is an existing roundtable; correct?

5 MS. ALMEIDA: But - it is. It's for the certain portions of the Land Development
6 Code and –

7 MR. MANNING: Who served as the roundtable members as it relates to the
8 storm water ordinance itself? Who sat on that panel that provided input to the Council?

9 MS. ALMEIDA: There is no one on that panel yet. Mr. Kocy.

10 MR. KOCY: Mr. Manning, the development roundtable has not provided
11 guidance to the Council yet on storm water. They are anticipating to issue a report
12 highlighting, analyzing the county's, the current development regulations on storm water
13 and then coming up with their own recommendations on storm water regulations but
14 that report has not been written.

15 MR. MANNING: Was there not a group of –

16 MR. KOCY: Yes. There are six –

17 MR. MANNING: - parties?

18 MR. KOCY: There are six environmentalists, six developers/engineers, and six
19 to 10 members of county Staff that are serving on various – there are four
20 subcommittees of the roundtable. I don't know who the specific members were of the
21 storm water group.

22 MR. MANNING: But the ordinance that's gotten second reading has had input
23 from somebody off of those panels.

1 MR. KOCY: No, no. The ordinance you have in front of you came from public
2 input at the Council hearing and from recommendations from County Council. The 40'
3 and 85' were a Council number that came forward at the public hearing.

4 MR. MANNING: I know that was a Council number but I was under the
5 impression that people from Public Works, from DHEC, the business community,
6 environmentalists participated in discussions to create this new document.

7 MR. KOCY: Only at the public hearing. This document did not come from the
8 development roundtable.

9 MR. MANNING: Okay. Well, whenever the committee or roundtable is
10 formulated I think we need to have them here before us.

11 VICE-CHAIRMAN PALMER: Is that in the form of a motion, Ms. Cairns?

12 MS. CAIRNS: Yes, sir. Just a motion that we defer on, on discussing the
13 business of the storm water.

14 MS. LINDER: Is there going to be a deferral to a date certain or do you want –
15 would you accept a deferral until Staff has – feels it's appropriate to bring it back with
16 the recommendations and the input that we've received?

17 MS. CAIRNS: Right. I mean, when it's the thing that we begin to think might be
18 the final as opposed to what we know is an interim.

19 MS. LINDER: All right. I just didn't want it to be deferred to the next meeting.

20 MS. CAIRNS: Right. I appreciate that. Yeah, but until the document's ready for
21 appropriate review by our Board.

22 MS. LINDER: Thank you.

23 VICE-CHAIRMAN PALMER: We have a motion, do we have a second?

1 MR. MANNING: Second.

2 VICE-CHAIRMAN PALMER: All in favor of deferring the storm water ordinance
3 until, I guess further notice until more information's available for us from the roundtable,
4 please signify by raising your hand.

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

7 VICE-CHAIRMAN PALMER: Any more deferrals? We can get out of here pretty
8 quick. [Laughter]

9 MS. CAIRNS: [Inaudible] defer road names? No. [Laughter]

10 VICE-CHAIRMAN PALMER: All right. Text amendments.

11 MS. ALMEIDA: The first text amendment before you is Chapter 26, Land
12 Development, deleting the parks and open space provision due to the use of the Green
13 Code and its flexibility. Can you hear me?

14 VICE-CHAIRMAN PALMER: Barely. Not because of your microphone just
15 [inaudible] voice.

16 MS. CAIRNS: We're only hearing --

17 MS. ALMEIDA: Pretty loud.

18 MR. MANNING: Yeah. That's better.

19 MS. ALMEIDA: Sorry. This ordinance parks and open space is requested to be
20 deleted and the Green Code has taken its place which has received adoption. And that
21 text amendment is found on page seven of your packet.

22 VICE-CHAIRMAN PALMER: Okay.

23 MR. MANNING: Are we going to begin discussions with the Staff?

1 VICE-CHAIRMAN PALMER: No one signed up to speak on the issue, so yeah.

2 MR. MANNING: I have some questions, Anna, regarding the information you've
3 given us. One of the deletions in the parks and open space requirements was the
4 minimum yard. Oh, Joe, you gonna answer the questions?

5 MR. KOCY: I'll try.

6 MR. MANNING: All right. One of the deletions was the minimum required yard
7 of 50% and then there was a change in narrow areas from 10' to 25'.

8 MR. KOCY: Correct.

9 MR. MANNING: Can you give us some background on that?

10 MR. KOCY: On the widths of the narrow spaces we were hearing concerns from
11 Public Works and even from Parks and Rec that many of the open spaces we were
12 getting were rather small, rather unusual odd sizes and really weren't amenable to use
13 for actual recreation or open space. We were getting very goofy sized open space left
14 over from development. So we met with the Homebuilders and we came up with the
15 wider 20' recommendation trying to create usable recreational areas.

16 MR. MANNING: And the 50% yard?

17 MS. ALMEIDA: Do you want me to? Mr. Manning, one of the concerns we had
18 in the parks and open space provision, 50% of the, for instance, your front yard of your
19 home could be considered as open space. This was a bit difficult to enforce because
20 people were purchasing their property and they had the idea that they own up until the
21 curb and to provide 12 ½', because usually 25' of your front yard so half of that, was
22 designated as parks and open space, was really not a true depiction of what people
23 understood as parks and open space. They didn't want to consider 12 ½' of their front

1 yard as being open to the public, to be used or considered as parks and open space.
2 So we felt that was not the intent of where we wanted to go as far as usable space.

3 VICE-CHAIRMAN PALMER: [Inaudible] point wasn't there something a while
4 back, and Julie maybe you can help with this too because we were talking about the
5 possibility of sidewalks in Candlewood. There was some mention of the fact that
6 peoples' front yards aren't really their front yards [inaudible] extra -

7 MS. ALMEIDA: Well, where the curb ends and where the right-of-way goes
8 beyond the curb -

9 VICE-CHAIRMAN PALMER: Right.

10 MS. ALMEIDA: - as far as the roadway, there's usually possibly 10' that is still, if
11 the road is dedicated to the county it's still county right-of-way and that's usually where
12 your utilities or we would propose that that's the designated area where your utilities
13 would go. So, yes, there is somewhat of a misconception. Sometimes people feel they
14 own -

15 VICE-CHAIRMAN PALMER: Right.

16 MS. ALMEIDA: - to the curb and they don't. But clearly -

17 VICE-CHAIRMAN PALMER: So was that taken into account as used as open
18 space since the county can use it and the state can use it?

19 MS. ALMEIDA: But it's not used as open space or recreational space or parks
20 because that's usually -

21 VICE-CHAIRMAN PALMER: Cause we were talking about putting sidewalks in
22 there.

1 MS. ALMEIDA: That's usually an area for a sidewalk or mostly utilities. And if
2 the road needs to be widened at any given time you're going to need to infringe upon
3 that area.

4 MR. MANNING: I guess going back to the real meat of the issue here is the
5 confusion in the open space, parks and open space requirements where there are
6 relaxed lot dimensions for certain amounts of open space versus the Green Code
7 allowing a density bonus for –

8 MR. KOCY: Mr. Manning, the parks and open space allows reduced lot sizes 10
9 to 20% based on how much open space you're providing. The Green Code has no
10 minimum lot dimensions. That's a given. And if you provide a certain amount of open
11 space you get a density bonus. There is no density bonus with the parks and open
12 space. That's a comparison I made between the parks and open space versus the
13 Green Code. Right now our Code is a bit redundant and I think the Green Code
14 provides all the amenities that the parks and open space does and more which is why
15 we're – which is why I'm recommending eliminating parks and open space and
16 replacing it with the Green Code.

17 MR. MANNING: Have you had requests for additional densities in the parks and
18 open space standards and the interpretation from Staff was that there are no bonuses
19 only relaxed lot dimensions? Is that –

20 MR. KOCY: There are no bonuses in parks and open space. It's very clear on
21 that. There's no bonus. In the Green Code there is a density bonus.

22 MR. MANNING: I think originally the intent was to relax the standards to get
23 higher density. I don't know whether you were here then or not but -

1 MS. ALMEIDA: No. The -

2 MR. MANNING: - it was my impression that when we adopted those increased
3 percentages that was in fact gonna do that.

4 MS. ALMEIDA: That actually went before the Zoning Board of Appeals and it
5 was upheld, the Zoning Administrator's interpretation. The underlying gross density of
6 that zoning designation, whichever one you would fall in, would have to be maintained.
7 So you would not get a density bonus. You couldn't go above and beyond whatever that
8 zoning designation would allow. This Green Code allows you to go above.

9 MR. MANNING: Okay. Then I guess my next question would be, would there be
10 anything wrong with having relaxed lot dimensions for parks and open spaces realizing
11 there are no density bonuses in those classifications that use it and the Green Code is
12 where we obtain incentives for density if we want to?

13 MR. KOCY: You could use the Green Code for your minimum, I mean, for lot
14 flexibility, no lot dimensions and choose not to opt for the density bonus.

15 MR. MANNING: So you're saying that everything in the Green Code you could
16 get in parks and open space -

17 MR. KOCY: Yes.

18 MR. MANNING: - with no additional requirements?

19 MR. KOCY: That's correct.

20 MR. MANNING: No additional requirements?

21 MR. KOCY: No additional requirements. You even have more flexibility with
22 reduced road widths and using low-impact development standards for storm water

1 which means you do not need curbs or gutters or storm water pipes. You can use low-
2 impact development, you know, rolled curbs and gutters, rain gardens, swales.

3 MR. MANNING: But do not have to?

4 MR. KOCY: Don't have to; it's an option. That option is not available to you in
5 the parks and open space.

6 MR. MANNING: Buffers? What about buffers?

7 MR. KOCY: The buffer requirements in the Green Code are reduced from the –
8 our current buffer structure is rather complicated. The minimum buffer for intermittent
9 streams in the Green Code is 25' and in the existing county Code it's 40 to 90'
10 depending on the slope of the property. The environmental buffers for perennial
11 streams and ponds is slightly bigger, 50', in the Green Code and in our existing code it's
12 40 to 90'.

13 MR. MANNING: So you're saying there's no disadvantage to a landowner to use
14 the Green Code versus the parks and open space.

15 MR. KOCY: Not only is there no disadvantage, I think there are many more
16 incentives and advantages to using the Green Code.

17 MR. MANNING: Okay.

18 VICE-CHAIRMAN PALMER: Any other questions for Staff? Any discussion?

19 MS. CAIRNS: I mean, I would just offer that based on the discussion of Staff and
20 the questions and the unnecessary, I mean, it's just unnecessary to have redundancy in
21 the Code and have two sections that are almost, you know, identical and yet different,
22 you know; that the Staff has offered that the Green Code is actually more flexible and

1 gives you more options without any increased requirements so I would recommend that
2 we eliminate the parks and open space provision.

3 VICE-CHAIRMAN PALMER: We have a motion; do we have a second?

4 MS. MATTOS-WARD: I second.

5 VICE-CHAIRMAN PALMER: Got a second. Joe, if they're so similar – do you
6 mind, Mr. Kocy? With them being so similar what was the genesis for the Green Code?
7 Why, if we already had this Code, why do we need the Green Code if it duplicated what
8 we already had?

9 MR. KOCY: I'm only going to speculate here because this project was underway
10 when I arrived. I suspect it was to provide more flexibility than the parks and open
11 space currently gave the county.

12 MS. ALMEIDA: Um-hum (affirmative).

13 VICE-CHAIRMAN PALMER: Then why don't we just operate under the, just
14 change what was in the current Code?

15 MR. KOCY: We did with the adoption of the Green Code. This is an oversight
16 on my part when we brought forward the Green Code a year ago I should have brought
17 forth the language to remove the parks and open space at that time. Neglected, forgot
18 to do it. Wasn't familiar enough with the Code to recognize that the Green Code was
19 extremely similar to the parks and open space but was more flexible.

20 VICE-CHAIRMAN PALMER: Have people applied to use, over the past, since
21 you've been here, have people applied to use parks and recreation open space?

22 MR. KOCY: People have applied? No. They have not come in for parks and
23 open space or the Green Code, no. Correct

1 VICE-CHAIRMAN PALMER: Neither one's been utilized.

2 MR. KOCY: Correct.

3 VICE-CHAIRMAN PALMER: With the storm water ordinance, the storm water
4 setbacks would then be secondary to whatever the storm water ordinance passes I
5 guess?

6 MR. KOCY: No. Probably not. With the new set of storm water regulations both
7 parks and open space and the Green Code would need to comply with whatever storm
8 water regulations the county provides in the future.

9 VICE-CHAIRMAN PALMER: That's what I mean. They'll be, they would be
10 secondary to whatever storm water says?

11 MR. KOCY: Correct. But the difference is in the Green Code for reserving,
12 creating open space, using your buffers and not having people, you know, buffers in the
13 existing lots, backyards you'll get a density bonus for it. You do not in the parks and
14 open space.

15 VICE-CHAIRMAN PALMER: You can pick and choose out of the Green Code
16 and you don't have to use every aspect of it. In order to qualify for the Green Code is
17 there a certain checklist you have to do to qualify?

18 MR. KOCY: Yes. You have to, you have to carve out your environmentally
19 sensitive buffers.

20 VICE-CHAIRMAN PALMER: Which are?

21 MR. KOCY: Stream buffers, wetlands, and pond and lake buffers. You must
22 remove them from your developable land and inventory. And then you get lot flexibility,
23 you get reduced roads, you can use low-impact development mechanisms, and

1 depending upon how much open space of the protected area is, depending on what
2 percentage that is of the overall parcel that's when your density bonus would kick in.
3 And the onus is on the developer to figure out how small he wants to make his lots and
4 how much larger he wants to make his buffers and protected areas.

5 MR. MANNING: What are the carve outs?

6 MR. KOCY: Any environmental buffers. Flood plains, stream corridors,
7 wetlands.

8 MS. CAIRNS: Steep slopes.

9 MR. KOCY: Steep slopes, yes.

10 MR. MANNING: And those don't count towards your open space?

11 MS. CAIRNS: They do count.

12 MR. KOCY: They do count as your open space; correct.

13 MS. CAIRNS: But they can't be in private lots.

14 MR. MANNING: But in the parks –

15 VICE-CHAIRMAN PALMER: They can't be in somebody's lot.

16 MR. KOCY: They can't be in private lots. They must be carved out and –

17 MR. MANNING: But they could be in parks and open space?

18 MR. KOCY: They could be in parks and open space. And the reason we like the
19 Green Code is by not being in somebody's back yard these sensitive lands are better
20 protected than when they are in somebody's backyard. When an open space is put
21 under the, part of an HOA homeowners association or deeded to a third party like an
22 environmental group, they do a better job of policing to make sure that the wetlands

1 aren't filled in with sheds and swimming pools and that the buffers are maintained and
2 not turned into extensions of peoples' backyards.

3 MS. ALMEIDA: And I will add too in the existing open space, parks and open
4 space when developers are using those lands today as part of their open space let's not
5 forget that 50%, then you have to find 50% of land usable for recreation which the
6 Green Code doesn't get into. So you need to keep that in mind. We felt it was more
7 flexible.

8 VICE-CHAIRMAN PALMER: So if in the past a developer, you know, had the
9 minimum yard setback in the rear from say a floodplain or something, now they can put
10 their house right up on the floodplain and they can have their lot line right behind the
11 house and then right after that comes open space? They back right up to open space?

12 MS. ALMEIDA: They're creating setbacks. Whatever your buffers are you're
13 creating your own setbacks.

14 VICE-CHAIRMAN PALMER: And there's no 10', 25', none of that stuff, all that
15 stuff goes away?

16 MS. ALMEIDA: You're creating your own setbacks.

17 MR. MANNING: So basically if you've got a floodplain, if you've got a subdivision
18 built around a lake and the 100 year floodplain is 50' up into the lot. You place your
19 house in front of your floodplain line that distance to the lake cannot be used as the
20 backyard. It has to be carved out.

21 VICE-CHAIRMAN PALMER: Right. It's not part of the size lot they purchase.

22 MR. MANNING: Correct.

23 MS. ALMEIDA: No different than a golf course lot or something like that.

1 MR. MANNING: Well, the difference would be the golf course is at point A and
2 then you've got floodplain on top of that which the distance is not always defined -

3 MS. ALMEIDA: Um-hum (affirmative).

4 MR. MANNING: - it moves in and out a lot. It just means that the, you can't
5 deed down to the pond.

6 MS. ALMEIDA: Sure.

7 MR. MANNING: Is what it says.

8 MS. ALMEIDA: Um-hum (affirmative).

9 VICE-CHAIRMAN PALMER: So then no one's, no one actually has, no one
10 person then would actually have lake access if they wanted to use the [inaudible]. You
11 wouldn't have private lake access, all the lakes would be open [inaudible].

12 MR. KOCY: I'm sorry, your question?

13 VICE-CHAIRMAN PALMER: If you wanted to utilize the Green Code and you
14 had a 10 acre pond in a neighborhood where you only wanted 10 people to have
15 access to that. Everyone else in the community, you know, you could, you know,
16 perhaps have a boating access or something like that – well, [inaudible] the 10 acres,
17 any how you wanted those people to have lake frontage or pond frontage, you couldn't
18 do that if you want to utilize the Green Code.

19 MR. KOCY: Sure you could.

20 VICE-CHAIRMAN PALMER: They wouldn't own the land up to the lake?

21 MR. KOCY: You'd leave the land to the HOA and the HOA would allow HOA
22 members access to the lake front.

23 MS. CAIRNS: It makes it like the beach where anyone can walk the beach.

1 VICE-CHAIRMAN PALMER: If anybody [inaudible]

2 MR. KOCY: No, you could restrict – you could restrict the strip of land
3 surrounding the pond to just people that lived in the subdivision.

4 MS. ALMEIDA: Um-hum (affirmative).

5 MR. KOCY: It would not be an open to the entire county or the entire State of
6 South Carolina. It would be common area for the use of the HOA only.

7 MR. MANNING: But uses that go into that floodplain down to the pond are
8 restricted. You couldn't do anything in there.

9 MR. KOCY: You couldn't develop in it. You could walk it. You could pull a boat
10 up on it. You could fish off of it but you couldn't put a dock on it or a boat house on it.

11 MR. MANNING: Could you put a garden in there? Could you plant grass in
12 there? Could you build a deck in there, a patio?

13 MR. KOCY: Could you build a deck or patio? No, you could not. Depending on
14 what transpires with the storm water regulations you might be able to provide some
15 native landscaping. A garden probably not. But you could allow for landscaping of the
16 storm water, or of the floodplain, yes.

17 VICE-CHAIRMAN PALMER: But you couldn't clear and sod it?

18 MR. KOCY: Could not clear it and sod it. No.

19 VICE-CHAIRMAN PALMER: So you've got to have an unobstructed view of the
20 water now?

21 MR. KOCY: Not necessarily.

22 VICE-CHAIRMAN PALMER: If there's trees in the way you're gonna have an
23 obstructed view.

1 MR. KOCY: If there are trees in the way; correct.

2 VICE-CHAIRMAN PALMER: And if we leave it alone like it currently is you're
3 able to have an unobstructed view to the water and you're able to have a boathouse
4 and a dock and all that kind of stuff?

5 MR. KOCY: Again, it depends what transpires, what comes out of the storm
6 water regulations.

7 VICE-CHAIRMAN PALMER: I can't deal with what we may or may not pass.

8 MR. KOCY: Well, right now in the floodplain you'd have to go through the
9 floodplain process if wanted to put a boathouse in a floodplain of any stream or pond or
10 lake.

11 VICE-CHAIRMAN PALMER: But you could put a dock.

12 MR. KOCY: That's a DHEC issue, putting a dock over the water, construction. If
13 you wanted to put a raised, you know, like boardwalk on your property you'd still have to
14 go through the floodplain process.

15 VICE-CHAIRMAN PALMER: Right.

16 MR. KOCY: You might be able to if you met the criteria of the floodplain
17 regulations.

18 VICE-CHAIRMAN PALMER: So in that case it would be more restrictive then to
19 use your Green Code.

20 MS. CAIRNS: But it's the floodplain.

21 MR. KOCY: No. It's the floodplain regulations; it's not the Code. It's the
22 floodplain regulations where the restrictions going to kick in.

1 MR. MANNING: But currently you can have a backyard in a floodplain. You can
2 build a deck if you meet certain requirements in a floodplain.

3 MR. KOCY: Correct.

4 MR. MANNING: A landowner can utilize that property.

5 MR. KOCY: That's correct.

6 MR. MANNING: And I'm not saying the Green Code is good or bad because of
7 that or the other's good or bad. I just like the option of having flexibility because the
8 Green Code's not going to be for every development out there. And I feel like if we've got
9 problems with minimum yards and narrow areas let's deal with those in those two, in
10 those codes and let the Green Code stand as it may when it needs to. I just think
11 having more flexibility is a good thing especially when it's creating parks and open
12 space.

13 VICE-CHAIRMAN PALMER: Yeah, I couldn't really agree more that, you know,
14 in this day and age we live in now that more flexibility we have for people. When it's
15 not, I mean, if it's duplicate in some areas it may be duplicate in some areas but the
16 more flexibility we have in today's economy and today's time to be able to try to
17 stimulate something as opposed to further regulate something I would, I couldn't agree
18 more that, you know, giving people more options that if someone does want to come in
19 and use the Green Code they can use it, if they want to use the parks and recreation
20 open space they can use that as well. Wherever it fits to a certain development let it fit.
21 That's just my thoughts on it. I know we have a motion and a second. Any other
22 comments? We have a motion and a second to send the language as proposed by
23 Staff to Council to do away with the parks and recreation open space and to forward it

1 all into the Green Code. Got a motion and a second. All those in favor to send a
2 recommendation up to Council with approval please signify by raising your hand.

3 VICE-CHAIRMAN PALMER: All those opposed?

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

6 VICE-CHAIRMAN PALMER: Do we have another motion?

7 MR. MANNING: Mr. Chairman, I'd like to make a motion that we delete 50%
8 open space, or 50% required open space in the minimum yards and –

9 MS. CAIRNS: You're offering to modify the proposal?

10 MR. MANNING: I'm making a totally different motion which I'm allowed to do,
11 aren't I?

12 MS. CAIRNS: Yeah. I'm just – okay. I just want to make sure I'm listening
13 properly.

14 MR. MANNING: The motion didn't pass.

15 VICE-CHAIRMAN PALMER: The previous motion.

16 MS. CAIRNS: I understand that, I understand that.

17 MR. MANNING: And I would like to send a substitute motion that going back to
18 the parks and open space provisions that we delete Item C, 2C and Item 3C, and
19 replace Item 3C with 25' versus 10'.

20 MS. CAIRNS: Wait, 2C, what was the other one? 3C?

21 VICE-CHAIRMAN PALMER: 3C. So your motion is to leave everything else the
22 same except for the deletion of 2C so you can longer count –

23 MR. MANNING: Correct.

1 VICE-CHAIRMAN PALMER: - you front yard setbacks.

2 MR. MANNING: Right.

3 MS. CAIRNS: Any yard setback.

4 VICE-CHAIRMAN PALMER: Any yard setback.

5 MR. MANNING: And modify 3C deleting 10' and substituting 25' which is what
6 the Green Code asks for.

7 VICE-CHAIRMAN PALMER: Okay. Any comments on that? Yes, ma'am.

8 MS. LINDER: Mr. Chairman, what I would respectfully ask you to do is to – we'll
9 treat the failure of the approval as a recommendation for denial and then based on what
10 you're now making the motion on we'll draft an ordinance to accommodate the new
11 motion; is that what I'm understanding? And then we can bring that to you at the next
12 meeting?

13 VICE-CHAIRMAN PALMER: Should we make a formal motion of denial then? It
14 can't just be assumed that it was [inaudible].

15 MS. LINDER: If you'd like to do that, that's fine.

16 MR. MANNING: Okay. Mr. Chairman, forget everything I said previously. I'd
17 like to make a motion that we deny the change in the text amendment deleting the parks
18 and open space. My reasoning for that is I feel like we need the flexibility in both areas
19 to create parks and open space. The Green Code is beneficial for certain
20 developments and it may not be - the shoe might not fit in others. So I think we need all
21 of the tools that we can muster to create parks and open space provisions county wide.

22 VICE-CHAIRMAN PALMER: I have a procedural question. If we wanted to keep
23 this at the Planning Commission level a motion for denial is going to send this up to

1 Council and they're going to act on it. If we want to keep this at the Planning
2 Commission level and not send it to Council we need to have a motion for deferral and
3 we address next month; correct? If we have a motion for deferral and it's deferred with
4 instructions to bring it back the language that Mr. Manning proposed we can address it
5 next month? If we send up a motion for denial it's out of our hands then [inaudible]
6 Council will act on it.

7 MS. LINDER: If you'll give me just a minute, please. Mr. Chairman, according to
8 the Land Development Code once a matter has been referred to you you have 30 days
9 to make a recommendation. This ordinance was before you at the last meeting and it
10 has now been advertised for zoning public hearing and so Staff is going to move
11 forward with this recommendation for denial on your part but we can certainly
12 accommodate another text amendment recommendation from you next month.

13 VICE-CHAIRMAN PALMER: I make a motion for an Executive Session.

14 MS. CAIRNS: Second.

15 *[Executive Session]*

16 VICE-CHAIRMAN PALMER: I'll report out. We had an Executive Session to
17 receive legal advice and no action was taken. Where were we? We need a motion that
18 will pass. We already had one motion for denial.

19 MR. MANNING: Well, basically as I understand it we need a motion to send this
20 forward to Council recommending denial to change or delete parks and open space
21 from the code.

22 VICE-CHAIRMAN PALMER: Correct.

23 MR. MANNING: So that is my motion.

1 VICE-CHAIRMAN PALMER: We have a motion. Do we have a second?

2 MR. MURRAY: Second.

3 VICE-CHAIRMAN PALMER: We have a motion and a second to send the text
4 amendment deleting parks and recreation space forward to Council with a
5 recommendation of denial. All those in favor please signify by raising your hand. Those
6 opposed?

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

9 MR. MANNING: Mr. Chairman, at this time I would like to also make a motion
10 that we amend the parks and open space provisions in Section 26-184 deleting
11 paragraph 2C and also modifying 3C to replace 10' with 25'.

12 VICE-CHAIRMAN PALMER: Got that, Ms. Linder?

13 MS. LINDER: I understand the motion.

14 VICE-CHAIRMAN PALMER: Okay. Anybody else? We've got a motion. Do we
15 have a second?

16 MR. MURRAY: Second.

17 VICE-CHAIRMAN PALMER: Julius seconds. All those in favor? Any
18 discussion? All those in favor please signify by raising your hand.

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

21 MR. MANNING: It is my understanding this will go forward to the Council with
22 some comment that we would like for them to defer any action on the denied
23 amendment until we can get this other language back; is that correct?

1 MS. LINDER: Well, it's my under –

2 VICE-CHAIRMAN PALMER: This will all be at the public hearing and all be
3 considered at Council at one time and they'll act on it?

4 MS. ALMEIDA: Yes.

5 VICE-CHAIRMAN PALMER: Ms. Almeida, the next ordinance?

6 MS. ALMEIDA: The next ordinance is Chapter 26, Land Development. We are
7 making corrections to several paragraph numbers found on page 19 of your packet.
8 This ordinance was initiated by our attorney, Ms. Amelia Linder. She became aware of
9 some parts of the Land Development Code that were cross-referenced incorrect
10 paragraph numbers so we're just correcting this, these minor –

11 MS. CAIRNS: [Inaudible] cross-references and it looks like we're also just
12 making it so that when we adjust numbers in the future it won't, we won't have this
13 tedious task.

14 MS. LINDER: That is correct. This is clean-up language so that when our listing
15 of special requirements or special exceptions changes we won't have to go back and
16 make other amendments in the Code.

17 MS. CAIRNS: I make a motion that we approve.

18 VICE-CHAIRMAN PALMER: Got some –

19 MS. CAIRNS: Discussion? Really!

20 VICE-CHAIRMAN PALMER: We do.

21 MS. CAIRNS: Okay.

22 VICE-CHAIRMAN PALMER: We have someone signed up to speak.

23 MS. CAIRNS: For this?

1 VICE-CHAIRMAN PALMER: Any questions for Staff? Okay. Robert Hilton? Is
2 that right?

3 MR. HILTON: Yeah. That's me but I want to talk about the signs. I don't want to
4 talk about this.

5 VICE-CHAIRMAN PALMER: Okay. For Section 26-180.

6 AUDIENCE MEMBER: [Inaudible]

7 VICE-CHAIRMAN PALMER: Joanna Lewis? I guess these folks are here to
8 speak on signs?

9 MS. ALMEIDA: That's the next text amendment.

10 VICE-CHAIRMAN PALMER: All right. Anybody here to speak on the - all right,
11 signs it is.

12 MS. CAIRNS: We got to do our motion. I make a motion that we approve the
13 ordinance correcting the paragraph numbers.

14 MR. GILCHRIST: Second, Mr. Chairman.

15 VICE-CHAIRMAN PALMER: We have a motion and a second. All those in favor
16 please signify by raising your hand.

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

19 MS. ALMEIDA: All right. Section 26-180, Signs, found on your page 23. I
20 believe Mr. Kocy's here. He will answer any questions.

21 MR. KOCY: Mr. Chairman and Board Members, currently our Code does not
22 allow digital technology to be used in signs. You can have it but it must be static. And
23 at the tail end of last year the County Council called a moratorium on all new sign

1 permits to give Staff time to review other communities sign ordinances and to weigh in
2 on allowing digital technology to be used in signs. During this time the Federal Highway
3 Administration passed a study on signs. This is part one of a two-part study and I quote
4 it on your Agenda on page 23 that the Federal Highway says that it is a conservative
5 precautionary measure to err on the side of protecting public health from a possible but
6 unproven threat on a drivers safety hazard and that's digital signs. So we've come up
7 with an interim measure to allow the use of digital technology but limiting the number of
8 times the sign face may change to six times within a 24-hour period. It would not allow
9 signs to scroll. It would not allow signs to flash, to have the animated. It would need to
10 be a static sign face but the sign face could change six times in a 24-hour period.

11 VICE-CHAIRMAN PALMER: Did they apply that same reasoning to the Amber
12 Alerts that are over the Interstates?

13 MR. KOCY: It doesn't discuss, this discusses commercial electronic signs.
14 Amber Alerts on the Interstate are driver safety signs run by DOT.

15 VICE-CHAIRMAN PALMER: The big yellow signs on the side of the road too
16 that -

17 MR. KOCY: Those aren't advertising soft drinks, hotels, the tattoo parlors. No.
18 Those are alerting you to driving conditions along the Interstate.

19 VICE-CHAIRMAN PALMER: They are distracting [inaudible]. All right.

20 MS. CAIRNS: I'm sorry but the red lights. Many signs use red, like the
21 Walgreen's. Does that means they'd have to use a different color?

22 MR. KOCY: Correct.

23 MS. CAIRNS: And the Koger Center?

1 MR. KOCY: Correct.

2 MS. CAIRNS: All of that's City of Columbia I understand?

3 MR. KOCY: Correct.

4 MS. CAIRNS: Okay.

5 MR. KOCY: Currently our sign Code does not allow for the use of red lights so
6 those signs that were up there were done in violation of the existing sign regulations.

7 VICE-CHAIRMAN PALMER: How did they get permits?

8 MR. KOCY: They come in and they show us an outline of the sign but they don't
9 clearly indicate the technology that will be used in the sign.

10 VICE-CHAIRMAN PALMER: You would enforce that anyway?

11 MR. KOCY: Beg your pardon?

12 VICE-CHAIRMAN PALMER: [Inaudible] enforcement for that?

13 MR. KOCY: We write them polite letters and ask them to come in compliance
14 with the sign regulations. It hasn't been very effective. Mr. Price and I went through 59
15 sign permits for digital signs and 58 of them had no indication of the type of technology
16 that was going to be. One sign in the very corner of the illustration said LED 28. So it
17 sort of gave you a hint light emitting diode but it did not clearly say in the sign drawing,
18 the sign illustration that it was going to be a digital sign.

19 VICE-CHAIRMAN PALMER: Do you think it's the responsibility of the regulating
20 agency to regulate which signs go up or is it the responsibility of the individual to
21 become familiar with the Code and know which signs are allowed and which signs
22 aren't to come and ask permission to put that sign up?

1 MR. KOCY: I think it's a shared responsibility and it's incumbent upon the
2 person coming in for the sign permit to explain the type of sign and the type of
3 technology that's going to be used.

4 VICE-CHAIRMAN PALMER: Is it incumbent upon the county to tell them which
5 signs are not allowed?

6 MR. KOCY: It clearly says it in our Code and two years ago the County changed
7 the sign permit for signs and it clearly states on the front sheet that digital signs are not
8 permitted.

9 VICE-CHAIRMAN PALMER: Don't you think before a permit's granted that the
10 question should be asked is this a digital sign?

11 MR. KOCY: Possibly.

12 VICE-CHAIRMAN PALMER: If the permit's granted do you think they should
13 have the ability to use that sign?

14 MS. CAIRNS: No.

15 MR. KOCY: I'm not going to –

16 VICE-CHAIRMAN PALMER: It's okay that they've invested thousands of dollars
17 in these signs.

18 MR. KOCY: I'm going to defer to Counselor Cairns here that –

19 MS. CAIRNS: No, no, no.

20 MR. KOCY: Didn't a Supreme Court Justice once say that ignorance of the law
21 is no defense?

22 MS. CAIRNS: I think that requires a legal opinion for which I'm not capable of
23 offering.

1 MR. KOCY: Okay.

2 MR. MANNING: Is there an inspection process of these signs once they're
3 installed?

4 MR. KOCY: Once they're installed but we don't require an inspection of the sign
5 before it's installed, no.

6 MR. MANNING: So once the permit's been issued the county has no further
7 involvement with the signs to cut them on, to get approval. Is there anything there that
8 the county's involved in?

9 MR. KOCY: No.

10 VICE-CHAIRMAN PALMER: Nobody checks to see if they're the right distance
11 from the road or that they're the right height?

12 MR. KOCY: We currently check and more often than not a sign is erected the
13 proper distance we require when his permit comes in to show us the sign face,
14 dimension of the sign, how off the ground it's going to be. We require a site plan to
15 show where the base of the sign is going to be ensuring it's out of the right-of-way, out
16 of sight triangles or roadways, etc.

17 VICE-CHAIRMAN PALMER: And all this was done on the permits?

18 MR. KOCY: Correct. It's part of the permit process.

19 MR. MANNING: And colors? They're not mentioned on the permit? I mean, it
20 would seem to me if you're disallowing a red sign color which we've got multiple -

21 MR. KOCY: It's existing in the sign – it's always been part of our sign regulations
22 that red lights that's consistent with state regulation for signs.

1 MR. MANNING: Wouldn't you think that the application would say no red lights.
2 If it's that prevalent, if it's that big a problem why not tell them up front you can't have a
3 red light?

4 MR. KOCY: We can certainly amend the cover sheet to our sign permit packet to
5 indicate no red lights but again that's part of our sign regulation. Most applicants will
6 read the sign Code to know that signs cannot be in the sight triangles, how high they,
7 you know, the minimum and maximum height the sign must be, setbacks and road right-
8 of-ways. All that stuff is clearly delineated in the Code.

9 MR. MANNING: [inaudible] that.

10 MR. KOCY: Pardon me?

11 MR. MANNING: So you do go check that.

12 MR. KOCY: Yes. We check it on the site plan. When we're out and about doing
13 other inspections we will frequently stop by to ensure that the sign is installed at the
14 proper location. But again we get detailed site plans so we and the applicant know
15 exactly where the sign can and cannot go.

16 MR. MANNING: I guess, you know, if we've got 59 out of 60 I think that's what
17 you said a minute ago.

18 MR. KOCY: Fifty-eight out of 59.

19 MR. MANNING: Fifty-eight out of 59. We've got a breakdown in communication.
20 Somebody's not getting the message and it maybe should be a shared responsibility but
21 something's not functioning properly.

22 VICE-CHAIRMAN PALMER: And they didn't all go up in the same month.

1 MS. ALMEIDA: I would like to also allow you some knowledge. Most of the
2 applicants are the sign companies, not the actual property owner. So these sign
3 companies are very much aware of ordinances, both, in all counties across this state.
4 Just because it's allowed in Greenville or Charleston or, it does not mean it's allowed
5 here. They're well aware of our ordinances.

6 VICE-CHAIRMAN PALMER: So what we've got here is a situation where we
7 have 59 signs that are out in unincorporated Richland County that were permitted
8 because they came in with a sign company. Some landowner, business owner went to
9 a sign company and said I want a sign. They said okay. [Inaudible] permitting process.
10 They get it permitted. Landowner pays for the sign, \$10,000, \$20,000 in some cases for
11 these signs. Richland County OKs it. They give them a sign permit. They say yep, go
12 put your sign up, it looks good to us. They even go out and inspect it. Say it's far
13 enough from the road, everything looks good. And then later on after the sign's already
14 up and running some number of months later we want to go back in and say no you've
15 got to take the sign down because we shouldn't have approved what we did approve.

16 MS. CAIRNS: You cannot get a permit that will allow you to break a law.

17 MS. ALMEIDA: No, sir.

18 MR. KOCY: That's correct.

19 MS. CAIRNS: I mean, that's like such a given it's not even worthy of discussion.
20 A permit does not grant you the right to break a law. If it's an illegal sign, it's an illegal
21 sign.

22 MR. KOCY: The technology is not illegal. It's how the technology is used that is
23 not allowed in the county. There's nothing in our Code that says you can't have a digital

1 sign. What we do say is you cannot have a digital sign that scrolls or flashes or rolls or
2 is animated.

3 VICE-CHAIRMAN PALMER: Which defeats the purpose of a digital sign.

4 MR. KOCY: Not necessarily. You could have a digital sign that allows you to
5 change at your restaurant for a breakfast special, a lunch special, and a dinner special.
6 Movie theaters can change the sign, can change features that they're showing and the
7 times that they're being showed using a keyboard, not using an unwieldy 15' foot pole to
8 latch letters on and off a sign. So there is an advantage to the digital technology.

9 VICE-CHAIRMAN PALMER: I just have a, I have an issue with granting permits.
10 Is there some point [inaudible]. And there's a number of these in the pipeline, some 58
11 or 59 of them that are approved over how many months, or years?

12 MS. CAIRNS: But I think one of the things that Mr. Kocy just mentioned is that
13 the – having an illuminated part of your sign by itself is not a problem and hasn't been a
14 problem. The issue is how quickly can a sign face change?

15 MR. KOCY: Right.

16 MS. CAIRNS: So the question is not can I have an illuminated sign. You can
17 have an illuminated sign. The question is how quickly can the sign face change and I
18 think that the fact that our Code didn't have anything specific in there was just the fact
19 that as we see all the time codes tend to be slower to change than technology. You
20 know, so the sign company industries came out with these, you know, easy to change
21 sign faces and ordinances didn't exist to control that. And it's my understanding the
22 interpretation of our Code was it was once a day, you know, and so what this allows is
23 saying okay we're recognizing that these signs or these LEDs are out there, they're part

1 of the future but we're not going to let them, you know, change quickly. We're going to
2 give you a few times a day that you can change what your sign's saying. But it's not like
3 we're saying that, you know, LED signs were illegal it's just a question of how quickly
4 you can change a sign face.

5 VICE-CHAIRMAN PALMER: But what you've got here are standards by which
6 these other signs were not constructed. You've got 33% of the sign face can only be –

7 MS. CAIRNS: Right. But the sign, I mean, the sign – I would offer you the sign
8 manufacturers knew that they were going into uncharted and unordained territory and
9 that's why they were silent –

10 MS. ALMEDIA: Um-hum (affirmative).

11 MS. CAIRNS: - a lot of the times. They were very savvy.

12 MR. MANNING: But if you were to submit an application for a sign and it had
13 100% of the sign face was electronic, which I understand some of these are, clearly you
14 see that it's in a violation of the ordinance before you issue the permit.

15 MR. KOCY: We don't see a sign, we don't see a sign application that says –
16 we'll see an application that shows rectangle and there'll be dimensions of that
17 rectangle. It'll say two and you know 30" wide by 18" tall but there's no text anywhere
18 on the application to say, oh, yes, and this sign is going to be a digital or an electronic
19 sign. It just says sign face.

20 VICE-CHAIRMAN PALMER: Whose fault is that?

21 MR. KOCY: I don't know. I don't know if it's fault. It's an applicant not fully
22 stating what the sign is going to state.

1 VICE-CHAIRMAN PALMER: Something happened in the approval process.
2 We're the governing body that Richland County, people come to us and say please
3 approve my sign. And we have to say it doesn't meet our guidelines to be approved.
4 Somewhere in the process for us to approve those signs broke down because if
5 someone's coming to us for approval we've got to say, yes, we can either approve it or
6 not approve it. Well, what are you putting up? You're not putting up something that we
7 can approve so go change it. That's not what occurred.

8 MR. KOCY: That is correct. That's not what occurred. Somebody came to us
9 showing us a blank sign face. We have a fairly complicated sign Code. A sign is the
10 percentage of a side of the building so there's no simple chart you can go to to say, oh
11 you're in GC you get four foot sign. Oh, you're in a high-density residential you get a
12 two foot sign. A sign face is a proportion of the exposed building side ya da, ya da, ya
13 da. So people have to go to the Code to read the signs and it clearly states in the Code
14 no electronic signs and that was skirted. Was it deliberate? Was it inadvertent? I don't
15 know but the reality of it is yes, people came in, got signs, did not reveal to the Planning
16 Department that electronic signs, electronic technology was going to be used. We
17 issued a permit for a sign dimension and a sign height and a sign location with no
18 discussion, with no understanding that electronic technology was going to be used until
19 after the sign was erected.

20 MR. GILCHRIST: So if we pass this will that still create any measure for us to be
21 able to enforce it?

22 MR. KOCY: We could stick an inspector at a sign – well it would be very easy
23 when you're scrolling, when you're driving down the street and you see a pharmacy sign

1 that's scrolling, you know, Pepsi on sale, Coke on sale, yes, that would be relatively
2 easy. If we suspected someone of doing it more than the six times a day, sure we could
3 stick an inspector there with a clock and have him count the number of times the sign
4 face changed.

5 MS. CAIRNS: But, I mean, isn't it true that this ordinance basically is granting
6 more flex –

7 MR. KOCY: Correct.

8 MS. CAIRNS: - I mean, it's granting the right to build a sign that we don't have
9 now.

10 MR. KOCY: It's allowing –

11 MS. CAIRNS: Signs that aren't now –

12 MR. KOCY: - strictly regulated use of digital technology. Not unlimited use like
13 which we see currently now in many signs. Nor is it restricting it to a static sign face.
14 We're saying the sign can change six times a day.

15 VICE-CHAIRMAN PALMER: So does it allow for the current signs that are out
16 there be grandfathered in?

17 MR. KOCY: Again the signs would be allowed to remain. It was just how the
18 signs would be used.

19 VICE-CHAIRMAN PALMER: What if they take up more than 33% of the sign
20 face?

21 MR. KOCY: They can get a variance.

22 VICE-CHAIRMAN PALMER: Have to go through another Board that would -

23 MR. KOCY: They'd have to go through the Board of Appeals and get a variance.

1 VICE-CHAIRMAN PALMER: What if the Board doesn't grant the variance?

2 MR. KOCY: The sign would have to come down.

3 MS. CAIRNS: So you're saying that – so a sign that's 100% electronic sign face
4 was never legal under our Code?

5 MR. KOCY: That's correct.

6 MR. MANNING: I hear what you're saying on that but at the same time the
7 standard that we allow these things to go forward. I mean, if you go to the Building
8 Department and want to get a building permit you're going to show them a full set of
9 plans. It's not going to say I'm going to build a 2,400 square foot house on this lot and
10 that's all we've got. And you find out it's something less than that and you make them
11 tear the house down. That's not the way the process works. There's a lot of
12 documentation –

13 MR. KOCY: That's correct.

14 MR. MANNING: - along with that process –

15 MR. KOCY: That's correct.

16 MR. MANNING: - that ensures that they are in fact building what they're
17 supposed to build. And something's not happening in this regard that's breaking down.

18 MR. KOCY: We currently do that. None of these signs that are out there are in
19 the wrong location or are the wrong size. The only thing wrong is the technology that
20 was not revealed to the Planning Department that was installed on the signs and it's the
21 technology that is the issue now. [Inaudible] I built a house and the Building
22 Department would get it approved and it would be the proper sign and setback and
23 location and everything else but I put neon siding on my house. The Building

1 Department doesn't review for neon siding. And it would only be after the house was
2 constructed and I moved in and my house was glowing 24/7 would somebody realize
3 that perhaps I skirted the law.

4 MS. ALMEIDA: Full disclosure.

5 MR. GILCHRIST: And so this new ordinance helps us to address the new
6 technology?

7 MR. KOCY: Correct.

8 MS. CAIRNS: It allows it in.

9 MR. KOCY: It allows limited use of the new technology that the current Code
10 does not allow period.

11 VICE-CHAIRMAN PALMER: When was the first digital sign permit granted?

12 MR. KOCY: I would not know.

13 VICE-CHAIRMAN PALMER: But you looked at all of them.

14 MR. KOCY: I have looked at all of them fully not for the date of issuance but for
15 the paperwork, the documentation that was submitted with the signs.

16 VICE-CHAIRMAN PALMER: Are you going to tell us by the time – we've got
17 quite a number of people signed up. Do you think you could tell us by the time?

18 MS. ALMEIDA: He's not –

19 MR. KOCY: He's on spring break this week so I don't think he can. [Laughter]

20 MR. MANNING: Mr. Kocy, as far as other applications, not just digital but
21 billboards, what is the requirement or what was the requirement then? I know -

22 MR. KOCY: Billboards are no longer in our – I don't know.

1 MR. MANNING: [Inaudible] somebody would submit for a billboard they had to
2 fill out something.

3 MR. KOCY: I don't know.

4 MS. ALMEIDA: That was so many years ago.

5 MR. MANNING: What about an on-premise sign that's not a digital sign?

6 MR. KOCY: Again, we only had one sign application and it deals with the total
7 size of the sign and the location.

8 MR. MANNING: Just the size and the location?

9 MR. KOCY: That's correct.

10 MR. MANNING: No illumination?

11 MR. KOCY: Sign face – any sign can be illuminated so it would be sign face.
12 We would typically, if it was an electric sign it goes to the Building Department to pull
13 the proper electrical permits and the inspections of the electric installation. And we look
14 to see, you know, is the light shielded so it's not just a light on the sign, you know,
15 causing a safety hazard for passing motorists but we only have one sign application that
16 has a lot of detail on it.

17 VICE-CHAIRMAN PALMER: Let me ask you this. What keeps the county from
18 currently going to these signs now and saying take them down?

19 MR. KOCY: We didn't ask to take them down. Again the signs are not illegal.
20 It's the technology, how the technology is being used. The county sent a letter out
21 about four or five months ago with the start of the moratorium alerting sign owners that
22 the technology as being used was illegal and requiring them to have the sign faces
23 static. That letter went out.

1 VICE-CHAIRMAN PALMER: So what if they don't comply with that letter?

2 MR. KOCY: They would be subject to fine, to a summons but we decided to lay
3 low on this until we got a chance to write a new digital sign Code such as you have
4 before you now.

5 MR. GILCHRIST: And I'm sorry you may have just answered that question but
6 for companies right now that have these signs that are red flashing signs, whatever, if
7 we pass this then they would be required to go back and change that?

8 MR. KOCY: They would be required to stop the flashing, scrolling, animation
9 signs and have a static sign face that they could change six times a day.

10 MR. GILCHRIST: Including the color?

11 MR. KOCY: They would have to – the color would have to change.

12 MS. CAIRNS: But they're not allowed to have those colors or that flashing now
13 anyway.

14 MR. KOCY: Correct.

15 MS. CAIRNS: I mean, this gives, this gives sign owners more options than what
16 we have now.

17 MS. ALMEIDA: Um-hum (affirmative).

18 MR. GILCHRIST: I understand that but there are some that have [inaudible]

19 MS. CAIRNS: Some went up in violation of the ordinance.

20 VICE-CHAIRMAN PALMER: Okay. Any other discussion? We have a few
21 people signed up to speak. Anything else, Mr. Kocy?

22 MR. KOCY: That's all.

1 VICE-CHAIRMAN PALMER: Mr. Robert Hilton? Yes, sir. If you would – what
2 our process is if you'd come down, and everybody has three minutes to speak at the
3 podium, if you'd give your name and address for the Record, we'd appreciate it.

4 **TESTIMONY OF ROBERT HILTON:**

5 MR. HILTON: I'm Robert Hilton. My, if you want to call it, business is at 4224
6 Hardscrabble Road in Columbia and it's a church. I'm a pastor of a church and we have
7 a sign that has a digital component to it. We were permitted for it. We have no idea
8 that it wasn't – I think our sign company is the one who actually got the permit for us.
9 We've been using the sign. The letter we got says that we've been notified that we
10 were in violation of the law but we've not been able to find that letter that first told us we
11 were in violation of the law. I guess I speak for the amendment but I would like to ask
12 that the six times in a 24 hour be opened up a little bit. It's very difficult to advertise
13 because the digital part of our sign – excuse me - because the digital part of our sign is
14 so small it's very difficult to advertise some of our ministry programs. We would be
15 forced to choose like six in a 24 hour day to advertise. We like to let people know of
16 openings in our pre-school and we like to let people know of our Christian Counseling
17 Center. We like to let people know when we our service times are and stuff like that.
18 And I'd just like to say that we had no idea that this was an illegal sign. [Inaudible]

19 MR. MANNING: Mr. Hilton, currently often do you change your text?

20 MR. HILTON: Like – we have about 10 to 15 messages running, repeating
21 through the day. We're at, you know, we're at the intersection of Clemson and
22 Hardscrabble Roads so if somebody's sitting there waiting for the red light to change

1 they're reading our sign and we like to keep them entertained and not be bored. We're
2 scrolling stuff now but we can stop that real quick and make it just change.

3 MR. MANNING: Scrolling or, you know, 12 a day, 10 a day?

4 MR. HILTON: It constantly scrolls. Like if – in say maybe a five minute period
5 you'd learn that we have a Christian Counseling Center, you'd learn that we have
6 services on Saturday night and twice on Sunday. You'd learn that we have Sunday
7 School for all ages. You'd learn that we have a pre-school. You would learn all of that
8 in a six minute period if you sat there and read the sign the whole time. So it is moving.
9 The technology will allow it to just flash it up there, you know, like okay this message
10 and then have it go away and have another message come up instead of going across
11 and panning or scrolling across the screen which we can comply without any problem.

12 MR. MANNING: Red lights?

13 MR. HILTON: You know, I'm not sure. I have that brain defect that a lot of men
14 have. Our signs blue, yeah.

15 VICE-CHAIRMAN PALMER: Is your sign face more than 33% the size, what
16 changes? Yeah, that would help.

17 MR. HILTON: Good question. You know, I mean, I don't know exactly how it
18 happened. I've only been at the church six months. The sign was installed and running
19 when I got there. And, but my guess is is that somebody in the church said, gee,
20 churches are getting electronic signs maybe we ought to get one too. And we talked to
21 a sign company, the sign company said no problem we can – anybody here from a sign
22 company? Yeah, okay. Well I don't know but anyway we did not seek the permit but it
23 was all done and hopefully it's in the right place and all that kind of stuff.

1 VICE-CHAIRMAN PALMER: Do you know what the NITS your sign puts off are?

2 MR. HILTON: I do not; I do not.

3 MR. MANNING: It might be helpful if you contacted your sign company.

4 MR. HILTON: Yes.

5 MR. MANNING: And pull the application just to see what was on that application
6 and –

7 MR. HILTON: And that's our plan. It's just this came up so quick. We're right in
8 the middle of Holy Week and Lent and Easter and all that stuff. So we thought we'd
9 come down here and find out – I mean it's a little hard to read and understand because
10 we, you know, we were shocked and surprised that we had an illegal sign in the first
11 place. And then, you know, it's a little hard to understand what this language is all
12 about so we thought we'd come down and get a little more information before we start
13 checking it all out.

14 MR. MANNING: Thank you.

15 MR. HILTON: What do you think? Is that 33% of the sign or less?

16 VICE-CHAIRMAN PALMER: Pretty close.

17 MR. HILTON: Okay. Maybe you could put a big dove on top of - [Laughter]

18 VICE-CHAIRMAN PALMER: Thank you, sir. Mr. Stephen Foster, you'll be next.
19 Mr. Kocy, I'd like to ask you one question. Where do these numbers come from, the
20 7,500 NITS and the 500?

21 MR. KOCY: Literature search from existing sign ordinances and talking to
22 industry reps, lighting company reps. And these are also consistent with some of our
23 new sign, or excuse me, our new lighting standard.

1 VICE-CHAIRMAN PALMER: And you 33% of the sign face?

2 MR. KOCY: Again, that was literature search. I don't have a hard number with
3 me but of the communities we searched, surveyed online, approximately 1/3 ban digital
4 technology outright; don't allow it at all. Approximately 1/3 of them allow with no
5 limitations and the other 1/3 allow it with some limitations, and 1/3 of a sign face
6 seemed to be a number that we saw lot in many communities in the Southeast.

7 VICE-CHAIRMAN PALMER: Okay. Mr. Foster?

8 **TESTIMONY OF STEPHEN FOSTER:**

9 MR. FOSTER: Thank you, Commission. My name is Stephen Foster. Our
10 business address is 8401 Two Notch Road, Columbia. You had mentioned a little bit
11 earlier about technology and the change. We've actually had an electronic sign on our
12 property there for almost 20 years. Originally it was just a light bulb. It just used regular
13 light bulbs instead of LEDs and have maintained that sign for up until about a year and
14 a half ago when it was just too costly to continue to run burning light bulbs all day long.
15 So we decided to go to the electronic LED sign. I think it's great that you guys are
16 actually addressing this. The fact that having some restrictions or some, you know,
17 something to give us some guidelines on is great. The thing that we would ask is if you
18 can change the sign more than just, you know, six times a day. We actually are using
19 static messages at the time but ours are changing about every three to four seconds.
20 Now just like the church was using they're actually scrolling through something, we're
21 actually just changing from one thing to another on the sign. Our sign is a larger sign.
22 Of course we are not – our sign is electronic. It is digital sign and it is not just 1/3 of it
23 but the entire thing is LED. Even so we can't put a complete message on there. If

1 we're running a sale for something we can put sale, you know, 50% off and then the
2 next thing would be, you know, lighting. And the next thing might be ceiling fans. You
3 can't get it all on one and then just leave it static because nobody's going to know
4 what's for sale. And over the years we have found and we have a lot of experience with
5 electronic signs of course but we find that when our sign goes down or it's not working
6 properly and we have to shut it off our business can drop as much as 20%. Right now
7 with the economy the way it is we're already off 30%. We can't afford to lose that kind
8 of business. Thank you. Do you have any questions for myself?

9 MR. MANNING: Did you perform the installation or did you hire a sign company?

10 MR. FOSTER: We hired a sign company to do that.

11 MR. MANNING: And did you realize what you were getting permitted for?

12 MR. FOSTER: We knew what we were getting permitted for. Yes, sir. We
13 already had an electronic sign up there. We just were changing, we were changing a
14 sign from elec – you know one that used light bulbs to one that used LED. We actually
15 went to a smaller sign than what we had up there before. If you've been down Two
16 Notch Road I'm sure you guys have all seen our sign.

17 MS. CAIRNS: Which company is it?

18 MR. FOSTER: The Lighthouse. We're at the corner of Alpine Road and Two
19 Notch Road.

20 MR. MANNING: But the sign company did not make you aware of the 33% or
21 the red light?

22 MR. FOSTER: Oh, no, sir. No, sir. Not at all. Now our sign uses, you know,
23 ours is unlimited in color that we can use. Many of the signs that are out there – we

1 have a store in Lexington in the Town of Lexington and it is actually strictly red. We
2 can't even change the color on it. But the one that we have on Two Notch Road is full
3 color. We can use whatever color that we want. But no, sir, it – and I've got a copy of
4 the permit here and, you know, it doesn't tell us anything about not being about to use it.
5 And like I say, we've had a sign – an electronic sign that was just white, that used white
6 light bulbs for almost 20 years now.

7 VICE-CHAIRMAN PALMER: Can I see a copy of the permit?

8 MR. FOSTER: Yes, sir.

9 VICE-CHAIRMAN PALMER: [Inaudible] the permit?

10 MR. FOSTER: Yes, sir.

11 MS. CAIRNS: The one with the while light bulbs, how did the face change?

12 MR. FOSTER: It worked similar to an LED sign. You could scroll, you could
13 flash, you could change the message. It was a computer generated program.

14 MS. CAIRNS: If you'll go back on the mic so you're on the Record. Sorry about
15 that.

16 MR. FOSTER: It just instead of using little LEDs and changing colors it was light
17 bulbs. It was a flood light bulb and it was very bright and we did actually turn it down.
18 We had it turned down so that it wasn't as bright. But it could have been much brighter
19 than what we have there now. And the sign that we have there now is a much more
20 attractive sign and a much cleaner look. To me it's not as obtrusive as the one we had
21 which was about 1/3 bigger and much brighter.

22 VICE-CHAIRMAN PALMER: We'll give – I'll give it back to you.

23 MR. FOSTER: Okay. Thank you.

1 VICE-CHAIRMAN PALMER: Thank you . Any other questions for Mr. Foster?
2 Joanna Lewis?

3 AUDIENCE MEMBER: [Inaudible] husband [inaudible].

4 VICE-CHAIRMAN PALMER: Sure. Sure. If we could, I'm going to call out about
5 two or three others if we could just line up on the side over here. Next is going to be
6 Gina McDaniel followed by Bert Cassell.

7 **TESTIMONY OF ROBERT LEWIS:**

8 MR. LEWIS: Yeah. My name is Robert Lewis. I'm speaking on behalf of my
9 pastor, Albert T. McNair. Our sign is located on 201 Plumbers Road. As far as
10 [inaudible] concern, as far as I understand that the sign company was actually the one
11 that pulled the permit for the sign itself and right currently we did receive the letter and
12 we tried to – we did everything we knew possible to try to stay in ordinance, with the
13 Code that was in the letter. Right now we – our sign displays images three to four
14 seconds or whatnot and we've as a result of using the sign we've seen that our
15 membership in our church has grown. We take surveys whenever a new member joins
16 the church we ask them how did you hear about our sign – how did you hear about our
17 church. Most of the time, sometimes they say we heard about the church through the
18 Internet, through word of mouth, and by the sign. As a result of using the sign our
19 membership has definitely grown and so we are very much pleased that we are looking
20 at this amendment now because like it's been stated it is allowing for there to be more
21 flexibility. But like others have spoken we would request that we would have the ability
22 to allow the face of the sign to change more than just six times a day so that we can

1 adequately advertise our different programs that we feel will let them know what's
2 happening inside the church and that would be a help to the community as well.

3 MR. MANNING: How often do you think you need to change your signage?

4 MR. LEWIS: Well to adequately, to get the message across it would need to
5 change, it would need to change more than six times a day. I would say – that would be
6 something I would need to ask my graphics department that actually put up the sign to
7 see how much text and information they put up there. But I do know that it would need
8 to change more than six times a day to adequately advertise and push the programs
9 that we're trying to have at the church.

10 MR. GILCHRIST: How long have y'all had your sign up?

11 MR. LEWIS: Since 2004.

12 MR. GILCHRIST: Since 2004?

13 MR. LEWIS: Yes, sir.

14 MR. GILCHRIST: Got red letters?

15 MR. LEWIS: Well we have graphic images. Graphic images that are various
16 colors so we have red and green, you know.

17 VICE-CHAIRMAN PALMER: Any questions for Mr. Lewis? Thank you.

18 MR. LEWIS: Thank you.

19 VICE-CHAIRMAN PALMER: Gina McDaniel? After Mr. Cassell's going to be
20 [inaudible].

21 **TESTIMONY OF GINA MCDANIEL:**

22 MS. MCDANIEL: I work for Lake Murray Floor Covering and the address is
23 10076 Broad River Road and we do have an LED digital sign also and ours has been

1 up since March 13th of '06 and our does have red lettering that we have no control of
2 changing. And we have, since we have gotten the letter about the digital sign we have
3 tried to contact the company that we got the sign from and they're out of Oklahoma
4 which is now out of business. So we can't change the color of the lettering of the sign at
5 all. We actually have some LED lights that are out and we can't have that fixed
6 because they're now out of business. And we do have a lot of business from the street
7 that people see from our sign, you know, where they've gotten our business they saw
8 our sign. And ours doesn't really scroll. It – I'm kind of nervous. I didn't know I was
9 going to have to talk today. But anyway it says, it'll give our office hours and then it will
10 say, hardwood, then ceramic tile, and then it would say, area rugs you know. And then
11 if we have a sale we'll put what's on sale, you know, following. But it doesn't really
12 scroll but it does need to change more than six times a day.

13 VICE-CHAIRMAN PALMER: Thank you. Mr. Cassell?

14 **TESTIMONY OF BERT CASSELL:**

15 MR. CASSELL: I'm Bert Cassell. I'm an attorney and our office is located at
16 1331 Elmwood Avenue. And – excuse me - I'm here on behalf of the franchise holders
17 for the Sonic Restaurants. And we've got of course a number of them in this area and
18 in West Columbia, Manning, Sumter, Winnsboro, Orangeburg and we've even had
19 signs that have been approved by the Department of Transportation. We, I guess like
20 everybody else so far, don't really have a problem with the ordinance as it's proposed
21 with the exception of the number of times which it can change. If we had to resort to six
22 times a day it would basically render the sign worthless to us and we've had our first
23 sign issued by Richland County in 2006 and again we got two issued in September of

1 2007. The signs that we use, they don't scroll, they don't flash. There are no signs of
2 illumination and there's no animation. Really the only thing that we're concerned about
3 is the number of times which it could change and presently our signs have been
4 changing every 10 seconds. When our signs go out it has an effect on whatever item is
5 being advertised on that sign by 10 to 15% and of course the Sonic has paid over
6 \$72,000 in sales tax to the county over the years and each of the signs cost us about
7 \$40,000 for the sign and the installation.

8 VICE-CHAIRMAN PALMER: If you could wrap up for us I'd appreciate it.

9 MR. CASSELL: Okay. So in other words our real complaint with the proposed
10 ordinance is the number of times. We'd like to shorten it down to something at least in
11 the range of 10 seconds.

12 VICE-CHAIRMAN PALMER: Thank you. [Inaudible] Shaw followed by is that
13 [Inaudible]? Okay. Polly Yoss followed by Bill Theus and Steve Vincent.

14 **TESTIMONY OF POLLY YOSS:**

15 MS. YOSS: Good afternoon. I'm Polly Yoss. Our business is at 10012 Two
16 Notch Road. We're Ace Hardware. We purchased our sign about two years ago and
17 just for the record ours was about \$30,000. We're still paying it off. It has been a huge
18 economic benefit to us with, you know, with the economy and facing three new Big
19 Boxes in the last year and a half. It's brought in a lot of business and we have had
20 numerous compliments on it. We have never had a complaint about it. We've had
21 people come in and say, wow, you know, we didn't know were say a Webber dealer or
22 whatever. We're so glad you have this; we know now. Our sign is red lights. We would
23 have no option to change from red lights except to replace the whole box which would

1 cost us about another \$5,000. And I guess my question is it seems that it's been
2 arbitrarily chosen that the lights are going to be red. Our huge Ace above our sign is
3 red. What's a – you don't make us change the red. Chick Filet has a big huge red C.
4 Arby's has the big red hat. What's wrong with red? So I think it's extremely arbitrary.
5 As far as the timing and the changing of the signs, you know, since we were told that we
6 were in violation we stopped flashing, we stopped scrolling. We only change our sign
7 once every couple of minutes. What's the difference if we change once every five
8 minutes, once every 10 minutes or once every six hours or four hours? You're passed
9 our sign in 35 seconds. So, you know, it seems like there needs to be, you know, you
10 really need to figure out what the objective of the ordinance is and then decide how do
11 we accomplish it but how can we make it more business friendly because, you know,
12 when you're not flashing, when you're not scrolling the change is so subtle unless
13 you're staring at the sign and waiting for it to change you don't notice that it changes.
14 And just as an aside the sign we had before when we bought the business was hideous.
15 It was one of those old changeable copy signs that you see around with the letters
16 falling off and signs are faded. Sometimes they're broken from someone shooting a
17 shotgun or something through them. I mean, which would you rather have?

18 VICE-CHAIRMAN PALMER: Thank you, Ms. Yoss.

19 MS. YOSS: That's my case.

20 VICE-CHAIRMAN PALMER: Thank you. Mr. Theus?

21 **TESTIMONY OF BILL THEUS:**

22 MR. THEUS: Good afternoon. I'm Bill Theus. We own the Arcadia Self-
23 Storage, 2500 Decker Boulevard. If you'll recall we bought the old dilapidated Target

1 Store that had been vacated for over three years out there. The roof was falling in, it
2 was full of mold, it was in terrible condition and we have established a very successful
3 self-storage business in there. Knowing that 70% of the business in self-storage comes
4 from drive by we chose to invest \$30,000 in an LED sign and put it up in November of
5 '06. It's all red. There's no other option. Like I say we spent \$30,000 on it. It would be
6 complete idiocy of ours to spend \$30,000 on a sign knowing we're violating the law. It
7 would be idiocy of our sign company to sell us a sign for \$30,000 knowing the sign is in
8 violation. We don't want to lose the effect and I can't believe that the number of LED
9 signs have gone up in the county without the consent and knowledge of the county. I
10 might also add that if ostensibly the reason to get rid of these signs is traffic safety then
11 we need to be talking about getting cell phones out of cars and maybe even babies out
12 of cars. Thank you.

13 VICE-CHAIRMAN PALMER: Thank you, Mr. Theus. Steve Vincent followed by
14 Josh Peake, followed by Walter Taylor, and then Russ Holt.

15 **TESTIMONY OF STEVE VINCENT:**

16 MR. VINCENT: Thank you Commissioners. My name's Steve Vincent and I'm
17 here representing Spears Creek Baptist Church. We have a pastor and some deacons
18 and members in the audience. And the address is 116 Spears Creek Church Road.
19 What I have is a permit when we got it in 2005 and the only thing I'd recommend is, you
20 know, they say that permit doesn't give you a chance to break the law. The church
21 definitely wants to be in compliance or we never would have put the sign up because
22 we want to do the right thing. We're going to do the right thing. But that's one thing I
23 would suggest is maybe put something on there because some people don't know the

1 law like we should especially when it comes to sign permits so maybe some kind of
2 guidelines stating what we can, what we can't do and then next once it got up we got a
3 letter saying we was in violation which we got dated March 2009. [Inaudible] this is a
4 picture. Things that we can do with the sign, you know, [inaudible] will do and in
5 Section 2 and A it says, you know, static. We can do that; stop it from scrolling. Thirty-
6 three percent, we can reduce it. But it's the six times is the problem we've got. Our
7 software only allows us to do, change every 10 minutes. Right now I think we've got it
8 at I think eight to 10 seconds. Illumination. We can't change it. We can't bright it or
9 dim it and it's white lights. It's your regular lights. So we don't have to worry about it. It
10 does scroll right now but like I say we can stop that. It said the bottom of the sign shall
11 be at least 10' from the ground. Ours is eight and I would just – I have some more signs
12 too if y'all want to – I've got a bunch of signs. My time's about out I believe. But I just,
13 you know, just consider grandfathering these in because some of them are schools. I
14 don't know what's going to happen with the school system when you start telling them,
15 you know, to move their sign up. Ours is I think two feet in the ground with cement and
16 it's going to be hard to add two more feet to make it comply with that 10'. I think that's
17 it. Thank you.

18 VICE-CHAIRMAN PALMER: Mr. Peake?

19 **TESTIMONY OF JOSH PEAKE:**

20 MR. PEAKE: I'm Josh Peake. I'm also representing Spears Creek Baptist
21 Church. I just want to reiterate what Mr. Vincent just said. Also there's different schools
22 around the area, Spring Valley High School, Ridgeview High School. They announce
23 different events that happen, PTA meetings, things of that nature. Our church and

1 individually I guess you could say we announce things such as Awana meetings which
2 is a kids' meeting and things of that nature that people may only see when they ride by
3 coming home from work or leaving. I guess a couple things. I think that the signs that
4 already exist before whether they have red lights or not in my opinion they should be
5 grandfathered in just because they were permitted by the county and at the time they
6 were told that the sign that they were putting up, you know, held to the all the
7 regulations that the county had set forth. And also the amount of time I guess, you
8 know, a sign changing once every minute during the course of an hour is not a lot. As
9 they were stating a minute ago it's not uncommon for a sign to change every eight to 10
10 seconds. That's all I've got.

11 VICE-CHAIRMAN PALMER: Thank you. Mr. Taylor and Mr. Holt.

12 **TESTIMONY OF RUSS HOLT:**

13 MR. HOLT: I'm Russ Holt. I'm an Executive Pastor for Gateway Baptist Church
14 in Ballentine. We're located at 1651 Dutch Fork Road. Our – we received a permit for
15 our sign and had it installed back in August of 2007. The capabilities are extensive,
16 ranging from video, small video to images to scrolling, the various colors so we can
17 break the law in any number of ways with this one. Just as far as speaking through the
18 specific list that was listed here. The ones that would cause us the most pain beginning
19 with the first one. When we received the first notice of violation where it talks about
20 being static at all times, scrolling or movement of any kind prohibited. We were able to
21 basically stop that and almost treat it like a static PowerPoint type presentation where
22 we just put the information for that moment. Our - typically we have five to ten slides I
23 would say that rotate through about every eight to 10 seconds so, for each slide. So

1 one slide would - slide one would go eight to 10 seconds, then slide two, eight to 10
2 seconds and rotate through our list of five to 10. The electronic area may not exceed
3 33% of the sign face. Our business administrator's on a mission trip in Northern African
4 and I don't have all of the information but I believe we would be in violation of that size.
5 The message changing C is probably our biggest issue and I mentioned the rate at
6 which we would like to see it would be more along the lines of a slide every 10 seconds.
7 The illumination I have no clue whether or not we meet that requirement or not. Signs
8 not displaying red lights or flashing lights. We'd have the capability to change it to a
9 non-red color. And then we would also be in violation of the bottom of the sign being at
10 least 10' from the ground. So I, you know, we went through our construction company
11 in the building of our church. Our church has only been on location there since 2007 as
12 well. And in relation to the knowing of the specific law in this case we relied on the
13 permit to be the indicator that we were okay in communicating both the current and
14 capabilities of the sign. As was mentioned earlier today with parks and open space and
15 Green Code there's a lot of stuff in there and sometimes you miss things.

16 VICE-CHAIRMAN PALMER: Thank you. That's all who signed to speak.

17 MS. CAIRNS: Well we've got someone who might.

18 VICE-CHAIRMAN PALMER: Oh, Walter Taylor, sorry.

19 **TESTIMONY OF WALTER TAYLOR:**

20 MR. TAYLOR: I was not going to speak as my partner is Bill Theus and I think
21 he adequately conveyed my concerns that I had before coming here but after what I've
22 heard I'm a little stunned at what I'm hearing and that is that this ordinance that's being
23 proposed and I'm reading from the explanation by staff that, "When regarded from a

1 scientific perspective the present literature review does not provide an adequate answer
2 to this question as to whether it's abstraction." The studies reviewed are inconclusive
3 and it says below, "The more stringent restrictions on the placement of billboards found
4 in other counties might be regarded as a conservative precautionary measure erring on
5 the side of protecting public health from a possible hazard but unproved threat and not
6 as a response to an established driving safety hazard." Apparently it's speculation. We
7 know that there's documentation of cell phones causing accidents, changing the radio
8 and so forth. If that is the reason for this proposal as opposed to churches that you
9 hear are saving souls as a result of this sign I don't see how you folks sitting in these
10 chairs have a very difficult decision. Thank you.

11 VICE-CHAIRMAN PALMER: Is there someone else who wants to speak?

12 MR. DUNCAN: Well I'm listed there as Marion Duncan. I should be on that list.

13 VICE-CHAIRMAN PALMER: Yes, sir. I called you up. Didn't get you.

14 MR. DUNCAN: I didn't hear that.

15 VICE-CHAIRMAN PALMER: Okay.

16 **TESTIMONY OF MARION DUNCAN:**

17 MR. DUNCAN: Thank you. I'm Marion Duncan. I represent New Media Sign
18 Company and New Media Communications so I guess I'm the one that a lot of people
19 are talking about. But I'm going to tell you something about – it would take me 30
20 minutes to answer you would like to hear. I've been doing signs for 25 years in
21 Richland County and the City of Columbia. We have purchased sign permits hundreds
22 and hundreds of times in Richland County. We always, we always, we always include a
23 full color rendering that shows where that sign's going to go. They require that of us.

1 We show that sign with the LED and the proportion, the measurements. We show if it's
2 in red, we show if it's in full color, we show if it's in amber. So I'm a little bit offended in
3 a sense that I have been kind of jumped on here as a sign company because I take
4 offense to that. But I say respectfully we have always done the right thing. We go to
5 Carol. If it is not correctly then she gives us back to us, we give it back to her. We
6 share what everything that is on there. Now let me address a couple of things and I'm
7 going to run our of time. One is the illumination that y'all respect. That is my area of
8 expertise. The 7700 LEDs during the brightness of the daytime is fine. It is ludicrous to
9 say that you could do it at 500 NITS at night. That would be for an LED sign would be
10 totally shut off. What DOT says and I also have some of these digital boards around
11 town so this is my area of expertise and this is our livelihood. But also I believe in the
12 product because what you've heard from churches and businesses it has increased the
13 churches, it has increased the businesses and there are businesses today that would
14 be out of business without an LED sign. But that having been said the color of what
15 DOT says is, and I have worked with them because I have the billboards, they said that
16 you're allowed by DOT to change this every six seconds and if it changes less than – if
17 it stays static for six seconds it is not a moving message [inaudible] sign. It is a static.
18 As far as the color, I mean the brightness of it they say to cut it down to 35%. So the 77
19 NITS is correct but at night we do through the computer and let that computer cut that
20 sign down to 35% of its capabilities. And that was one of the requests that I would like
21 to make is we do it not less than 35. If you're against red then what do we do without
22 that? What do we do with all those company signs that are out there that are bright red

1 that has more illumination than what the LED does at 35%. You're actually brighter
2 than what the 35% would be.

3 VICE-CHAIRMAN PALMER: When you say 35% do you have a specific number
4 that you're talking about or?

5 MR. DUNCAN: Well you would be 35% of your 7700 is what sign companies say
6 you can cut that back to and it's what DOT says.

7 VICE-CHAIRMAN PALMER: [Inaudible] signs is 7700 the maximum NITS that
8 most signs put out?

9 MR. DUNCAN: A full color one would have around 8,000 NITS that they could
10 put out. A sign is built to last 10 years. The LEDs are built with 100,000 hours of
11 capabilities. One of the problems that you have is it's very similar to a computer screen.
12 You put that screen saver on there so that you do not burn an image into that screen.

13 VICE-CHAIRMAN PALMER: Right.

14 MR. DUNCAN: When an LED sign is built it is built to be constantly moving or
15 changing over a 10 year period. If you lock that sign in even 24 hours in a row without
16 that sign making changes you will actually destroy that sign. If you take a sign like the
17 Lite House and we are the one that put his sign up 20 years ago. I didn't do the one
18 that he just put up of course then it was permitted. If you take a full color digital sign like
19 that, lock it in for 24 hours, his sign will burn out and be gone in four years. They will
20 not last. He has a 10 year sign. It would literally destroy the signs that are out there
21 today. As far as the color, the red for instance, up until about three years ago the only
22 thing you could purchase was red and I put up 15 or 20 signs in the Richland County.
23 I'm putting up one today, Dreher High School. You know, we're forgetting the thing that

1 this is the best communication product on the market. The three major purchasers of
2 an LED is the federal government and they purchase in red, in amber, and full color.
3 The Home Land Security purchases them. DOT's the third major purchaser of LED
4 signs, and schools, our schools is the fourth major purchaser. I just sold one to Allen
5 University. How do we tell somebody like Allen University that needs to communicate to
6 3,000 students that let them know that what's coming up in their schools? I had the FBI
7 call me this past week. I've had sheriff's department if I can [inaudible]. The FBI called
8 me this week because we have digital boards. They say can we use your digital boards
9 to [inaudible] when we have people going to cross state lines – can we advertise that
10 there's an Amber Alert. SLED has also called. These boards are valuable. The day
11 will come when they will ask everybody here that owns a board to participate in that
12 type of program so that if somebody's coming through and there's an Amber Alert we
13 can text message instantly to those signs to say there's an Amber Alert. There's a
14 chemical alert. We are standing ready for Lexington County if there's a chemical alert, if
15 there's an Amber Alert, if there's anything of value to where we need to notify the public.
16 We have – like Dreher High School, they're putting it up today. They will have the ability
17 if there's a school lockdown, what's a better way to communicate to that school today
18 we have to be concerned with a possibility of somebody coming in there and harming
19 those students, harming those teachers as you see every day on television. They can
20 go the minute they know there's a problem, text message to that sign and tell those
21 parents to stay away. Tell those people to stay away. There's a problem at this school.
22 So they're an invaluable product but the red itself for the people that have red you can't
23 change that. It would cost the same thing to change that thing from red to amber or to

1 full color just as much as they paid for it originally because you would have to pull out all
2 those LEDs. And to change that you would literally throw that sign away and destroy it.
3 And the only thing you could buy up until two or three years ago was red. And then
4 amber became available and then it got where you could purchase it and now 50% of
5 our signs are full color. But as far as the changing and the height I would say please
6 allow that thing not to be 10' tall. If we can look at the possibility of six feet at least
7 because an amber sign, an LED sign needs to be looked at from straight in the face or
8 up because you'll lose a lot of the value of it. As far as the number of changes, you
9 know, I would suggest respectfully that we adopt what Lexington County's doing right
10 now, what the City of Columbia has. That's a great one. The City of Columbia will allow
11 you to put up a sign and change it every six seconds. DOT will allow you to do it every
12 five seconds. Are there any other questions? It is my business, I own New Media
13 Communications and we probably sell 50% of all LED signs that go in the area. If
14 there's any other technical questions I may be able to answer -

15 MR. MANNING: The permit application that the City of Columbia would require?
16 Is it different than the Richland County application for a sign?

17 MR. DUNCAN: The City of Columbia it does specify on there. We do – we have
18 the same sign criteria that we have for Richland and the City is almost the same. I was
19 so shocked. I was actually dumbfounded, and I mean this respectfully, of all the permits
20 that we got to hear that the LED sign was considered illegal. We go there on a month to
21 month basis and lay the application right in front of Richland County and say we're
22 getting an LED sign. This is what it'll do. We give the cost on it and they come out and
23 inspect it. They have known for 20 years that these signs existed and are going up.

1 We do it on a continuous basis and we lay that permit there. We get it approved.
2 Sometime it takes two to three weeks to get a permit so they have ample time to look at
3 those applications and say this is what –

4 MR. MANNING: When you go through the permitting process do you specify
5 colors?

6 MR. DUNCAN: Yes. We have a color rendering. We do a digital print of the
7 picture in the ground location, not just a drawing, that shows where it's going in the
8 ground. It shows it in color. For instance, Arcadia. We did a – storage - we did a full
9 rendering of that, showing the LED in red. We have disclosed everything, 100%,
10 always.

11 MR. MANNING: The size, the face of the sign being less than -

12 MR. DUNCAN: I have never heard until today with God as my witness that
13 there's a percentage that you had to be concerned with of a percentage. In Lexington
14 County now they will allow you to go 60% of the sign to be an LED. That one I
15 remembered. I never heard once that there's a 33. It seems kind of strange it says the
16 LED is illegal but you can only have it 33%.

17 MR. MANNING: What is the process –

18 MR. DUNCAN: I mean, that's a contradiction. You can have it 33% but you can't
19 have it.

20 VICE-CHAIRMAN PALMER: This is a new ordinance. All its language is new
21 that's proposed. Currently there's no language that pertains to LED lights.

22 MR. MANNING: What is the process once you made your application, installed
23 the sign, you get it cut on, what happens then?

1 MR. DUNCAN: Well we get the permit. The sign goes up usually in 10 to 12
2 weeks on an average before that sign goes up. The electrician gets his permit also for
3 the sign. Put the sign up. We've never had a regulation that said – in some counties
4 they will say you cannot put the sign up until you inspect the foundation. Richland
5 County does not require that. So if we put one up in Lexington County just to give you
6 an idea. You have to have an engineering drawing over 20'. Richland County we tell
7 them everything that there is, we answer every question they want. We put the sign up
8 and then they come out behind us and inspect us. One to make sure that we have not
9 put it too close to the road. That we have put it up exactly. When you take that sign as
10 I do you can hold that drawing in your hand and look at that sign, you see the same
11 thing. So there's never, never been one ounce of anything that is not knowledgeable on
12 both parts of what we do. These churches and schools and also the churches and the
13 schools and businesses as far as I know can't even go get their own permit. It was said
14 – I'm sorry, my mouth is real dry, I've got a cold - it was said like that well the sign
15 company comes and gets the permit. We're required to get the permit. We are the
16 licensed people that buy the license to put the sign up in Richland County. We're the
17 ones that pay the taxes. We're the ones that do the permitting. We're the ones that's
18 required. A customer as far as I know is not even allowed to walk in the office and get
19 that sign permit but it was made like well because we're the sign company unless we
20 make money off of it that's our living, no different than selling a loaf of bread. That it
21 was almost like well we just don't look at the rules. No. My wife is known in every
22 county and city in the State of South Carolina as the most knowledgeable individual

1 there is on permitting. She can quote you the permitting verbatim in every county and
2 every city for 25 years so she is the permit lady.

3 MR. MANNING: Out of the 59 that are mentioned here today as being illegal
4 how many of those did you install?

5 MR. DUNCAN: Of the ones – the ones that spoke there's only two that I done.

6 MR. MANNING: Out of the 59?

7 MR. DUNCAN: Out of the ones that well – I think there's more than 59. Out of
8 the 59 I would say I'm talking the ones are here I probably did ten or 12 of those. And I,
9 every time – I would be an idiot to send off a deposit to buy a \$40,000, \$50,000 sign
10 and buy it and bring it in my property and go and take it and put it up unless I had in
11 hand a permit for that sign with a color rendering showing everything there about it. I
12 have to show them the size; I have to show them the cost. When I first started doing up
13 signs in Richland County 25 years ago they didn't require a permit. And then all of a
14 sudden one day they said, okay you got to have a permit. And then they, you know, so
15 there's been slight changes and the original sign criteria that was written in the City of
16 Columbia and Richland County that went back 25 years ago had a thing in there said no
17 rolling, scrolling or flashing signs. At that time an LED was not on the drawing board
18 even to be made. That particular ordinance had to do with the little flashing signs that
19 were ridiculous that sat on the side of the road and they would flash their lights and
20 that's what that original thing was. So now over all these periods of years all of a
21 sudden somebody wakes up and says, hey here's a line in here and maybe their
22 feelings are not good about an LED sign. And so all of a sudden now it come up and
23 said, okay now they're illegal. Listen it's not fair to them; it's not fair to us; it's not fair to

1 anybody to go and to put up a sign and 10, 15, 20 years later come back and say you
2 cannot have red, you cannot have – that's a horrible thing to do and you can listen to
3 the customers. The average customer in America increases their business 33% from
4 having an LED sign. You cannot discount the value. Yeah, there's some of them that I
5 hate. I'll be honest with you. I can name a half a dozen in Lexington and Richland
6 County right now I'd love to go flip off because they're doing this. I hate some of them
7 because it's my field and when I see a bad sign go up I take it personally.

8 VICE-CHAIRMAN PALMER: Thank you.

9 MR. DUNCAN: Yes.

10 VICE-CHAIRMAN PALMER: Mr. Gilchrist, did you have something?

11 MR. GILCHRIST: Well I just wanted to ask real quick.

12 MR. DUNCAN: Yes.

13 MR. GILCHRIST: Have you been aware in your years of this work any color
14 restrictions on signs?

15 MR. DUNCAN: Not at all. Not at all. Not one time have I ever heard the words
16 33% of that sign can only be an LED. Never have I heard of restriction – because there
17 again three years ago we didn't have anything but red.

18 MR. GILCHRIST: Right.

19 MR. DUNCAN: It was – you couldn't afford a color one three years ago. The
20 average person could not. So I ask respectfully and I really – first off I appreciate the
21 hard work you guys do and to take this issue at hand is not an easy thing because you
22 have so many people that are involved in it. But I do hope that you will look at several
23 things. One I'm so thankful that you're going to allow them. Two I hope that – the part

1 of the red would be an atrocious thing. Another thing if I may point out. In the original
2 sign criteria it said there was no sign simulating red lights and that's what the original
3 thing – it didn't say you couldn't have red. It said you couldn't have anything and I could
4 understand it, you would not want a sign out there that looked like a red light. You
5 would not want one that looked like a green light. You would not want any of those
6 signs and those signs have been illegal. Never until today have I ever heard that the
7 word red and I saw that in there and I said, they couldn't possibly be talking about red.
8 If that's the case then all red signs should go. Thank you so much. I appreciate your
9 time. Any other questions?

10 MR. GILCHRIST: No. Thank you, sir.

11 MR. DUNCAN: Thank you.

12 MR. GILCHRIST: Mr. Kocy. Quick question. In the language that we have it's
13 indicated that this report that you referenced earlier that the recommendation from your
14 Staff would be to try this on an interim basis? What does interim mean?

15 MR. KOCY: Can I give you a long answer?

16 MR. GILCHRIST: Sure.

17 MR. KOCY: Great. This report from the Federal Highway Transportation
18 Administration, 87 pages. It's a literature search of 163 traffic safety studies from
19 around the world looking for, studying driver distraction. There are reports in here from
20 Sweden, France, Canada, South Africa, the Netherlands, United Kingdom, Australia, in
21 10 states' Departments of Transportation.

22 VICE-CHAIRMAN PALMER: Now some of those drive on the wrong side of the
23 road?

1 MR. KOCY: Yes. [Laughter] Yes, indeed. But they looked at one thing, driver
2 distraction and they broke it down into two categories. Driver distraction inside the car,
3 screaming children, cell phones, diddling with the radio, GIS systems, and driver
4 distraction outside the car. And the disturbing thing in this report is that when your
5 driver distraction is inside the car you're aware that you're not looking out the window
6 and paying attention, you know, the subconscious knows that you should quickly find
7 your radio station because you're driving you car. But when you're looking through the
8 windshield, looking a billboards, looking at lovely landscapes, you're not aware that
9 you're not paying attention to the road. You're thinking you're looking out the windshield
10 and that's what the driver distraction study is focusing on; signs and billboards causing
11 driver distractions outside the car that lead to safety concerns. The discussion about
12 red lights was also that red lights mimic brake lights which causes safety concerns. The
13 second half of this study is due by the end of the year which is a more detailed report
14 and is going to list some guidelines for digital signs. Digital small signs and digital
15 billboards. So we said on an interim basis a prudent course of action would be to not
16 change the sign regulations, to continue to ban LED digital technology until the end of
17 the year when the companion document, part two is complete. Instead we decided to
18 go with an interim measure allowing signs to change six times a day and then we could
19 re-examine this issue when the second phase of this study is issued.

20 MR. GILCHIRST: So these folks that just spoke, none of these folks have LED
21 signs?

22 MS. CAIRNS: They all do.

23 MS. ALMEIDA: They all.

1 MR. KOCY: They all do.

2 MR. GILCHRIST: Okay. So help me understand what would we be not allowing
3 since they already have them.

4 MR. KOCY: We would not allow the technology to have the sign face change. It
5 would need to be a static sign face.

6 MS. CAIRNS: Well six times a day.

7 MR. KOCY: Six – right. With the current suggested language you would be
8 changing six times as day as opposed to currently the Code does not allow a sign face
9 to change.

10 MR. MANNING: Mr. Kocy, going back to what's driving this, I know when we had
11 the billboard issue before us I guess this was the same study that we were relying on
12 and deferring to hear the outcome of –

13 MR. KOCY: Correct.

14 MR. MANNING: - to begin the process of -

15 MR. KOCY: Correct.

16 MR. MANNING: - is this in some way related to the bigger problem in the
17 billboard industry or is this -

18 MR. KOCY: The concern with digital signs including digital billboards is yes,
19 driver distraction and it's the cycle at which the signs change.

20 MR. MANNING: But a billboard is a much larger sign, a much more controversial
21 issue in Richland County given the moratorium than on-premise business signs. Now
22 some people don't like any signage and I understand that but to delay once again based
23 on a study that hundreds of thousands of dollars have already been put into this,

1 millions probably trying to determine whether there is a safety problem, it's inconclusive
2 and it's being done all over the world. I just, I think we're going to find that that's what
3 it's going to be at the end of the day once again. And if digital billboards or digital
4 signage, not billboards, was causing a tremendous health problem I think we would
5 have already witnessed it. I just feel like we're waiting on another shoe drop that's
6 really not going to tell us much.

7 MS. CAIRNS: I mean, these are kind of, I mean, there's – I mean, the link
8 between health safety and welfare, and aesthetics does exist but, I mean, what we've
9 got here is the possibility that every single sign out there will in time be electronic and I
10 think that if we, if you drive down any street that's retail and has a lot of businesses and
11 you start thinking of every single one of those sign faces changing every six seconds I
12 think that it's pretty easy to say the quality of our neighborhoods are gone and that the
13 health and safety of our residents is gone because we're going to have such incredible
14 just ugliness everywhere. I mean, these are new things. I mean, you know, right now
15 for whatever reason the churches and the schools have certainly gotten a lot of them
16 but, you know, we can't limit it to churches and schools, you know, so basically that's – I
17 think that's part of the limiting the amount of the sign that can be digital and the number
18 of times a day because if you have to head out of here today and start driving down any
19 given road and start picturing every single sign having a changing sign face.

20 MR. MANNING: I think there's a multitude of different signs out there that are
21 some attractive, some not attractive.

22 MS. CAIRNS: Oh, sure. But, I mean, this – we don't have that many that have
23 digital faces right now.

1 MR. MANNING: Well the cost of these is going to deter a lot of people –

2 MS. CAIRNS: Yeah, but again I think we –

3 MR. MANNING: - to be able to have them. Technology may bring that cost
4 down –

5 MS. CAIRNS: It will.

6 MR. MANNING: - in the future.

7 MS. CAIRNS: But again we're an ordinance-based Body. We're not an
8 economic factor so I don't think we make our laws based on well the economy's not
9 going allow them all to go to signs so let's not worry that. I mean –

10 MR. MANNING: Well, you know, I –

11 MS. CAIRNS: You know, and I think that --

12 VICE-CHAIRMAN PALMER: I'd say doomsday philosophy that everyone's going
13 to go to the worse case scenario, I mean, I think –

14 MS. CAIRNS: That's pretty much what we – yeah.

15 VICE-CHAIRMAN PALMER: That's just like me saying well everybody could
16 come to the realization that they don't like them and they could take them down. That
17 could happen.

18 MS. CAIRNS: No, no, they won't, you know.

19 VICE-CHAIRMAN PALMER: I can't speak to what people may or may not do.
20 All I can speak for is what, you know, the philosophy of the county should be as far as I
21 see it and, you know, [inaudible].

22 MS. CAIRNS: Well I think everything to realize is, you know, any time we have a
23 – like Decker Boulevard, you read the redevelopment of Decker Boulevard, what's like

1 the first thing about what we need to do is address the problem with the signs. You
2 know, when we let signs take over the quality of the community drops, you know. And
3 so sign ordinances are good things and they do protect the health safety and welfare of
4 the community because they protect the aesthetic base of the community and, you
5 know, I think the illumination issue – I don't know 500 NITS. I wouldn't know 500 NITS
6 if they hit me up side the head but I do know that using DOT standards where they're
7 looking at Interstates may not be the right standard for signs that are in very close
8 proximity to residential neighborhoods. So I think that we do need to use different sets
9 of standards than what DOT uses. You know, we heard that if you leave a sign on 24
10 hours it'll kill the LED but I think there's something between six seconds and 24 hours
11 that probably protects the technology of the sign face. You know, I don't know the issue
12 about the red. I think that's kind of interesting. And the height I'm sure is just to get it
13 out of driver distraction area. But, I mean, I think we need something. I think this is a
14 good first start.

15 VICE-CHAIRMAN PALMER: Mr. Gilchrist?

16 MR. GILCHRIST: Let me ask this one more time to make sure I'm clear on this.
17 Currently if I want to go out and put up a sign, LED sign or whatever, what prevents me
18 from being able to do that right now?

19 MR. KOCY: Nothing.

20 MR. GILCHRIST: Okay.

21 MR. KOCY: It's like a computer monitor. It's the same technology. You can
22 have a computer monitor just like that the text doesn't change.

23 MR. GILCHRIST: Okay.

1 MR. KOCY: And that's legal. It's when the text starts scrolling up and down or
2 scrolling across that's what we do not permit.

3 MS. CAIRNS: Or changes every –

4 MR. KOCY: Or changes. Whether the sign face changes, you know, six
5 seconds then the entire screen changes or the – like the Wall Street, you know, ticker
6 tape scrolling across or scrolling down that's what's illegal; not the technology, how the
7 technology is used is illegal.

8 MR. GILCHRIST: And so we don't have any measure to enforce what's currently
9 going on illegally?

10 MR. KOCY: We issue letters. Many sign owners have voluntarily stopped the
11 signs from scrolling and changing while this matter is addressed; many haven't. For
12 violators we can write letters and issue summons but getting a judge to enforce our
13 Code is frequently difficult.

14 MS. CAIRNS: I can offer one of the – I think it's interesting that Geo's not here
15 and apologize for hearsay but Geo and I have actually had many discussions about all
16 these signs and I'm a little bit of a sign czar that I actually call in on many illegal signs as
17 I'm driving around and I'm not picky as to who I call. It's not always the county. But,
18 and he offered to me at one point that when it became apparent that there were all
19 these illegal signs there was almost like a Staff level decision, and correct me if I'm
20 wrong, to sort of not start issuing summons and violations because the problem was
21 huge and let's see if we can change our Code to let these signs come in to some kind of
22 compliance because they didn't want to start penalizing churches and schools –

23 MR. KOCY: Right.

1 MS. CAIRNS: - for things that it was understandable that they didn't realize what
2 they were doing was illegal.

3 MR. GILCHRIST: Correct.

4 MS. CAIRNS: So this is – well it's been a couple of years. I mean, Geo and I
5 have had these discussions for a couple of years. So this, basically what we have in
6 front of us now is an attempt to allow the existing signs to exist legally but not with a six
7 second change?

8 MR. KOCY: Correct.

9 MS. CAIRNS: So that's, I mean, that's why there haven't been fines levied or
10 even attempted because, you know, Staff was trying not to ding, you know, innocent
11 people who didn't realize what they were doing was illegal.

12 MR. GILCHRIST: I understand that, Heather. That's kind of where I was
13 headed, you know. Because we don't, haven't done that and now you have folks that –
14 let's see, what was that language we used? Technology for the future. This is the wave
15 of the future I think and I would not want us to do anything that would prohibit that from
16 happening. At the same time I would not want to do anything that's going to keep
17 people who are providing this service to whoever they think they need to market to
18 would to be able to do that so that's my [inaudible].

19 MR. MANNING: Mr. Kocy, one other question on the City of Columbia. And we
20 certainly don't have to adopt what they do or Lexington, but what is their justification for
21 the six second intervals versus, you know, six a day? I mean, there's a big difference in

22 -

1 MR. KOCY: I don't know the rationale that the City of Columbia used for their
2 sign code.

3 MR. MANNING: Well there's no, there's no justification and no printed material
4 that would say otherwise so, I mean, are they – I mean, we don't see a safety hazard
5 out there; do we? Have we proven that to be the case?

6 MR. KOCY: We have not done a traffic collision analysis. I also wonder if you
7 ever rear-ended someone would honestly tell a police officer, oh, officer, I was looking
8 at that sign it wasn't – no, it's my brakes didn't work or the pavement was slippery or no
9 one's going to – I believe that there's an honesty factor lacking when you get into a car
10 wreck.

11 MS. CAIRNS: That was something that was going on with the studies, yeah.

12 MS. ALMEIDA: I will also add that the city does allow digital boards and that is
13 the significant difference between the city and the county.

14 MR. DUNCAN: Can I offer an answer to the question to that last one?

15 VICE-CHAIRMAN PALMER: No, sir. We've closed it unless someone
16 addresses a question to you. We've closed the public hearing. Any other discussion?

17 MS. CAIRNS: I think that – I mean, the one thing that I've heard consistently, the
18 issue about the red. I mean, it seems like the issue is just to make sure that it says that
19 the signs shall not display red in such a way to confuse a driver. I mean, because
20 certainly yeah the Arby's hat in the – I mean, there's plenty of signs with red in them but
21 it's not a red LED that there's nothing wrong with. I think that part of the language
22 needs to just be altered that the sign shall not display red in a manner that would

1 confuse a driver or however it needs to be phrased, you know, to look like a red light or

2 –

3 VICE-CHAIRMAN PALMER: How do you gauge that?

4 MS. CAIRNS: It has – I mean, we either ban it or we get it in there but we can't
5 just, I mean, because if you're going to have a sign flashing back and forth and it's white
6 and the next one's red and then it's white, that might be a problem.

7 VICE-CHAIRMAN PALMER: Well, at some point you say, you know, these guys
8 have driver's licenses and they've got to say that's not a brake light in front of me, that's
9 a sign display. [Laughter]

10 MS. CAIRNS: Well, but you see the Arby's hat stays there 24 hours and seven
11 days a week and never changes. But what we have here is something that's going to
12 change and red's going to come in and out. You know, or maybe it needs to but, I
13 mean, you know, red is, you know, I mean, I see red all over the place and I, I know
14 when the Koger Center sign went up it was allowing spinning flashing red. That lasted
15 for about a day. It was the most distracting thing, unbelievable. But I think we need to
16 figure out something that's maybe not an absolute ban on red but yet something that
17 addresses that red needs to be used in such a manner that it doesn't cause, it doesn't
18 emulate traffic lights or brake lights.

19 MR. MURRAY: That's true.

20 MR. MANNING: I guess it's – excuse me, go ahead.

21 MS. MATTOS-WARD: Let me ask you something. Do they not say that these
22 signs that are up now cannot be changed because of the expense?

23 VICE-CHAIRMAN PALMER: It would be like buying a new sign.

1 MS. MATTOS-WARD: That's what I thought.

2 MS. CAIRNS: Yeah.

3 VICE-CHAIRMAN PALMER: And what we've got here, I guess Mr. Kocy, is
4 something that was permitted that wasn't addressed our Code. Because when a permit
5 comes in and it's got \$40,000 on it for a sign you know it's not a steel pole with, you
6 know, some fluorescent light bulbs in it.

7 MR. KOCY: Our sign code does not require you to show us – tell us how much
8 your sign is going to cost. Many of our applications do not have a price; that's not a
9 requirement. Sometimes it's put in but if I'm going to put a sign on my small business I
10 don't have to prove how much I'm paying for the sign. I do have to have a site plan.

11 VICE-CHAIRMAN PALMER: It's on the application.

12 MS. CAIRNS: It is actually on the application the cost of the sign. It's part of the
13 cost of the permit probably.

14 [Inaudible discussion]

15 MR. KOCY: They have to put something on the application but they don't have
16 to show proof of what they actually paid for the sign.

17 MR. MANNING: I guess we've really got two problems. One are the people
18 who, the 58 people or however many out there that are operating in opposition to the
19 Code or illegal. And how you go forward with new applications. And there to me clearly
20 needs to be a distinction. I think we've heard that a lot of these signs would, you know,
21 you'd have to take them down. I mean, you couldn't change the color red, the surface
22 area wouldn't make the compliance, you know, if you did a small calculation on 60 signs
23 that's two point something million dollars if you do the math on what they say they are

1 generating is a lot of dollars in the economy as well. Any so I think we've got to look at
2 it in a two-part approach not just what happens to existing signs but what happens
3 going forward and I'd like to separate the two issues.

4 VICE-CHAIRMAN PALMER: I would agree with that.

5 MS. CAIRNS: I mean, I think the real issue is just how, I mean, we've got an
6 issue of color, we've got to figure out what to do about that, but the real issue is just the
7 face changing. How quickly the face can change. Because right now under our current
8 Code it's once a day. You know, and so the question is how often are we going to let
9 the faces change?

10 VICE-CHAIRMAN PALMER: And you've also got the lumens, I mean, the NITS.

11 MS. CAIRNS: Well the brightness, I mean, we can work out whatever the
12 brightnesses need to be.

13 VICE-CHAIRMAN PALMER: You've got the amount of sign face?

14 MS. CAIRNS: That's the only thing that potentially I think the existing ones.

15 VICE-CHAIRMAN PALMER: Height?

16 MS. CAIRNS: What's the height requirement now? They could be on the ground
17 right now, right? They could be part of a ground [inaudible] sign?

18 AUDIENCE MEMBER: Ours is on the ground.

19 MS. CAIRNS: I thought yours was up high, it was stone?

20 VICE-CHAIRMAN PALMER: No, different church.

21 MS. CAIRNS: There was a picture –

22 AUDIENCE MEMBER: [Inaudible] waist high [inaudible].

23 MS. CAIRNS: Oh, you were the stone guy. Sorry. Yes, ma'am.

1 **TESTIMONY OF CAROL WILLIAMS:**

2 MS. WILLIAMS: I'm Carol Williams from Zoning. We have monument size and
3 we have free-standing which are the pylon signs. And the size is based on the road
4 frontage they have for that particular property. They have to show a plat of their
5 property, how much road frontage you have and it's based on your zoning also. In like
6 Ol zoning you're not allowed as tall of a sign, and it's not allowed to be no more than
7 maybe like 100 square feet. But if you're like in a GC you make that 250 if you had
8 enough road frontage to calculate, to cover that.

9 MS. CAIRNS: But in terms of the 10' off the ground, are there some zoning
10 districts that don't allow a sign to be that tall or they can all be at least that -

11 MS. WILLIAMS: Well it depends on that setback. If you're using a freestanding
12 pylon sign and it has like an eight feet clearance it's only allowed to be five feet behind
13 the property line. If it's not going to have your eight to 10' clearance you have to be at
14 the visibility which would be like 15' at of the visibility triangle, not 15' back. So it all
15 depends on your setback on where that sign can be placed on the property based on
16 the size and height. Monument signs have to be at the visibility because you can – they
17 can impede vision.

18 MS. CAIRNS: Okay. So, okay, so maybe in terms of the existing signs that are
19 below 10', I mean, we might have a few things about, you know, I'm not totally
20 Draconian. I mean, to me the issue of the height is something that we can address with
21 the existing signs. The red we can address with the existing signs, the brightness we
22 can find numbers that work but take into account that it's residential so I don't think the
23 DOT regs are going to be appropriate. The sign face percentage again I think we can

1 address that for the existing signs and go forward but I think the biggest issue is just
2 how often are we going to let them change.

3 MR. MANNING: And what will we base that on?

4 MS. CAIRNS: I think it has to be not six seconds or eight seconds or 10
5 seconds.

6 MR. MANNING: But, I mean, how will we make that determination? What is the
7 basis for the interval? Is it safety, is it advertising dollars? What are we basing it on?

8 MS. CAIRNS: I mean, for me it's basing it on thinking about when I'm driving
9 down the road how many changing sign faces do I want to be affronted with. Cause
10 realizing that when their six seconds they're not going to all be on the same, we're not
11 going to use the atomic clock to change them, you know, so they're going to end up
12 changing constantly.

13 MR. MANNING: So that's just a personal opinion and I appreciate that but it's
14 not based on a safety factor; it's based on your personal opinion of the appearance.

15 MS. CAIRNS: Safety based on the fact that if we have all these signs the
16 neighborhoods are going to drop in quality and we're going to have safety problems.

17 MR. KOCY: From my viewpoint it's driver distraction and how often a sign
18 changes creates a mechanism for driver distraction.

19 MS. CAIRNS: I mean, I think as a driver you basically shouldn't see them
20 changing.

21 MR. KOCY: If a sign changes every three seconds, that's 20 times a minute.
22 That's a lot of distraction as you're driving down the road.

1 VICE-CHAIRMAN PALMER: How many times does that driver – I'm sorry, Mr.
2 Gilchrist, go ahead.

3 MR. GILCHRIST: Could you, under the recommendations of A and C, could you
4 explain each one of those to me, please? The difference between the two?

5 MR. KOCY: Static means that when the message change it has to – message A
6 flashes off, message B flashes on. Where scrolling or movement means that the text
7 would slowly disappear, you know, scroll across.

8 MR. GILCHRIST: Compared to C?

9 MR. KOCY: And that limits how many times your message can change from A to
10 B, six times an hour – excuse me, six times in 24 hours.

11 MR. GILCHRIST: The reason I'm asking, I mean, I think we need to, I think we
12 need to look at one of these two options as opposed to both. Clearly we're hearing that
13 folk are currently using these signs and many of them are scrolling. I think I saw one
14 from Living Springs I'm very familiar with and Living Springs certainly move. And so I
15 just want to make sure that we're not, if we're talking about technology for the future,
16 making sure that we're allowing that and not putting ourselves in the position or
17 prohibiting ourselves from being able to do that in the future. And it seems to me that
18 both A and C are both punitive measures that would keep us from being able to
19 exercise signage for the future, if that's the intent of the law.

20 MS. CAIRNS: Well I don't think having sign ordinances, I mean, I think that any
21 of us when we head on down to Hilton Head might be frustrated by how difficult things
22 can be to find however it's also a whole lot prettier place because you don't have

1 illuminated signs at all. I mean, you can use a spotlight to put up a sign but there's no
2 internally lit signs. I'm sure that they don't have scrolling LED signs in all those.

3 VICE-CHAIRMAN PALMER: That's a personal opinion.

4 MS. CAIRNS: No. I know but I just want to make it a point that, I mean, a
5 community deciding to limit the kind of signs does not make it punitive. It's a
6 determination of that community as to what type of community they want to be and I
7 guess, you know, that if we want to decide that as a community we want to let business
8 have whatever tools necessary to drive their industries so be it, but realize that we will
9 probably end up with an ugly community at the end of the day. Okay? I think some
10 balance is appropriate. I think allowing all onsite signs to change every six seconds is
11 not towards a community that is going to be a good community.

12 MR. GILCHRIST: Heather?

13 MS. CAIRNS: Yes.

14 MR. GILCHRIST: I'm not disagreeing with you on the balance issue. I just want
15 to make sure that we do not tie our hands to signs that will certainly be erected,
16 according to this gentleman back here in back, many more to come. And I just don't
17 want us to do that and particularly, I mean, we're talking about schools and we're talking
18 about all sorts of organizations. I mean, are we going to tell, are we going to tell Spring
19 Valley High School that they can't have a scrolling sign that displays what they're trying
20 to do?

21 MS. CAIRNS: Um-hum (affirmative).

22 MR. KOCY: We've already told them that, yes.

23 MS. CAIRNS: That's right.

1 MR. KOCY: My concern is not aesthetics so much as safety. When a sign
2 scrolls whether the text rolls across the sign or the sign face changes from message A
3 to message B it creates a distraction, it creates something for my attention when I
4 should be looking to the car bumper ahead of me and to keeping my car in the lane, and
5 where my vehicle is in the lane with – and regard to everybody around me. And when
6 you have scrolling, flashing, changing signs it creates opportunities for me to not pay
7 attention to drive and that's a safety concern.

8 VICE-CHAIRMAN PALMER: Mr. Kocy, my problem with that argument is that if
9 it's a safety issue it shouldn't change once a day because then you are – the same
10 amount of people that are seeing it change once can see it change 60 times and they're
11 still at risk if it's changing once or it's changing six times.

12 MR. KOCY: I agree with you wholeheartedly.

13 VICE-CHAIRMAN PALMER: So then if it's a safety issue then where did the six
14 come from?

15 MR. KOCY: Mr. Price won that argument with me so he suggested six based on
16 what he found in other communities.

17 VICE-CHAIRMAN PALMER: And where did that number come, what did they
18 base their number from?

19 MR. KOCY: I don't know.

20 VICE-CHAIRMAN PALMER: See that's the problem I have is if it's changing six
21 times then how many times can you see a sign change as you're driving by? If it
22 changes every 30 seconds you see one signal, you see one thing advertised for sale.

1 MR. KOCY: In some communities the sign changes were based on three
2 changes a day and that was for restaurants, specifically fast food industry to offer
3 breakfast, lunch, and dinner specials and that's why the sign code, the communities that
4 I found limited the sign face change to three times a day. Mr. Price found different
5 communities that allowed for six times a day.

6 VICE-CHAIRMAN PALMER: And then 1/3 of them, 1/3 of the communities just
7 allow them outright?

8 MR. KOCY: And the other 1/3 ban them outright; correct.

9 VICE-CHAIRMAN PALMER: So there's a lot of them that are just - which
10 communities would you see that allowed them outright?

11 MR. KOCY: I've got the list downstairs. It was across the country. Some
12 Virginia communities, Ohio communities, Minnesota communities, California
13 communities. It was across the nation.

14 MS. CAIRNS: Has very limited control; correct? I mean, they allow animation
15 and everything else, I think.

16 MR. KOCY: Correct. And you can get flags flowing in the LEDs and everything.

17 VICE-CHAIRMAN PALMER: And how long have they allowed that? How long
18 has Lexington allowed it?

19 MR. KOCY: I don't know.

20 VICE-CHAIRMAN PALMER: Has there been no study done to show that there's
21 been more wrecks at this intersection because there's a flashing light over the past six
22 months as opposed to the six months prior to that?

1 MR. KOCY: I'm not aware of any local traffic studies that have tried to correlate
2 traffic collisions and whether the intersection had or had not a sign.

3 VICE-CHAIRMAN PALMER: That's a very simple safety solution. Has, since the
4 signs gone up has the accidents in this intersection increased?

5 MR. KOCY: Don't have that information. My office does not keep traffic incident,
6 you know, traffic reports.

7 MS. MATTOS-WARD: Mr. Chairman?

8 VICE-CHAIRMAN PALMER: Yes, ma'am.

9 MS. MATTOS-WARD: I need to ask Mr. Kocy, why is this the Planning
10 Commission's problem or we need to make the changes when actually I keep hearing
11 safety issue. Why doesn't that go to the Highway Department?

12 MR. KOCY: The county is responsible for sign regulations and our Code says
13 that any changes to Chapter 26 of the Land Use Code must go before this Board before
14 it goes to County Council. So the ultimate arbitrator of this will be the County Council
15 but by law it starts with you guys first.

16 VICE-CHAIRMAN PALMER: What is the penalty currently, I know you've written
17 letters - what's the current penalty in our Code for someone operating an illegal sign?

18 MR. KOCY: The violation would be per day at \$1,092.50.

19 VICE-CHAIRMAN PALMER: Per day?

20 MR. KOCY: Per day.

21 VICE-CHAIRMAN PALMER: If I could just understand the [inaudible] just for me
22 the genesis of this was we had people applying for signs that were permitted and the

1 reason they were permitted was because they weren't, what they were asking to do was
2 not addressed in our Code and wasn't no, it wasn't yes, it just wasn't addressed.

3 MR. KOCY: The genesis of this came from a request from the County Council to
4 look at our Code and the issue was that many of our permit applications downstairs
5 have a blank, have a drawing that shows sign dimensions it is a blank face and it
6 doesn't indicate whether it's going to be, you know, carved granite that says, you know,
7 Joe's House of Hamburgers or whether it's going to be an interior lit sign or the old-
8 fashioned with rails that you slide the letters in or a digital sign. There was no indication
9 at all. It was a simple illustration that showed the sign would be X number of feet from
10 the highway, would be Y number of feet tall, and would be so many feet wide by so
11 many feet tall with no indication of what the sign face was going to be or not going to be.
12 And then when these signs were erected lo and behold some of them had LED
13 technology with the sign face changing every six seconds.

14 VICE-CHAIRMAN PALMER: You never saw on these applications what the sign
15 was going to say?

16 MR. KOCY: That is correct. The sign –

17 VICE-CHAIRMAN PALMER: [Inaudible] onsite sign.

18 MR. KOCY: Because they were applying for an onsite sign permit so we pretty
19 much figured that you wouldn't come pay for a permit if you didn't need it.

20 VICE-CHAIRMAN PALMER: How do you know they weren't advertising
21 someone else's business?

1 MR. KOCY: It was - you'd have to show a plat, a site plan of where your
2 business was and your parking lot was so we knew it was for the business. The sign
3 applicant was erecting a sign on their parcel.

4 VICE-CHAIRMAN PALMER: You didn't know it was to advertise their sign?

5 MS. CAIRNS: Their business.

6 VICE-CHAIRMAN PALMER: Their business?

7 MR. KOCY: No, we did not. But since we prohibit off-premises signs the
8 applicant would know, would probably know that coming in.

9 VICE-CHAIRMAN PALMER: Just like we prohibited the changing signs but they
10 were permitted as well?

11 MR. KOCY: Correct. But we don't, they do not have to show us a video showing
12 what their sign would look like once it was erected including the technology that would
13 actually be in the sign face.

14 VICE-CHAIRMAN PALMER: Did Mr. Price take these applications I guess? Did
15 you see the application, Ms. Williams, you took them?

16 MS. WILLIAMS: Yes.

17 VICE-CHAIRMAN PALMER: Well Mr. Duncan says that, something completely
18 different than what Mr. Kocy's saying. Mr. Duncan's saying that he brought in
19 applications that shows the full what they look like, the lights, what color they're going to
20 be, all that kind of stuff.

21 MS. WILLIAMS: Some of them.

22 VICE-CHAIRMAN PALMER: That's just two different stories that we're getting.

1 MS. WILLIAMS: Some of them, not all of them. Some of them just show
2 dimensions. Some of them just show he got a six foot mass standing on the side six
3 foot tall and then there's the dimensions, but sometimes if there's a question about the
4 site they would have to submit more information in to make sure the same location or
5 either I'll send one of the code enforcement guys out there.

6 VICE-CHAIRMAN PALMER: And then if you have questions about it but the
7 signs were permitted knowing that they were the LED signs?

8 MS. WILLIAMS: Some of them didn't state LED on there. Some of them had a
9 little box like you could slide the letters in so it was like misleading and they didn't say
10 anything different so they was permitted. But the Code didn't say anything that did not
11 allow them either.

12 VICE-CHAIRMAN PALMER: Right. Mr. Manning?

13 MR. MANNING: Well I was going to ask the same question. I mean, obviously
14 we've got some signs that were permitted with certain information. They didn't publicize
15 [inaudible] without the information to reveal what the ultimate problem is but we've still
16 got to go back to the issue of all right we're going to enforce making these people take
17 these signs down and do something different, change the Code to allow them to rotate
18 six times a day, or are we going to change something going forward that allows digital
19 signs in a limited capacity, or do we wait and see what the study comes out and make a
20 decision then. And we've already done that once. We've deferred making any decision
21 on it until then. I don't know what the right thing to do going forward is but if you look
22 back at the 60 signs to me I just have a real problem with saying okay I just spent
23 \$40,000 on a sign, it went through a process, it got permitted, and obviously to go to six

1 seconds to six times a day makes that sign totally ineffective from an economic
2 standpoint. You can never pay for it.

3 VICE-CHAIRMAN PALMER: I'll go back to what I said earlier. I think it's a very
4 simple process. I think six months from now, a lot of these signs are at intersections
5 and I think anyone of these people can pull the accident record for the past year in front
6 of their sign, in front of their church or whatever it is, see how many accidents occurred
7 there without the sign, see how many occurred there with the sign. And that's very
8 simple to see what the safety issue is.

9 MS. CAIRNS: Well they just issued a report today that said we had fewer
10 highway traffic accidents last year than we had since 1961 across the country and it
11 was because of the slowdown of the economy. So I don't think that it's that easy.

12 MR. GILCHRIST: Right. I don't think –

13 MS. CAIRNS: There's all kinds of factors that go into the number of accidents,
14 you know. So, I mean, last year everyone's going to show lesser accidents just
15 because there were fewer traffic miles driven because gas miles, gas was four bucks a
16 gallon.

17 MR. KOCY: Right.

18 MS. CAIRNS: You know.

19 VICE-CHAIRMAN PALMER: So how do, what do you base it on? Just on
20 feeling well maybe six, seven. I mean, you wanted nine, Geo wanted six.

21 MR. KOCY: No. I wanted three, Geo wanted six.

22 MS. CAIRNS: So I could handle once, I mean, one every hour, 24 times.

1 VICE-CHAIRMAN PALMER: I think, I agree with Mr. Manning. It's clearly two
2 different issues to me. One is what's occurred in the past and one's – made it two
3 separate issues.

4 MR. MURRAY: It just depends on how analytical you are.

5 VICE-CHAIRMAN PALMER: Do we have any more comments? Any motions on
6 the floor?

7 MR. GILCHRIST: One other question, Mr. Chairman. The study is prepared to
8 come out, the second part of the study is coming out when?

9 MR. KOCY: By the end of the calendar year.

10 MR. GILCHRIST: End of the calendar year.

11 MS. CAIRNS: I don't –

12 [Inaudible discussion]

13 MS. CAIRNS: I'm confused by the discussion. It's not really discussion. I
14 apologize but I'm not really sure about private discussions in a public meeting. I mean,
15 I'm not – I'm sorry but, I mean.

16 VICE-CHAIRMAN PALMER: Discussing issues about the –

17 MS. CAIRNS: But can you share those discussions with the –

18 VICE-CHAIRMAN PALMER: Sure.

19 MS. CAIRNS: - Commission?

20 VICE-CHAIRMAN PALMER: Absolutely.

21 MS. CAIRNS: And the public?

22 VICE-CHAIRMAN PALMER: Sure. You know, and it goes to the same thing I've
23 saying the whole time. It's just two separate issues that what occurs in the future needs

1 to be something different than what's occurred in the past as far as the permitting of the
2 signs that have already occurred and the investments that have already been made.
3 There's got to be some sort of protection of the public that's out there. Something that,
4 you know, these people have been given the ability to put these signs up at a great cost
5 to these businesses and to come in years later and say, you know, we let you use them
6 but we shouldn't have let you do it so now you've got to take it down and we're not
7 going to compensate you for it. That's the problem that I have with it. I mean, I would
8 feel the same as these folks would if I had done something like that. It would
9 completely crush the faith that I have in the county for the permitting process.

10 MS. CAIRNS: I mean do we want to ask Staff to come up with something that
11 addresses existing signs with some type of a – not a grandfathering because that's not
12 really the proper term, you know, but something that addresses the existing as well as
13 something that goes forward. I mean, I don't,- I mean, I don't think what's in here is
14 something anybody, I mean, I'm not pleased with what's in here myself. I mean, I
15 wouldn't want to vote for this sign ordinance as it is drafted in here and I think it wouldn't
16 pass if there was a motion. But I don't think we've got, I don't think we can make the
17 number of changes sort of on the fly. I mean, I think we could vote it down but that
18 leaves us kind of still in a bad position because we need to figure out how to move
19 forward with our sign ordinance because we do have a sign ordinance right now that
20 doesn't allow any changing. You know, so, I mean, we've got a problem with our sign
21 ordinance. I don't think this adequately addresses the issue and I think you are right. I
22 think we have a serious issue about the signs that are out there right now that cannot be
23 adjusted, you know, the face changing can be adjusted. There is an economic balance

1 in there. You know, I hear that the red issue can't be addressed, can't be changed.
2 The height obviously could be a pretty significant problem for the existing. So I think we
3 need something that needs to try to split the baby.

4 VICE-CHAIRMAN PALMER: I mean, I don't know what – I've got, you know, a
5 person from the industry telling me that the 500 is useless, NITS, you know. I don't
6 know what those numbers mean and I guess you stated you don't know what they
7 mean either I guess. Ms. Cairns?

8 MS. CAIRNS: No, I mean, I don't. But, I mean, all I can go on is the fact that
9 Staff has offered that those numbers came from existing ordinances. So the only, I
10 mean, my only recommendation would be to talk to those communities and find out
11 whether those numbers actually do work. But I do think using DOT 35% is using
12 highway standards which I don't think are appropriate for county level roads. Some of
13 them it might be but certainly not on a county-wide basis. I mean, you know, if we want
14 to come up with different illumination levels for different grade roads, it's complicated
15 but it can be done.

16 VICE-CHAIRMAN PALMER: Well I think most, I don't people would put, just as a
17 practical matter, why would you put an LED sign on a interior road for a neighborhood
18 or something. I mean, they don't go there.

19 MS. CAIRNS: The interface of commercial and residential can be extremely
20 close sometimes. Yeah, you're right. I mean, there's not going to be one like on the
21 street I live on, but right at the end of the street where there's, you know, you have
22 houses and businesses and you have LED signs. But, I mean, you don't get the

1 separation like you do in, you know, highways in the county. I mean, there's places
2 where the distance from a sign to a neighborhood can be very small.

3 MR. KOCY: Code allows residential, the GC allows residential and commercial
4 to be side by side. There's no separation.

5 VICE-CHAIRMAN PALMER: Right.

6 MS. CAIRNS: Yeah.

7 VICE-CHAIRMAN PALMER: But also there's highway signs are in people's
8 backyards also that they rent to the billboard companies.

9 MS. CAIRNS: It's still a different scale and that person who decides that they're
10 going to rent, to put up a beacon in their backyard, you know. But that's, you know, I
11 mean, I think we need to find numbers but I think using DOT regs is maybe not the right
12 number.

13 VICE-CHAIRMAN PALMER: Mr. Murray?

14 MR. MURRAY: Well we seem to have a compound complex situation here and
15 one of the best ways I think for us to resolve it is to set a meeting time whether it's next
16 week or whenever as soon as we can and let's resolve it because we have a lot of
17 things to deal with. Economics, you're dealing with the churches, and you're dealing
18 with the sign companies and surely all of these entities are very important. If I had to
19 vote on something I would be looking at the churches myself. If we can get more folks
20 in the church you can sometimes teach others how to get along with each other. So I
21 think we better cool it today and I would move that we meet ASAP.

22 VICE-CHAIRMAN PALMER: Do you want to do it with a work session and
23 [inaudible]?

1 MR. KOCY: Mr. Murray and Mr. Chairman, if I might offer. I think Mr. Murray
2 has a very good suggestion. How about we defer this until next month when Mr. Price
3 is back from vacation. That coward, he should be here today. It would give us a little
4 more time to do a little more research and we can advertise it as a public workshop as
5 part of your regular Agenda and it will allow people pro and anti-signs to come in and
6 weigh in. We can invite DOT to give us some advice on their sign regulations and how
7 they came up with their [inaudible] NITS for sign brightness and how often they allow
8 flashing messages, etc. And they would certainly be aware of driver distraction and
9 driver safety better than I would be.

10 MR. GILCHRIST: Mr. Chairman, may I ask [inaudible]?

11 MR. MURRAY: I accept your amendment.

12 VICE-CHAIRMAN PALMER: Mr. Gilchrist?

13 MR. GILCHRIST: Mr. Kocy, the letter that was actually sent out to the
14 businesses indicating this change.

15 MR. KOCY: Yes, sir.

16 MR. GILCHRIST: Was that sent to the Commission? Was that letter sent to
17 [inaudible]?

18 MR. KOCY: I do not believe so. The letter was sent four or five months ago
19 alerting sign owners that they were using technology in violation of county regulation
20 and advising them to keep their sign static.

21 MR. GILCHRIST: Yeah.

22 MR. MURRAY: I call for the question.

23 VICE-CHAIRMAN PALMER: Mr. Manning?

1 MR. MANNING: Mr. Kocy, I still go back to we've got two sets of issues here I
2 think. Whether you recognize the already permitted signs in some grandfathering
3 capacity and new signs going forward. I think we still need to look at it in that text. And
4 one of the things that would help me in that regard is some real clarification and clarity
5 in the permitting process. What the industry is doing. I mean, I'm hearing a lot of
6 different things. Obviously we've got landowners or business owners in here who
7 thought they were doing the thing properly and it's not working.

8 MR. KOCY: Mr. Manning, we can bring in actual copies of our signs. We can
9 display them, we'll redact them so we don't embarrass anybody but you can see the
10 level of detail and the lack of detail we get.

11 MR. MANNING: Because I think that obviously there's confusion that needs to
12 be addressed in the permitting process. I don't know what means but, what happens in
13 that but we definitely need to deal with that going forward.

14 MR. KOCY: Right.

15 MS. CAIRNS: But also realize that, I mean, the Code is very clear about the
16 issue of scrolling. Anybody with a scrolling sign there's no, I mean, how often a face
17 can change is something that you could potentially say I didn't know but there's no way
18 somebody could say that I didn't know you couldn't have scrolling. I mean, that's been
19 in there.

20 VICE-CHAIRMAN PALMER: I think everybody will be fine. I think everybody I
21 heard in the audience was fine with the no scrolling. It's the changing of the sign face
22 and the coloration. I don't think anybody had a problem saying no, we -

23 MS. CAIRNS: Yeah.

1 VICE-CHAIRMAN PALMER: - everybody said we stopped scrolling as soon as
2 we got the letter.

3 MS. CAIRNS: Right. But, I mean.

4 VICE-CHAIRMAN PALMER: That sounds good. Is that a formal motion for a
5 work session? Or do you want to do what Mr. Kocy said and have it at our next meeting
6 in 30 days?

7 MR. MURRAY: I would prefer [inaudible] motion.

8 VICE-CHAIRMAN PALMER: We have a motion to defer this topic until our next
9 meeting.

10 MS. CAIRNS: Second.

11 VICE-CHAIRMAN PALMER: Second. Discussion? All those in favor please
12 signify by raising their hand. All those opposed?

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

15 VICE-CHAIRMAN PALMER: And Ms. Williams, [inaudible] Geo will be
16 appreciated to be able to answer our questions.

17 MS. WILLIAMS: Thank you.

18 MR. MURRAY: Thanks anyway. [Inaudible]?

19 MR. KOCY: Don't know yet. I think he's with the kids today some place in
20 downtown Columbia.

21 MS. CAIRNS: He didn't take the whole week? Just – you let him take just
22 today?

23 MR. MANNING: Anna, do you know what the date of the –

1 MS. CAIRNS: May 4. I make a motion to take a little break.

2 MR. MURRAY: Second.

3 *[Break]*

4 VICE-CHAIRMAN PALMER: Call the meeting back to order. Next on the
5 Agenda is the comprehensive plan. No. We're not quite that lucky yet *[inaudible]*.

6 MS. LINDER: Mr. Chairman, regarding this ordinance, County Council changed
7 the name of the Columbia Owens Downtown Airport December 30, 2008. They
8 changed that name to the Jim Hamilton L.B. Owens Airport. In our Chapter 26 Land
9 Development Code we make reference to the Columbia Owens Downtown Airport and
10 this ordinance would change the airport name to the new name.

11 VICE-CHAIRMAN PALMER: Got a motion?

12 MR. MANNING: Mr. Chairman, I make a motion that we adopt this amendment
13 or recommend approval -

14 MS. MATTOS-WARD: I second.

15 MR. MANNING: - of the name change.

16 VICE-CHAIRMAN PALMER: Got a motion and a second. All those in favor
17 please signify by raising your hand.

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

20 VICE-CHAIRMAN PALMER: None opposed. Comprehensive plan.

21 *[Inaudible discussion]*

22 MS. WILKIE: I think you guys have a copy already but we've had some
23 additional public meetings since you got your copy so that adds.

1 MS. CAIRNS: So if I start at the back?

2 MS. WILKIE: Yes.

3 MS. CAIRNS: When I get to the repeats I can stop?

4 MS. WILKIE: Yes. But some of them are from the same people.

5 MS. CAIRNS: That's okay then.

6 MS. WILKIE: So just briefly, just to highlight where we're at with the comp plan.

7 We've had, we had an initial round of public meetings; we had five meetings. They
8 started the last Wednesday in January, ended the last Wednesday in February. We've
9 been keeping up with comments at all of our public meetings, written comments which
10 is the document that you have there. Comments received to date. We're in our second
11 round of public meetings now. We've had four public meetings I believe. We have
12 three more left. Comments received to date are included in this response document
13 and have been included in the draft of the comprehensive plan that you all have. So I'll
14 be happy to go over any changes that have been made to the plan since you first saw it
15 in December as the whole entire document and I'll be happy to answer any questions
16 about any comments you have. Some of the changes were small like the economic
17 development element. We've been trying to keep up with the unemployment rate
18 because it's been changing so rapidly. So we've made changes, you know, small
19 things like that. We made a lot of changes to the natural resources element after we
20 met with the conservation folks, Jim Wilson and Hugh Caldwell. They asked us to
21 include some things like we added an inventory of our lakes and rivers.

22 MS. CAIRNS: How about the ivory billed woodpecker?

1 MS. WILKIE: Yes. We did check out the ivory billed woodpecker. Added
2 information about aquifers and watersheds and we listed all the watersheds in the
3 county. We added some information about – we have one Carolina Bay in the county in
4 the Southeast planning area over by Garners Ferry. We added that in there. We also
5 included a section about, we have 22 trails in the county so we added those in and just
6 listed them out and where they're located. There was also some differentiation. Based
7 on our meeting with the conservation folks we apparently had the wetlands and,
8 wetlands and floodplain acreage wrong so we corrected that. Nothing too, too major.
9 We added a goal. We made a couple of changes to some goals in the natural
10 resources element. I can get Tommy to put those on the screen if you'd like or I can
11 just tell you what they are; however you'd like.

12 VICE-CHAIRMAN PALMER: Just tell us.

13 MS. WILKIE: There was a public comment in the North Central planning area
14 about protecting farmland. So we already had a goal in the natural resource element
15 about protecting natural resources and we just said, "To protect natural resources
16 including prime farmland while shaping the future development of the county." We
17 thought that was important to preserve prime farmland. We added an implementation
18 strategy to goal four which is to protect trees in the county, to maintain and establish
19 scenic vistas along rural highways and create a tree ordinance in the Land
20 Development Code. We also added an implementation strategy to goal eight which is
21 about improving air quality; to monitor air quality to prevent nonattainment in other areas
22 through the county. Nothing very major.

23 VICE-CHAIRMAN PALMER: Any questions?

1 MR. GILCHRIST: Just a quick question. The roundtable that's mentioned here
2 on page 11, is that the roundtable that Mr. Manning was referring to earlier?

3 MS. WILKIE: He's I think referring to two different things. There's a
4 development roundtable currently that is going on about - Mr. Kocy can probably speak
5 better to it than I can, but it's suggesting changes to the Land Development Code and
6 that's what we're addressing here on page 11.

7 VICE-CHAIRMAN PALMER: There's a lot of roundtables [inaudible].

8 MS. WILKIE: What? Okay. But a lot of the goals and implementation strategies
9 in the comprehensive plan will be addressed at that roundtable because obviously this
10 is policy document and lots of new ordinances will need to be created to enforce a lot of
11 these goals - achieve goals would be a better term.

12 VICE-CHAIRMAN PALMER: And am I correct that if there's, how are we
13 handling those two other meetings, Mr. Kocy? The two more public sessions?

14 MS. WILKIE: There's three more, the 9th, the 14th, and the 15th. I'll let him
15 address.

16 MR. KOCY: The last three meetings we are not changing the plan from today
17 until next month. At our next meeting with the Planning Commission we will have yet
18 another document like this that just deals with the public comments on these last three
19 meetings and we'll have recommendations on, you know, Jane Doe said do this and
20 we'll either support or, you know, reject but we'll -

21 VICE-CHAIRMAN PALMER: The whole comp plan then will be reopened again
22 to comment or we'll have to vote on the whole comp plan?

1 MR. KOCY: Correct. It's going to be a public hearing at the County Council at
2 the zoning public hearing at the end of this month and then the final document comes
3 back to you the first meeting in May.

4 VICE-CHAIRMAN PALMER: If there's any changes to the document at that time
5 we'll need another public hearing?

6 MR. KOCY: We would schedule it for a public hearing at this next month's
7 meeting, at May's meeting. So you can make any change. You can open it up to public
8 comment from the citizens. You can offer public comment yourself.

9 VICE-CHAIRMAN PALMER: Council's going to be holding a second reading at
10 the end of this month?

11 MR. KOCY: Correct. Zoning public hearing. Second reading but their public
12 hearing is at the zoning public hearing.

13 VICE-CHAIRMAN PALMER: Okay. So and then it comes back to us after
14 second reading -

15 MR. KOCY: Correct.

16 VICE-CHAIRMAN PALMER: - [inaudible] does it?

17 MR. KOCY: It was an abbreviated timeline because we're under a mandate to
18 get this document done the first week of May.

19 VICE-CHAIRMAN PALMER: What if we make changes to the document?

20 MR. KOCY: Then the changes will be forwarded to Council for the third reading
21 where they can deliberate about them.

22 VICE-CHAIRMAN PALMER? Then they'll be presented two documents? One
23 that had not had public hearing; one that has?

1 MR. KOCY: They would be presented with the document that had public, that
2 had a public hearing with an amendment with your suggested changes for the
3 document.

4 VICE-CHAIRMAN PALMER: But those documents – but they had not been able
5 to hear public hearing on the recommendation of the Planning Commission?

6 MR. KOCY: I'm a little lost.

7 MS. LINDER: That would be correct. The public hearing is going to be April 28th
8 for public comment as well as we'll have the other community meetings held by that
9 time, and if County Council wants to make some recommended changes we'll
10 encompass all those changes that they're recommending, bring it back to you for your
11 approval and recommendation, and then it would go the next, I believe it's the next day
12 to the County Council for third reading but it would not have a public hearing.

13 VICE-CHAIRMAN PALMER: What if we make significant changes to the
14 document?

15 MS. LINDER: We would have to alert Council and let Council make that
16 decision.

17 MS. CAIRNS: Is there any, I mean, is, in terms of what's a significant change, is
18 there any guidelines or guidance on that or is just sort of what seems to be significant or
19 not? I'm just curious. I mean, does the process of reading limit how much the changes
20 [inaudible]? Not by ordinance? I hear, I see head bobbings. Okay. I was just curious.
21 You know, if we just suddenly said you know we wanted to eliminate some entire part of
22 something or we just suddenly decided we wanted to rezone some whole section they
23 could either accept it or not accept it?

1 MS. LINDER: Correct.

2 MS. CAIRNS: Okay.

3 VICE-CHAIRMAN PALMER: So what we vote on now will be the Planning
4 Commission's recommendations?

5 MR. KOCY: Correct.

6 VICE-CHAIRMAN PALMER: When everything goes to Council –

7 MR. KOCY: That's what the Council's going to consider, what you approve today
8 is what the Council's going to consider.

9 VICE-CHAIRMAN PALMER: At this month's meeting?

10 MR. KOCY: Correct.

11 VICE-CHAIRMAN PALMER: After this month's public hearing –

12 MR. KOCY: Correct.

13 VICE-CHAIRMAN PALMER: - then more comments will be added to the
14 document?

15 MR. KOCY: No, only from Council. Theoretically at this month's zoning public
16 hearing the County Council could be absolutely comfortable with every, with the
17 document as is and offer no changes; the plan would not come back to the Planning
18 Commission.

19 VICE-CHAIRMAN PALMER: Well that's not my question. My question -

20 MR. KOCY: Okay.

21 VICE-CHAIRMAN PALMER: - if you're planning to change the document.

22 MR. KOCY: We're not.

1 VICE-CHAIRMAN PALMER: So what is the purpose of having those three
2 meetings then?

3 MR. KOCY: Because we're not, we're giving the public, it's an outreach to the
4 public so they understand what the plan is being proposed on and we're giving them an
5 opportunity to weigh public comment, I mean, give us – we're not incorporating their
6 suggestions after today. We will bring those suggestions to the Council and to you at
7 next month's meeting and allow you to weigh in whether you want to change the
8 document or not based on public input.

9 MS. CAIRNS: Okay. So the Staff won't make any more changes?

10 MR. KOCY: The Staff won't make changes. We'll leave it up to -

11 MS. CAIRNS: [Inaudible]

12 MR. KOCY: - we'll – correct. The Council and the Planning Commission can
13 make changes but after today it's pencils down for Staff. We're not changing the
14 document.

15 VICE-CHAIRMAN PALMER: Do the people at these three meetings know that?

16 MR. KOCY: They will know that at the public meeting, yes. At every meeting we
17 have alerted the public when we pass out the comment forms to let them know that we
18 are incorporating their comments in a response document so if they, if they put a name
19 on the document on their comment they can look in the response document and see
20 exactly what their comment was and how we responded.

21 VICE-CHAIRMAN PALMER: Any other questions or comments? Motions?

22 MR. MANNING: Do we need to make a motion on this?

23 VICE-CHAIRMAN PALMER: [Inaudible]

1 MR. MANNING: I make a motion that we send this forward with a
2 recommendation of approval.

3 VICE-CHAIRMAN PALMER: Ms. Linder?

4 MS. LINDER: Yes. You're making a motion to authorize the Chairperson or in
5 this case the Vice-Chairperson to sign the resolution to send an ordinance to County
6 Council adopting the comprehensive plan.

7 MR. MANNING: And to authorize the Chairman of the Planning Commission to
8 sign a resolution as the final comprehensive plan.

9 VICE-CHAIRMAN PALMER: Got a second?

10 MR. GILCHRIST: Second.

11 VICE-CHAIRMAN PALMER: Any discussion?

12 MS. CAIRNS: Well I'm as – I mean, it's an issue I've had before but I really, I
13 again don't think that our comp plan addresses controlling unsustainable growth enough
14 so I'm just explaining why my vote probably won't be in support of the motion.

15 VICE-CHAIRMAN PALMER: Okay. Any other discussion? All those in favor
16 please signify by raising your hand. All those opposed?

17 *[Approved: Palmer, Manning, Mattos-Ward, Gilchrist; Opposed: Cairns; Abstained:*
18 *Murray, Absent: Ward, Anderson, Furgess]*

19 VICE-CHAIRMAN PALMER: All those opposed?

20 MS. WILKIE: Thank you.

21 MS. CAIRNS: I think it may be necessary to change some of the whereas'
22 clauses on page 32 because there was a whereas clause that said it was unanimous.

23 VICE-CHAIRMAN PALMER: *[Inaudible]* Council though.

1 MS. CAIRNS: I know but I'm alerting Staff to the need to change a whereas
2 clause.

3 VICE-CHAIRMAN PALMER: [Inaudible]

4 MS. LINDER: Ms. Cairns, which paragraph is that?

5 MS. CAIRNS: Second from the – I've got to flip back. What page that I say, 32?

6 MS. LINDER: Yes.

7 MS. CAIRNS: Last paragraph on page 32.

8 VICE-CHAIRMAN PALMER: [Inaudible].

9 MS. CAIRNS: I mean, it just says the Planning – “Whereas the Richland County
10 Planning Commission had unanimously recommended to Council the adoption of such
11 a plan.” It was not a unanimous vote. Do you have a different –

12 VICE-CHAIRMAN PALMER: That's what's going forward to Council and then
13 she's -

14 MS. CAIRNS: It's what Council would sign.

15 VICE-CHAIRMAN PALMER: Yeah.

16 MS. CAIRNS: Like we - this is what we voted on was on this page, the
17 resolution.

18 MS. LINDER: [Inaudible]

19 MS. CAIRNS: Right.

20 VICE-CHAIRMAN PALMER: All right. And Crane Creek.

21 MS. RUTHERFORD: I call for the motion. [Laughter] No? No motion? Okay.
22 Crane Creek Master Plan. I hate we don't have an audience but a number of our
23 communities were here in support of the document. Again this is one of 10 master

1 plans. Crane Creek Community Master Plan encompasses Bookert Heights, Crane
2 Forest, Crane Crossing, Haskell Heights, Lincolnshire, Pine Forest, Rock Gate, and did
3 I already say Bookert Heights? Okay. Again, the consultant on this plan was Jordan,
4 Jones & Goulding. We have been working on this plan for about a year plus. The
5 boundaries of the community is between Monticello Road, Fairfield Road, Blue Ridge
6 Road in the north central portion of the county. Okay? The community came together
7 in a charrette, design charrette process, came up with about seven goals, one of which
8 was to reinvent the image of the community and to increase sustainable community
9 educational services. The analysis was conducted, SWOT analysis, strength,
10 weaknesses, opportunities and threats. Again, the purpose was to develop a full
11 understanding of all possible, the possibility of all natural and cultural environments
12 affecting the Crane Creek community. So this community by 2035 is expecting
13 anywhere from a 31% to an 87% change in population increase. The community will
14 see an increasing number of older residents. A lot of retirees are there now. That
15 number's going to continue to grow. Can you all see? That's why I'm sitting here
16 because I could barely see.

17 MR. MANNING: I can't read that.

18 MS. RUTHERFORD: It's a little blurry, yeah. And I'm wearing my glasses. It is
19 a little blurry.

20 MS. CAIRNS: A little small.

21 MS. RUTHERFORD: Okay. It's small up there? Yeah. Everything inside the
22 red line again is the Crane Creek community. The existing zonings and the site
23 analysis have a number of different zonings, RS-LD, MD, HD, RM-HD, OI, and CGC, M-

1 1, LI, HI, Rural, and PDD does exist in this community. This is a map of the existing
2 land uses and the site analysis for slope. The darker the color, the least opportunity to
3 develop because it's too steep. Again, the design process, the community,
4 encompassed the community analysis; in that was a site inventory, ecological, public
5 involvement. The community came together and broke off into groups to develop their
6 master plan. Things they looked at again were their visual preference survey, their
7 SWOT analysis. The master plan was prepared then with the [inaudible] of the
8 community. The concept master plan was again presented back to the neighborhood.
9 And catalyst projects, you guys have seen that before in our master plans.
10 Opportunities for redevelopment as well as their action plan. Okay? Some of the good
11 things about the community is that there are very active neighborhood associations in
12 this area. I'm not going to go through, any time you guys want to take a motion, I'm just
13 waiting on you. [Laughter] Okay. One of the strengths – I can stop now – okay, one of
14 the strengths for this area is that there are very active neighborhood associations.
15 Lincolnshire's president was here today in support as well as a number of another
16 communities. They're always at the meetings be it comprehensive plan or Richland
17 County Neighborhood Council. They're very active. One of their threats that they're
18 seeing is the Northeast sprawl and surrounding development encroaching upon their
19 existing community, and incorporation into the city. That's a huge issue for this area,
20 specifically for this planning area. They're really concerned about annexation
21 possibilities.

22 MR. MANNING: They don't want to go into the –

23 MS. RUTHERFORD: They don't want to go into the city.

1 VICE-CHAIRMAN PALMER: They're close to Blythewood too, aren't they?

2 MS. RUTHERFORD: Up Wilson, yes, yes.

3 VICE-CHAIRMAN PALMER: They don't want that either?

4 MS. RUTHERFORD: They don't want to go into the city.

5 MS. CAIRNS: Do you know why?

6 MS. RUTHERFORD: I couldn't sum it up for you. I really couldn't.

7 *[Mattos-Ward out at 4:26 pm.]*

8 VICE-CHAIRMAN PALMER: [Inaudible]

9 MS. RUTHERFORD: I guess the fear is if I go into the city I'm no longer able to
10 have my horses was one of the issues. And you probably will see that annexation
11 theme in the comprehensive plan meetings because it was this community, the north
12 central planning meeting that annexation kept coming up, so.

13 MS. CAIRNS: How many acres does somebody have to have to have horses?

14 MS. RUTHERFORD: Good question. How many acres do you have to have to
15 have horses?

16 MS. CAIRNS: Is it DHEC that sets that? What sets that? I mean, yeah.

17 MS. RUTHERFORD: Anna, how many acres do you have to have to have a
18 horse in the county?

19 MS. ALMEIDA: A horse? Probably you'd have to be rural, 32,000 square feet.

20 MS. CAIRNS: Three-quarters of an acre lot? But does DHEC allow a horse in a
21 $\frac{3}{4}$ acre lot?

22 MS. ALMEIDA: I think they would. [Inaudible]

1 MS. CAIRNS: But the city bans them just by ordinance for livestock probably.
2 Interesting.

3 MR. KOCY: Mr. Chairman, I hate to interrupt on this party but we just lost our
4 quorum so.

5 VICE-CHAIRMAN PALMER: Don't our rules allow us if we have a quorum to
6 start and we lose a quorum? I think they actually allow us to -

7 MS. CAIRNS: No. There actually was a law, a case that just came out about
8 that.

9 VICE-CHAIRMAN PALMER: Our rules are different. [Laughter]

10 MS. CAIRNS: No. This was [inaudible] the state.

11 VICE-CHAIRMAN PALMER: We supersede all Supreme Court rules.

12 MS. CAIRNS: No. This was – do you know what I'm talking about? Did you see
13 that?

14 MS. LINDER: I do not but I would support Mr. Kocy. It's my belief that we've lost
15 our quorum.

16 MR. KOCY: And furthermore I would prefer that we have a newly adopted comp
17 plan that we can refer to when we say, the plan as opposed to right now we have a plan
18 this month and another plan next month and which one are we referring to so.

19 MS. CAIRNS: Well we can't do our roads.

20 MR. KOCY: We can – oh, no. We can't do the roads.

21 MS. CAIRNS: [Inaudible] defer on the roads.

22 VICE-CHAIRMAN PALMER: Decide(?) the thing for the roads.

23 MS. CAIRNS: No.

1 VICE-CHAIRMAN PALMER: Yes.

2 MS. RUTHERFORD: How did y'all let her leave? I mean, what, what –

3 [Laughter]

4 MR. KOCY: Mr. Anderson would never have let that happen.

5 VICE-CHAIRMAN PALMER: Well. Julius said he's coming back. He left his
6 stuff here; he said he's coming back.

7 MS. CAIRNS: Well I'm not -

8 VICE-CHAIRMAN PALMER: All I know is I signed that thing for the roads.

9 MR. MANNING: Can we have a little bit of discussion and not, no vote? Can we

10 -

11 MR. KOCY: Sure.

12 MS. RUTHERFORD: As long as you promise that we won't have discussion next
13 month.

14 MS. CAIRNS: Yeah. As I said we have to have - I mean, we can't have a vote
15 without discussion and we can't have a vote without a quorum.

16 VICE-CHAIRMAN PALMER: Well we've had votes without discussion before.

17 [Laughter]

18 MS. CAIRNS: Well let's not promote votes without discussion. [Laughter]

19 MR. MANNING: We can't say something about this?

20 MS. RUTHERFORD: Please.

21 MR. MANNING: My concern with the master plans are well document. I'm not
22 going to rehash all that but if there are budgetary items in there that are a part of the
23 plan, without seeing them and the text of the overall situation I've got a problem in

1 voting for them anyway. Not that they're not necessary; not that they're not needed but
2 it is, it goes back to the same things that we've gone through over time and time again
3 in the Southeastern plan. We got this whole adoption process going, the devil was in
4 the details and then we came back and we couldn't, we could never make anything
5 happen

6 MR. KOCY: The difference this time Mr. Manning, you have a good point, is we
7 have implementation mechanisms that we will bring to you the month after these plans
8 are adopted. So if you adopt the policy documents for the Crane Creek the month after
9 the adoption we will bring back the regulatory framework, the overlay to implement the
10 policies. There will not be a three to five year gap like there was in the Southeast.
11 There'll be a one month gap.

12 MR. MANNING: Well that's the way we need to do it.

13 VICE-CHAIRMAN PALMER: Is Decker Boulevard the only one of these that's
14 been voluntary?

15 MR. KOCY: Correct. It's the only one that has an overlay. It's the only
16 implementation mechanisms on any of the neighborhood plans.

17 VICE-CHAIRMAN PALMER: And all the rest of them are mandatory, not –

18 MR. KOCY: There are no mechanisms on the other plans.

19 MS. RUTHERFORD: The next two master plans that have overlays will be
20 Crane Creek and Trenholm Acres.

21 VICE-CHAIRMAN PALMER: Those are mandatory or -

22 MR. MANNING: Well the one in the north central area was mandatory, wasn't it?

23 MS. RUTHERFORD: Candlewood did not have an overlay.

1 MR. MANNING: It didn't?

2 MS. RUTHERFORD: No.

3 MS. CAIRNS: How much of the county has one of these?

4 MS. RUTHERFORD: How many areas in the county?

5 MS. CAIRNS: Yeah.

6 MS. RUTHERFORD: Thus far once we present to you Trenholm Acres we would
7 have had completed six, then we have four more.

8 MS. CAIRNS: What kind of percent of the county? [Inaudible] question I'm just,
9 you know, as we get people coming in front of us asking for map amendments often
10 increasing density of land, you know, my guess is that these would be either controlling
11 or guiding and so I'm curious as to how much of the county is going to be free of these
12 or controlled by, you know. Isn't it still a relatively small percentage?

13 MS. RUTHERFORD: Until Hopkins comes in quite a bit of the county will not be
14 controlled by a master plan.

15 MS. CAIRNS: It's just our general comp plan?

16 MS. RUTHERFORD: Right.

17 MS. CAIRNS: Okay. I was just curious.

18 MS. RUTHERFORD: The Hopkins master plan will encompass all of Hopkins as
19 well as the Southeast master planning area. So we're looking at everything from Lower
20 Richland Boulevard onto the edge of the county.

21 MS. CAIRNS: That's right. That one's like hugely complex.

22 MS. RUTHERFORD: Its huge, yeah.

23 MS. CAIRNS: And it's hugely complex.

1 MS. RUTHERFORD: Yeah, it is because the majority of that is rural.

2 MS. CAIRNS: The pressure's going every which way.

3 MS. RUTHERFORD: Exactly.

4 MS. CAIRNS: Yeah. I understand that.

5 MS. RUTHERFORD: Okay. So do I go through Trenholm with no quorum?

6 MS. CAIRNS: I might prefer to head to the office without a quorum. I think we've
7 been adjourned in essence.

8 VICE-CHAIRMAN PALMER: I think we have.

9 MR. MANNING: Well can I say one thing before we adjourn? Mr. Kocy, I know
10 that there is some ongoing discussions about the sign ordinance – not [inaudible]
11 dealing with today and I was hoping that out of those discussions that something, we
12 could get something back on the table for next month's meeting for this Commission to
13 begin to review.

14 MR. KOCY: Mr. Manning, I appreciate that we are going to bring something back
15 but I guarantee you it will not be at next month's meeting because we've got a comp
16 plan, two community plans, this flashing LED sign. I think you'll have a pretty full
17 Agenda next week, I mean next month without more detailed discussion about other
18 parts of the sign code.

19 VICE-CHAIRMAN PALMER: I agree with Mr. Manning though I'd like to see it as
20 well.

21 MR. MANNING: You know, it's –

1 MR. KOCY: You'll see it. Guarantee it has to come to you before it can go
2 Council but we've got to – well, A that we haven't even had the discussions initiate with
3 the homebuilders yet so and, but –

4 MR. MANNING: And I realize that but at the same time I realize that this issue is
5 something that addressing quickly is better than not.

6 MR. KOCY: Right.

7 MR. MANNING: And I would appreciate your due diligence, the Staff's due
8 diligence to try to make that happen.

9 MR. KOCY: Absolutely.

10 MR. MANNING: We've had some pretty big agendas and long meeting before
11 and if we've got us another one I'm willing to do that.

12 MR. KOCY: And your presence here today at this late hour indicates that but.

13 VICE-CHAIRMAN PALMER: This doesn't even begin to compare to what we
14 used to.

15 MR. KOCY: It helps to have a quorum.

16 VICE-CHAIRMAN PALMER: Yes, ma'am.

17 MS. LINDER: Mr. Chairman, I'd like to bring something to your attention. Last
18 month you took up an ordinance that would put the multi-family residential uses as a
19 special requirement in the General Commercial and your recommendation, the Planning
20 Commission's recommendation of denial and you directed Staff to create two districts,
21 one with pure commercial and another one with commercial and multi-family. When
22 that ordinance went to the zoning public hearing last month County Council agreed with
23 your recommendation and they denied the ordinance, and it's my sense that County

1 Council right now is satisfied with the existing regulations, and so I guess I'm asking for
2 your direction. Do you still want to pursue the two different zoning classifications? Are
3 you also willing just to let things lie as they are right now?

4 VICE-CHAIRMAN PALMER: It's my personal opinion to let them lie.

5 MR. MANNING: Right. I mean, if it ain't broke let's don't fix it.

6 MS. LINDER: Okay. Thank you.

7 VICE-CHAIRMAN PALMER: I don't even think we have to adjourn because we
8 can't.

9

10

[Meeting Adjourned at 4:35 p.m.]