

RICHLAND COUNTY PLANNING COMMISSION

July 6, 2009

[Members Present: Heather Cairns, Julius Murray, Pat Palmer, Christopher Anderson, Elizabeth Mattos-Ward, Wes Furgess, Stephen Gilchrist. Absent: Deas Manning, Enga Ward]

CHAIRMAN ANDERSON: We'll start the July 6, 2009, Planning Commission meeting. I'm going to read the public notice announcement. "In accordance with the Freedom of Information Act a copy of the Agenda was sent to radio, TV stations, newspapers, persons requesting notification, and posted on the bulletin board located in the lobby of the County Administration Building." Alright. Presentation of April and June Minutes. Has everybody had a chance to look over April and June Minutes? I do have one quick question. As far as April's attendance, voting on April, I was not there but I want to make sure that – do we have an attendance for April, enough to pass the Minutes as of right now?

MR. FURGESS: I was here for April's meeting.

CHAIRMAN ANDERSON: You were here for April?

MS. MATTOS-WARD: Did you have a quorum?

MR. FURGESS: Yeah, we did.

MS. MATTOS-WARD: Oh, okay.

MR. FURGESS: But we didn't have one for the May meeting. We didn't have a quorum for the May meeting.

MS. CAIRNS: It was June we didn't have a quorum, right?

MS. ALMEIDA: It was May.

CHAIRMAN ANDERSON: I guess we'll take each one up individually. Anyone want to make a motion to approve Minutes for April?

1 MR. PALMER: I make a motion to approve.

2 MR. FURGESS: Second.

3 CHAIRMAN ANDERSON: All in favor of approving April's Minutes please signify
4 by raising your hand. I was not in attendance.

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

7 CHAIRMAN ANDERSON: I was not in attendance. And June Minutes? Has
8 everybody had a chance to review June Minutes?

9 MS. MATTOS-WARD: I move we accept the Minutes as written.

10 CHAIRMAN ANDERSON: Have a motion. Got a second?

11 MR. PALMER: Second.

12 CHAIRMAN ANDERSON: All in favor of sending June Minutes, please signify by
13 raising your hand.

14 MR. FURGESS: I was not in attendance in June.

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

17 CHAIRMAN ANDERSON: Alright. Agenda amendments. I'd like to make a
18 quick comment. It looks like we have, after adjournment we have a digital billboards
19 and digital signs workshop and I would like for us to move 26-80 on-premise signs and
20 off-premise signs to [inaudible] the workshop. Because it is my understanding that we
21 could vote on the workshop because it's advertised; correct?

22 MS. LINDER: I'm sorry. What was your question?

1 CHAIRMAN ANDERSON: Moving the two digital signs, on-premise and off-
2 premise, to the workshop.

3 MS. LINDER: Yes.

4 CHAIRMAN ANDERSON: I don't see a point in voting on them and then having
5 a workshop right after.

6 MS. LINDER: What I would recommend then if you're planning to action on
7 these after the work session is just to recess your meeting, then have the work session,
8 and then reconvene your meeting to take action on them.

9 CHAIRMAN ANDERSON: Alright.

10 MR. PALMER: Just as a point of clarification I specifically remember though that
11 we wanted to take action during the work session. Was it not advertised that way?

12 MS. LINDER: Work sessions you cannot take action at. Only at regular
13 meetings or special called meetings can you take action. At work sessions you do not
14 take action.

15 CHAIRMAN ANDERSON: We'll have to adjourn then reconvene.

16 MS. LINDER: I would recommend just recessing your meeting, not adjourning
17 your meeting, but recessing.

18 CHAIRMAN ANDERSON: Alright. Any other Agenda amendments?

19 MS. ALMEIDA: There are none.

20 CHAIRMAN ANDERSON: Next thing on the Agenda is subdivision review.

21 MS. ALMEIDA: Yes, Mr. Chairman. You will see that we have Ashland at Lake
22 Carolina, Phase 2A, 2C, and 2B. This is on your Agenda due to a Development
23 Agreement which requires that they come before the Planning Commission for

1 approval. As you can see from the Staff Report, Staff is recommending conditional
2 approval. There are some concerns with reference to road improvements along Bud
3 Keith Road. We have our transportation planner, Carl Gosline here to address those
4 concerns. We have also invited our Public Works Department but Mr. Kocy would like
5 to take [inaudible].

6 MR. KOCY: Mr. Chairman, I talked to David Hoops at Public Works today. He
7 and I agree that we should remove condition number two on paving Bud Keith Road.
8 We won't address that today. We can get that at a future phase. There are some
9 questions about is it a public road or is it a prescriptive easement and we're still
10 researching that issue. So we can address that at a future date but the other conditions
11 could be met today, or could be agreed to today.

12 MS. ALMEIDA: Okay. So the Staff is recommending conditional approval. You
13 will see those conditions found on page three and they would be numbered one through
14 six. The applicant has been made aware of the conditions and the applicant is here.

15 MR. PALMER: I have a question. Mr. Kocy? I think we've asked a couple of
16 times here for specific, and I know this doesn't come up often – Lake Carolina's one of
17 them that the Planning Commission still has to vote on the approval of. However,
18 you're asking me to vote on things that I haven't seen. I need a sketch plan. I need to
19 know where these lots are for me to vote on whether or not they have internal access or
20 not. I don't have a sketch plan of the site. You talked about Phase 2A, preliminary plat
21 that states lots 49 through 57 should have internal access only. I don't know where
22 those lots are. I don't have the sketch plan in my package. The lots aren't numbered.

1 MR. KOCY: The phases are clearly delineated and it shows the roads that
2 access the phases.

3 MS. ALMEIDA: Yeah. Staff omitted, well actually it's up on the screen. We get
4 large format plats –

5 MR. PALMER: Right.

6 MS. ALMEIDA: - and when we scan we can't shrink them down. You lose all
7 perspective. Staff had put on page five the phase areas and the location and we have
8 opted to put them up on the screen to better see the lots. We apologize for that.

9 MR. PALMER: Okay. But in the future for study before we get here I need to
10 see where the lots are.

11 MS. ALMEIDA: We'll email –

12 MR. PALMER: Just include a –

13 MS. ALMEIDA: Send you in the packet -

14 MR. PALMER: Yeah.

15 MS. ALMEIDA: - in large format?

16 MR. PALMER: Yeah.

17 CHAIRMAN ANDERSON: Suzie, I don't have a sign-up sheet for this. Does
18 anybody sign up to speak for or against? Any other questions of Staff?

19 MS. ALMEIDA: This is not a public hearing.

20 CHAIRMAN ANDERSON: Oh, it's not.

21 MS. ALMEIDA: It's a public meeting. No. This is just a subdivision.

22 AUDIENCE MEMBER: Where's the sign up sheet?

1 CHAIRMAN ANDERSON: I'm sorry. The sign-up sheet we were referring to this
2 tract but it's actually not even a public.

3 AUDIENCE MEMBER: [Inaudible]

4 CHAIRMAN ANDERSON: You're talking about another case, ma'am. I'm sorry.
5 Any other questions of Staff?

6 MS. ALMEIDA: The applicant is here, Mr. David Tuttle.

7 MR. PALMER: Mr. Chair, just to get things moving I'll make a recommendation
8 for approval based on the Staff's recommendation to include the conditions that are
9 found on page three, with the exception of number two not to be included in the
10 recommendations. Not to be included in the conditions.

11 MR. GILCHRIST: Second that.

12 CHAIRMAN ANDERSON: A motion and a second. All those in favor of
13 approving Case No. SD-05-231, please signify by raising your hand. All opposed?

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

16 CHAIRMAN ANDERSON: All opposed? Quick aside. If you have your cell
17 phone, please turn it on vibrate or turn it off, please. Thank you. Next case. 09-05 MA.

18 **CASE NO. 09-05 MA:**

19 MS. ALMEIDA: Mr. Chairman, this application is approximately 30.74(?) acres.
20 Two parcels. The zoning is currently M-1 and they are requesting RM-HD. That is
21 residential, multi-family, high density. The surrounding parcels around this request are
22 mainly rural and heavy industrial. Some light industrial with several undeveloped light
23 industrial parcels to the north. South of the site, directly across Wessinger Road is

1 development, commercial development by the name of Whitaker Containers. It is heavy
2 industrial and approximately 99 acres, currently housing an incinerator used for burning
3 land debris. The existing vacant and occupied parcels along Wessinger Road are
4 zoned RU. While many of the parcels are industrial they are not currently being used
5 for such purposes. We have the Crane Creek Subdivision located west of the site
6 which is across Fairfield Road. It is a single-family neighborhood development and it is
7 currently in our neighborhood planning area. It is currently being reviewed for a master
8 plan and zoning overlay districts so there's a lot of redevelopment going on in that area.
9 The subject parcels are not within the Crane Creek Master Plan area though, but are
10 located approximately 1/10 of a mile away. We have assessed the area.
11 Approximately 1.6 miles southwest of the subject site is Forest Heights Elementary
12 School located on Blue Ridge Terrace. The closest fire station is Crane Creek Station
13 which is approximately one mile from the site at the intersection of Crane Church Road
14 and Fairfield Road. The City of Columbia is the water and sewer provider for the area.
15 We have tried to get in touch with the city for capacity purposes and were not able to
16 obtain any sort of information as of yet. We will note that historically the area has been
17 plagued with inadequate infrastructure both transit and support services for something
18 like a residential, multi-family, high density and for the existing residential area that
19 currently exists out there. We feel that the proposed rezoning request is not compatible
20 with the surrounding heavy and light industrial uses and the Planning Staff recommends
21 denial.

22 MS. MATTOS-WARD: I make a motion that we accept -

1 CHAIRMAN ANDERSON: [Inaudible] Any questions of staff? We have people
2 signed up to speak. Lisa Hostetlar? If you'll please state your name and your address
3 for the Record.

4 **TESTIMONY OF LISA HOSTETLAR:**

5 MS. HOSTETLAR: My name's Lisa Hostetlar. I'm with Rogers, Townsend and
6 Thomas, attorneys, and our work address is 220 Executive Center Drive, Suite 109,
7 Columbia, South Carolina 29210. And we are here today representing A.L. Company,
8 LLC. I do have some packets here. These are just close ups of these pictures that we
9 have on the board so you can see them a little better. And these are just property
10 renderings that were done of what the proposed site will look like. It does include some
11 single-family residences on the one side and it does have the higher-density apartments
12 on the other side, and Amy May is holding up a picture of what the apartment will look
13 like. And then in the other hand she has a picture of the community complex that would
14 go along with that. Our clients are a faith-based organization. They have the Refuge
15 Temple Church. Pastor Bonner who could not be with us today, he's out of town has
16 several churches and he has a vision for this area to have a community for his church
17 and for church goers to be able to have a nice place to live in a community. And this
18 particular area is convenient to where the church is. This is, as Staff has said, an under
19 service area and infrastructure again does need improvement but we're hoping that, you
20 know, if you build it they will come. That hopefully once we have the people there the
21 infrastructure will follow because it's not being done anyways. It's not happening as it
22 is. Even the Crane Creek Subdivision, you know, they're saying it may be inadequate
23 for them alone so. We do hope that the area can be developed and serviced through,

1 you know, larger tax base, more people moving in here. And Pastor Bonner his plan is
2 to develop it this way. And as far as the zoning use, the use does change over time.
3 The original zoning was from 1977. This area seems to be trending towards going
4 residential. It's not really industrial. There aren't a lot of industrial areas being utilized.
5 It's zoned that way but it's not really being used for that.

6 CHAIRMAN ANDERSON: Thank you, Ms. Hostetlar.

7 MS. HOSTETLAR: Thank you.

8 CHAIRMAN ANDERSON: We're going to try to stick to the two-minute rule.
9 We've got a lot of people in here. Next signed up to speak is Angel Pratt-Williams.

10 **TESTIMONY OF ANGEL PRATT-WILLIAMS:**

11 MS. PRATT-WILLIAMS: Good afternoon. My name is Angel Pratt-Williams.
12 Address P.O. Box 30148, Columbia, South Carolina 29230. I'm here to speak on behalf
13 of the Wessinger Road project that's currently being managed by Pastor Bonner who's
14 also my pastor. We have someone else here that's going to talk about what he's done
15 in the past but since I only have two minutes I'm going to speak to what he's currently
16 working with. I have been working with Pastor Bonner on Wessinger Road and, but the
17 thing that I think he wants to be understood is that he's not only just a builder but he is a
18 developer. He wants to come into the community and develop an area that they will be
19 proud of, that they themselves can also use and it will create jobs. As a part of this
20 development it will have private homes as well as apartments, a clubhouse, a walking
21 trail. It will also be available to the community so they will have access to that walking
22 trail. They will have access to that clubhouse that will also have other amenities like a
23 workout area, also a pool area, so all of this will be available to the community as well.

1 Now in preparation for this Pastor Bonner did not want to leave out the community. He
2 wanted them to be onboard and so he has been keeping in contact with the
3 neighborhood association. We did attend a meeting early on. We did not go in this
4 without letting them know what his intentions were. So we did take those conceptals
5 and went to a neighborhood association meeting and showed them what he had in
6 mind. And his plans are to continue to be in contact with the community throughout the
7 development so that their concerns can be addressed and so that the community will be
8 something that they themselves can enjoy too. Lastly this project is hopefully to include
9 jobs for the community. This is just not for the members of his congregation. It is for
10 the community. So anytime you're developing an area like that of that magnitude it will
11 create jobs for landscaping, also for property managers, also for those who will have to
12 manage the association in that area. So we want this to be a development that will be a
13 blessing to the community and that they can enjoy and again bring services in an area
14 that has probably not been served up until this point.

15 CHAIRMAN ANDERSON: Thank you, Ms. Williams.

16 MS. PRATT-WILLIAMS. Thank you.

17 CHAIRMAN ANDERSON: Jeremiah Williams.

18 **TESTIMONY OF JEREMIAH WILLIAMS:**

19 MR. WILLIAMS: Good afternoon. My name's Jeremiah Williams. My address is
20 P.O. Box 30148, and I just want to just take the two minutes and just kind of make you
21 aware of what Pastor Bonner has done in the past for this city. On 4450 Argent Court
22 there was about 20 acres that was undeveloped that was not being used. Tough area,
23 tough neighborhood and he transformed that who entire area, 20 acres; he has a 1,000

1 seat temple of worship. On the backside of that temple he has a family life center which
2 is definitely an asset in that community for those who are living around it. He also has
3 an accredited bible college, fully accredited as well as a library. He has dorms for
4 males and females. I'm still a student there. It has definitely impacted and blessed me
5 and also he's been a tremendous blessing being the head of this organization. Every
6 two years the whole entire denomination comes down to this city. In two weeks we're
7 going to be down here, 30,000 people. He loves Columbia, South Carolina and
8 everything he has done in the past including this city it's for the benefit not just for his
9 people but for the whole community at large. And we just ask that you would just
10 examine his track record. Thank you.

11 CHAIRMAN ANDERSON: Thank you. Virginia Golden? Goldman?

12 **TESTIMONY OF VIRGINIA GOLDEN:**

13 MS. GOLDEN: Virginia Golden, 1114 Wessinger Road. This proposal is right
14 across the street from my home. My concerns will be dope, alcohol, gang relations, and
15 I do not particularly care to have that right across the street from me. I have been there
16 my whole life in that area and the property that they have was my grandfather's and I
17 have the property across the street and I do not care to have a bunch of people flying
18 up and down the road and causing me a bunch of headaches coming across on my side
19 of the road because of my animals and some of them are not confined. My cats are not
20 confined and they go back and forth across the road. And it's always been quiet. It
21 would not be quiet if a housing development went in. There would be kids constantly all
22 over creation and kids getting hurt and I do not care to have anybody trespassing on my
23 property. Thank you.

1 CHAIRMAN ANDERSON: Rene Tidwell?

2 **TESTIMONY OF RENE TIDWELL:**

3 MS. TIDWELL: My name is Rene Tidwell. I live at 116 Wessinger Lane,
4 Columbia, South Carolina 29203. I think our biggest concern is right now that whole
5 area is without infrastructure. We are all on wells with the exception of two homes. No
6 septic service; we're all on septic tanks, and we have an awful lot of crime right now. As
7 a matter of fact a piece of property right beside Whitaker and beside my mother-in-law
8 the cops right now use that as a parking place right this second to actually patrol the
9 area because of the theft that's been rampant. They were out last week as a matter of
10 fact on two burglaries. We have Whitaker across the street who we did think was going
11 to be an issue. It has not at this point. The piece of property below Whitaker has
12 actually been cleared off, as a matter of fact almost 300 acres that looks like it's getting
13 ready to be developed for something probably by him. There is an awful of industrial
14 uses on that property right now and we haven't had an issue at this moment. Those are
15 our big concerns. We're on a two-lane road that just recently got lines. We just got
16 lines down the middle of the road. We just got a stop sign and speed limit sign
17 replaced. So we're terribly under serviced there and I don't see how putting in a huge
18 development is going to affect that when there's not budget for us already. We're not
19 going to get those services. Thank you.

20 CHAIRMAN ANDERSON: That ends of the public session. Anybody have any
21 questions for Staff? Any comments? Did you want to sign up ma'am?

22 AUDIENCE MEMBER: I would like to say something. I just –

1 CHAIRMAN ANDERSON: Okay. We need for you to come down to the podium
2 and state your name and address, please.

3 **TESTIMONY OF MARILYN GOLDSTON:**

4 MS. GOLDSTON: My name is Marilyn Goldston, 1815 Liberty Street, Columbia,
5 South Carolina. I own the property at the end of Wessinger Road and I think that would
6 be a good, good thing that he's doing that's developing the area, and not only that the
7 church being in the area. I've visited Pastor Bonner's church before and the community
8 that he built right beside of that church is clean, it's quiet, it's excellent. I think the
9 church would be an asset in that area to help work that area. Just about every area you
10 can go in in Columbia is affected by drugs and I do think that it is time that the church
11 do get involved. And helping with jobs, if they feel that plan there and it helps with jobs,
12 that's good. That's progress. I think it's a good thing that they'll be adding to the area.
13 It'll even, that place looks very dreary. It'll give it a facelift. This other apartment
14 complex is very well kept. The lawns is beautiful and everything and that's what that
15 area needs to move towards progress, not to be dreary looking, worn down, you know,
16 and the church is doing it so I think that's a very, very good idea. We can't fear – drugs
17 is everywhere. Drugs is so much everywhere that even Michael Jackson that's what
18 happened to him.

19 CHAIRMAN ANDERSON: Thank you.

20 MS. GOLDSTON: We have to fight it. We can't live in fear and with the force of
21 God fighting it, coming in, trying to work in the community.

22 CHAIRMAN ANDERSON: Ma'am, we appreciate it.

23 MS. GOLDSTON: Oh, okay. Thank you.

1 CHAIRMAN ANDERSON: I do have one straight question. I'm sorry, sir. Did
2 you forget to sign up? That's okay. If you'll just go to the podium, state your name and
3 address.

4 **TESTIMONY OF ABDALLA YAGHY:**

5 MR. YAGHY: My name is Abdalla Yaghy and my address 1230 Leesburg Road.
6 And I own the property just across the street from that project. I just have a question
7 really for the – I hear the developer say good things about how impact to the community
8 and people are, you know, they don't want the project because they're scared from the
9 drugs and too many people living across the street. I just wondering if the developer will
10 present a [inaudible] on the community from, you know, this project versus buying these
11 lot of foreclosure homes [inaudible] community there's lots of foreclosure. He can buy
12 lots with a cheaper rate with the way – there's lots of homes, lots of apartments.
13 There's nobody, nobody's developing now. So I'm just wondering if he can present any
14 [inaudible] on the community if he develops this versus buying what existing
15 development already. That's [inaudible] Mr. Chairman.

16 CHAIRMAN ANDERSON: Thank you, sir. Anybody else not signed up to
17 speak? [Inaudible] ma'am.

18 **TESTIMONY OF MURIEL HENDERSON:**

19 MS. HENDERSON: I would like to say first of all that Pastor Bonner – my name
20 is Muriel Henderson. I'm at 1301 Martin Luther King Boulevard in Hopkins, South
21 Carolina. On behalf of Bishop Bonner's project, yes. First of all I'm a parishioner of
22 Bishop Bonner and he's changed my life completely. I know that when he set foot in
23 Columbia, South Carolina there has been a very positive impact not only on Columbia

1 but on the state. He has a radio station where he speaks to people, lifts the minds and
2 hearts of people, and this man is, as the young people spoke, is a developer but he's
3 also a very passionate minister. So what he's doing at this point is enhancing the area
4 and the people that spoke against it I think that it would enhance their area as well; their
5 houses and everything so I'm speaking on behalf of the development.

6 CHAIRMAN ANDERSON: We're closing the public forum. I do have one
7 question of Staff. Regarding that piece directly to the south; looks like that's high
8 industrial?

9 MS. ALMEIDA: It is.

10 CHAIRMAN ANDERSON: How long has it been that way?

11 MS. ALMEIDA: We did not go back to our records but our zoning records go
12 back to 1972. One of the reasons the area –

13 MR. PRICE: I had to – I dealt with this property a few years ago. It looks like it
14 was rezoned by County Council after the '78-'79 adoption of the zoning ordinance. So
15 it's around about 1980 – '81.

16 CHAIRMAN ANDERSON: Okay.

17 MR. PALMER: Did you do the landfill? The landfill and -

18 MR. PRICE: They just rezoned it heavy industrial.

19 MR. FURGESS: I had a question for Staff also. On this part of Fairfield Road
20 didn't a couple of years ago we approved some development along Fairfield, 321 I
21 guess they call it -

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

1 MR. FURGESS: - along there? That was on the lower end going towards I-20
2 but we did approve that development along that end of Fairfield Road?

3 MS. ALMEIDA: Are you talking about a large –

4 MR. FURGESS: Yeah, [inaudible]

5 MS. ALMEIDA: - golf course PUD?

6 MR. FURGESS: Yeah.

7 MS. ALMEIDA: Right. That was several years ago. Due to the economy
8 nothing's been done. That hasn't gotten off the ground as of yet.

9 MR. FURGESS: Okay. And this development that is before us today is the
10 same type that they have going on on Atlas Road like Bibleway?

11 MS. ALMEIDA: Not quite. This is obviously more, you know, a mixture of single-
12 family from what we've seen today and apartment, multi-family.

13 MR. FURGESS: Okay.

14 MS. ALMEIDA: We've estimated the gross density could range, and that is gross
15 density, not net, I believe the numbers were hovering around 492. The net density is
16 probably your better number to work with so you're averaging about 344 dwelling units.

17 MR. FURGESS: Has a traffic study been done in that area from the DOT?

18 MS. ALMEIDA: Not –

19 MR. FURGESS: About when the last traffic study was done?

20 MS. ALMEIDA: We have the last traffic counts that were collected and you'll find
21 that on page eight. I believe those traffic counts are from 2007 or 2008.

22 CHAIRMAN ANDERSON: And I guess DOT has no plans to put in traffic lights
23 or?

1 MS. ALMEIDA: No. Absolutely not. And the county of course is using some of
2 their master plan money in order to funnel redevelopment in the existing communities.

3 CHAIRMAN ANDERSON: Where is the line - full perspective on the comp plan
4 in that area because I feel I can't go out far enough? See it states that - so you just
5 basically said rural in nature?

6 MS. ALMEIDA: The existing -

7 CHAIRMAN ANDERSON: The existing.

8 MS. ALMEIDA: - comp plan?

9 CHAIRMAN ANDERSON: Yes. Well, not the existing, what, the proposed comp
10 plan?

11 MS. ALMEIDA: Oh. It does, the proposed pending comprehensive plan does
12 identify the area with residential but not such high numbers. Not such high density
13 because the infrastructure is just not there.

14 MR. FURGESS: Okay. And some of the subdivision they are all on sewage?

15 MR. PALMER: Mr. Chair, kind of to what Mr. Furgess is saying, my concern here
16 is that I have no doubt the pastor is a great individual and what he does is great work.
17 However, what we're asked to do is to not vote on something based on what the pastor
18 is wanting to do. These are great renderings. These look wonderful and there's a
19 mechanism in our Code to allow for these things to be built under a PUD. And what
20 we're being asked to do is to vote on just a straight out rezoning of the property for high-
21 density, multi-family and it has no tie to the pastor, it has no tie to what he's planning to
22 do. At any point, and especially during the day's economy, we know that plans are fluid
23 and they change on a daily basis especially in real estate. And what we're being asked

1 to do is put in the possibility of 300 and some odd units in here that the pastor may have
2 the best intentions and I'm sure he does and what he's looking to do is wonderful. But
3 there's no way for us to tie down what's going on that property by a simple straight
4 rezoning. The mechanism that maybe necessary for us here would be to do a PUD
5 where we can take a look at these things and say, you know, this does make sense in
6 this area. The pastor's looking to put in these infrastructure changes and bring water to
7 this area or maybe put in a stop light or something to help offset the traffic but what
8 we're asking to do today is just a straight out rezoning and if for some reason the pastor
9 wants to sell the property, which at this point he has no intention of doing, but if
10 something were to happen and, you know, the property were to change hands the next
11 person who owns it could come in and just put 360 some odd units in there and not
12 looking like what you guys have been told it's going to look like. So based on that my
13 recommendation and the way that I'm thinking is is the infrastructure is not there to
14 handle this and there's no mechanism in place to put the infrastructure in and we would
15 completely be overloading an area where I don't think it's necessary yet. So my motion
16 would be for denial.

17 MR. FURGESS: Are you saying that they need to come back and do a PUD?

18 MR. PALMER: I can't tell them what to do. That's not my place. But, you know,
19 I think we've laid out some possible alternatives they could take a look at because
20 they're looking at putting multi-family on some of it, they're looking to putting, you know,
21 maybe a community center, and they're also looking at putting single-family on there.
22 That's definitely something that a PUD can take a look at and tie down those details and
23 say that, you know, if the pastor would want to sell it he could sell it to somebody but

1 they would have to put those things on it in those places which is what the community
2 wants. The community wants to know that what's going there is going to be something
3 good for the community. But by simply rezoning the property to multi-family anyone
4 could come in and put any kind of from C to A project it. So I can't recommend that they
5 come back in any other way but what I can say is that my motion for this would be a
6 motion for denial.

7 MR. FURGESS: Yes.

8 MS. ALMEIDA: Staff would also like to remind Planning Commission that we are
9 trying to also respect the uses that are out there. We have practically a site of heavy
10 industrial, 100 acres that's been approved for an incinerator, okay, across the street.
11 These are obnoxious uses and we need to be cognizant of that because having even a
12 PDD approved across the street, you know, these people are going to move in and
13 expect to be having to deal with those kinds of issues. So the area is, as you can see
14 from the zoning map a lot of industrial has been kind of centrally located there for those
15 uses. So I'd like to just remind you that that is out there, 100 acres approved for an
16 incinerator.

17 MR. FURGESS: So you don't want families to move by that.

18 MS. CAIRNS: And I was [inaudible] I was actually just going to offer that I do
19 think that some of the concerns about whether this area is an appropriate place for
20 apartments I think there's significant concern for. Again, having no issues against
21 Pastor Bonner and what he's trying to do but this does not look like a good area for that
22 kind of density in any foreseeable future especially with the adjoining existing land use.

23 CHAIRMAN ANDERSON: We do have a motion on the floor.

1 MS. MATTOS-WARD: Second.

2 CHAIRMAN ANDERSON: We have a motion and a second. All those in favor of
3 sending Case 09-05 MA ahead to Council with a recommendation of denial please
4 signify by raising your hand. All opposed?

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

7 CHAIRMAN ANDERSON: We are a recommending body. We are not the final
8 authority. This will go to County Council and they'll make a final determination.

9 MS. LINDER: Mr. Chairman, just for the Record and notice to the public, it's my
10 understanding that the zoning public hearing for July will not be held because of the
11 Association of County meeting later this month and so the items being heard today will
12 be taken to a zoning public hearing in September.

13 CHAIRMAN ANDERSON: September? What's the date?

14 MS. LINDER: So there is a significant time delay just because of the Council
15 meeting and there will be no meetings in August.

16 MR. FURGESS: So that'd be a fourth Tuesday in September?

17 MS. LINDER: That is correct.

18 CHAIRMAN ANDERSON: Alright. 09-10 MA. Martin Luther King Boulevard.

19 **CASE NO. 09-10 MA:**

20 MS. ALMEIDA: Mr. Chairman, this application located Martin Luther King
21 Boulevard, approximately 63.5 acres. The existing zoning on the property is Rural. The
22 request is being, the proposed zoning request is Light Industrial. On page 13 you can
23 see Light Industrial District, the intended uses. The surrounding area is mostly Rural as

1 you can see from the map in front of you. Access to the parcel is through Days Road
2 which is not paved currently and runs approximately 65' in front of the residential
3 structure. The parcel is currently served by well and septic. Staff was unable to acquire
4 any sort of public water or sewer in the area. The subject parcel does not have direct
5 access to a major arterial or thoroughfare. These are roads that we currently look for
6 when parcels are wanting to be rezoned to Light or Heavy Industrial due to possible
7 truck traffic. The closest major intersection is Martin Luther King Boulevard. I'm sorry.
8 The closest major intersection from Martin Luther King Boulevard is Lower Richland and
9 Garners Ferry Road and that's approximately five and a half miles from the site. The
10 majority of surrounding parcels are larger than one acre with the exception of the two
11 residential parcels located to the southeast of the site. We have Norfolk Southern Rail
12 line which runs the length of the parcel's southern boundary. Approximately 20 acres
13 northwest portion of the subject parcel is located in identifiable National Wetlands
14 Inventory, Zone A. Staff recognizes that industrial uses are needed throughout the
15 County. This area currently is not compatible with industrial uses as you can see.
16 These districts would allow outright uses primarily metal products, automobile parking,
17 etc. We feel that allowing 65 acres to be rezoned to Light Industrial in this area would
18 potentially open up the surrounding area for future rezonings to Light Industrial. The
19 lack of access to a major arterial road and/or an Interstate makes this location
20 unfeasible for future industrial growth even though it is in close proximity to a rail line,
21 and Staff recommends denial. We feel it is not compatible.

22 CHAIRMAN ANDERSON: Anybody have any questions for Staff? We do have
23 several people signed up to speak here. I will say I'm going to call the for and then the

1 against. If for some reason you just want to add to what someone has previously said,
2 you can just come down and say that you agree with the person prior to. You're
3 welcome to also add any additional comments. We're just trying to avoid repetition. It
4 looks like the first person signed up to speak is Angel Pra – P-R-A?

5 MR. MURRAY: That's not the right one.

6 CHAIRMAN ANDERSON: Okay. That's fine. Michael Robinson? I'm going to
7 call several names so if you'll just line up also. Ms. Mary Kirkland, Ms. Carrie White,
8 and Ms. Caroline Clarkson-[Inaudible]. Please state your name and address for the
9 Record.

10 **TESTIMONY OF MICHAEL ROBINSON:**

11 MR. ROBINSON: Good afternoon. My name is Michael Robinson, 2020
12 Aweeda(?) Street, Columbia, South Carolina. In behalf of the community of Lower
13 Richland area, on behalf of the site that they're looking at for Light Industrial I think that
14 it's not a good area for that for the community and I feel that he could find a better
15 resource to put there to enhance the community versus the Light Industrial. Why?
16 Because I think the environment effect for the water because a lot of folks have well
17 water and with that it's not going to be healthy to the community. So if you would I
18 would like for that to be denial if possible, please.

19 CHAIRMAN ANDERSON: Mary Kirkland? Carrie White? Let me just call a
20 couple names. Ms. Caroline Clarkson-[Inaudible], Ms. Helen Taylor Bradley, Mr.
21 McPhall, if y'all just line up at the steps. Thank you.

22 **TESTIMONY OF MARY KIRKLAND:**

1 MS. KIRKLAND: Mary Barbara Kirkland, Post Office Box 325, Hopkins, South
2 Carolina. I agree with all that has been said prior and we do hope that the proposal is
3 denied. Thank you.

4 CHAIRMAN ANDERSON: Thank you. Ms. Carrie White.

5 MS. WHITE: I would say the same thing.

6 CHAIRMAN ANDERSON: Yes, ma'am. Ms. Caroline Clarkson-[Inaudible]?

7 MS. CLARKSON-[INAUDIBLE]: Same ditto.

8 CHAIRMAN ANDERSON: Thank you, ma'am. Ms. Helen Taylor Bradley?

9 **TESTIMONY OF HELEN TAYLOR BRADLEY:**

10 MS. BRADLEY: Yes. My name is Helen Taylor Bradley. I reside at 1916 Martin
11 Luther King Boulevard in Hopkins and I must say that I am pleased to know that Staff
12 did check that out and see that it is not a good site and we appreciate you all thinking of
13 us this time. Thank you.

14 CHAIRMAN ANDERSON: Thank you. McPhall? Looks like Blanche McPhall)?

15 MS. MCFADDEN: McFadden. [Inaudible]

16 CHAIRMAN ANDERSON: McFadden. Carol Goodson-Eaddy?

17 MS. GOODSON-EADDY: [Inaudible]

18 CHAIRMAN ANDERSON: Joann Washington? Juanita Belton? Charles
19 Stocker? Ethel Green? Thomas Brant?

20 **TESTIMONY OF THOMAS BRANT:**

21 MR. BRANT: I agree.

22 CHAIRMAN ANDERSON: Bea Taylor.

23 MS. TAYLOR: I agree with [inaudible].

1 CHAIRMAN ANDERSON: J.P. Neal, Jr.

2 **TESTIMONY OF J.P. NEAL, JR.:**

3 MR. NEAL: Good afternoon. My name is J.P. Neal, Jr. at 6640 Cabin Creek
4 Road, Hopkins. In 1945 my father and I acquired some property that's adjacent to the
5 proposed site of this Light Industrial project. We have always invested toward the hope
6 and dream of preserving and conserving the Lower Richland area, at least to do our
7 part. And just recently we've been involved with the *Columbia Star* newspaper in
8 highlighting many issues about historical projects that are indigenous to the Lower
9 Richland area. There are cemeteries, there are walking trails proposed, and there are
10 other issues that are very much to the value of improving environmental justice for the
11 predominant residents of Lower Richland as well as leading I hope leading some of the
12 policies of this county toward preserving those areas that have significant historical
13 importance. I thank you very kindly. I appreciate all of your efforts. I would encourage
14 you to please not approve this request. Thank you.

15 CHAIRMAN ANDERSON: Thank you, sir. L. Henderson?

16 **TESTIMONY OF MURIEL HENDERSON:**

17 MS. HENDERSON: My name is Muriel Henderson. I am talking against the
18 project. I live really within walking distance of that area and there is also, no one
19 mentioned, there is a school right there, Hopkins Middle School. And I don't know what
20 kind of noise or anything like that that would present something kind of negative in that
21 area because we'll have young people having to study in their classrooms, teachers
22 trying to teach. Again, I'm denying that we have that kind of project in the area. Again, I
23 don't know what kind of emittance(?) of anything but to me it would not be an ecological,

1 in our best interest ecologically. And again, Reverend Neal spoke and there are people
2 really trying to develop the area but develop it more for a residential area. And like I
3 said I'm within walking distance and I would have to pass the area coming down Martin
4 Luther King Boulevard. So I agree with everyone that has spoken against the project.

5 Thank you.

6 CHAIRMAN ANDERSON: Bernard Goodwin?

7 MR. GOODWIN: Against the project.

8 CHAIRMAN ANDERSON: Nicole Goodwin? Valerie Rivers? Mr. Edwin Rivers?
9 Lily Bates?

10 **TESTIMONY OF LILY BATES:**

11 MS. BATES: Good afternoon. My name is Lily Bates. I live at 1428 Minervaville
12 Road, Hopkins. And I agree that this project should be denied for all of the reasons that
13 were mentioned. The school, the environment, and I want to add this community is –
14 what do you call it – underground storage tank and bad water, Franklin Park area,
15 around Minervaville Road where I am, all of this surround the place this particular
16 business wants to locate. And they're just cleaning, DHEC is just about to clean up one
17 of the sites. Franklin Park is still there being cleaned. I think there's another one that's
18 on, that's been contaminate, the area's been contaminated the water until DHEC is
19 working with them. All of this is within close distance of the project and so I just wanted
20 to add that and ask you all again to please deny this project. Thank you.

21 CHAIRMAN ANDERSON: Thank you, ma'am. Representative Joe Neal.

22 **TESTIMONY OF REPRESENTATIVE JOE NEAL:**

1 REP. NEAL: Good afternoon. I'm here to support the community's request that
2 this project not be built. And as you heard moments ago there some real issues to
3 water quality in the area. I think on Minervaville Road extending across to Martin Luther
4 King Boulevard there are more than 70 homes that are currently experiencing
5 contaminated wells from gasoline leaks from sources in the community. My fear with
6 this project is that should it be allowed vehicles being brought into that facility will leak
7 oil and gasoline into the soil where the school right behind this proposed site also draws
8 it's drinking water from the underground aquifer. The aquifer that flows underneath this
9 site is called the Middendorf(?) and the Middendorf aquifer is the only drinking source
10 available to residents in the Lower Richland community and the Hopkins side right now.
11 And what we're asking you to do is to help us protect the quality of potable drinking
12 water in the area. This simply provides another opportunity to contaminate with no real
13 benefit to the people who live there. Thank you for your consideration.

14 CHAIRMAN ANDERSON: Thank you. Marvin Goodwin? Sandra Goodwin?
15 And that is all who signed up to speak. Ma'am, I'm sorry.

16 **TESTIMONY OF TRACY SWORTOUT:**

17 MS. SWORTOUT: Sorry about that, I didn't sign up, came in at the last minute.
18 My name is Tracy Swortout. I'm Superintendent of Congaree National Park, 100
19 National Park Road, Hopkins. The Park is against this project for a number of reasons,
20 primarily over concerns that we have regarding the water quality in the area. It's timely
21 that this issue is coming up at the very same meeting where you're going to be adding
22 the "Growing Together: Thriving People for a Thriving Columbia" report into the
23 county's plans to recognize the fact that water quality, levels of lead in the area are a

1 real concern. This area is, obviously has some wetlands that are identified on this site.
2 It's upstream of Congaree National Park which is South Carolina's only national park
3 where we have wetlands of international significance, an ecological biosphere reserve
4 and other important designations to the Park. It's not only a state resource but also a
5 national and international resource. When we consider changing residential uses to
6 light industrial along water bodies in immediate proximity and immediately upstream of
7 one of the nation's most treasured resources, we run the risk of endangering the very
8 things that we seek to protect. Clearly this community is galvanized to protect its
9 resources not only to provide for an opportunity for economic growth in the future but
10 economic growth that's actually going to sustain itself and not take away from the rich
11 land that the county is named after.

12 CHAIRMAN ANDERSON: Thank you. That's all that is signed up to speak.
13 We'll close the public portion of the meeting. Comments or questions?

14 MR. FURGESS: Mr. Chairman, I move that we deny this 09-10 MA for denial.

15 MR. MURRAY: Second.

16 MS. ALMEIDA: Mr. Chairman, the applicant is here.

17 CHAIRMAN ANDERSON: Oh, I'm sorry. Okay. Come take a spot; you actually
18 get five minutes.

19 **TESTIMONY OF ABDALLA YAHGY:**

20 MR. YAHGY: My name is Abdalla Yahgy and I live 1230 Leesburg Road and I
21 own the property and it seems like everybody in the community is against this so with
22 my respect [inaudible] community and our intention was really good intention but it
23 seems like there is no way that we are going to proceed with this because our intention

1 is not to make the community upset. I just want to add for the records that in regards to
2 the water quality, they are right, there is lots of contamination in that area and DHEC
3 was working to clean it up. [inaudible] actually I was talking to Mr. Roberts of Richland
4 County to donate the, about almost 1/3 of the property [inaudible] Richland County so to
5 [inaudible] so I'm concerned just like the lady of the Park she had some concerns, I'm
6 concerned about the water quality too. About the historical value, there is cemetery
7 over there and I was [inaudible] the cemetery over there, Goodwin Cemetery and I was
8 talking to the, I can't remember her name, Ms. Taylor? There's a lady there that she's
9 really trying to conserve the cemetery over there and we working to make it part of the
10 conservation easement so the community have access to that community. When we
11 start with this project really we did not intend, it seems it blown out of proportion. The
12 zoning was not really [inaudible] for the whole 70 acres, but since it's going to take more
13 time to do a survey for the property, we applied for the whole 70 acres. The project
14 started, a gentleman asked me if he can assemble cars and take the parts and send
15 them overseas and I thought it would be good actually for the community because it
16 would have been jobs over there. We [inaudible] more than two, three acres out of the
17 70 acres for that project. And there's railroad we were working with the, to use the
18 railroads and the closest access intersection was actually Bluff Road; it's not Garners
19 Ferry Road is about maybe three miles from the property and there is an access to the
20 property from Martin Luther King Boulevard about 300'. But to be honest with you if the
21 community [inaudible] project I don't care. We'll just do it somewhere else so.

22 CHAIRMAN ANDERSON: We do have a motion and a second on the floor.

23 MS. MATTOS-WARD: Is that necessary?

1 CHAIRMAN ANDERSON: I don't know. If the applicant wishes to defer,
2 withdraw? You want to withdraw?

3 MR. YAGHY: Yeah. I want to withdraw. [Applause]

4 MS. LINDER: Then I'd recommend making a motion to accept his withdrawal so
5 we have it on the Record.

6 MR. FURGESS: I make a motion that we accept his withdrawal.

7 MR. MURRAY: I second.

8 CHAIRMAN ANDERSON: We have a motion and a second to withdraw Case
9 No. – accept the applicant's request to withdraw Case No. 09-10 MA. Please signify by
10 raising your hand. All opposed?

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

13 CHAIRMAN ANDERSON: All opposed? Alright. As you leave would you please
14 hold it down as we're still in session, please? Thank you. Next item on the Agenda?

15 MS. ALMEIDA: Mr. Chairman, Planning Commissioners, we will begin our Text
16 Amendments. You'll find on page 21 the actual Text Amendment and the definition or
17 explanation of the Text Amendment. It has to do with Chapter 26 to define and permit
18 bus shelters and bus benches in all zoning districts with special requirements.

19 CHAIRMAN ANDERSON: Mr. Kocy?

20 MR. KOCY: Mr. Chairman, I gave you a 30-second overview of this. You saw
21 this last Planning meeting. This has changed a bit. It discusses bus shelters and bus
22 benches, both. It includes a permit fee for both. These can only be erected at
23 designated bus stops by the RTA. They need DOT and county approval. It requires a

1 building permit, building standards, limits the number and size of the advertisements,
2 but the biggest change in this in talking with the RTA found out that the Transit Authority
3 has got approval over the type of ads on these things. That was a concern in the
4 community. What happens if there are inappropriate ads? Although the county and this
5 Board doesn't have the authority to act as a censor over outdoor advertising, because
6 these facilities would be owned by the RTA, the RTA does have the ability to decide the
7 types of ads that they will place on these shelters.

8 MS. CAIRNS: Will the RTA be responsible for emptying the mandatory
9 trashcans?

10 MR. KOCY: That is something that they work out with the actual provider of
11 these shelters, yes.

12 MR. MURRAY: What was the problem, what was the purpose of not putting
13 bathrooms in them? What was the purpose? Tell me, please.

14 MR. KOCY: Availability of plumbing is probably a limiting factor in providing
15 restroom facilities.

16 MR. MURRAY: Or either no water, no water or sewer in the rural areas.

17 MR. KOCY: Correct.

18 MR. PALMER: I think they're just talking about the little small ones that are at
19 the stops, you know, with the, with no amenities to them. It's just a bunch of people that
20 sit and wait on the bus. It's not the larger bus terminals.

21 MS. CAIRNS: Shade and a seat.

22 MR. KOCY: Correct. Shade in the seat.

23 MR. MURRAY: Oh, it's just covering up a seat?

1 MR. KOCY: Right.

2 MR. MURRAY: About three people?

3 MR. KOCY: Right.

4 MR. MURRAY: Okay. Thank you.

5 MR. PALMER: The ones that are currently out there, Mr. Kocy, would they
6 comply with the current building regulations?

7 MR. KOCY: No. The ones that are out there have appeared without anybody's
8 permit or any authority. They've just sort of appeared. They've been popping up along
9 Two Notch Road and I notice that one appeared recently on Decker. So we will contact
10 – well one way or the other we're going to be contacting the company that put up the
11 benches and let them know that they need to come in and go through proper channels
12 to get these things legal.

13 MR. PALMER: What's the difference in the building between what's there, what
14 change would they have to make?

15 MR. KOCY: For one they need to get written authority from the RTA that the,
16 where the benches have been installed is an approved transit stop and then number
17 two, they would need authority from the County and the DOT if the benches in the
18 county is in the right-of-way but it can be authorized to be placed in the right-of-way.

19 MR. PALMER: Okay. But I'm talking about just the building of it. I understand
20 that they need to come in and get approvals for it and that kind of stuff but the actual
21 structures themselves as far as the bench building material and how they're situated?

1 MR. KOCY: Most of the construction standards deal with the shelter itself.
2 We're just talking about benches have to be durable material. The benches that I've
3 seen so far would meet out requirements for durable materials.

4 MR. PALMER: So conceivably they could come in, those could stay if they get
5 the approval?

6 MR. KOCY: Correct. Just – yeah, comply with the paper requirements.

7 MR. MURRAY: Well are we in any way thinking long range in making sure that
8 the availability of water and sewer is in your comp plan in some kind of way?

9 MR. PALMER: Yeah. I think all those are addressed in the comp plan where we
10 want water lines to go and the sewer lines and all that kind of stuff. Where we see
11 those lines going it's all in the comp plan. Mr. Chair, I just would have one simple
12 change to it and I would make a motion for approval. I would change that the fee from –
13 if someone's just going to simply put a bench that the fee be \$25.00, instead of \$50, and
14 \$50 for the structure if they're going to put a covered structure – a one-year fee. From
15 \$50 each to \$25 for just a bench and \$50 for the covered structure.

16 MR. MURRAY: Through the back door I think maybe what they're trying to do,
17 sir, is get some money so they can try and run these buses and operate the equipment.

18 MR. PALMER: I think all that money comes to the county; that won't go to the
19 Transit Authority. That'll all go to the county as a fee plus they'll also have building fees
20 and permits on top of those numbers as well. So the \$50.00 is not just the last fee. I
21 don't know how much money they'll get off those things but they got to cost something
22 to put in and then yearly, I mean, I don't know.

1 MS. CAIRNS: I would imagine a \$50.00 permit fee is probably the least amount
2 to not have it be a negative cash flow to even collect it. A \$25.00 fee is often more, it
3 cost more to collect it and deposit it and [inaudible] than the \$25.00 is. I mean, I don't
4 know if anyone –

5 MR. PALMER: Well there'll be building permits, [inaudible] fees.

6 MS. CAIRNS: I mean \$50.00 is nominal either way. I mean, if you think that
7 they should be different I would say it should be 50 and 100. But I think a \$25.00 fee
8 generally – that's hardly worth processing.

9 MR. PALMER: If you give me \$25 bucks a year I'm going to take it.

10 MS. CAIRNS: [inaudible] paperwork necessary associated with [inaudible]?

11 MR. PALMER: They're not just doing one. They're doing hundreds of them.

12 MS. CAIRNS: I know.

13 MR. MURRAY: [Inaudible] you just give it to them then you won't have to track it.

14 MS. CAIRNS: You've got to have a permit.

15 MR. PALMER: I mean, I don't think the revenue generated off of them, and I
16 may be wrong, would be a tremendously a large amount of money per month
17 someone's going to pay to put a small sign on the back of a bench. And if you start
18 doing, you know, 50 or 100 bucks, I just know in the advertising stuff that I do [inaudible]
19 I don't want to cause waves I just think they're different structures and you're advertising
20 more on the larger structure than you are the smaller one so their fees should be
21 different. That's all. If you don't agree, you don't agree. So my motion would be for a
22 recommendation of approval to Council with a \$25.00 fee for the bench and a \$50.00
23 fee if you're going to cover and put the overhead structure on it.

1 CHAIRMAN ANDERSON: We have a motion. Do we have a second?

2 MR. FURGESS: I second it.

3 CHAIRMAN ANDERSON: We have a motion and a second in favor of sending
4 Text Amendment dealing with Chapter 26 regarding bus benches ahead to Council with
5 a recommendation of approval please signify by raising your hand.

6 MR. PALMER: With the one exception?

7 CHAIRMAN ANDERSON: With the one exception of, on page [inaudible] page –

8 MR. PALMER: Page 21.

9 MR. FURGESS: Page 21.

10 MR. PALMER: That the fees be \$25.00 for a simple bench permit and \$50.00 if
11 it's going to be a covered bus stop permit.

12 CHAIRMAN ANDERSON: Correct. All those in favor please signify by raising
13 your hand. Opposed?

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

16 MS. LINDER: That's a fourth – that's four in favor and three opposed and I'll
17 make the amendment.

18 MR. PALMER: And I also want to just point out, I know there's probably nothing
19 we can do about it but in the future when you guys draft stuff, attractive appearance and
20 not detract from adjacent surrounding properties, I don't think we need to put
21 ambiguous language in the Code that's subjective. That's just a thought. I don't know
22 how else to get around it but.

1 MR. KOCY: We drafted this from existing municipal regulations that have active
2 programs like this with large mass transit systems. So we just copied existing code.

3 MR. PALMER: I mean, who says what attractive is?

4 MR. MURRAY: The garbage man.

5 MR. PALMER: You?

6 MR. KOCY: I'm the purveyor of beauty in the county.

7 MR. PALMER: Attractiveness?

8 CHAIRMAN ANDERSON: Alright. Any comments, questions? If not, Complete
9 Streets. Mr. Gosline?

10 MR. GOSLINE: The first thing I'd like to say is I should never work out of my job
11 description because I put these together and put the second sheet backwards. What
12 we'd like to do is, we have a short PowerPoint that we'd like to provide and then we
13 have several people that would like to comment on the Complete Streets and we'll be
14 open for your questions. First of all we're going to try to push this – Complete Streets is
15 a terrible name because it connotes a thing when it's really a process and a procedure
16 and what it means is changing the way you do street work and street design. There is
17 no cross-section of a complete street. There's two-lane complete streets, there's five
18 lane, there's all kinds of them. And what you'll see is some examples of the products
19 that can be achieved. In your background material there's lots of data about the need
20 for the thing, the people who are pushing it. The handout that I gave you gives you
21 some more interesting facts. Fifty-five percent of Americans prefer to drive less and
22 walk more but in most places there just isn't the opportunity, and here's just another
23 example of that. This is what, typical of what happens in a lot places although this has

1 frontage roads and we don't have too many of those around here. We have a few. No
2 sidewalks so you have to share the, pedestrians and bicycles have to share the road.
3 Often the streets are inadequate. Here's a case of a bus stop but there's no where to
4 get, no pedestrian way to get to it and no path. Here's another stop, bus stop but not
5 accessible for wheelchairs. No room for bikes or pedestrians. Again another,
6 somebody trying to cross the street. There's another example. We've got lots of those
7 around here. Dirt trails along the roads. Here's some more statistics. Top pedestrian
8 complaints are incomplete streets, too few sidewalks, insensitive drivers. Again
9 incomplete streets are unsafe. [Inaudible] right-of-way design [inaudible] what we're
10 trying to do is when you do streets we retrofit them or spend a significant amount of
11 money is we want to make sure that the roads accommodate pedestrians and bicycles
12 and traffic and that they all have equal consideration. And this is another example of
13 one. This is not something that the Department thought up, this is something that the
14 people in Washington thought up some years ago and came up with the name of
15 Complete Streets. So here's some, in your materials and in here you'll see some
16 quotes and places of people that are pushing the idea. Some existing policies. This is
17 being updated all the time. In South Carolina we've added Rock Hill and Anderson just
18 in the last couple months. Columbia's not too far behind us. And this, this is, what
19 you'll see here is a list of examples of Complete Street policies and how they'll work and
20 basically what we're asking you to do is endorse the Resolution that will go to the
21 Council and the Council, in the resolution it directs Staff to change the processes and
22 procedures and there would be some regulation attached to that but more in the terms
23 of policies and procedures. Charlotte has got some really good stuff going on if you've

1 been up there lately. This is completing the streets local action. I love these diagrams.
2 I think they're done by people in Washington as well. Ex-Department of Defense
3 people. Affective quality should drop the following changes. Restructured procedures.
4 Rewritten design manuals. Retraining planners and engineers. Retooled measures to
5 track outcomes. And the next few slides will show you many different parts and this is –
6 I don't know where a lot of these are from but here's an example of pedestrian crossing
7 to make it safer. Many types. This one is strictly a bike lane on a fairly rural road. This
8 is much more urban situation. Here's some more examples. I guess the point is that
9 there is no one example and it's just a whole process of designing to fit the area and
10 changing the processes and procedures. This looks a little bit like Greenhill Parrish
11 right here; one part of it anyway. By fully – no, I'm not going to read it; you can read it.
12 Designing intersections for pedestrian traffic and reduce pedestrian risk by 28%.
13 Benefit safety. Europe has more bike and pedestrian travel and far fewer deaths.
14 Here's an example of Portland, Oregon. They have a very extensive system. In the
15 material we handed out there's a quote by somebody from Portland about the economic
16 impacts that have been generated. We have, the COG has done a regional bike and
17 pedestrian plan. The City of Columbia is actively involved in bike trails. And those of us
18 who are over 55 would like to be able to walk safely on the roads. Twenty-one percent
19 of Americans over 65 don't drive. More than 50% stay at home on a given day because
20 they have transportation, lack transportation options. There's a whole lot of health
21 benefits to doing this. American's - you can see all these. Fifty percent of – one of the
22 interesting things to me was that 50% of the trips in metro areas are less than three
23 miles. Twenty-eight percent are one mile or less and yet 60% of the trips under one

1 mile are by automobile, usually single person. And this is, there is a national group
2 called the Complete Streets Coalition. These are some of the national groups that are
3 pushing the Complete Streets program or concept. That's it. We have some, a few
4 people that would like to speak, Mr. Chairman.

5 CHAIRMAN ANDERSON: Any questions for Mr. Gosline? Rachel Kafalas?
6 State your name and address for the Record, please.

7 **TESTIMONY OF RACHEL KAFALAS:**

8 MS. KAFALAS: My name is Rachel Kafalas, 2323 Gadsden Street in Columbia.
9 As Carl mentioned, Complete Streets are really about incorporating features into our
10 roadways that accommodate not just automobiles but bicyclists, transit users, and
11 pedestrians. As the director of the Palmetto Cycling Coalition, which is a statewide
12 bicycle advocacy group, Complete Streets is really at the core of what we try to get to
13 happen in South Carolina. I'm going to mention a few benefits of Complete Streets that
14 sort of expand upon the topics that Carl brought up. Complete Streets are vital to local
15 economy. According to a 2009 report, improving alternative modes of transportation
16 which includes walking, cycling, and public transit tends to reduce total motor vehicle
17 traffic and its associated costs. That's providing additional long-term savings and
18 benefits. These increase, this increases transportation system efficiency and tends to
19 create far more jobs than those created by common direct infrastructure investment
20 such as building roads and repaving roads. To get a better understanding of the
21 economic benefits beyond the street level we in the advocacy arena often look at what's
22 happening in the Northwest and Carl mentioned a few of the examples happening in
23 Portland. Multiple studies from the Northwest show that by creating transportation

1 systems that are accessible to pedestrians, cyclists, and transit users business districts
2 benefit in terms of drops in vacancies, increases in sales tax revenues, and increases in
3 new business establishments. These changes spark economic revitalization and create
4 livable communities. According Congressman Earl Brunhauer(?) for every million dollar
5 invested in bicycling improvements and trails, local economies gain 65 jobs and 50 to
6 100 million in economic activity. In Portland they're saving an average of \$2.6 billion a
7 year due to its green lifestyle. That includes less commuting, less money spent on gas
8 and automobiles, use of public transportation and an overall green land use planning.
9 This money has been funneled back into the local economy. Complete Streets also
10 mean better air quality and improved environmental conditions. Carl also mentioned the
11 2001 National Household Transportation Survey that stated that 50% of all trips in the
12 metropolitan areas are three miles or less and 28% in metropolitan areas are one – are
13 one mile or less; distances that are easily traversed by foot, bus or bicycle. Yet 65% of
14 these trips are under one mile and are now made by car in part due to the incomplete
15 streets that exist that are barriers to transit users and cyclists and pedestrians.

16 CHAIRMAN ANDERSON: Thank you. Steve Hooker.

17 **TESTIMONY OF STEVE HOOKER:**

18 MR. HOOKER: Steve Hooker. 9 [Inaudible] Crossing, Columbia, South Carolina
19 29229. I'm a research associate professor in the School of Public Health but today I'm
20 wearing a hat I had previously when I had the opportunity serve on the Richland County
21 Council Transportation Study Commission and we worked for 18 or so months to put
22 together a report and I was privileged enough to be on the Greenway Bike and Ped
23 Committee. I gave a Complete Street presentation to the Executive Committee of that

1 Commission which included Mr. McEachern when he was on County Council and
2 others. I also in this very room gave a Complete Streets presentation to the entire
3 Membership of the Commission and it was our consensus to include the concept or the
4 philosophy of Complete Streets as an underlying foundation to that entire report which
5 lays out priorities and recommendations for road, transit, and greenway bike and ped
6 projects of the next 20 to 25 years. Regardless of a lack of a funding source for those
7 projects I believe that the report is extremely credible and valid and the Complete
8 Streets philosophy or way of doing business if you will was a way of looking at a future
9 and what we want Richland County to be like. Do we wanted to be dominated by
10 automobiles only or do we want to give all our residents multiple options when they go
11 out their door to go someplace? So we really want the County Staff and their partners
12 in the city to take upon themselves a Complete Streets way of doing business. When
13 they look at projects consider all modes of transportation and actually starting with
14 pedestrians first. Can they be accommodated and then cyclists, transit, and then
15 automobiles. Thank you.

16 CHAIRMAN ANDERSON: Thank you. Jay Daniels.

17 **TESTIMONY OF JAY DANIELS:**

18 MR. DANIELS: Hi. I'm Jay Daniels. I work with DHEC. I am the Healthy
19 Communities Consultant for our Bureau of Community Health and Chronic Disease
20 Prevention. And what I want to do today is provide some of the linkages also between
21 Complete Streets and health. Complete Streets provide context sensitive transport
22 options and opportunities that, for increased physical activity by incorporating features
23 that promote regular walking, cycling, and transit into how we plan and design our

1 transportation system. One of the studies that just came out and was actually in this
2 month's *American Journal of Preventive Medicines* says that, the biggest single factor
3 influencing physical activity around the world is accessibility to sidewalks. Within this
4 same article they determined that designing neighborhoods to support physical activity
5 for recreation and transportation purposes should be a public health priority around the
6 world. This same, this same endorsement is actually upheld by the National
7 Association of Realtors and this can be found in the *Uncommon Ground* article on the
8 right path to better health. Some of the actual organizations supporting Complete
9 Streets include the AARP, the American Planning Association, the American Public
10 Transportation Association, and the National Association of Realtors just to name a few.

11 CHAIRMAN ANDERSON: Thank you, Mr. Daniels.

12 MR. DANIELS: As far as the housing market and what not's concerned at how it
13 impacts it.

14 CHAIRMAN ANDERSON: Thank you much. [Inaudible] Thank you. Alright.
15 We appreciate all that great information. Mr. Gosline, you got something to add?

16 MR. GOSLINE: No, sir. I'm just ready to answer any questions you have.

17 MR. GILCHRIST: Mr. Chairman? Carl, one quick question. The – this vote
18 today would be to endorse the resolution; correct?

19 MR. GOSLINE: That's correct.

20 MR. GILCHRIST: And you all with come back to us in the future – in the near
21 future with a plan on how this is going to work?

22 MR. GOSLINE: We will come back to you if there's regulation, when the
23 regulations part come through. It's going to be a long time though because it's going to

1 take an awful lot of coordination with lots and lots of groups to work through all this stuff
2 and policies and DOT and everybody. But, yeah, we would be coming back for the
3 regulations part.

4 MR. GILCHRIST: Quite some time, okay.

5 MR. PALMER: What would this change, if anything, just say this were passed by
6 Council tomorrow, what would this change with any new projects coming in?

7 MR. GOSLINE: Well what it does, Pat, is make a policy, clear policy statement
8 that the county is going to participate in the program. The state is already pushing the
9 program. The feds are pushing the program. And it's a clear statement that we are
10 going to join the group and work on changing the policies and procedures regarding
11 roadwork and road design. It's kind of that simple.

12 MR. PALMER: Nothing will change?

13 MR. GOSLINE: No. We hope it will change. That's the whole thing. We want to
14 change the way we do things in building roads.

15 MR. PALMER: Well I don't know how it will change. I mean, that's what I want
16 to understand before I vote is how would it change a specific project when a new project
17 comes in right now?

18 MR. KOCY: How would it change a specific project? Don't know. One of the
19 philosophies would be though that major county road improvements would be, would
20 include a paved shoulder for a bike lane.

21 MR. PALMER: But see, that's what I would view as a regulation change which
22 this –

1 MR. KOCY: Correct. And we will come forward with that regulation change. But
2 will it change tomorrow if this is adopted today? It will change nothing. It'll change the
3 way we think and it'll change future activities going to regulatory change. But there will
4 be no immediate impact.

5 MR. PALMER: I guess my question, I don't understand, I mean, I'm under the
6 assumption that the way that you guys think is based on regulation.

7 MS. CAIRNS: They're planners.

8 MR. KOCY: We're planners.

9 MR. PALMER: But what you think when it comes to implementing -

10 MR. KOCY: The way we implement is through regulation; correct.

11 MR. PALMER: -- regulation. So I guess what you're saying is that you guys will
12 start thinking about ways to implement new things.

13 MR. KOCY: This initiated with the County Council. The Complete Streets is part
14 of the county's strategic plan that the County Council adopted in March of 09, so we're
15 doing this in response to the County Council's comprehensive plan and that is to start
16 with a Resolution to technically and officially adopting a new philosophy of Complete
17 Streets. Once we get that underway we'll go back and look at our DOT, excuse me, our
18 Public Works design for county roads to include things as adequate shoulders on major
19 thoroughfares for safe bike use.

20 MR. PALMER: What does Complete Streets mean because it's not spelled out
21 here? It just says, I hear a lot in the Resolution that we want Complete Streets,
22 Complete Streets concept.

1 MR. KOCY: Designing streets for automobiles and pedestrians and bicycles.
2 Right now our County Code is solely geared with motor vehicles. We talk about traffic
3 counts, we talk about lane widths, we talk about all this stuff. If you're not 2,000 pounds
4 and four wheels our County Code really doesn't directly deal with you.

5 MR. PALMER: We do require sidewalks.

6 MR. KOCY: We do.

7 MR. PALMER: So that addresses pedestrians.

8 MR. KOCY: That's pedestrians. What about bicycles? In the State of South
9 Carolina it's illegal to ride a bicycle on a sidewalk.

10 MR. PALMER: Right. It's supposed to be ridden on the street.

11 MR. KOCY: That's correct. Except our streets, the pavement stops at the white
12 line at the right, at the extreme right edge.

13 MR. PALMER: So we just talking about really kind of starting to address some
14 bicycle issues and not –

15 MR. KOCY: We also saw some things on the slides like bus stops. To have a
16 bus stop that leads out to a patch of pavement. That's not ADA compliant so today,
17 earlier today we discussed bus shelters. We'll also be discussing designing roadways
18 to accommodate transit facilities in the right-of-way that are safe and ADA compliant.

19 MS. CAIRNS: I don't think that our current sidewalk regulations are very
20 thorough. They require them here and there, catch-can, but not an integrated network.
21 Like Percival Road's a good road but there's no sidewalks on and yet it screams for
22 them. And Garners Ferry fortunately has some.

23 MR. GILCHRIST: But you'll be coming back to this Commission with plans?

1 MR. GOSLINE: I think another part of the answer, Mr. Palmer, is that it's
2 already, these – this process or this concept is already required by the federal
3 government and the state DOT so that they're doing it on any state road projects
4 anyway. So, and we're just, we want to be consistent with them. We want – part of this
5 is we want to have all of these things in place to help, you know, one little thing more to
6 help us get money. But the important thing here is that this not a cross-section. It's not
7 a typical cross-section. There aren't any – it's a process of rethinking how you do the
8 road so it accommodates all kinds of pedestrian, vehicular travel. It's really kind of that
9 simple. And you're right, we will come, there will be some regulations attached to it but I
10 wouldn't be looking for it for nine months, 12 months from now.

11 CHAIRMAN ANDERSON: So this is a mechanism for federal dollars basically?

12 MR. GOSLINE: Well that's a bit overstating it but it's another little piece that you
13 put in the checklist.

14 CHAIRMAN ANDERSON: And speaking of checklists as far as [inaudible] Staff's
15 recommendation let's say DOT couldn't do a continuation of a bike lane and a particular
16 subdivision or large tract general commercial piece wanted to go in at the other end of it
17 if that couldn't continue, and I'm trying to find an example here but I'm just looking for
18 any reason why Staff would deny it based solely upon this – that project.

19 MR. GOSLINE: I can't see that because in order to get the state and federal
20 money you're going to have to do it so. We are working on the sidewalk, Mr. Palmer's
21 favorite subject, the sidewalks to nowhere. This young lady right here is going through
22 and, to all the past commercial projects and preparing a spreadsheet of needs so we

1 can start addressing the sidewalks to nowhere in some comprehensive manner. We'll
2 be coming back to you with that this Fall hopefully.

3 CHAIRMAN ANDERSON: Alright. Any other questions for Mr. Gosline? Do we
4 have a motion?

5 MR. GILCHRIST: I make a motion that we approve the Resolution as stated, as
6 written.

7 MR. MURRAY: Second.

8 CHAIRMAN ANDERSON: We have a motion and a second. All those of
9 sending Complete Streets resolution to Council with a recommendation of approval
10 please signify by raising your hand. All opposed?

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

13 MR. GOSLINE: Thank you.

14 CHAIRMAN ANDERSON: I thank y'all. Anna? We're ready for [inaudible].

15 MS. ALMEIDA: The next Text Amendment is Section 26-105, Floodplain Overlay
16 District.

17 CHAIRMAN ANDERSON: Mr. Kocy.

18 MR. KOCY: Mr. Chairman, this is initiated from a recommendation of the County
19 Council. Currently the county does not look for flood delineations on land except at the
20 building permit stage. County Council has suggested that it might be a better idea to
21 look for flood delineations on subdivisions and site plan review so land purchasers are
22 aware of any constraints on the property. This request from the County Council also
23 complies with recent changes to the federal or FEMA Community Rating System

1 requirement for flood insurance where a community must identify floodplains at the
2 subdivision and site plan review.

3 MR. FURGESS: Question for Staff. Are we still going by, we're not using the
4 county flood ordinance anymore? We're strictly going by what FEMA say that it's a
5 floodplain?

6 MR. KOCY: We have a county floodplain ordinance but FEMA delineates flood
7 districts, flood lines, flood zones and we use FEMA's delineation. But we have our own
8 county regulations on developing floodplains.

9 MR. FURGESS: [Inaudible] using anymore, right?

10 MR. KOCY: We are using. We're not changing the way we permit development
11 in a floodplain. We're just suggesting that the application should have flood lines on at
12 subdivision or site plan, before the building permit phase.

13 MR. FURGESS: I have some questions about that. Pat, you remember a couple
14 years ago we got into this discussion about the floodplain whether using county or the
15 federal floodplain guidelines or?

16 MR. PALMER: Yeah. And there's a big lawsuit and all that kind of stuff. But
17 what you've got to do now is you got to – if you're, from my understanding; correct me if
18 I'm wrong. If you dispute what the flood coordinator says you just got to get the
19 approval through FEMA.

20 MR. KOCY: It's the FEMA line that we're enforcing and if you have a problem
21 with, if you have a difference of opinion on the FEMA line you could submit engineering
22 information to FEMA and they will amend a map, amend or adjust a map.

1 CHAIRMAN ANDERSON: We don't have anybody signed up to speak. Anybody
2 want to speak on the matter?

3 MR. PALMER: So basically this is requiring at a different stage in the game?

4 MR. KOCY: Correct. The information will still be required. It will just be required
5 before lots are created instead of after lots have been created and you're applying for a
6 building permit.

7 MR. FURGESS: Okay.

8 MR. MURRAY: And what's the purpose of it now? What is the purpose?

9 MR. KOCY: It was a request from the County Council and it also complies with
10 recent changes to the FEMA insurance provisions. FEMA is now requiring flood lines to
11 be shown in subdivisions or site plans.

12 MR. PALMER: I guess what happens sometimes is that people lay out a
13 subdivision not taking into account floodplain lines and then they come through the
14 process and the floodplain lines are delineated at the end?

15 MR. KOCY: Correct.

16 MR. PALMER: And then the people say well half this lot's in a floodplain I still
17 want it to be a lot.

18 MR. KOCY: Correct. And it's difficult for a homeowner – for a landowner who
19 bought a lot in that subdivision to site a house or it's much more arduous permitting
20 process to site a house in a floodplain than outside of a floodplain.

21 MR. PALMER: So the floodplain lines would then be on what; the bonded plat or
22 something?

23 MR. KOCY: Yes.

1 MR. PALMER: As opposed to afterwards?

2 MR. KOCY: Correct.

3 MR. PALMER: Okay. I make a motion to send this forward to Council with a
4 recommendation of approval.

5 MR. FURGESS: Second.

6 CHAIRMAN ANDERSON: We have a motion and a second. All those in favor of
7 sending ahead to Council with a recommendation of approval please raise their hand.

8 All opposed?

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

11 CHAIRMAN ANDERSON: It looks like Park and Recreation District?

12 MS. ALMEIDA: Mr. Chairman, found on page 83 is a Text Amendment creating
13 a new zoning district which is a supplement to our existing to provide for Parks and
14 Recreation District. It's being initiated by Planning Staff in response to County Council
15 Members' concerns regarding protecting existing parks and possible future
16 development.

17 CHAIRMAN ANDERSON: Why couldn't we just use TROS?

18 MS. LINDER: The TROS would not allow ball fields or a lot of golf, excuse me,
19 they allow golf courses but not the ball fields. The fitness centers would not allow.

20 MR. PALMER: Did we not add under TROS those as special exceptions?

21 MS. LINDER: That would be one way of handling it but right now the TROS is a
22 very limited use and this perhaps would allow more uses into it than Council would want
23 under a very limited use district.

1 MR. PALMER: Under a special exception we could use the BOZA arm to allow
2 certain other uses without creating a whole new category?

3 MS. LINDER: The existing county parks and state parks if they were zoned to a
4 TROS they would have a lot of grandfathered uses and if they wanted to expand they
5 would not be able to. I think Council's looking to eventually rezone some of the county
6 parks and possibly Sesquicentennial Park to a PR District.

7 MR. PALMER: So all of these uses are the only uses that are –

8 MS. LINDER: This ordinance was drafted with input from the county parks,
9 county recreation folks and the state county folk, state people with Sesquicentennial so
10 that we would accommodate all their current uses.

11 MR. PALMER: Was there no thought process to put in a size limit in here? What
12 I'm – I don't want people to have to put this in their subdivision. In other words if
13 somebody comes in with a subdivision that the Council wants, you know, they have a
14 park in the subdivision then they, you know -

15 MS. LINDER: This would be a zoning district.

16 MR. PALMER: Right.

17 MS. LINDER: And so you'd have to go through the whole rezoning process.

18 MR. PALMER: So that's what a two-acre minimum?

19 MS. ALMEIDA: Correct.

20 MR. PALMER: For rezoning?

21 MS. ALMEIDA: Or less if you're adjoining to the same zoning district.

22 MR. PALMER: So does that mean that if a park less than two acres in the
23 county it cannot be zoned to this?

1 MS. ALMEIDA: Correct, unless there's a park adjacent to -

2 MR. PALMER: Park adjacent.

3 MS. ALMEIDA: - and it's zoned parks and recreation.

4 MR. PALMER: Which there are none currently?

5 MS. CAIRNS: Isn't one of the exceptions –

6 MS. ALMEIDA: Correct. Or initiated by a Council Member or Planning Director.

7 MS. CAIRNS: It was an exception to the two-acre rule?

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

9 MR. PALMER: So conceivably parks inside of neighborhoods could be rezoned
10 to this by Council?

11 MS. LINDER: Conceivably but that is not what I would expect would happen.

12 MR. PALMER: A lot of things happen I don't expect too.

13 MS. LINDER: This was initiated by some Council Members. They had a
14 concern about the existing county parks and state parks within Richland County that
15 may be vulnerable or prey to development and there is a desire to protect these parks
16 and give them as much protection as possible from development.

17 MR. PALMER: I understand the desire. I think the desire's good. I think the
18 process is good. I just want to make sure that there's not a pitfall to it that perhaps
19 could occur because of what some people may or may not want to do on an individual's
20 – I mean, if we limit it to a certain acreage that's fine but, I mean, it's not limited. You
21 know, for a small park in a subdivision that, you know, currently is a park maybe the
22 homeowners' association doesn't want it to be a park. Maybe becomes a liability for the
23 homeowners' association and they all decide we don't want to be a park anymore but

1 it's been zoned that and they can't put a house on it or make any revenue off of it or
2 anything.

3 MS. LINDER: Well I guess two responses. Affirmative action would have to be
4 taken to rezone a small subdivision park and if the subdivision did not want that they
5 would certainly oppose it. Again, if the person that owns the park does not initiate it it
6 would have to be initiated by the Planning Director, a County Council Member, or a
7 Planning Commission body.

8 MR PALMER: Yeah, there's a – just like with a TROS District hardly none – well
9 there was a few but hardly none of the people who were rezoned that wanted to be
10 zoned that.

11 MS. LINDER: That's correct. That was a Council initiated.

12 MR. PALMER: Right. Which is the same thing that can happen with this as
13 well?

14 MS. LINDER: That is correct.

15 MR. PALMER: So.

16 MS. ALMEIDA: But that can happen in any zoning district.

17 MR. PALMER: It could but we're in the initial stages of creating a zoning district
18 which creates the whole problem in the first place, creates the potential issue. I just
19 think that perhaps it can be handled under the TROS District under a special exception
20 or perhaps even under special requirement as opposed to creating a brand new zoning
21 district. I understand what they're trying to do and I'm in favor of it. I just don't know if
22 this is the correct way to do it because there's potential issues.

23 MS. CAIRNS: I think there –

1 MS. ALMEIDA: Well, through the map amendment process the public gets an
2 opportunity to come to the Planning Commission, to go to County Council to have three
3 hearings and have Minutes approved. With a special exception it's just the one Board
4 which is the Board of Zoning Appeals and, you know, the public would have to take that
5 into their own hands and go to court. So in the map amendment process the public has
6 more of an opportunity to voice their opinion.

7 MR. PALMER: So they have two opportunities as opposed to just one?

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

9 CHAIRMAN ANDERSON: Any questions for Staff on this? Just along those
10 lines, the intent is there. I'm not opposed to it. When I asked my initial question just
11 TROS I – just seemed a little redundant. I do see the intent of Council on this. They
12 can rezone pretty much anything they want anyways.

13 MR. PALMER: I would like to defer it for 30 days. It's not a pressing issue. We
14 don't have anything coming up, anybody's trying to stop or anything I don't think. I'd
15 feel like to defer for 30 days and perhaps -

16 MS. ALMEIDA: Please note that you all do not have a meeting in August and
17 Council will only be meeting in September so it could not be a 30-day deferral.

18 MR. PALMER: Will this go to the zoning public hearing that's already been
19 deferred or will this be on the 23rd meeting with Council?

20 MS. ALMEIDA: It would be on the September.

21 MR. PALMER: Twenty-third?

22 MS. LINDER: If you would just make your motion to defer it to the next Planning
23 Commission meeting that would probably be appropriate.

1 MS. CAIRNS: It will end up on the same agenda for Council?

2 MS. LINDER: Correct. I think you made the motion to defer for 30 days and
3 what Ms. Almeida is saying is just defer it until the next Planning Commission would
4 basically be two months instead of one month.

5 MR. PALMER: That's I would – I would make a motion to defer to our next
6 Planning Commission meeting and try to get together and try to figure out some kind of
7 way to handle this in another manner.

8 MS. CAIRNS: There's one thing I'd like [inaudible] -

9 MR. MURRAY: I second.

10 MS. CAIRNS: - killing extra trees but if you could drop in our packet what the
11 TROS allowable uses are so we can sort of see what the –

12 CHAIRMAN ANDERSON: We've got a motion and a second on the floor. All
13 those in favor of deferring this to the next Planning Commission meeting please signify
14 by raising your hand. All opposed?

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

17 CHAIRMAN ANDERSON: All right.

18 MS. LINDER: Mr. Chairman?

19 CHAIRMAN ANDERSON: Yes, ma'am.

20 MS. LINDER: Would you want a work session on this issue? No? Are you
21 asking Staff to do anything different?

22 MR. PALMER: I'm not personally at this point. I'm –

1 MS. ALMEIDA: Supplying more - supplying information of allowable uses in
2 TROS?

3 MS. CAIRNS: Yeah. Just sort of show us what the difference is. But what
4 would be the difference between this and TROS –

5 MS. ALMEIDA: Okay.

6 MS. CAIRNS: - as opposed to amending TROS or, you know, I mean, do we
7 need two park sections or can we make one?

8 CHAIRMAN ANDERSON: Alright. I think we're on comp plan.

9 MS. WILKE: Yeah, I'll make this quick and painless. Page 93 you'll see a memo
10 regarding the "Growing Together: Thriving People for a Thriving Columbia." This was a
11 study that was done I believe in 2007 by a non-profit and they, basically what they did
12 was they looked at the 20/20 plan. They looked at what they liked and what they didn't
13 like about it and they issued a study on that. Your memo references adopting this plan
14 into the 2009 comp plan which is pending but actually Amelia has advised us that it
15 actually needs to be adopted into the 20/20 plan so I just want to make that slight
16 adjustment. But one other thing I want to say is that when the ordinance is signed by
17 County Council to adopt a new plan this study will carry over into the new plan so keep
18 that in mind as you make your vote on this. It came down from County Council. One of
19 the Members of County Council initiated this. They want the study to be adopted into
20 the comprehensive plan and they ask Planning Commission to take a look at it and
21 decide if you liked it or if you didn't like it. Staff's position is that it's very focused on just
22 one part of the county. It really focuses on the Southeast. It doesn't talk a whole lot
23 about the rest of the county, and in addition it kind of meanders. It talks about the

1 Columbia area which includes all our six surrounding counties. It also talks about
2 Columbia, the city, and it talks about Richland County. So it's a little bit, Staff thinks it
3 would be better served as part of the Hopkins Neighborhood Master Plan which is
4 slated to be studied by a consultant in the next few years. Questions?

5 MR. PALMER: Anybody signed up to speak?

6 MR. MURRAY: You say that it's kind of slanted towards the Southeastern area.
7 There might be a reason if a Council Member, you know, expressed a desire to change
8 or to include something else and the reason itself but when you look down there you
9 have nothing but people and a swamp, Congaree National Preserve. No water, no infra
10 you know, no infrastructure down there to even do anything. So if it takes – I used to
11 represent the entire county, Richland County, and when we started, when we started on
12 Richland County there was nothing up in Blythewood at all. You had a, they were
13 concerned with mobile homes up there at that time so you know that was kind of
14 antiquated. And you look at it now. But it had a lot of thought and a lot of people
15 working trying to get it squared away. The same when you squared Northeast away it
16 goes almost to Camden now. It goes up to Elgin and you've got everything squared
17 away up at Lake Murray. You're going to have to go back down into Lower Richland
18 and do something. So if it takes a little bit more time – I'm not saying that you must put
19 all of your effort but there should be some concerted effort by the Planning Commission
20 to see that that area is also served properly and not being a part of South Africa of
21 something.

22 MS. WILKE: A lot of what the study references is things like inclusionary
23 housing, impact fees, intergovernmental coordination, community based schools. All of

1 that information has already been, it's already a part of the new comprehensive plan.
2 Like I said, this study looked at the old comprehensive plan, not the pending
3 comprehensive plan. So a lot of what the plan references has already been
4 incorporated into the new plan. Some of it is not what we're suggesting like
5 infrastructure in the entire Southeast. That's not something that the comprehensive
6 plan is pushing for because we feel like there is a need to preserve rural land down
7 there. We know that infrastructure is needed but not throughout the entire area, just like
8 there's other portions of the county that don't have infrastructure. So there's a lot of
9 discrepancies and there's a lot of similarities. It's really your call on whether or not you
10 want to adopt it into the plan or not.

11 MR. PALMER: Mr. Chair, when is the Hopkins plan coming up?

12 MS. WILKE: Well, there's – we have three plans that are slated to be done.
13 Yeah, the Hopkins plan, the Broad River corridor, and then Spring, I always forget the
14 name of it. Spring Hill or Springdale. Spring Hill, thank you. So Broad River is next.
15 That will be done this year and then when we're done with that one, either Spring Hill or
16 Hopkins will be next. I believe Hopkins is next, so probably in the next two to three
17 years that will be completed. And then the Hopkins Master Planning area is over two-
18 thirds of the Southeast.

19 MR. MURRAY: How was it that, approximately three years ago the county was
20 down doing petitions and what have you and asking who wanted to sign them, having
21 meetings all down through Hopkins where one of the persons were alluding to today.
22 They were alluding to that Cabin Creek over by the Joe Brooks' store. That's where,
23 right near Martin Luther King Drive and Minnerville Road. That's where you had all that

1 gasoline and the contaminants down there. And they were pushing and had – they
2 were going door to door asking people whether they wanted to sign up for the water
3 about three years ago. Now that has died and you hear nothing else about it. So it
4 doesn't seem like they've been consistent in what they're doing. If you say you're going
5 to do something do it or either you sit there just like you have that benign neglect. But I
6 believe that if whatever we say we're going to do we should follow up on it and make
7 sure that it's done properly and in a timely manner. Like sidewalks here. By the time
8 we get sidewalks down on Old Bluff Road where I live I'll probably have one of those
9 little Hove-arounds, you know, [inaudible] to do because, I mean, that's how slow
10 government is. Started in 1965 with that, '66 or '67 here with County Council and you
11 could be proud of Blythewood, but you ain't got nothing else to be proud of cause we
12 haven't done too much more when it goes - Lower Richland looks the same way today
13 that it did when I left going in the Air Force 50 years ago, 55 years ago. So the only
14 thing that has changed is they did give us a swamp because they made it that as the
15 Congaree Preserve and that's for the rich folk so they can come down and walk through
16 the swamp and ride their boats through there. I can't even walk on the streets down
17 there, on the road on the weekend because you've got so many kayaks or whatever you
18 call them. Sometimes they have a convoy of them and you can't use it so. I just hope,
19 you know, when you're doing your planning you remember that that's part of Richland
20 County.

21 MS. WILKE: Yes, sir.

22 MR. GILCHRIST: Mr. Chairman? Just a quick question. What percentage of
23 this plan encompasses the Southeast Region; do you know?

1 MS. WILKE: Ask again? I'm not –

2 MR. GILCHRIST: You'd indicated earlier that most of this encompasses –

3 MS. WILKE: Oh, this entire plan references, the entire study is really about the
4 Southeast part of the county.

5 MR. GILCHRIST: Okay.

6 MS. WILKE: Like I said it does, it meanders, it talks a lot about the Midlands
7 area and then City of Columbia but I'd say 95% of it is focused on the Southeast which
8 is why as a Staff we thought it'd be better served as a part of the Hopkins plan.

9 MR. GILCHRIST: Mr. Chairman, I agree with that analysis and would make a
10 motion that we adopt the Planning Commission's recommendation on that. I mean, the
11 Planning Staff's recommendation on that.

12 MR. PALMER: For this not to be included in the 2009 comp plan but is instead to
13 be included in the Hopkins study which is coming up in the next two, three years? I
14 would second that.

15 CHAIRMAN ANDERSON: We have a motion and a second. All those -

16 MS. CAIRNS: I apologize. I've just got a quick question because I'm looking at
17 the resolution on page 141 and it talks about incorporating this into the Lower Richland
18 area of the 20/20 comp plan.

19 MS. WILKE: Yeah. Because the old comp plan is – well, you're right. It does
20 say that. The old comp plan is written differently than the new comp plan. You're
21 exactly right. The older comp plan is – well, the current comp plan, the 20/20 comp plan
22 is divided into areas and one of the areas is Lower Richland. You're correct. It is
23 written that way. However, when it comes over, when it's adopted into the new comp

1 plan it'll be adopted as a whole; is that right, Amelia, and will apply to the entire comp
2 plan?

3 MS. LINDER: As of right now this Resolution would be to endorse it or to make it
4 a part of the 20/20 plan which is in effect now. To put it in to the 2009 comp plan in
5 whole or in part would have to be a decision that would be made further down the road.
6 I think right now we have a Lower Richland area and that was what Council wanted to
7 have this incorporated for the Lower Richland area. The 2009 comp plan has been
8 deferred until this Fall, which is why we had thought well we'll go ahead and put it into
9 the current comp plan and then we'll see what fits for the 2009 when County Council
10 takes that up.

11 MS. WILKE: I would say that what happened is the comp plan was supposed to
12 be passed by now and because there was a lot of, County Council deferred it until
13 September and so the motion to incorporate this into the new comp plan was made with
14 the understanding that it would be adopted before this came before County Council. So
15 because a lot got referred it just messed up the whole timeline really. I think there's
16 probably a couple, actually a couple different things you could do. One would be I
17 guess you could defer it until the new comp plan is adopted or you could adopt it into
18 the old plan and choose not to adopt it into the new plan.

19 MS. LINDER: I think because this is Council initiated I would recommend that
20 you make a recommendation to adopt it into the current comp plan or make a
21 recommendation not to adopt it in the current plan so we have something to take to
22 Council.

23 MR. GILCHRIST: So what did I just do?

1 MR. PALMER: We were talking about the new comp plan but I guess the motion
2 needs to be addressed towards the 20/20 plan which in a few months is going to be
3 extinct anyhow.

4 MR. MURRAY: Well, isn't it possible to carry that over into; is that right?

5 MS. LINDER: You can make a complex motion in that you would recommend
6 adopting it into the 20/20 plan and then Staff would then carry that forward into the
7 Hopkins – no?

8 MS. WILKE: The Hopkins plan is separate from the comprehensive plan right
9 now.

10 MR. PALMER: It's one of the neighborhood planning areas?

11 MS. ALMEIDA: Could they not make a motion to bring it back when the new
12 comp plan gets enacted?

13 MS. WILKE: That's what I'm kind of thinking.

14 MS. ALMEIDA: Approve it to be put in the existing 20/20 right now and bring it
15 back once the new comp plan for reconsideration.

16 MR. MURRAY: Do you want to amend your motion?

17 MR. GILCHRIST: I can amend my motion to exactly what she just said.

18 MS. ALMEIDA: Okay. So approve it for the 20/20 existing comprehensive plan
19 with a caveat to bring it back for reconsideration for the new comprehensive plan, for
20 incorporating in the new comprehensive plan.

21 MR. PALMER: Whatever – here's an issue I have. Is there anything that just
22 flows from the 20/20 into the new one? That shouldn't occur.

23 MS. LINDER: Yes.

1 MR. PALMER: What?

2 MS. ALMEIDA: Certain – yeah.

3 MS. LINDER: Yes. Certain – the master – certain –

4 MS. ALMEIDA: It's been incorporated.

5 MS. LINDER: Certain overlay districts – certain overlay districts?

6 MS. WILKE: Also the old neighborhood – the neighborhood planning areas.

7 When you approve those master plans those are adopted into the old, the current
8 comprehensive plan and as Amelia has written the ordinance when County Council
9 signs to adopt a new comprehensive plan it's carrying over all those neighborhood
10 master plans that we've adopted previously. So the idea was that this would work the
11 same way but it doesn't have to.

12 MR. PALMER: So if you put this in the 20/20 plan it's going to be dead when the
13 new plan's adopted and then we're going to need to readdress it in the Hopkins sub-
14 area plan as well?

15 MS. LINDER: That's possible subject to what the County Council does.

16 MS. CAIRNS: What about the, I mean, I'm ignoring the big question you guys
17 are worrying about but on your summary page it talks about some of the differences of
18 where we've been and where we're going. It talks about infrastructure that this plan
19 basically recommended extensive infrastructure throughout the lower Southeast?

20 MR. MURRAY: Right.

21 MR. PALMER: 139.

22 MS. CAIRNS: And we had not done -

1 MS. WILKE: The comprehensive plan does not – I think the biggest thing that
2 everybody forgets most of the time when we talk about infrastructure is that the county
3 has no control over that. So there's a lot of talk about how, in this study about how
4 infrastructure should be put in the entire Southeast and our comprehensive plan does
5 not recommend that. So that is in direct conflict with what the comprehensive plan
6 says. And so that's why I wanted to outline for you all what the differences and the
7 similarities are with this study and with our current plan because a lot of the stuff that's
8 recommended in the study has already been incorporated into the plan and it may not
9 be necessary to adopt this document as an appendix to the new plan.

10 MR. PALMER: Well, that's – my thought on it is that this is a comprehensive
11 plan issue and needs to be addressed either in the comprehensive plan or the sub-area
12 plan under one of the neighborhood plans that it's more specific to which is the Hopkins
13 area. I think what we're trying to do here is, and I don't want to say [inaudible] but I just
14 don't think that this is appropriate to put into a plan that we know is not going to be in
15 existence in two or three months anyhow. So either the discussion needs to be made
16 that it needs to go into the new one, in a new comp plan or into the Hopkins plan or it
17 just doesn't need to be included at all because it's already been addressed and we've
18 worked [inaudible] hours on the comp plan already and have already addressed these
19 issues. The comp plan as far as we're concerned has been sent forward.

20 MS. LINDER: Perhaps Mr. Gilchrist would go back to his original motion and
21 accept Staff recommendation to take it up when the Hopkins plan is developed and
22 make a recommendation not to put it in either the 20/20 or the 2009 at this time.

1 MR. GILCHRIST: That works for me. That's fine. My big issue – here's the only
2 point of contention I have. If the plan is focused on the Southeast region of the county
3 then that's where it needs to, I mean, that's where the emphasis needs to be. So if it
4 doesn't need to be in the overall plan for the county then we won't put it in the overall
5 plan.

6 MR. PALMER: Right.

7 MR. GILCHRIST: And just make it consistent with –

8 MR. MURRAY: Southeast.

9 MR. GILCHRIST: - the Southeast. So what motion do I need to recommend to
10 make that happen?

11 MS. WILKE: The motion you already made.

12 MR. GILCHRIST: Okay.

13 MS. LINDER: The motion to have Staff discuss the Striving Together plan when
14 they take up the Hopkins Neighborhood Master Plan and not to incorporate it into the
15 20/20 plan or the 2009 comprehensive plan.

16 MR. PALMER: I'll second.

17 CHAIRMAN ANDERSON: Got a motion and a second. All those in favor of
18 sending this ahead to Council with a recommendation of denial please signify by raising
19 your hand. All those opposed?

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

22 CHAIRMAN ANDERSON: It's unanimous. Alright. Next we have – need a
23 recess?

1 MS. ALMEIDA: If we could take up 26-88 which is –

2 CHAIRMAN ANDERSON: Fort Jackson?

3 MS. ALMEIDA: - is [inaudible] your last one. The RS-LD and to increase side
4 setback requirements. I know we're kind of holding off on the two digital.

5 MS. CAIRNS: This was the email?

6 MS. ALMEIDA: Correct.

7 CHAIRMAN ANDERSON: Okay. Gotcha.

8 MS. CAIRNS: The email ordinance.

9 MS. ALMEIDA: Geonard Price is here to explain that Text Amendment.

10 MS. CAIRNS: I don't think it's in the –

11 CHAIRMAN ANDERSON: It's not in the [inaudible] okay. Mr. Price.

12 MR. PALMER: Because I've got a lot of questions about this one.

13 MR. PRICE: I'm sure you do. Recently our building code adopted [inaudible]

14 MR. FURGESS: We can't understand you over here at all.

15 MR. PRICE: Oh, I'm sorry. Recently our building code – Building Department
16 adopted their code or amended their code to require that homes have to be built at least
17 five feet from the property lines or else they cannot have any type of exit or entrance
18 points on there which would be a walk, a door or a window. So to actually keep from
19 confusing or [inaudible] from what our current Land Development Code would allow
20 such as be within four feet because once they got to the building portion of it our
21 Building Department would normally deny what they're building out there. So it was
22 kind of a contradiction in what our Land Development Code allows and what the

1 building code would permit. So this is our way of kind of being a little proactive, trying to
2 eliminate any confusion from the development industry.

3 CHAIRMAN ANDERSON: Any questions for Mr. Price? Alright. I don't think we
4 had a sign-up sheet out front. Is there's anybody who'd like to speak on this matter?
5 We don't have anybody signed up to speak? Anybody care to sign up?

6 MR. PALMER: Mr. Chairman, I make a motion we send this forward to Council
7 with a recommendation of approval.

8 MS. CAIRNS: Second.

9 CHAIRMAN ANDERSON: We got a motion and a second [inaudible] 26-88.

10 MS. LINDER: I believe there's three districts that are being changed.

11 CHAIRMAN ANDERSON: Okay. Tell me what I need.

12 MS. ALMEIDA: 26-88, 26-89, and 26-90.

13 CHAIRMAN ANDERSON: Okay. Send those ahead to Council with a
14 recommendation of approval please signify by raising your hands. All opposed?

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

17 MS. CAIRNS: Oh, I'm sorry. I was slow. I'm just slow, sorry.

18 MS. LINDER: Seven in favor?

19 MS. CAIRNS: Yeah. I need a break. Can I make a motion we take a break?

20 CHAIRMAN ANDERSON: Okay. Mr. Price? And it looks like we have Fort
21 Jackson Joint Land Use Study. We also have the two-minute buzzer.

22 MR. DELAGE: I promise it won't take that long.

1 MS. ALMEIDA: Mr. Chairman, can we defer this to the next Planning
2 Commission meeting in September? We have a pretty full Agenda. And there's nothing
3 that needs action at this moment.

4 MS. CAIRNS: What are we doing?

5 MS. ALMEIDA: We're deferring this presentation to the September Planning
6 Commission.

7 MR. FURGESS: I make a motion that we accept it.

8 CHAIRMAN ANDERSON: Do we have a motion to defer?

9 MR. GILCHRIST: Mr. Furgess did.

10 CHAIRMAN ANDERSON: Do we have a second?

11 MR. MURRAY: Second.

12 CHAIRMAN ANDERSON: All those in favor of deferring this to the next Planning
13 Commission meeting will you please signify by raising your hand? All opposed?

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

16 CHAIRMAN ANDERSON: We're going to take a 10 minute break and work
17 session. We're going to call the meeting back to order but what we are going to do is
18 take a recess for our workshop for digital billboards and on-premise digital signs. I
19 guess we don't need to adjourn.

20 MS. LINDER: You're not adjourning; you're recessing and then you're going to
21 reconvene after the work session.

22 CHAIRMAN ANDERSON: Reconvene after the work session.

23 *[RECESS]*

1 CHAIRMAN ANDERSON: Just real quick just want to kind of lay – in my talks
2 with Staff, what we're going to do is we're going to deal with the text on these and we're
3 going to go down line by line on all the text so if we have input from the public we're
4 going to address the text and go line by line so we will go back and forth as a discussion
5 between the industry and Staff, and Planning Commission will make a recommendation
6 once we get done with the work session. Mr. Price? Mr. Price?

7 MR. PRICE: Yes, Mr. Chair. What we have before us is a, we have two
8 ordinances and both the, the effect of both ordinances will be to allow replacement of
9 non-conforming off-premise billboards or we just call them off-premise advertising signs
10 to be replaced with a digital technology. You have, as I stated you have, on page 145
11 you have one version which was recommended by County Council based on a motion
12 by Council Members Jim Manning and Glen Kennedy. And on page 151 you have an
13 ordinance that was initiated by the Planning Director with the support of Council
14 Members Dickerson and Kit Smith. Now one of the differences is is that the second
15 ordinance that you have which is the one from the Planning Director was the Savannah,
16 Georgia ordinance. This was previously heard by the Planning Commission and it was I
17 think recommended for approval and it was send to County Council but it died – it was
18 tabled if I'm correct and it died because it never came back up. The only difference is
19 now that Staff has included a few other recommendations along with that ordinance so
20 we can take it however you decide to.

21 CHAIRMAN ANDERSON: Anna, go ahead?

1 MS. ALMEIDA: I'd also like to make a statement. I did speak to Councilwoman
2 Joyce Dickerson on Thursday and for the Record she would like you to know that she is
3 taking that second ordinance under advisement but she has not fully endorsed it.

4 CHAIRMAN ANDERSON: Let the Record show that Ms. Dickerson is not in, fully
5 in support of the Savannah, Georgia ordinance. What I'd like to do is take up the first
6 ordinance handed down by Mr. Manning and Mr. Kennedy and take that line by line.
7 We do have a couple people signed up to speak so if public input would make their
8 input directly to the text what they agree with or disagree with or would like to see
9 changed. We do have I guess on Microsoft Word that we can input the text into the
10 ordinance. So let's see. Does Staff want to go ahead and speak on this ordinance?
11 And let's just start with --

12 MR. PRICE: Oh, excuse me, Mr. Chair. We can go through this. As you can
13 see Staff recommends denial and it was in your packet. Staff does not have any
14 particular recommendations; it was just an outright denial on this particular ordinance.

15 CHAIRMAN ANDERSON: And some of the reasons for denial were, I mean,
16 some of the text does overlap. The -- on basically some of the big changes are don't
17 want 10 seconds between changes.

18 MR. PALMER: One per six replacement rate.

19 CHAIRMAN ANDERSON: One per six replacement rate. Let's see. \$1,000
20 [inaudible].

21 MR. PRICE: It's a renewal fee, yes, sir.

1 CHAIRMAN ANDERSON: So there are a few differences but we understand that
2 you all did deny this. I would like for some of the public to come down and speak and
3 come back to some Staff issues. We do have Mr. Brian Clark signed up.

4 AUDIENCE MEMBER: [Inaudible]

5 MR. PRICE: Excuse me, Mr. Chair. For clarification I believe some of the
6 audience members that we do have two text proposals here before you. One of course
7 is the off-premise non-conforming advertising signs or billboards.

8 CHAIRMAN ANDERSON: Sure.

9 MR. PRICE: But we also have an ordinance for on-premise digital display signs
10 for businesses [inaudible] gentleman she was just speaking to I believe is with Royal
11 Lanes and just want to make sure we have that distinction of what we're looking at
12 today.

13 CHAIRMAN ANDERSON: Yeah. As of right now we are looking at the digital
14 off-premise billboards. These are not the on-premise signs. That will be later in the
15 work session. So if you want to speak to that we'll just – are you here to speak on the
16 digital billboard on-premise signs? Okay.

17 **TESTIMONY OF MARION DUNCAN:**

18 MR. DUNCAN: Yes. Actually both.

19 CHAIRMAN ANDERSON: We're going to do two minutes, also.

20 MR. DUNCAN: Okay. And that's fine on this one. My name is Marion Duncan.
21 I represent New Media Communications in Lexington and West Columbia, South
22 Carolina. I wonder – it's kind of a mixed emotions here. I want to speak for because I
23 do believe that there should an opportunity for, to have the digital billboards for the

1 advertising segment of it but I do have one negative side of it that the way that the thing
2 is written it restricts competition totally and so I have a problem with that. I am in the
3 billboard business which however minute compared to these guys. We would like in
4 some point in time to put up a digital billboard in Richland County and it could be five
5 years down the road but this as it's drawn up restricts our capabilities to compete with
6 Lamar or anybody else. Because this is only replacement of existing non-conforming
7 signs. So I speak in favor obviously of that but just that one note that my concern is
8 nobody will be able to come in. It would be unfair competition for other companies that
9 might want to come to Richland County or that's already here like myself that couldn't
10 put up anything with a digital billboard. Okay?

11 MR. PALMER: Unfortunately, Mr. Duncan, that was addressed when a
12 moratorium was put in place on new billboards in the county and is not addressed in
13 this. That's another issue for another day.

14 MR. DUNCAN: Well, I didn't know it was going to be coming up today but I just
15 wanted to speak my mind on that. Thank you.

16 CHAIRMAN ANDERSON: Thank you. Mr. Scott Shockley. I do want to remind
17 everybody we want to specifically look at the text.

18 **TESTIMONY OF SCOTT SHOCKLEY:**

19 MR. SHOCKLEY: Good afternoon. Scott Shockley, 1221 Atlas Road. I'm here
20 representing Lamar Advertising. I'll try to make it simple. I support in its entirety the
21 first version. I'd be happy to answer any questions but specifically this creates an
22 ordinance that is consistent with other ordinances that allow digitals in our area.
23 Despite that consistency it's tougher. It provides for distance separation where the City

1 of Columbia, West Columbia, and Lexington County does not. It provides for brightness
2 restrictions which those other ordinances do not as well. But it is in whole very
3 consistent in terms of the six-second rate of change. No animation. No flashing lights.
4 No blinking. So it's as much about what it says digitals are not as much as it says what
5 they are. I would also like to comment about the Savannah ordinance. That there's
6 been some, I would say some major tweaking from the last time we got together and I
7 would also like to distinguish the fact that Savannah has had an ordinance in place
8 where you could build signs, where it wasn't a ban. So the distinction is very different in
9 terms of an ordinance that already allowed for sign companies to build signs. The
10 removal process there is two and a half feet to one, not six to one as is recommended in
11 this case. And our particular situation we've seen a reduction in the neighborhood of 25
12 to 30 signs just in the last seven or eight years because we can't have an opportunity
13 replace them as they could in Savannah.

14 CHAIRMAN ANDERSON: I do have a quick question. As far as the signs in the
15 City of Columbia what is their change interval, six or ten?

16 MR. SHOCKLEY: Six seconds. Everything in the area is consistent with what
17 the State of South Carolina provides which is six seconds. Also consistent with the
18 louvered signs you see on the Interstates that are called tri-visions.

19 CHAIRMAN ANDERSON: Okay. Just a quick question to Staff. Why 10?

20 MS. ALMEIDA: Mr. Price?

21 MR. PRICE: No real reason other than the idea is if you're going to have the
22 signs to kind of limit the rate of change [inaudible] every 10 seconds just kind of
23 provides more safety. It's really more of a safety issue. I think I've spoken to some of

1 you previously. There's no magic number. You know, we can call it seven seconds, 20
2 seconds, and so on. But the idea is as you're driving down the road not to have the
3 sign changing every few seconds to distract you more.

4 MR. SHOCKLEY: Can I respond to that?

5 CHAIRMAN ANDERSON: Absolutely.

6 MR. SHOCKLEY: Thank you. We have had our units up in the City of Columbia
7 and in the Lexington County jurisdiction for the last three years. There's not been a
8 single safety issue attributed to the digitals. Nor is there a single safety issue or study
9 attributed nationwide that indicates there's a correlation between digitals and increase in
10 traffic accidents.

11 CHAIRMAN ANDERSON: I do have a couple more quick questions regarding
12 the NITS. Everybody's okay with the NITS and the luminescence. We're all in
13 agreeance as far as that from dusk 'til dawn? And just help me – what is a NIT?

14 MR. SHOCKLY: If I were a lighting engineer I could explain it, but I'm not. It's
15 just a unit of measurement. They used to do it in foot candles when there used to be
16 people using candles to light rooms and buildings and such. But these restrictions are
17 utilized I think in the City of Charlotte and other major municipalities. And again frankly,
18 when the City of Columbia passed their ordinance they didn't have a light
19 recommendation. We thought it was appropriate to include those when you consider
20 the nighttime versus the daytime. Frankly the daytime is a non-issue because no light
21 source is going to overpower the luminescence of the sun. So really the function is
22 more of the night time luminance rather than the daytime.

1 MS. CAIRNS: Do you know how bright the ones are in the City of Columbia?
2 Like on dusky days, you know, on foggy days they're very bright.

3 MR. SHOCKLEY: Well there's a transition mechanism so that they say they
4 transition. There's a dimming mechanism from daytime parts to nighttime parts and
5 vice versa. So there's a transition phase in there from dusk to dawn, excuse me, dusk
6 to daylight and from dawn to darkness. But all those that are in our jurisdiction and my
7 company's portfolio are no brighter than those limits and probably just a little bit less.

8 CHAIRMAN ANDERSON: Staff did have a concern as far as digital signs shall
9 contain a default design that will freeze the sign in one position if a malfunction occurs.
10 I didn't see that in the ordinance presented to us by Council Members but Staff why was
11 that inputted in there as an issue?

12 MR. PRICE: More of a precaution because we don't know what would happen
13 during a malfunction. You know, the sign could just keep flashing, you know, going on.
14 The idea was to once again be a little proactive on this. If there was some type of
15 malfunction that the sign would just freeze as opposed to just kind of blinking, really
16 getting more to your animation is what we're trying to get away from anyway.

17 MR. SHOCKLEY: Can I speak to what typical malfunctions mean? Typically
18 what we've experienced, in fact the only things we've experienced in the last three
19 years, is discolored modules. The screen face itself is made up of individual 12 x 12
20 squares and each square is a module so sometimes you'll get a discolored square.
21 Customers don't like that so we obviously are on a 24/7 responsiveness and we've got
22 on-staff technicians working on this. We're a pager 24/7. I've got three other staff
23 members that do as well so regardless of what time of day or night it happens we

1 respond to it. Some other things you'll see, you'll see a black band occasionally on
2 some of the ads. But again we're responding to those. We have never had an issue
3 where we've had blinking or bright lights or anything that's in animation in nature. It's
4 typically, the worse one in fact that we've had is where we had two ads that were
5 running simultaneously in a third portion of the design. Meaning one design was a car
6 dealer, a third of the area, and the other two-thirds was a developer. So obviously we,
7 it's in our best interest to get those things fixed very rapidly and that's why we have so
8 many people on staff on responsiveness program.

9 MR. PRICE: Mr. Chair, glad to hear they don't have as many problems but once
10 again just as a precaution. Anything could happen. So I don't, if it is the Planning
11 Commission's desire, you know, we can always incorporate something like that. It's just
12 in case anything were to happen.

13 MS. CAIRNS: [Inaudible]

14 MR. PRICE: [Inaudible] precaution.

15 MS. CAIRNS: I mean, one of the other things [inaudible] the difference you know
16 the first one has that it can be a [inaudible].

17 MR. PRICE: [Inaudible] we did not allow them in. You know the lesser
18 commercial districts.

19 MS. CAIRNS: But do they exist in areas other than general commercial?

20 MR. PRICE: We could check. We'd have to go back through it but I can say
21 during the years when I actually would go out –

22 MS. CAIRNS: So generally that's a non-difference?

23 MR. PRICE: Right.

1 MS. CAIRNS: Okay.

2 CHAIRMAN ANDERSON: You can't put them up anywhere, I mean.

3 MS. CAIRNS: Right, no I know they don't go up new, right.

4 MR. SHOCKLEY: Right.

5 MS. CAIRNS: So what about, I mean, one of those things and I think both of
6 them are the same but I've got to admit I still have issues with it is the distance from
7 residents. Both of them say I think that they have to be 300' away based on how they're
8 facing but that means that you could set it right next to a house so long as it was facing
9 away? That's going to make a significance difference to the nighttime concept of -

10 MR. SHOCKLEY: Well it's interesting. If you read the Savannah ordinance not
11 the proposed Staff recommendation but the true Savannah ordinance has a 75' spacing
12 for I think for new signs and 250' from non-conforming signs. We've expanded that to
13 300'. The City of Columbia's 300'. When you think about a digital face it doesn't have
14 exterior light fixtures so there's not a lot of light throw outside of that face itself. So on
15 the opposite side of the sign face you've got a traditional sign. You don't have any idea
16 what's on the other side of that. You may think it is a traditional sign and in fact it's a
17 digital because there's not a casting that you have with traditional signs.

18 MS. CAIRNS: But with the digital signs because of the fact that they change it
19 can go from light to dark, dark to light, a different color of light. I mean, whereas in the
20 old days it was just bright or not bright which is a big difference, I mean, with what's
21 going on outside your window.

22 MR. SHOCKLEY: But the orientation is away from that. The orientation is not
23 towards the house; it's away from the house.

1 MS. CAIRNS: I understand, but.

2 MR. PALMER: I think what Mr. Shockley's saying and he knows more about it
3 than I do is that if I'm on the opposite side of the billboard that's facing away from me I
4 don't see the light like a – it's not projected outwards just, as before there were lights on
5 the bottom of the signs they were facing upward.

6 MS. CAIRNS: I understand but they were consistent. I think even if you're on
7 the backside of one of these things if it's changing every six seconds going from a light
8 ad to a dark ad to a light ad to a brighter ad to a darker ad, you're going to see changing
9 illumination outside your window that you didn't used to whether you were in front of it or
10 not. It was a constant. That's my point. Because these things are just different. I'm
11 just concerned of them getting right up against the house.

12 CHAIRMAN ANDERSON: Mr. Shockley, in your best estimates how many of the
13 – well I guess I'll have to say your signs are anywhere close to residential areas?

14 MR. SHOCKLEY: What's anywhere close?

15 CHAIRMAN ANDERSON: I mean, anywhere closer than what –

16 MS. CAIRNS: Than [inaudible]?

17 CHAIRMAN ANDERSON: Well, then what the ordinance asks for – 3,000, 300'.

18 MR. SHOCKLEY: Three hundred feet. I would guesstimate less than 25.

19 CHAIRMAN ANDERSON: I, just as a whole [inaudible] the first ordinance to me
20 seems to address, especially the six seconds, that seems to follow the state's standards
21 which I don't have a problem with. I would really like to hear some other
22 Commissioner's thoughts.

1 MR. PALMER: Well, my thoughts are that I've reviewed both the ordinances
2 before, one by Council and one by Staff, and thinking that, the direction I think that the
3 county's moving in and should move in is in the direction of the same – I agree with the
4 County Council and the direction that they believe this county should move in as far as
5 progress and change. I'm much more in favor of these signs as opposed to the tattered
6 run-down signs that are currently out there. So that's currently what I'm thinking and to
7 that point I would make a recommendation, a motion that we send forward – I can just
8 put a motion out. I can put a motion out.

9 MS. LINDER: Mr. Chairman, you can keep your thoughts to when we reconvene
10 and make the motion when we come back into the Planning Commission meeting.

11 MR. PALMER: That would be my thoughts. I'm much more in line with the
12 thinking of the ordinance that the Council has put forward as opposed to what the Staff
13 has put forward.

14 MR. GILCHRIST: Mr. Chairman? How many times has this come before this
15 Commission, this particular ordinance?

16 CHAIRMAN ANDERSON: This particular ordinance?

17 MR. GILCHRIST: Or just the whole discussion about this?

18 MR. PALMER: Digital billboards has just come once and we sent it to Council
19 and they tabled it.

20 MR. GILCHRIST: Now I'm the new kid on the block and I know you guys have
21 dealt with this in some manner at one point and I've gotten some calls from some folks
22 about this and help me understand, Staff. You mentioned that several of the Council
23 Members had, did not support the second ordinance. What was that discussion earlier?

1 MR. PRICE: No. The first ordinance actually came from Council, came from
2 County Council which they voted and sent. Staff actually met with a couple of the
3 Council Members just to kind of get some feedback on their positions.

4 MR. GILCHRIST: Right.

5 MR. PRICE: And I don't want, I hate to say supported especially from Ms.
6 Dickerson's standpoint, but she, you know, she saw where Staff was coming from
7 particularly because this was her, a version that she supported previously. So we
8 brought two options before you.

9 MR. PALMER: This is a particularly, and I don't really like it when Council does
10 this but it's in the rules and they can do it. You know, these are particularly crazy cases
11 and Council takes a vote and then sends something to us for our approval or denial.
12 And you've got to not take into account what they've done and I don't. I mean, I
13 understand that, you know, they can change at any point and they're asking for our
14 recommendations not based on their vote but really based on what we think they should
15 do and I'm in favor of digital billboards in the county. I think the change is necessary
16 and needed.

17 MR. PRICE: Well, I mean, I believe that when County Council sent this back it
18 doesn't necessarily mean that they were in favor of adding billboards. I believe they
19 may have been in favor of reviewing to see if this is something that the county should
20 have in their ordinance to actually permit.

21 MR. PALMER: Sure. I'm not, and that's specifically to my point that I'm not
22 taking into account their vote. I mean, I just don't like it when they do it that way.

1 MR. GILCHRIST: But this doesn't preclude us from being able to talk to Council
2 about some of their – I mean, I don't want to assume what members of Council may or
3 may not have tried to convey.

4 MS. LINDER: You are being asked to look at what County Council gave first
5 reading to and you are certainly, if you want to make any additional recommendations
6 those recommendations will be carried forward back to Council.

7 MR. GILCHRIST: Okay.

8 CHAIRMAN ANDERSON: Does anybody have any recommendations for –

9 MS. CAIRNS: I would like to say that, you know, these two ordinances I think, I
10 mean, I think it's sort of probably pretty well known that I'm fundamentally against digital
11 billboards. I find them a tad bit offensive. I also think that we have though to take into
12 account that we do live under a current ordinance that had as its goal to eliminate
13 billboards. You know, when they put a moratorium on new ones and as old ones fell
14 apart and fell down that they would not be replaced and that they were not to be
15 structurally altered to prolong their life. So, I mean, under that starting point that we
16 have this, you know, desire to ultimately although probably not in our lifetimes have
17 seen almost all the billboards in the county disappear but for the ones that were already
18 metal before they made them all non, you know, non-conforming or whatever but just
19 grandfathered them basically all in. That the second ordinances which requires the
20 removal of billboards so as to bring in this new thing is very progressive and moving
21 forward and being consistent with where we are as opposed to the other one which is
22 completely inconsistent. While it doesn't allow, you know, the industry that doesn't
23 currently have any become players which is an issue because this new ordinance

1 allows the existing companies to now become permanent because they can replace
2 sign posts and make them permanent and they can put up billboards that will be there
3 forever. So that is inconsistent. It doesn't let new players in. The second one doesn't
4 let new players in but it's also I would say more consistent with the ultimate goal of
5 removing while yet unfortunately having to acknowledge that we'll have them forever
6 because these digital ones will be here. But I think that there's a lot to be said for the
7 one that requires the removal and, you know, the dilapidated falling down billboards this
8 is going to help get rid of them, whereas the first one does nothing to get rid of them. It
9 lets them continue on. So, you know, I think the second one is worthy of consideration.
10 I think the second one the fact that it has a limitation on historic districts is very good.
11 There's not way that a digital, I mean, signage in historic districts has always an
12 enormous challenge but to, I think that's a good inclusion to make sure that we don't
13 allow these digital billboards to exist in historic districts. I think the requirement of a
14 removal and I think, you know, the six, 10 seconds, yeah I think it's better if you see
15 fewer changes. I think it makes you less likely to be staring at the billboard. I think that
16 the lack of scientific evidence showing that it's a safety thing is not the end all and be all
17 because we've seen plenty about the fact that the scientific evidence is a cause of
18 accidents, is a very problematic science in and of itself. But, you know, the fewer times
19 that something in your view shed while you're driving changes the better off you are. I
20 mean, that's just basic human nature. So I think that considering the second one
21 because of the removal requirement, the historic, and the slowing down of the change is
22 worthy of consideration. And I think to me the first one is completely inconsistent with
23 our existing law with the fact that it allows us to make billboards absolutely permanent

1 without any change and I'm not really sure. Section E which tries to limit the alteration
2 of the structure, I'm not really sure it's tight enough to stop someone from saying that if
3 there's some metal support that you could replace it with a totally new monolithic post.

4 MR. SHOCKLEY: Mr. Chairman, may I, one point of privilege I guess, and with
5 all due respect Ms. Cairns, I fundamentally disagree with the characterization of what
6 the Council passed back in whatever it was 2000 or 2001. They passed a ban and said
7 this is the quantity we want, we don't want more. If they wanted to remove the signs
8 they would have passed an amortization schedule and said take every sign down in five
9 or six years. They didn't do that so when we characterize that this is not in keeping with
10 what the wishes of that Council passed at that point in time I disagree fundamentally
11 that that notion of that Council was to get rid of all billboards over the course of your
12 lifetime or my lifetime.

13 CHAIRMAN ANDERSON: Mr. Price? Any comments?

14 MR. PRICE: [Inaudible] I'm sorry. We reviewed the County Council proposed
15 ordinance. Was it the intent to go through Staff's to kind of see, what, you know.

16 CHAIRMAN ANDERSON: You're welcome to go through the Staff's ordinance.

17 MR. PRICE: That's really up to you.

18 CHAIRMAN ANDERSON: Does anybody have any particular text that you – with
19 Council ordinance that was sent down before us?

20 MR. PALMER: I think we've been addressing those. I know Ms. Cairns has with
21 her specific concerns she just mentioned.

22 CHAIRMAN ANDERSON: Does anybody want to make any alterations? I think
23 we'll need to make those [inaudible] saying we have somebody here that [inaudible]. If

1 nobody has any other comments, questions, or concerns we'll move on to on-premise
2 digital signs. On-premise digital signs, Mr. Price?

3 MR. PRICE: This was before you in June and it was the Planning Commission's
4 determination that this should be –

5 CHAIRMAN ANDERSON: Mr. Price, could you speak into -

6 MR. PRICE: I'm sorry. This was originally before the Planning Commission in
7 June at which time you voted to defer this until the July agenda and which also at the
8 time you would have a work session regarding this. Once again this is language in here
9 from Staff. Once again nothing magic about any of the particular numbers. Just looking
10 at some of the ordinances kind of help other ordinances regarding on-premise digital
11 signs kind as a guide and we, you know, used a lot of those same numbers.

12 MR. PALMER: I have a question. Mr. Price, the on-premises digital billboards
13 the Staff came up with a interval of five minutes. The off-premise digital billboards the
14 Staff came up with an interval of 10 seconds. Why the difference and such a
15 difference?

16 MR. PRICE: Typically you find these on-premise signs throughout town as you
17 travel more, a lot more stopping, you know, stop signs, stop lights, more cars. So the
18 idea – really once again every, you know, five minutes, no magic number. We had to
19 pick a number. We could have picked 10 seconds, we could have picked six. The idea
20 was just to bring something to you for more discussion.

21 MR. PALMER: That's a big difference though, five minutes and 10 seconds. I
22 mean, and they're both the same – they're both recommendations from Staff.

1 MR. PRICE: Well you look at where the billboards, the billboards, the off-
2 premise billboards are located. Typically along Interstates, kind of far off. Whereas
3 when you look at on-premise digital signs and I think you also have to kind of take a
4 look – taking a look at this. We look at the big picture. I hate to use Two Notch Road
5 everybody does. If you're going down Two Notch Road and you start looking at what's
6 currently there and you start saying, you know, what about if the next business and the
7 next business and the next business were to allow these same type of, want to
8 incorporate digital signs which this ordinance would allow. Now you're looking, if you
9 say every 10 seconds or every six seconds as the industry for billboards has proposed,
10 look at that change. I mean, you would just have, it would look like Las Vegas to a
11 degree. You know, people hate to say that but it would look like that because signs
12 would be changing and that's more of a distraction. At worse case if everyone started
13 using digital signs, you know, to advertise their business if you're saying every five
14 minutes, once again nothing magic about five minutes but there needs to be, the
15 interval for change has to be a lot more than what we allow for billboards. But if, you
16 know, we did it that way I think it would [inaudible] safety.

17 MR. PALMER: How many, how long have these digital billboards been in the
18 county, on-premise? Ten years?

19 MR. PRICE: No. You mean –

20 MR. PALMER: Can someone from the industry tell me when the first time they
21 put one up was?

22 MR. DUNCAN: I sold on Two Notch Road 20 years ago.

23 MR. PALMER: So they're not proliferated –

1 MR. PRICE: What business?

2 MR. PALMER: -- as we speak?

3 MS. CAIRNS: Lite House?

4 MR. PRICE: Yeah.

5 MR. PALMER: So they're not proliferated as we speak in the past 20 years I
6 think the Las Vegas mentality is not one.

7 MR. PRICE: Well, I know Mr. Palmer, if you're looking at the way technology
8 comes once somebody jumps ahead of, ahead of everyone else. Put up a sign?
9 Guess what? That's the only one you'll see. As time's changes, as technology
10 becomes more, actually more affordable people start to see the benefits of it more they
11 will start to incorporate it. Over the last year, last two years that seems to be most of
12 the signs that we're starting to get in now for businesses. We're getting more people
13 wanting to use the LED type technology. So I don't think you can go back to something
14 somebody put one in 20 years ago and say well [inaudible].

15 MR. PALMER: Well, what I'm saying is over the past 20 years, I mean, that's
16 when the first one came in and people saw it and they liked it, they saw what it did the
17 business but over 20 years for some reason it hasn't caught on to the same proliferation
18 that Las Vegas has, so.

19 MR. PRICE: Well it's catching on now and I think we, I think it would be kind of
20 an injustice on our part not to look at the big picture. We're not looking at what's out
21 there now. We're looking at what could become and that's what this ordinance was
22 drafted for to kind of protect us for what happens later on.

23 MR. PALMER: And I guess --

1 MR. PRICE: We can't go back in and say –

2 MR. PALMER: I guess the same argument –

3 MR. PRICE: - [inaudible]

4 MR. PALMER: - was probably made when signs were first came out and people
5 advertised on their businesses. Oh, well, do you guys really want to see a sign on
6 every business? I mean, should we really do that? I mean, it's the same mentality, you
7 know? I mean, when you're looking to decide on a sign, at a marquis sign, I mean,
8 does it matter? If it's a safety issue at every five minutes, it's a safety issue at every 10
9 seconds. And the problem is there hasn't been any definitive study to show that it is a
10 safety issue. So that's the problem I have. I think that once we adopt a standard in an
11 industry and in the business we should use it across the board.

12 MR. PRICE: You know, once again we – I must point out that this is not
13 something you go back in later on and try to change. So I think, you know, we should
14 approach this slowly and if it turns out later on, you know, it's not a big hazard then we
15 could amend it. It's kind of hard to go back.

16 MR. PALMER: Well no, the technology's there. You could amend the
17 timeframes at any point. You could say you can do it every six seconds, you can do it
18 every 10 seconds and all it is is a touch of a button for the people programming the
19 billboards.

20 MR. PRICE: I think that's –

21 MS. CAIRNS: The other thing is under any of the billboard legislation we've got
22 a minimum of 1,000' between the signs. You're not going to have that with on-
23 premises. You're not going to be able to limit digital signs every 1,000'.

1 MR. PALMER: Yeah. Because they're not as large.

2 MS. CAIRNS: Right. But that's why then having them change quickly is not the
3 same. I mean, there is a distinct difference between having on-premises signs
4 changing every six seconds versus having billboards a minimum of a 1,000' apart
5 changing every six seconds. It is a fundamentally different setup. And I think that we
6 are going to see a lot more proliferation of these. I mean, just in the last two years
7 there's been a ton. Okay. There's been something out there for 20 years, okay, so be
8 it, you know, but these things are and, I mean, they're popping up even without
9 permitting right now. I mean, they're coming and people run them outside of the
10 ordinances right now. So I think that having a slower change rate for the on-premises is
11 appropriate. I'm not sure five minutes is the magical number but I think something
12 greater than six seconds is absolutely appropriate.

13 MR. PALMER: And another issue I have that I'd like to address when we get
14 back into our session is, is that the signs that are out there that are permitted, what I
15 think should happen would be that the structure of the signs would be grandfathered as
16 far as the heights and the size, percentage of the signs, all that stuff would be
17 grandfathered in and they would have to conform to the new changing standards.
18 Whatever number it comes up with whether it's six seconds, ten seconds, or a minute,
19 whatever it is that's what they need to comply with but as far as being eight foot off the
20 ground, these signs are already permitted at six foot perhaps and those people
21 shouldn't have to then go in and raise the sign two foot or some kind of retrofit the sign
22 to come into the current ordinance because they were permitted under the old, under

1 the old Code and so that's my, that the structural issues of the signs should be
2 grandfathered but perhaps not the usages of the signs.

3 CHAIRMAN ANDERSON: Actually I tend to agree in that the structures were put
4 up – I don't think what Staff is, their big concern is is the actual signage is the text and
5 scrolling and the amount it changes. So I am in agreeance with Mr. Palmer as far as
6 those signs that were put up or permitted as of current as long as the text, scrolling text,
7 or the moving text adheres to this ordinance I don't see why those should be penalized
8 at all with a sunset clause or anything other than a grandfather clause.

9 MR. PALMER: Yeah. And all new signs moving forward need to be constructed
10 under the new Code whatever that, whether that be eight foot, 10', whatever it is.

11 MR. GILCHRIST: Yes, sir. I just want – I know there was a huge debate at one
12 of our last meetings about the color red. Am I, and I think we –

13 MR. PRICE: That's not in here.

14 MR. GILCHRIST: Okay. You eliminated it, okay. Just want to make sure. That
15 was a huge issue with some folks.

16 MR. MURRAY: [Inaudible] danger.

17 MS. CAIRNS: I mean, does the new sign permit, do we have a new approved
18 sign permit application that is going to make, ask all the necessary questions so -

19 MR. PRICE: One of the things that we've taken since, you know, all the
20 problems have arisen from the permitting of these signs, and I use the term very
21 loosely, the permitting of them, we permitted LED signs not the action that goes along
22 with them. However, one of the things that we're doing now is actually just the Staff
23 writing in there what will be prohibited about this sign. So if we see anything that says

1 LED, digital we put in there on the permit that we give to the applicant that any
2 animation, flashing, so on would be prohibited.

3 MS. CAIRNS: And also but I mean, even the, I mean, because it appears that
4 there were signs that got permits before that were just silent as to what the face would
5 be.

6 MR. PRICE: Right.

7 MS. CAIRNS: That that's not possible now? That's what I want to make sure.
8 Somebody can't submit a sign permit that doesn't spell out the number of square feet of
9 a face of a sign that can be altering or where the location of that changeable face is and
10 then all of a sudden they say they're grandfathered in.

11 MR. PRICE: Actually to be – none of the signs are grandfathered in at this time.
12 Once again they all, the actions of those signs will make them illegal. You cannot
13 grandfather in something that's illegal.

14 CHAIRMAN ANDERSON: I think what Mr. Palmer was getting to and I, what I
15 was talking about is the actual size. Because in this ordinance there are –

16 MR. PRICE: That part –

17 CHAIRMAN ANDERSON: Sure.

18 MR. PRICE: - is something we could work –

19 CHAIRMAN ANDERSON: Scrolling text and the moving text that's a whole other
20 issue.

21 MR. PRICE: Right.

22 CHAIRMAN ANDERSON: That makes it illegal?

23 MR. PALMER: Right.

1 MS. CAIRNS: Yeah. But the 10' up and then 20 square foot. Well 20 square
2 foot can be controlled just by not [inaudible].

3 MR. PRICE: Just want to point out that – everybody's going to come in later on
4 and say oh, we're grandfathered in for this particular type of use of my sign.

5 CHAIRMAN ANDERSON: Sure.

6 MR. PRICE: But to kind of go back to what you were saying, Ms. Cairns is that
7 we've taken more of a precaution pretty much on all signs of putting in the information in
8 there what would be prohibited.

9 MR. PALMER: That's all I've got on the issue.

10 CHAIRMAN ANDERSON: Alright. We're going to open it up, unless you have
11 anything else to add, to the public. Mr. Brian Clark. Mr. Clark, let me just remind you
12 that if you want to bring comments let's direct it towards the text ordinance.

13 **TESTIMONY OF BRIAN CLARK:**

14 MR. CLARK: Toward the what?

15 CHAIRMAN ANDERSON: Toward the ordinance. Toward the proposed text;
16 your opinions on it, some changes that you think need to be made.

17 MR. CLARK: I haven't seen, I haven't got the proposed text.

18 CHAIRMAN ANDERSON: Okay.

19 MR. CLARK: I'll let Marion Duncan then talk about it if you want because I know
20 he knows about the signs and he's representing.

21 CHAIRMAN ANDERSON: Okay, sure.

22 MR. CLARK: I just wanted to say one thing though. I'm Brian Clark, 120 Tall
23 Tree Lane. We should all be so fortunate as to be Las Vegas that we could have signs

1 like they do. There's a reason they have all those signs. It's all the money they make.
2 And if the accidents and everything from them changing and everything let's face it, you
3 couldn't drive down Las Vegas strip without having an accident every five seconds. I've
4 been there tons of times and I've never seen that. You know, Walgreen's, Rite-Aid
5 have got the signs and they're changing every six to eight seconds right now and I drive
6 by them every day and I've never seen an accident right down the streets on Two
7 Notch. So, you know, some of those things. I know I've been sitting here for two years.
8 I've sat through the moratorium. I've got a sign that you should have an ordinance to
9 come out and tell me to put a new sign up because I've got banners that have been torn
10 out again for the eighth time. I've spent \$2,000 on them [inaudible] I bought a \$60,000
11 sign, our company has and it's over in Irmo on Lake Murray Boulevard at Anchor Lanes
12 our other location because we couldn't put it up there. But, I mean, I should be told,
13 y'all should be telling me to put up a sign instead of not letting me have something that's
14 nice to promote the business. You know the more business I do, the more employees
15 I'm going to have, more employees – small business is responsible for the most
16 employment in the country. Everybody knows that and this is one of the highest
17 unemployment areas. And not to do everything you can to get the nicest signs possible
18 is an injustice because the more business I do, if I raise – they say they'll raise your
19 income 30%. If I raise mine 10 or 15, five years is another million dollars. That's tax
20 money. I'm going to hire more employees, I'm going to have more employees. That
21 helps unemployment. You know, there's a lot of good things from these signs besides,
22 you know, people, you know, worrying about every other reason in the world not to have
23 them, you know. Anyway, thank you.

1 CHAIRMAN ANDERSON: Thank you.

2 MR. MURRAY: Mighty fine.

3 CHAIRMAN ANDERSON: Mr. Marion Duncan.

4 MR. MURRAY: Hello.

5 **TESTIMONY OF MARION DUNCAN:**

6 MR. DUNCAN: Yes. I do appreciate your time and it's my understanding from
7 the last meeting that we had in May and June that there would not be any time
8 restrictions on what we can say tonight and especially representing the industry. I know
9 just then I was limited to two minutes but I assume that tonight because this is a
10 workshop that I want this, because from the industry I want to be able to bring up some
11 of the facts that would correct some of the innuendos and the lies – I don't want to say
12 lies but the misstatements that have been made. So I assume that, you know, I had
13 some personal statements that I want to make that I will try to just eliminate but the – let
14 me do this. Let me – I have if you don't mind, I have some literature that I'll just
15 [inaudible] later date.

16 CHAIRMAN ANDERSON: Okay. What we wanted to do is keep it directed
17 toward the text. So anything that you say – will bring you back, will bring you back as
18 far as if you have problems with the text and if the text -

19 MR. DUNCAN: Well, see I'm not privileged to what the text is because nobody
20 every sends me anything.

21 CHAIRMAN ANDERSON: Is the text not handed out?

22 MR. PRICE: No, sir.

23 MR. DUNCAN: No.

1 MR. MURRAY: Well, they need [inaudible]. They need something.

2 MR. DUNCAN: I know what we've been talking about for weeks and I can cover
3 some of those.

4 MR. MURRAY: [Inaudible] man with his hands tied.

5 MR. PRICE: The text is going to be – the ordinance is available, I mean.

6 CHAIRMAN ANDERSON: Okay.

7 MR. PRICE: To anyone that actually asks for it. So if someone came to the
8 counter and said I want a copy of the digital ordinance we'd be happy to give it to them.

9 CHAIRMAN ANDERSON: Can we put the ordinance up there for Mr. Duncan?
10 Somehow starting at the first page?

11 MR. MURRAY: Well, they might need someone to go back to County Council
12 too. So if we got some, give them some.

13 CHAIRMAN ANDERSON: Anna, if we can –

14 MR. DUNCAN: We have a hard enough time even finding out when this meeting
15 is gong to be. We have to keep emailing and calling constantly or we would not be here
16 because we would not be notified.

17 MR. PALMER: What is this stuff, Mr. Duncan?

18 MR. DUNCAN: Okay. It's just, it's some literature that I gathered through a lot of
19 research concerning signs that you guys can keep if you like. And the study it talks
20 about the safety issues and I would like enough time just to be able to cover some of
21 those. But one of the first things that I would like to cover if I can while they're doing
22 this, you know, we have, I keep hearing the same word over and over and over.
23 There's a lot of signs that were put up that were not permitted. I put in there four – I just

1 pulled out a random four copies of LED signs that I put in Richland County that shows it
2 is an LED sign. There's no question about it. They were permitted. I've been putting
3 them up for 20 years all the way back to the Lite House on Two Notch Road. I put up
4 about 12 so I put four copies in there just so that you can see what we presented to
5 Richland County.

6 MR. PALMER: Mr. Duncan, let me just address that real quick.

7 MR. DUNCAN: Yes.

8 MR. PALMER: What Staff is saying is that it's not illegal to put up an LED sign.

9 MR. DUNCAN: Yes.

10 MR. PALMER: However, it's illegal once that sign starts to change. So what
11 they're saying is if somebody wants to spend \$40,000 for an LED sign they can do that
12 but they just can't change it.

13 MR. DUNCAN: Alright.

14 MR. PALMER: So that's what Staff –

15 MR. DUNCAN: Well, but see that wasn't in the original sign criteria years ago. It
16 popped up in there and it was, to be honest with you it was originally designed to
17 combat the little trailer signs that were set on the side of the road. I've been doing signs
18 for 28 years and it was put in there that there were to be to be no rolling, scrolling, or
19 flashing but it was, it was before the LED was even invented and so that sign criteria
20 has been in there but if you can notice now all of those, there's four of those signs right
21 there that shows that we let them know that it was an LED sign. They put nothing on
22 that sign criteria of not allowing it to roll or scroll or flash. Quite frankly I don't like the
23 rolling and scrolling and flashing. I tell my customers I like the six seconds. I read a

1 case study last night that where the average person only looks at a sign a second and a
2 half to three seconds and reads that sign and goes on down the road. The six seconds
3 is the same thing that the City of Columbia has adopted, the same thing that Lexington
4 has adopted. The county, it's predominantly adopted across the United States is six
5 seconds. The DOT recommends it six seconds. The case study that I put in there and
6 at least if you can read it later there's a case study in there that was done in
7 Pennsylvania on a sign, if I may elaborate on this. The proof, because there's been so
8 much about it that says these things are a safety issue. There's a case study in your
9 literature that will show that there was one done in Pennsylvania in 2001. There was a
10 very large LED sign put up on a corner. They allowed that sign to roll, scroll, flash, do
11 everything that thing could possibly be for 12 months. And the actual proof of it is even
12 though that the traffic increased 5.3% the accident rate dropped 16% after, for a whole
13 year, after this LED sign went up. So everything that we can document and prove. I've
14 got cases – case studies a mile long that there is no safety issue and it keeps coming
15 up. The things that I also would like to cover and if they'll give me something to look at
16 I'd be glad if this is.

17 CHAIRMAN ANDERSON: I'll tell you what. If you'd like to take a look at some of
18 the text, we have one more person signed up to speak after you.

19 MR. DUNCAN: Okay.

20 CHAIRMAN ANDERSON: And, because that's what I really what I want to get
21 because that's the meat.

22 MR. DUNCAN: Okay. Well, my understanding on the last meeting is that we
23 would be able to sit down and discuss and go through.

1 CHAIRMAN ANDERSON: And we'll have dialogue. If we have questions, if you
2 have questions –

3 MR. DUNCAN: Yeah.

4 CHAIRMAN ANDERSON: - if you have comments while we're making
5 comments, the Staff or within the Planning Commission we'll gladly keep you –

6 MR. DUNCAN: Because I can cover anything from NITs that the questions were
7 asked earlier –

8 CHAIRMAN ANDERSON: Sure.

9 MR. DUNCAN: - to a lot of stuff that you have.

10 CHAIRMAN ANDERSON: Sure.

11 MR. DUNCAN: So I'll break and look at the text and then come back up?

12 CHAIRMAN ANDERSON: Sure.

13 MR. DUNCAN: Thank you.

14 MR. PALMER: Mr. Chair, I do find interesting the fact that, you know, some of
15 our issues are around the different intervals of time changes between the changes, and
16 I think what he's bringing to light is that, you know, everything revolves around a safety
17 issue but, you know, the study the Staff presented to us in its summary and conclusions
18 stated that the study itself was inconclusive. And what the industry is now bringing to
19 light is studies that are actually, we're now seeing for the first time are presenting the
20 facts that I asked for that in front of an individual sign you, we've had enough time to
21 study whether or not accidents have occurred more frequently in front of that sign than
22 did previously. Even though there's been an increase in population you can increase,
23 it's all ratios, you can still increase the ratios as well but what the studies here are

1 showing is that even though there has been an increase in traffic, an increase in
2 population, the accidents instead of going up even to the ratio that it should have with
3 the amount of increased traffic it's actually decreased.

4 MR. MURRAY: That's right.

5 MR. PALMER: So, I mean, that's one point that I find interesting as we relate to
6 the time changes.

7 MR. PRICE: You know, once again, you know, just to point out from the Staff's
8 perspective if you have, you know, maybe one or two signs in a location you probably
9 aren't going to have many accidents. What we're looking at is the long term effect of
10 this and once again we're talking about commercial businesses which are typically back
11 to back of each other then you start looking at okay what's the big picture? What if most
12 of these businesses have these signs? Now I think – no, that study has not been done.

13 MR. PALMER: I think his comment to Las Vegas was actually spot on; that Las
14 Vegas has had these signs for years and they're up and down the Strip but yet every
15 time I'm out there I don't see any congestion on the Strip. I think it's very well
16 maintained and I don't see any accidents to be honest with you.

17 MR. PRICE: Columbia, South Carolina and Las Vegas – big difference.

18 MR. PALMER: But you're speaking to is the safety issue of those signs that are
19 up and down the street and if they're going to be everywhere then what you're saying
20 and what Staff's position is is if the signs are very close together that's going to cause
21 traffic issues. It doesn't cause traffic issues in the place where we currently see them
22 at. And what you're looking for is the possibility of something but I'm looking at a place

1 where they are currently and have been for years and there are not increase traffic
2 concerns that I see personally from me being there.

3 MS. CAIRNS: I think that there's also, I mean, I'm not, it's not the first time I've
4 said it but I think trying to limit this whole discussion to the issue of safety is short
5 sighted. There is an issue of aesthetics and the quality, the visual quality of our
6 neighborhoods and our communities. And I think that that's one of the things that we
7 have to judge with these signs is the visual quality of our neighborhoods and Las Vegas
8 is great. Las Vegas is its own thing. Myrtle Beach has its own signs but you also have
9 Hilton Head. But you can't find a backlit sign? You'll never find one of these things on
10 Hilton Head, okay? I mean, they have their sign ordinances and I think it's a fairly
11 economically viable area, you know. I think it would be kind of nice to live down there
12 but so, you know, the fact that we've got Las Vegas and all their signs that's the
13 character of that neighborhood. We've got Hilton Head where you can't get a backlit
14 sign, okay. You can barely light a wooden sign because of their sign ordinances. We
15 have a choice to decide what do we want our community to look like. Not totally hinged
16 on the issue of safety but hinged on the fact of what do we want our place to look like.

17 MR. PALMER: I don't want it to look like either Las Vegas or Hilton Head.

18 MS. CAIRNS: I don't either.

19 MR. PALMER: I can't find a Blockbuster on Hilton Head when I'm down there on
20 vacation with my family.

21 MS. CAIRNS: I'll tell you where it is. But yeah, you don't go there the first time
22 at night.

1 MR. PALMER: The problem is we're the capital city where we have a massive
2 amount of people come in on a daily basis for state government, for our county
3 government, also for the universities Benedict, Allen, [inaudible].

4 MS. CAIRNS: Those are directional signs. That's –

5 MR. MURRAY: Columbia College.

6 MS. CAIRNS: I understand. But I'm just saying that I think that we have the
7 ability of simply decide on an aesthetic level and aesthetics go to health, safety and
8 welfare. I mean, the research is out there. We can make our decisions completely on
9 aesthetics and we are still within our authority under health, safety and welfare to
10 control land use. We don't have to link it all to this safety thing. So that's where I come
11 from is, you know, what do we want our community to look like? Something that has a
12 reasonable sign balance, you know. And so that's why I think limiting how fast these
13 things change, limiting the size is relevant. I think that they are going to be just about
14 everywhere. You know, one of the other, like to let you guys know how truly esoteric I
15 can be. One of the things that I thought about this whole sign thing is these guys talk
16 about how much these signs cost and how important our small businesses are. Well, if
17 to say viable as a small business I have to be able to afford a \$40,000 sign having
18 myself just put up a sign in front of my own business and know what they cost, we're
19 going to be hurting small businesses if this is what it takes to stay in business. That's
20 how esoteric I can get. I'm not asking you guys to address that but I think that we can
21 take into account aesthetics. I think we can address the issue of how quickly do you
22 want these things changing and I think we need to recognize that virtually every
23 commercial spot is going to have one of these within the next five to 10 years.

1 CHAIRMAN ANDERSON: And I think, speaking to the aesthetics. There are –

2 MR. MURRAY: The signs look better than [inaudible]

3 CHAIRMAN ANDERSON: - they are, they do address as far as, we're not just
4 talking about the change but the size of the signs, or the square footage of the
5 [inaudible].

6 MS. CAIRNS: Yeah. I'm not saying we haven't addressed any of my issues.

7 CHAIRMAN ANDERSON: I'm just saying we can take these up individually but I
8 do want to get one person down, Mr. Bert Pooser wanted to speak?

9 MR. PALMER: But to your point though as he comes down that if \$40,000 is too
10 much for a small business to pay for these signs and we're going to be in trouble then
11 there won't be a lot of them around.

12 MS. CAIRNS: [Inaudible] no, the small business – if indeed having a digital sign
13 increases your business the ones who can afford it will get all the business and the
14 other guys [inaudible]. I'm not sure that's [inaudible].

15 MR. PALMER: But then there wouldn't be a lot of them around if –

16 MS. CAIRNS: No. There will. The business –

17 CHAIRMAN ANDERSON: [Inaudible] point but.

18 MS. CAIRNS: Yeah. I'm not positive about that but that's what, you know, that's
19 how bizarre I can get when I'm driving around [inaudible].

20 CHAIRMAN ANDERSON: One second, Mr. Murray.

21 MR. MURRAY: Why not go ahead and hire a sign man, a [inaudible] sign people
22 for Richland County and let them make a determination as to how many signs are going

1 to be put up and we go ahead and pay them for that sign then they) won't have no sign.
2 And then we can fire those two guys we hired to do that.

3 **TESTIMONY OF BERT POOSER:**

4 MR. POOSER: My name is Bert Pooser and the address is 1864 Dutch Fork
5 Road. We do have a permitted LED sign on our property and it's a storage facility and
6 in the storage industry about 75% of your business comes off your sign. And that's an
7 industry wide kind of standard for the business. But I haven't had time to read this. I
8 did not pick that up but I do say that the five minutes would not, you know, doesn't
9 justify. I think somewhere between six and 10 seconds would be good but five minutes,
10 you know, you're, somebody's already passed and gone if you're trying to get a
11 message to somebody. But I just want to say that I support the LED sign.

12 CHAIRMAN ANDERSON: Thank you. I have some questions. Mr. Duncan, as
13 far as the, most of the signs that you put up. I'm going to go to Section 3(2)(B). "The
14 electronic area may not exceed 20 square feet of the sign face."

15 MR. DUNCAN: That would be impossible to adhere to.

16 CHAIRMAN ANDERSON: Okay.

17 MR. DUNCAN: If, you know, when you say 20 square feet I'm thinking they
18 might have been thinking of 20% of the sign face but even that would be, well the -
19 when you look at something like that they already have a sign criteria and if you, in
20 some of the areas you can only put up 50 square feet of the sign is as much as you can
21 put up and you can only be eight feet tall. So that addresses the one that says they
22 want you to be 10' tall because, so that would eliminate every church in Richland
23 County because for some reason or another when you want to get a church sign in

1 Richland County they're punished. And we deal with this on a constant basis. They say
2 they can only have an eight foot tall sign and 50 square feet but if it's a major store
3 down the street then they can go 15 or 20' tall. So you're going to destroy the ability of
4 a church right off the hand to set here and say we have to be 10' of the ground when
5 they can only have a sign that's eight feet off the ground and I fight that on a continuous
6 basis and I have to keep telling the churches I'm sorry you can only go eight feet off the
7 ground and then you can turn right around the business right down there when I ask
8 them when I go there why does the business down the road have a 15' tall sign and
9 you're – so there's a limit.

10 CHAIRMAN ANDERSON: Mr. Price, can you address that? Is that, I mean, are
11 you speaking of digital signs?

12 MR. DUNCAN: No. I'm talking about just any sign. Any sign.

13 CHAIRMAN ANDERSON: We're going to –

14 MS. CAIRNS: Well, I – you're little pack here? Every single one of the LED part
15 is less -

16 MR. DUNCAN: I'm talking about a church. No, no.

17 MS. CAIRNS: You've got a church one in here. But you're saying 20 square feet
18 would be completely unreasonable and yet every single one of these that you gave me
19 the LED part is less than 20 square feet.

20 MR. DUNCAN: And most of those are. There some that's a lot larger than that.

21 MS. CAIRNS: One's a church.

22 MR. DUNCAN: No. That's not true at all. There's, you know, we're looking at 70
23 signs in Richland County in a 20 year period. And to address what you were saying

1 respectfully that's not an awful lot of increase in LED signs over a period. And they are
2 cost prohibitive. You'll never see the day that everybody up and down Richland
3 County's going to have an LED sign. That is so out that it's unbelievable. You know,
4 the average sign if you do, you're talking about probably 60 to 100 square feet on a
5 lighted sign. Twenty square feet on an LED sign would be, that would be too small. I
6 mean, it does work on some cases. That church that we're talking about there, I would
7 say the average LED we use probably 30, 35 square feet. But there are some smaller
8 so you can't really just put a package together that everybody has to fit that mold.
9 That's a very difficult thing to do.

10 MR. PALMER: What's the signage requirements right now, Mr. Price?

11 MR. PRICE: To speak specifically to what he was referring to, in certain zoning
12 districts, we're talking about the rural and the residential zoning districts, if you are a
13 non-residential use you are allowed a 50 square foot sign. It cannot exceed four feet if
14 you're within the required setbacks and if you're outside the setbacks you can go up to
15 six feet. Now if you get into commercial zoning districts you're allowed to have signage
16 just as any other commercial business would.

17 MR. PALMER: And that's the reason for that. I mean, that's properly done
18 because churches can go in any district. So if a church does go into a residential
19 district there are certain other things that they have to comply with. They can't have a
20 commercial sign in a residential district.

21 MR. DUNCAN: Well, there are cases though that where right down the road and
22 it's still a residential that a business has a larger sign. That has been – used to when I

1 started in Richland County they could only have a sign three feet off the ground where
2 next door they could go anything and they have gone up. Now we can go eight feet.

3 CHAIRMAN ANDERSON: That can be from zoning to zoning.

4 MR. PALMER: And ordinances change over the years and the ones that are c
5 currently there are grandfathered and the new ones aren't. That's –

6 MR. PRICE: [Inaudible] that is depending upon the zoning. You could have a
7 residential abutting a commercial. [Inaudible] signage that would be allowed.

8 MR. DUNCAN: My request is that they would be a percentage of the sign as
9 opposed to limited to 20 square feet.

10 CHAIRMAN ANDERSON: What percentage would you recommend?

11 MR. DUNCAN: Forty percent. Most counties go 50 to 60%. But I would
12 recommend my recommendation because see one of the problems you're going to have
13 if you're going to freeze the text to six seconds or 10 seconds or 15 seconds if you look
14 at all the sign studies then that sign has, needs to be at least two to three lines of copy
15 because if you go to 20 square feet and you have to go a very small sign and then
16 you've got to lock it down then the person does not get enough time to put a message
17 on it. You don't get enough room to put a message on there then they're restricted. So
18 that's one reason why there are some of them have to roll them and scroll them
19 because the size of it you can't get enough message. So if you dictate the size of that
20 LED sign then you're going to make it very difficult to make that a useable sign.
21 Because there are a lot of companies, there are a lot of places out there that can get an
22 80 to 100 square foot sign and then you go a 20 down here and it maybe 30' in the air
23 so what do you do in a case like that? If you go to one of these service stations at least

1 30' in the air and your sign can only be 20 square feet it – so what, all I'm trying to do is
2 keep us from getting in a box that tries to fit one same criteria for everything that's out
3 there. It will not work.

4 MR. PALMER: I agree with the percentage - in theory and the higher up in the
5 air it is then the ratios need to grow as well and if the sign's smaller the LED needs just
6 to be smaller because the sign itself is smaller.

7 MR. DUNCAN: Let me give you an example if I can. If you look at the travel
8 plaza on I-20 that sign's 80, 90, 100' up in the air. That LED sign is probably 150
9 square feet and they're advertising constantly; Subway and the gas and everything
10 that's on there. If you restrict a sign like that and it's got multiple tenants so what would
11 you do? So if you can go an 80' tall sign well I guess mostly in Richland County you
12 can only go 50. So what do you do? You go 50' in the air and you can only have 20
13 square feet would be a nightmare. But if you can go, you know, a 200 square foot sign
14 and they allow that you should be able percentage wise to keep it in proportion.

15 CHAIRMAN ANDERSON: Mr. Price.

16 MR. PRICE: [Inaudible] the height of most signs is just 35' in general commercial
17 districts where you have most of your businesses and even in the light industrial districts
18 [inaudible] taking a look here 35'. If you're on a right-of-way adjacent to an Interstate
19 interchange you can go up to 50'.

20 CHAIRMAN ANDERSON: Okay. As far as the 40%, give me your thoughts on
21 the 40%.

22 MR. PRICE: Those just depend on the [inaudible] in the commercial zoning
23 district there's no minimum lot area so you could have a number of businesses on it

1 plus you need 100' [inaudible] 40% of that square feet. Of course if you get any lower
2 [inaudible] 50 square foot [inaudible] 20. We would need to look, and there will be some
3 cases where you're going to have a business that actually has a large amount of street
4 frontage. Well then you can get just 40% of that that still is a lot. If we're going to give a
5 certain [inaudible] according to percentage then we also need to put a cap for maximum
6 square footage that would be allowed.

7 MR. DUNCAN: And you already have that.

8 MR. PRICE: No. I mean, for the digital display.

9 MR. DUNCAN: Yeah.

10 MR. PRICE: We don't have that.

11 CHAIRMAN ANDERSON: So you mean) that 40% up to x amount of square
12 feet?

13 MR. PRICE: [Inaudible] but the digital display area cannot exceed x.

14 MR. PALMER: What's your x?

15 CHAIRMAN ANDERSON: Yeah. What would be the x?

16 MR. PALMER: What's the largest sign you could think would go up?

17 MR. PRICE: Well –

18 MS. CAIRNS: Well, what about the sign that's 100% digital? I mean, right now
19 you could do a four by five sign and have it be 100% display change electronic.

20 MR. PRICE: [Inaudible] the maximum for, is 250 square feet. Let's say if you're
21 in a commercial zoning district and you have one street frontage you're allowed to have
22 up to 250 square feet. Of course, you know, the businesses that have more than one

1 street frontage it increases. So if you have two street frontages you go up to 400
2 square feet total, you know.

3 MR. PALMER: It's on both sides? Both sides of the street?

4 MR. PRICE: Yeah. You're two sides cannot exceed 400 square feet or if you
5 own three sides it cannot exceed 500 square feet.

6 CHAIRMAN ANDERSON: So hold on. When you say both sides you're talking
7 about an LED sign on this side and an LED facing this side?

8 MR. PRICE: Yeah.

9 MR. PALMER: So you're talking two different street frontages?

10 MR. PRICE: Yeah. If you have two street frontages you can put a sign on each
11 street frontage.

12 CHAIRMAN ANDERSON: I gotcha.

13 MR. DUNCAN: And you only count side as far as square footage.

14 MR. PALMER: And you can put 200 square feet on –

15 MR. PRICE: One side the maximum is 250 square feet if you have that street
16 frontage.

17 MR. PALMER: Okay.

18 CHAIRMAN ANDERSON: Can somebody, could we just type that up as a
19 suggestion?

20 MR. PALMER: I think from the industry, the industry's saying that, you know,
21 perhaps a 45' sign would be, in a commercial zone, would be, that's less than the 40%.

22 CHAIRMAN ANDERSON: Okay. Let's rehash here. Forty percent of the sign is
23 what Mr. Duncan [inaudible]

1 MR. DUNCAN: That would be the minimum.

2 CHAIRMAN ANDERSON: Minimum is what he's proposed. And –

3 MR. DUNCAN: The minimum I suggest.

4 CHAIRMAN ANDERSON: - not exceed 20, how many square feet did you say?

5 MR. PRICE: I didn't. [Inaudible] research on the signs that we permitted
6 originally because you know I'll give you a good example. If go down Clemson Road
7 where Sam's Crossing that's the new Lowe's and Zaxby's and Walgreen's on there
8 there's a gas station there. I believe it's Murphy Express, Murphy Oil, I'm not exactly
9 sure but that sign they have is huge. It's huge. But they had the street frontage for that
10 type of sign, whereas you can go to some of the other businesses that affront on there
11 and they don't have as much street frontage so their signs are going to be smaller. So
12 it's really hard for me to tell you what the maximum should be.

13 MR. PALMER: But the maximum that the county allows is 250 square feet of
14 sign no matter how much your frontage is.

15 MR. PRICE: Right. So you want to take 40% of that 250?

16 MR. PALMER: No. I'm just saying that even, what the industry's proposes that
17 they would like to see signs at 45', 45 square feet – a 45 square foot sign.

18 MR. DUNCAN: No. No, no.

19 MR. PRICE: Let's see –

20 MR. PALMER: They're saying 40%.

21 MR. DUNCAN: Of the 200'.

22 MR. PALMER: But 40 square, 40 to 45 square foot would be the industry's wish
23 list. So that's below the 40% anyhow.

1 MR. PRICE: Well, that's 40% of the permitted sign can be digital. No more than
2 40% with [inaudible].

3 MR. PALMER: To be a maximum of 45', yeah.

4 CHAIRMAN ANDERSON: Alright. That sounds good.

5 [Inaudible discussion]

6 MR. DUNCAN: You're still looking, if you're 250' and you go 45 square foot of
7 signage that means you've got a 205 square feet of regular sign and if they are 35' in
8 the air, because if you want to do something aesthetically pleasing, you know, the
9 design needs to come in and if you design a sign that you got a big lighted sign and you
10 got 35% up in the air and you've got even a small LED if it's not in proportion it's going
11 to look ridiculous. It would, there's just really no set, I mean, my recommendation is go
12 up to 40% of the entire sign. You're not going to have many people that can even afford
13 – it's cost prohibitive for most people to be able to purchase one and so when you're
14 putting a 200 square foot sign up there, 35' in the air you're already \$25,000, \$30,000
15 cost for the sign not counting the LED, and there's just not many that's going to be
16 there. But my recommendation for what it's worth would be a minimum of 40% of the
17 actual sign face. Most counties we deal with will allow you to go up to another 60%. So
18 to give you an example if you're allowed 100 square feet in Lexington County you can
19 go up to another 60 square feet in addition to that in LED or manual copy sign, so.

20 CHAIRMAN ANDERSON: Just backing up. On number one, Section 3(B)(1).
21 Time and temperature displays are allowed but must not exceed 20 square feet of the
22 sign face. Are you talking about 20 square feet of the actual digital display?

23 MR. PRICE: Yes.

1 CHAIRMAN ANDERSON: Yes. Okay.

2 MR. PRICE: So it would have –

3 CHAIRMAN ANDERSON: A thinner text is what you're saying? You don't want
4 to see huge?

5 MR. PRICE: [Inaudible] bank for example. They want to advertise [inaudible] but
6 they also want to include – sorry about that – but they also want to include a time and
7 temperature. So time and temperature can only be 20 square feet and it's still allowed
8 let's say whatever that street frontage allows them to have. But only 20 square feet of
9 that can be used for time and temperature.

10 CHAIRMAN ANDERSON: Anybody have any problems with that?

11 MR. FURGESS: No problem.

12 MR. DUNCAN: And that size is okay. If you're just going to do it time and temp
13 a four foot by five foot is much larger than what you're going to normally have displaying
14 time and temp. So I have no problem at all with that 20 square feet of that. It's just
15 when you start displaying the messages.

16 CHAIRMAN ANDESON: Well (B)(2)(c). The message must not change more
17 than once every five minutes.

18 MR. FURGESS: Do it at six seconds.

19 CHAIRMAN ANDERSON: Do any Commissioners have any input on that? I've
20 heard six seconds.

21 MR. FURGESS: I'm not going to stay at a stoplight no five minutes. So why you
22 have [inaudible] no more than a minute, less than a minute at some of these stoplight –
23 when you stop at the stoplight. The six seconds should be long enough.

1 MR. PALMER: Well I don't agree with the fact that it's a safety issue. So I'm
2 under this, I'm not presuming the fact that it's a safety issue because there's been no
3 studies that have shown that it is yes, a safety issue.

4 CHAIRMAN ANDERSON: So then you would say six seconds?

5 MR. FURGESS: I would go with six seconds.

6 MR. PALMER: I would go with six seconds.

7 CHAIRMAN ANDERSON: Alright.

8 MR. PRICE: And once again, you know, Staff is opposed to that [inaudible] just
9 a frequency of change even if you take out the safety issue. Let's forget the safety
10 issue and once again you're looking at – I understand what he's saying that everybody's
11 not going to but let's just say you have a couple back to back. Now you're looking at
12 that rapid change on three, two, three, four signs.

13 MR. PALMER: But you're only seeing it once. You're not staring at the sign
14 waiting for the next message. I see different signs as I go down the street all the time
15 and it's changing every second I go by but I'm not constantly looking at the signs to see
16 what the next sign is while I'm driving.

17 MR. PRICE: Well, a driver such as yourself I can understand. But seriously, you
18 know, when you're looking at others that are out there it can be a bit a distraction. It can
19 also be a bit of a blight.

20 MR. MURRAY: [Inaudible]

21 MR. PRICE: But if you're talking about, you know, once again I think you have to
22 be careful going too far. We can always come back and scale it. But, I mean, five
23 minutes, you're right. That could be – my God! You're sitting there for five minutes

1 waiting for the sign to change [inaudible] you missed a sale. But maybe a minute,
2 maybe 30 seconds but I think just trying to use the, trying to use the same rate of
3 change that you would for a billboard, you know, [inaudible] frequent on the road you
4 don't see them back to back as you would an in-town signs.

5 MS. CAIRNS: Every minute. It's the same as time and temperature then.

6 MR. MURRAY: Well, we used to do it all the time with Burma Shave. Of course
7 you're too young but they used to have signs on the side of the road and you go by -
8 your car wouldn't run about 35 or 40. And we used to have to read those signs and it
9 would say, the guy shaving, on the end it would say Burma Shave and it'd have all kind
10 of messages on there and at the end they said Burma Shave. They were advertising
11 razors. But we weren't slow learners either. We had to read and it never did bother us.
12 It didn't bother me when I started driving. You can't find them now. They're probably in
13 the [inaudible], you know, but they had them. Some of you all, all you all probably don't
14 remember that. You probably read about them.

15 MS. CAIRNS: No. I remember them. We had them [inaudible].

16 MR. GILCHRIST: Are we going to come back to - I guess we're going down this
17 list here of items that, you know, we want to compare with this gentleman who knows a
18 little bit about the industry. But the burning issue for me is to go back and think about
19 these signs that currently exist. And so for us to go forward and kind of make some
20 modifications to these things I want to make sure that the modifications we're making
21 are consistent or are not going to impede what currently exists. And I know - I don't
22 kind of know where we are with that piece of it but that's my point of contention with this.
23 I don't really have a problem with, you know, six, I don't you know have a problem with

1 all that. I have a problem with the fact that we have signs that currently exist and what
2 are we going to do about those signs.

3 CHAIRMAN ANDERSON: Well, is there, and that's one thing, we did mention
4 that and we talked about that and I guess we could go ahead and add that to our notes
5 as far as the grandfather clause that allows the size, shape, and percent of digital on
6 that existing sign to stay as long as it adheres to the (2)(c) which says how often it can
7 move or change.

8 MS. CAIRNS: Well, more than just (2)(c).

9 [Inaudible discussion]

10 CHAIRMAN ANDERSON: So basically, you know, allow the percentage of the
11 sign –

12 MS. CAIRNS: Well (b)? You're talking about (b)?

13 CHAIRMAN ANDERSON: Yeah.

14 MS. CAIRNS: (d)?

15 CHAIRMAN ANDERSON: Um-hum (affirmative).

16 MS. CAIRNS: (h)? Those are the only ones that are not changeable.

17 CHAIRMAN ANDERSON: Correct.

18 MR. DUNCAN: You lost me there.

19 MS. CAIRNS: It's the size of the sign –

20 CHAIRMAN ANDERSON: That would –

21 MS. CAIRNS: - the bottom of the sign –

22 CHAIRMAN ANDERSON: - be everything

23 MS. CAIRNS: - and the distance from a residential district.

1 CHAIRMAN ANDERSON: - that that protects. Protect everything but the text.

2 MR. PRICE: Once again, his is not, I don't think you can grandfather in the signs
3 that are out there now.

4 CHAIRMAN ANDERSON: Well, I'm not, I'm just saying the size, shape of the
5 sign.

6 MS. LINDER: Only the signs that are currently legal can be grandfathered in.

7 MR. PRICE: Yeah.

8 CHAIRMAN ANDERSON: Well, what constitutes legal or not?

9 MR. PRICE: Well, let's just say if you have a sign, if you have a sign that
10 exceeds the 40% for digital display well that sign will still be illegal. It can only be
11 grandfathered if you were at one time legally allowed to be there in their current state.

12 CHAIRMAN ANDERSON: They were permitted at one time.

13 MR. PALMER: They are legally allowed; they're just not – the changing of them
14 is not legal. The signs themselves are legal. They are of the legal height, they're the
15 legal size. Everything else is legal. It's just the changing of the sign is illegal and what
16 you're doing now is you're making this, you're making it illegal by changing the heights
17 that you would have agreed to before.

18 MS. CAIRNS: Well, if they want to be able to change their face. If they want to
19 be able to change their face then they have to conform.

20 CHAIRMAN ANDERSON: Yeah, as long as they don't change, right.

21 MS. CAIRNS: And if they don't change they can stay.

22 CHAIRMAN ANDERSON: Yeah. That's my understanding is that everybody's
23 understanding?

1 MR. PALMER: There are currently legal signs and if we're now going to allow
2 them to start changing their sign face whereas before the sign face couldn't change
3 then they need to be legal to do that.

4 CHAIRMAN ANDERSON: Okay. And so we've addressed the grandfathering of
5 the existing signs as of right now. So is everybody happy with that?

6 MR. GILCHRIST: Yeah. I'm fine with that.

7 MR. FURGESS: Yeah.

8 MR. MURRAY: Yes. Let's do this.

9 CHAIRMAN ANDERSON: Let's go to (c) because (c) seems to be the point of
10 contention here.

11 MR. PALMER: I think (d) as well and I know we can't come to a consensus and
12 we all just at this point during a work session give our thoughts on it. But my thoughts
13 on (c) would be a six second interval and my thoughts on (d) would be the same NITS
14 that is allowed under the digital billboard situation, 7,500 as opposed to the 5,000 and
15 the 500 NIT during the evening hours would be acceptable as well.

16 MR. PRICE: Yeah, once again that's language that looking at other ordinances
17 that's where those numbers came from.

18 MR. DUNCAN: Well, on (d) I'm – any – from an NIT basis all red and amber LED
19 signs that are of quality – let me explain I guess maybe a bit more about the
20 manufacturing because I think that would help. When they manufacture an LED they're
21 manufactured to last 100,000 hours which is basically 24 hours a day for around 10 or
22 11 years, whatever that comes out to be. Now an LED does not burn out, it fades out
23 so because of the way they're make up of that LED over a 10 year period of time that

1 LED will fade 15% of its brilliancy, of its brightness. So when they build an LED in order
2 to combat the sun and be bright enough in the daytime you build it where a, at least
3 6,500 NITS burning during the daytime to combat the sun. Because obviously if it
4 doesn't burn that much and you drive down the road you can't see it. It becomes more
5 of a safety issue when you try to read something that you can't see. So when they build
6 an LED they build it over a 10 year expectancy, life expectancy. They put the NITS in
7 there at 6,500 minimum knowing that over a 10 year period they're going to reduce in
8 their brilliancy at 15% and at 10 years they're still burning 5,000 NITS. If they don't do it
9 that way, because there are some companies that build 5,000 NIT. Well two years,
10 three years down the road you wonder why you can't read them. So there's a reason
11 for that. Now doing a full digital color they average anywhere from 7,500 to 10,000
12 NITS in the manufacturing in order to be able to read and combat that thing during the
13 daylight. So if, and there's no way, if you regulate that, if you put it at 5,000 NITS one
14 there's no way to go up there and tell me or tell yourself if it's really that. You'd have to
15 take our word for it. So if you regulate it to 5,000 NITS then it's incorrect to think that
16 billboards are knocking down to 500. That's an incorrect statement. What they
17 recommend, the DOT recommends, the manufacturer recommends is in the daytime
18 your run it at, see what – back up on one other thing. The sign has the ability to burn
19 150% of its capabilities. So it's designed over that 10 year period of time as that thing
20 fades down you can brighten it up on –

21 CHAIRMAN ANDERSON: [Inaudible] replacing it then?

22 MR. DUNCAN: I'm sorry, sir.

23 CHAIRMAN ANDERSON: Replacing it?

1 MR. DUNCAN: Replacing?

2 CHAIRMAN ANDERSON: If it does burn down to where you can't see it but not
3 more than 7,500 NITS, I mean -

4 MR. DUNCAN: Well, the cost of replacing the LEDS individually it's like anything
5 else. You would spend as much money to replace the LEDS as the whole sign cost
6 originally when you go in there on a part situation. So the computer has the ability to
7 burn them at 150% but they don't recommend that. So then over a 10 year period of
8 time as the thing fades down you can burn it brighter which still keeps that NITS above
9 – you've got to keep that NITS above 5,000 at all times in order to combat the sun.

10 CHAIRMAN ANDERSON: So as far as item (d) illumination should be greater –
11 no greater than 5,000 NITS during daylight you're okay with it?

12 MR. DUNCAN: No. I would, well that would be, see –

13 CHAIRMAN ANDERSON: So you're saying – okay, I'm sorry.

14 MR. DUNCAN: Well, most of the signs that, it depends on how you're going to
15 rate it. Most of the signs that we install are built for 7,500 minimum NITS to give it
16 enough brilliancy to combat the sun. There are some around Columbia that you can
17 drive and you wonder why you cannot read it and because they put cheaper LEDS.
18 The better quality signs are going to burn at 7,500. My recommendation is to allow it at
19 7,500 and from a color.

20 CHAIRMAN ANDERSON: Mr. Price, do you have a problem with 7500?

21 MR. PRICE: I would like an example. I mean, I know he's –

22 CHAIRMAN ANDERSON: Well NITS – NITS mean nothing to me. I don't know
23 what NITS are.

1 MR. PRICE: If you're saying that there's some signs around Columbia that
2 because they aren't 7,500 NITS you can barely see them, give us an example.

3 MR. DUNCAN: Well, a Sonic for instance that is done by my company Optech,
4 they're burning, if you see those Sonics if you don't burn that at least, they're 7,500
5 NITS. See the thing that you have to do especially when it's color, you can do with less
6 if it's red or amber but then you do a full-color digital sign the background can be one
7 color that the letters are supposed to be 15 times brighter than the background color.
8 So that sign has to have the ability to be able to burn that if you need that hamburger to
9 pop out or the copy to pop out it's got to be the brilliancy. So when the computer
10 designs that it will determine the brightness of those individual LEDS that's got to jump
11 out. A computer can lighten up one LED at 256 different shades. It has that ability. It
12 can light it from, you know, it can be off, it can be one percent on, it can be two percent,
13 it can go up to 256 different shades. So if you start restricting the NITS you'll also be
14 restricting the ability so that when you see an LED you go well that thing's ugly that's
15 because it's limited on its brightness. What you see at Sonic right now is burning at
16 probably 7,500 NITS and the average color sign is what's burning. When you get down,
17 and recommend and so does DOT, at now at nighttime. I've got two digital billboards
18 for instance. Mine – they all burn at 7,500 NITS and they're on number 378 and 1 and
19 at nighttime we cut them down to 40%. The computer automatically when we know that
20 it's going to get dark at 8:00 o'clock the computer guns that down to at least, down to
21 maybe 40%. But there again I'm going to determine it what's around me. If there's
22 nothing around me then I'm going to dim it down even more than that.

1 MR. PRICE: Excuse me. Is there a difference between let's say a sign like
2 Sonic where they're trying to put a picture up there –

3 MR. DUNCAN: Yes.

4 MR. PRICE: - as opposed to someone just putting text as far as the NITS?

5 MR. DUNCAN: Sure. The, if you, most of the signs that we do on red or amber
6 start off at 6,500 NITS where the colors is a minimum of 7,500 to 10,000. You don't
7 need as much because when you're doing just text only, let's say you've got red copy
8 then everyone of them is burning at the same brilliancy or the same brightness. But
9 there's no device that is made to this particular point and I was studying this, I spent
10 nine hours studying sign codes yesterday believe it or not. There's no way to do the
11 photometric thing to an actual sign to go up there and determine its brilliancy at any one
12 particular time.

13 CHAIRMAN ANDERSON: I got a question for Mr. Price. I mean, as far as
14 monitoring the NITS. How are we going to monitor the NITS?

15 MR. PRICE: [Inaudible] as he stated the technology may not be there for us to
16 monitor it. Of course we could also do what's proposed in the billboard where they
17 actually have to at least come in and certify that, you know, this is the maximum number
18 of NITS of the sign.

19 CHAIRMAN ANDERSON: Okay.

20 MR. PRICE: You know, this is one, you know, once again I don't, I'm very
21 familiar with the NITS not being in the sign industry. I've seen the Walgreen's and some
22 of the other signs and they're pretty bright. If they're burning at 7,500 NITS they're
23 pretty bright. I guess my question is I haven't seen one that's at 5,000 and why that

1 wouldn't work. If let's say we limited this to 5,000 for some reason this just wasn't
2 working, they couldn't see they could always go to the Board of Zoning Appeals for a
3 variance.

4 MR. PALMER: Yeah. Or we could go with 7,500 and if it's too bright then we
5 can come back here and change it to 5,000.

6 MR. PRICE: Once again, we're starting up here. It's always harder to come
7 back to change it. Why not [inaudible].

8 MR. PALMER: That's the difference between my thought process and yours. I
9 understand.

10 MR. PRICE: - and then come back in later on and say, you know, let's revisit
11 this, it needs to be brighter as opposed to starting out [inaudible].

12 MR. PALMER: Yeah, and if it's causing issues and they're just everywhere then
13 we can come back in and readdress the issue and say that they need to be dimmer and
14 we need to – [inaudible] future needs to be this amount or whatever the case occurs but
15 I can't, you can't legislate for a doomsday scenario that may or may never come.

16 CHAIRMAN ANDERSON: Does anybody have any problem with putting 7,500
17 NITS in number (d)?

18 MR. DUNCAN: And my recommendation if I could put that is it would use to 50%
19 or either 40% in brilliancy at night. I'm sorry, excuse me. I'm sorry.

20 CHAIRMAN ANDERSON: Go ahead. I'm sorry.

21 MR. DUNCAN: Okay. My recommendation is if we do it at the 7,500 NITS but
22 you can still have it to where it would dim down at night. See that's the proper way to
23 do it is having a dimming effect as opposed to saying – because I'm going to tell you,

1 I've got 28 years in the business. I wouldn't be able to go up and tell you if it's burning
2 500 NITS at night. Nobody in manufacturing can do that. But I can go in the computer
3 and say, because right now, you know, we can, you put in the thing and say okay you
4 can burn it 100% during the daytime and at night it dims down when it gets dark to 40%
5 of its capabilities. And then you can go in the computer and then – I have to do that
6 with my LEDS. The DOT will call me occasionally and somebody'll say, well they went
7 by your sign and they thought it was a little bit too bright. Well, we go over there and
8 dim it down and we make certain that when the night changes that this sign is dimming
9 down along with the darkness. So my recommendation is go a percentage of the ability
10 as opposed to – because you can't regulate something that we don't understand. We
11 don't understand how to go up there. There is no equipment available and you can't go
12 up there and check the luminance or any of that and determine -

13 MR. PALMER: Well, if you can do a percentage you can do a hard number as
14 well. As long as we have a maximum number you can do a minimum number and put it
15 in there as a number and/or either way. If you do 40% you can put that number in.

16 MS. CAIRNS: Well, it'd be 10%. You say you can tell what the maximum
17 brightness is? And then you can [inaudible] a percent dim well.

18 MR. DUNCAN: Well –

19 MS. CAIRNS: Well 5,000 to 500, that's 10%.

20 MR. DUNCAN: But you can't. Okay, I'm not sure what you're saying. But you
21 can't – if you dim it down to 10% you've basically cut the sign off.

22 MS. CAIRNS: I understand but its –

1 MR. DUNCAN: I would say 40% of its capabilities, at 40% of 7,500 is almost
2 3,000 or whatever so.

3 MS. LINDER: It's exactly 3,000.

4 MR. DUNCAN: Ma'am?

5 MS. LINDER: It's exactly 3,000.

6 MR. DUNCAN: Okay. Thank you. So that would not be a problem because if
7 you're running at 3,000 NITS at night. But the biggest thing is if you get a complaint it's
8 very easy to go on a computer and see what that person's burning that sign at.

9 CHAIRMAN ANDERSON: What did we do on digital billboards?

10 MR. PALMER: Five hundred.

11 CHAIRMAN ANDERSON: I think we need to mirror that, that's my personal
12 opinion.

13 MR. PALMER: Mr. Shockley, how'd the 500 number come about with the
14 billboards?

15 MR. SHOCKLEY: That's what we've used in most all of our markets and also
16 [inaudible] Charlotte.

17 MS. CAIRNS: So it works?

18 MR. PALMER: So the 500 on digital billboards works? And you don't need that
19 as a percentage? You understand, you know you're getting down to 10% of the, less
20 than 10%of the maximum capacity?

21 MR. SHOCKLEY: Yes, based on what our engineers are telling us we have
22 [inaudible].

23 MS. CAIRNS: So we can't even get the sign industry to agree.

1 MR. DUNCAN: Well, when I talked to Optech they tell me a different story that
2 the 500 NITS at night would be basically, it would be too dim and the sign studies that I
3 give you also show that if the sign is not properly lit at night it becomes more of a safety
4 issue when people have to try to strain to look at it. He could be right but based on my
5 knowledge of the NITS at night, we work more off of a percentage than we do the NITS.
6 And when I talk to all the Optech people and I talk to [inaudible] and they all say well we
7 go by the percentages, not the NITS because there's really no way to regulate that. So,
8 I'm sorry; it is confusing. But I think if you go a percentage you're safer than what it
9 would be on the NITS.

10 CHAIRMAN ANDERSON: We'll take that into consideration.

11 MR. PRICE: I mean, you know, once again I know we do have an example of
12 what is 7,500 NITS and we'd just like an example of what is 5,000 because I'm sure
13 there might be one or two out there, you know, of the sign. Because once again without
14 having the expertise of this gentleman and I have to go by what I see out there. So if
15 you could, you know, identify something that is 5,000 NITS then maybe that'll give us a
16 better idea.

17 MR. PALMER: Do you know one that is 5,000 NITS?

18 MR. DUNCAN: Well, all the amber and red LEDS that we sell start off, they're
19 rated at 6,500 minimum NITS. Now what they're burning at there's no really way to tell.
20 I think the bottom line is if the thing is too bright at night and you get a complaint on it
21 the person needs to cut the thing down. It's really more of a perception when you see it
22 at night and that can vary according to if you're in a high-traffic area or if you're in an
23 area where there's no other signs around it you can get by with a lot less NITS at night

1 or the brilliancy of it. But everything is – when they call me from DOT or somebody
2 complains if it, I can go out and look at it, you know, and if it's offensive to me we cut it
3 back.

4 MR. PALMER: I understand that you may be that kind of person who'll do that
5 but there other people out there who may say I don't care what you say. I don't care if
6 it's too bright to you. The ordinance allows me to run it at these NITS, I'm going to run it
7 at these NITS. So that's what we've got to look at with this Body.

8 MR. DUNCAN: Alright. Well, I wish that I –

9 CHAIRMAN ANDERSON: I don't of a measurable way and it would be my fault
10 but if we don't know of a measurable way I'm going to stick with what the billboard
11 industry is [inaudible]. That's just my thought, you know.

12 MS. CAIRNS: Well, you know, I mean, also realize Geo's offered that these
13 numbers came from a review of literature of other ordinances from other communities
14 so these aren't just his made up numbers. So other communities are living with these
15 numbers and I think there is a fundamental difference between the brightness of the
16 billboard needs as opposed to an off-premises sign.

17 MR. GILCHRIST: Why couldn't we then just go with the recommendation from
18 Staff?

19 CHAIRMAN ANDERSON: That, that - we might just – as far as (e) goes, keep
20 (d) as it is.

21 MS. CAIRNS: What are we doing with (c)?

22 MR. PALMER: I'm still of the opinion that the maximum number needs to go up
23 because of the argument that was – I mean, it follows a trend of the billboard industry as

1 well and what he's saying is a 5,000 number would be neutral that you will see in the
2 daylight anyhow so the number needs to be greater than the 5,000 number.

3 MS. CAIRNS: But that doesn't make any sense if this came from existing
4 ordinances.

5 MR. PRICE: Yeah. We –

6 MR. DUNCAN: But that's not necessarily say that they're correct.

7 MR. PRICE: And right now we don't know. I mean, once again if we go with the
8 5,000 and it turns out it's not working we can go back and look at that.

9 MR. PALMER: But the problem is you've then bought a 5,000 sign. You don't
10 then go back and rebuy at 7,500 sign.

11 MR. PRICE: So it's just either five or 7500?

12 MR. DUNCAN: You don't buy them that way. You buy them according to the
13 resolution of the sign and they're going to build that thing based on the matrix and the
14 resolution of it and the resolution of it if it's in full color is automatically built with higher
15 NITS in order to get those colors to be able to come off that sign.

16 MR. PALMER: But you can turn them down; you can't turn them up?

17 MR. DUNCAN: Yes. You can turn them down. That's the thing is -

18 MR. PALMER: If we go with 7,500 and we perceive that they're too bright we
19 change it to 5,000 and they can turn the sign down?

20 MR. DUNCAN: And that's easy.

21 MR. PRICE: [Inaudible] really determines the NITS that they need.

22 MR. PALMER: Correct. That's my thinking.

23 MR. PRICE: [Inaudible]

1 CHAIRMAN ANDERSON: So 7,500 and get rid of the percentage. Just use the
2 500? Does someone want to throw that out? I mean, Mr. Palmer's thrown that out on
3 the table. Does anybody have a problem with putting that up on the notes?

4 MR. PALMER: I just threw that out as a discussion topic for us to have when we
5 have out voting session.

6 CHAIRMAN ANDERSON: I just want to make sure we have everything on the
7 notes so that we can look back to what we were talking about. As far as (e) Signs shall
8 not display flashing lights.

9 MR. DUNCAN: I have no problem at all with that.

10 CHAIRMAN ANDERSON: Audio speakers? Pyrotechnics?

11 MR. PALMER: No pyrotechnics?!

12 MR. DUNCAN: No, thank you.

13 CHAIRMAN ANDERSON: Audio speakers? (g) as far as signs be at least 10'
14 from the ground. Mr. Price?

15 MS. CAIRNS: I think it's to get the changing, illuminated part out of the viewers'
16 direct view shed. I mean, that's, you know, I'm sure that that's where the 10' comes
17 from. You know if you indeed are looking forward and at the road you're not seeing
18 changing stuff.

19 MR. PALMER: So then you should be able to put them every two feet if you're
20 not seeing it.

21 MR. CAIRNS: No.

22 MR. MURRAY: But the church signs are -

1 MS. CAIRNS: You know, I mean, there's an aesthetic issue too. But I think
2 that's where the 10' comes from. Right, wrong, or indifferent I think that's where it's
3 coming from.

4 MR. MURRAY: And you've got eight feet at the church then –

5 MR. DUNCAN: They would be eliminated.

6 MR. PALMER: Well, see but there's some restriction for signage in the rural
7 district.

8 MR. PRICE: I mean, true. That with this particular provision essentially the sign,
9 if you're not in a commercial district you're, you know, rural or residential and your
10 church, institutional use you would be limited on your square footage.

11 MR. PALMER: But not only on your square footage but the height of the sign;
12 this would make it so the church, you know, rural district could not have a sign.

13 MR. PRICE: Right. That's not variance.

14 MR. PALMER: That's not what we want to do.

15 MR. DUNCAN: You don't want to do that.

16 MR. PRICE: No. [inaudible] apply for variance if it's necessary.

17 MR. MURRAY: You would have a safety problem if it's not more than 10'
18 because a pick up truck, you know, the cab of your pick up truck if someone's standing
19 on the back of that you'd knock them off when you drive through.

20 MR. PALMER: No, they're not. They're hanging out over the street. No.
21 They've got to be a certain distance from the street. They can't be hanging out over the
22 street.

23 MR. MURRAY: Well, suppose you drive over on the shoulder.

1 MR. PALMER: Then he's got more problems.

2 MR. DUNCAN: They do that sometimes.

3 MR. MURRAY: You see, you know, you got hay on the truck then you've got
4 problems out there in the rural area. Wouldn't you, General?

5 MR. PRICE: In the rural area?

6 MR. MURRAY: Yeah. [Inaudible] we're creating some –

7 MR. PRICE: We, hopefully when they locate on the property it's not going to be
8 in the driveway. It would be set back far enough that the trucks won't hit it hopefully.

9 MR. MURRAY: Thank you, General.

10 MR. PALMER: I'm concerned with there not being the ability of churches to use
11 it in rural districts. What's the minimum height for rural districts, eight foot?

12 MR. MURRAY: Eight foot.

13 MR. PALMER: Maximum height?

14 MR. DUNCAN: Maximum height.

15 MR. PRICE: Well, yeah.

16 CHAIRMAN ANDERSON: To that discussion how far can these be to residential
17 areas?

18 MR. PALMER: One hundred feet.

19 MR. DUNCAN: If I can add a note to that. Some of the studies I was doing
20 yesterday said they recommend that the sign be five feet off the ground because of
21 vehicles, people trying to drive down the road and anything less than five feet becomes
22 a safety hazard because you're, you've got the sign on and there's a car in between you
23 and that sign and you want to read that sign the sign needs to be up. My

1 recommendation is that, of course I don't want, one of the worse things to do is to try to
2 effect a church because we are the leading sign manufacturers of churches in the State
3 of South Carolina so we want to make sure that they're able to get the sign high
4 enough.

5 MR. PALMER: This is saying a minimum so it's not saying a maximum. A
6 minimum of 10' and churches are not able to put up a 10' sign in a rural?

7 MR. DUNCAN: No. Yeah, and well and I was saying was that it's recommended
8 to be five feet off the ground. And also an LED sign if you put one on the ground it
9 actually works against you because most LEDS have a shading effect over the LED and
10 the actual LEDS are pointed down five percent.

11 MR. PALMER: We're talking about putting, not putting them on the ground.

12 MR. DUNCAN: I know.

13 MR. PALMER: [inaudible] anything less than 10'.

14 MR. DUNCAN: Alright.

15 MR. PALMER: So we're not talking about that.

16 MR. DUNCAN: Okay. Sorry.

17 MR. PALMER: I'm trying to find a way to have them, so the churches can have
18 them in a rural district. So what's, can a church have an eight foot sign? Church – it
19 can be eight foot off the ground?

20 MR. PRICE: In the rural district?

21 MR. PALMER: Right.

22 MR. PRICE: No.

23 MR. PALMER: What's the height requirements for a –

1 MR. PRICE: In the rural or residential district if it's in the front yard setback
2 cannot be more than four feet in height. If it's outside of that setback it can go up to six
3 feet.

4 MR. PALMER: And a front yard set back is what, 20'?

5 MR. PRICE: In the rural district it's 40', residential 25.

6 MR. PALMER: So the sign that was approved for Spear Street Church was
7 approved in the front yard setback and it's higher than four foot?

8 MR. PRICE: I'd need to see the zoning for that particular church.

9 MR. MURRAY: But in the commercial zone it can go ten?

10 MR. PRICE: Yeah. Right. In the commercial zone they don't, they aren't
11 restricted it. They're allowed to use them just as any other commercial business would.

12 MR. MURRAY: We're messing with them folks' civil rights.

13 MR. PALMER: Is it legal to make this, that churches can have a sign if the
14 maximum height of whatever zoning district they're in? Can you bring them in and be
15 specific with them?

16 MS. LINDER: This is not just for churches.

17 MR. PALMER: I understand but can you put another section in here, another
18 letter that says if a church applies for one for of these signs and they are in a rural
19 district are there, you know, what I'm trying to do is – not everything's allowed in rural
20 districts. I mean, there's no commercial business allowed in rural except for churches.
21 This would not, if this ordinance was passed with a 10' minimum height restriction then
22 those churches who decide to go into a rural district would not be able to have this kind
23 of sign even though they have to be 100', the sign would have to be 100' away from an

1 abutting residential district property. In other words they'd have to have at least 202' of
2 frontage to have a sign but the sign requirements required for their sign could not be
3 any taller than four foot off the ground. Well, this ordinance says that the sign, the LED
4 sign has to be 10' in the air so they wouldn't be allowed to put an LED sign because of
5 that 10' requirement.

6 MR. MURRAY: [Inaudible] kind of crazy because you have -

7 MS. LINDER: There would be other non-residential uses that would fall into that
8 same situation. Churches, schools -

9 MR. PRICE: Assisted living facilities, you know, a number of uses. There's
10 going to be a number of uses within the rural district not necessarily commercial. But
11 because they would not be residential this [inaudible] apply to them.

12 MR. PALMER: How do all the schools like in the rural districts like Long town
13 and Rimer Pond? How does that middle school have one of these signs?

14 MR. PRICE: We need to look at that. Maybe they came in under the old Code.
15 We'll see what the old Code said. I also need to, once again look at the zoning.

16 MR. PALMER: I don't know. I mean -

17 MR. MURRAY: There's just too much under our umbrella. If you're in a rural
18 zone and you have a church how are you going to even inspect the place. You've got
19 to have a, you're going to have a rural inspector go out instead of a commercial
20 inspector?

21 MR. PRICE: No, sir.

22 MR. PALMER: If the sign structure - here's one way maybe we can skin this and
23 I'm just throwing it out for discussion. What happened? If the sign ordinance for a

1 specific area allows for the sign to be more than 10' off the ground then the LED sign
2 itself has to be, must be 10' off the ground. If the sign ordinance does not require or
3 does not allow for a sign to be 10' or more off the ground then the LED sign will still be
4 allowed under whatever guidelines applies for that district.

5 MR. PRICE: Is that how you want the language to read?

6 MR. PALMER: Well, that's an option for us.

7 MR. PRICE: Okay.

8 MR. PALMER: To be able to address it in rural districts and in –

9 CHAIRMAN ANDERSON: I don't know if, I mean, I understand the need for
10 certain signage in a rural area and especially with a church as far as getting [inaudible]
11 schools but I have a problem with some – I don't know. I just have a problem with some
12 legal non-conformings out there. Okay. A church that there's a warehouse in front of
13 and let's say it's a warehouse. It was never zoned, rural zoning and there's a church
14 that goes in there and they put up a digital billboard, they put up a digital sign.

15 MR. PALMER: It would be fine because –

16 CHAIRMAN ANDERSON: And then they leave. What happens if they leave?
17 Somebody else comes in. That sign's already permitted.

18 MR. PALMER: It's got to be a use that would go in there. The use runs with the
19 land so it'd have to be a rural use that goes in there.

20 MR. DUNCAN: The new tenant would have to get a new permit anyway so.

21 CHAIRMAN ANDERSON: Don't we allow landscaping in rural areas?

22 MS. CAIRNS: Landscape companies?

23 CHAIRMAN ANDERSON: Landscaping companies?

1 MS. CAIRNS: And storage.

2 CHAIRMAN ANDERSON: I want to be real careful about, I want to be real
3 careful about them being able to come in and have a sign and keeping the same use
4 [inaudible].

5 MR. FURGESS: In this county most, really in the South if a business goes out of
6 business, the church pop in it. It could be a filling station, service station, could be a
7 Chinese restaurant and if it go out of business next week it's a church. So are you
8 going to keep changing the ordinance every time somebody come in there about the
9 sign? I mean, you know, we got to be realistic with some of this stuff.

10 MS. CAIRNS: [Inaudible] is that the Board of Zoning Appeals exists under our
11 jurisprudence to address this problem. There's a recognition that an ordinance that
12 doesn't have flexibility is by itself a problem. And so BOZA exists so that you can pass
13 an ordinance that you know is going to work 90, 95% of the time but there's going to be
14 situations where it doesn't work and that's what the Board of Zoning Appeals exists for.

15 MR. PALMER: Yeah, but here we've identified an issue where it's a majority of
16 what have the signs. There's a lot of churches and schools who use these signs who
17 are in the rural district.

18 MS. CAIRNS: Well, those are facts not in evidence. I mean, I don't know that. I
19 mean, you're offering that but I, you know, granted we heard that there's a lot of
20 churches and schools that have these things but we don't know that they're in a rural
21 zoning district.

22 MR. PALMER: Well the problem with the Board – the Board of Zoning Appeals
23 is there for things that come up that are unforeseen. We foresee something here that

1 we have the ability to address and I think we need to address it. You don't want to pass
2 something knowing you're going to have problems with it.

3 MR. PRICE: You know, maybe this is an issue that Planning Commission may
4 want to look at. Actually the maximum height within the rural, single-family zoning
5 districts for non-residential uses.

6 MS. CAIRNS: Yeah. Maybe the sign ordinance for rural districts is too
7 Draconian.

8 MR. PRICE: Yeah. So maybe that's the way to look at it.

9 [Inaudible discussion]

10 MR. PRICE: You can increase the height.

11 MS. CAIRNS: Non-commercial, yeah, non-commercial allowable uses.

12 CHAIRMAN ANDERSON: How would that look on that –

13 MR. PALMER: That would need to be a completely different –

14 MS. CAIRNS: That would, yeah, that's completely different.

15 MR. PRICE: We wouldn't address it with this. If you were to pass it [inaudible]
16 any language that we would use, I'm sorry, any language that we would amend
17 [inaudible]. Essentially what it says up here is freestanding signs shall not exceed four
18 feet above ground, level [inaudible] required front yard. You know, that language could
19 easily be changed, just throwing out a number again, nothing magic about it,
20 freestanding signs shall not exceed 15'.

21 MR. PALMER: Well, that's where my language would certainly work, if we were
22 to pass it with it. See, the problem you have there is if you pass this ordinance then that
23 other ordinance never gets passed. So if my language is presented that if the sign

1 ordinance for a specific district allows for greater than 10', then the sign must be at a 10'
2 or greater height. If it does not allow for it, then the sign can still be put in place under, it
3 would be specific to the current [inaudible].

4 MR. PRICE: Respectfully, just if you're looking at just trying to amend this just
5 for a digital sign rather than looking at the actual zoning district and the, and the
6 permitted uses within that district and the impact this could have on it, that's how you
7 have to look at it. Because if you're gonna allow, essentially you're saying, alright you
8 have a digital sign and you're in a rural or residential area where you have homes, you
9 can go up to a certain height, then it's out of character, it typically would be out of
10 character with what the signs are for that district.

11 MR. PALMER: Right. Which is why it's very iffy as to whether or not what you're
12 proposing would ever get passed by County Council, because then you're asking to put
13 up 15' signs in residential areas, which nobody wants.

14 MS. CAIRNS: So basically are you saying that you would, I think I heard this,
15 that you were saying to amend (g) to say, but the bottom of the sign must be at least 10'
16 from the ground if the district allows a sign tall enough to accommodate –

17 MR. PALMER: Right.

18 MS. CAIRNS: - if not, then it must be, you know, in the top 20% of the sign or
19 half of the sign, you know, cause that way it would be, it would flex to whatever, so if it
20 was a four foot max it would have to be in the top half.

21 MR. PALMER: Right.

22 MS. CAIRNS: If it's an eight foot –

1 MR. PALMER: That's what I, yeah, and if for some reason down the line
2 somebody changes it and says, you know, our sign ordinance in rural districts is, you
3 know, Draconian then it changes and we're no the worse off.

4 MS. CAIRNS: So say it's got to be in the top 25% of the sign, get it as high as it
5 can without trying to change –

6 MR. PALMER: Right.

7 MS. CAIRNS: - the overall height of signs in rural districts.

8 MR. PALMER: Right.

9 MR. DUNCAN: Now if I'm understanding, if I can interject, aren't y'all, now y'all
10 have been allowing churches recently to have an eight foot tall sign and 50 square foot,
11 even in residential and –

12 MR. PRICE: Where are you getting eight from?

13 MR. DUNCAN: Well, eight foot is what, we have permitted some recently if I
14 remember correctly.

15 MR. PRICE: I would need to look at that, but according to what I have in the
16 Code here, four feet in the front yard setback, six feet outside. So I really would need to
17 – you need to get with me and see what signs we have permitted.

18 MS. CAIRNS: What's it for residential zoning?

19 MR. PRICE: Same thing.

20 MS. CAIRNS: Hun.

21 MR. DUNCAN: So you're saying all of them are four feet?

22 MR. PRICE: What I'm saying is what the Code says. I would have to go back
23 and look and see what we may have permitted.

1 CHAIRMAN ANDERSON: Alright, so let's reiterate all – would somebody mind
2 reiterating (c)?

3 MR. PALMER: I think we'll just address it kind of when, I mean, discussion time.

4 CHAIRMAN ANDERSON: I know, I'd just rather have it up there so we don't
5 miss anything.

6 MS. CAIRNS: Well, it's not for churches it's just basically –

7 CHAIRMAN ANDERSON: No, it's not for churches, it's just – we need to take
8 that out.

9 MS. CAIRNS: It's just that the bottom of the sign shall be at least 10' from the
10 ground if, so long as the zoning district allows a sign of that height, and if not then the
11 changeable copy portion of the sign must be within the top 25% of the sign height as
12 allowed by the zoning district.

13 CHAIRMAN ANDERSON: I'm not sure what that means.

14 MR. PALMER: In other words it would need to be in the top foot of a four foot
15 sign.

16 MS. CAIRNS: Yeah, but I mean – and then if not – and then if the signs allowed
17 to be that type by ordinance. And if not, then it's [inaudible] top.

18 MR. PALMER: They're gonna have to deal with it if they want to put a church up.

19 MR. DUNCAN: When you're looking, if you're driving down the road and your
20 eyesight is looking straight out on the front of the hood, there's almost no difference
21 between what you see, if it's on the ground, if it's 100', you still see the same sign. You
22 don't, I don't think you, I don't think you help yourself any at all by forcing that sign to be
23 10' in the air. It's not gonna make it any safer to be there, it's not gonna be out of your

1 vision, your eyesight is gonna perceive it from the, from the ground all the way up and
2 your eyesight's going hundreds of feet in the air, and all I'm saying is from, from an
3 aesthetic view of it to force a sign up in the air I think it creates more problems. My
4 recommendation is that it could be not, that it be four to five feet off the ground and then
5 let it fit within the sign criteria. If you allow an eight foot sign and you're four feet, then
6 you've got room for a church to have an LED sign.

7 MS. CAIRNS: I mean, you're going into ordinances that we don't even have in
8 front of us. I mean, we've got an existing four foot ordinance. I mean, we can't, we're
9 not amending today.

10 MR. DUNCAN: Okay.

11 CHAIRMAN ANDERSON: I know we're getting a little bit late, does anybody
12 have –

13 MR. PALMER: Anybody got any supper?

14 CHAIRMAN ANDERSON: Anybody have, let's see, (h). Does anybody have
15 any problem with the distance, [inaudible] distance 100'?

16 MR. PRICE: [Inaudible] I think we need to add some more to it.

17 CHAIRMAN ANDERSON: Oh, I'm sorry. I think they needed to add some more
18 to the, number (g).

19 MS. CAIRNS: [Inaudible] 10' off the ground. You know, basically if –

20 MR. PALMER: If not then the LED or the digital –

21 MR. PRICE: [Inaudible]

22 [Inaudible discussion]

1 CHAIRMAN ANDERSON: Alright, let's go ahead and move to (h), (h) would be
2 distance. Does anybody have a problem with distance?

3 MS. CAIRNS: No.

4 MR. PALMER: I don't think so.

5 CHAIRMAN ANDERSON: Okay, (i), anybody have a problem with (i)?

6 MR. PALMER: I do.

7 CHAIRMAN ANDERSON: Okay.

8 MR. PALMER: You're dimming them for nighttime anyhow. Why, why tell them
9 they've got to turn them off between 11:00 and 6:00? Is that saying that there's no one
10 on the road between 11:00 and 6:00? I mean, they're being dimmed, I mean, yeah,
11 they're, you know, just like Royal Z Lanes, I mean, they're open 'til 2:00. I mean, I, I
12 don't know where the 11:00 came from.

13 MR. PRICE: How about the sign can only be used or displayed during hours of
14 operation?

15 MR. PALMER: What if they display their hours, people want to know what time
16 they, they open? Why, why limit that?

17 MR. PRICE: What did people do before we had digital signs?

18 MR. PALMER: All I'm saying is why, where did this thought process come up to
19 limit when [inaudible] a sign?

20 MS. CAIRNS: [Inaudible] why do we need these signs flashing all through the
21 night?

22 MR. PRICE: No, I mean, you're making it seem –

23 MR. PALMER: If there's nobody out there on the road who cares anyhow?

1 MS. CAIRNS: Cause there's a bear in the woods. [Laughter]

2 MR. PALMER: I'm just saying, where did it come that we need to tell, that 3:00 in
3 the morning you can't have your sign up?

4 MR. PRICE: You're talking about bowling?

5 MR. PALMER: I'm just saying, where did this, there's no reason to have that.

6 MS. CAIRNS: It's just to improve the nighttime world.

7 [Inaudible discussion]

8 CHAIRMAN ANDERSON: I think Walgreen's turns off theirs when they, when
9 they're not in operation. I'm pretty sure, the one on Forest Drive shuts theirs down
10 once, when they're closed.

11 [Inaudible discussion]

12 MR. PRICE: And remember you have a lot of, you know, general commercial
13 that's not that far from a lot of the residential zoning districts.

14 CHAIRMAN ANDERSON: Sure.

15 MR. PRICE: And you actually see it a lot [inaudible].

16 CHAIRMAN ANDERSON: Migratory birds also.

17 MS. CAIRNS: Migratory birds. You want my study? That's what I did my study
18 on, I've got a [inaudible] study.

19 CHAIRMAN ANDERSON: I'm actually okay with hours of operation. I don't think
20 they need to stay on all hours of the night.

21 MR. DUNCAN: Point on that if I may make it. What are you doing in case you
22 got a motel? A motel is still trying to fill their motel up at 12:00 at night and the signs got
23 to go off.

1 MR. PALMER: [Inaudible]

2 MR. DUNCAN: I know he's still open, but his sign goes off and you don't know
3 he's open. They're still trying to display their –

4 MR. PALMER: [Inaudible] hours of operation.

5 CHAIRMAN ANDERSON: Hours of operation.

6 MR. DUNCAN: Oh, okay.

7 MS. CAIRNS: But it's got to be, it's got to be a little bit more generous than that.

8 MR. DUNCAN: Because there are a lot of companies that close at 5:00 in the
9 afternoon, then they keep their sign running for advertisement.

10 MR. PALMER: And when does a church close? As far as I'm concerned, never.

11 MR. MURRAY: Church stays open 24 hours.

12 MS. CAIRNS: [Inaudible] just say they can only be displayed between 6:00 am
13 and 11:00 pm, unless the business is in operation during the hours of 11:00 to 6:00.

14 CHAIRMAN ANDERSON: I'm okay with that.

15 MS. CAIRNS: Yeah, I mean, add that they can stay, they can stay, however you
16 want to word it, but they can stay illuminated through the wee hours so long as they're
17 open. And if they're closed they can't. Cause yeah, you do want to –

18 MR. PALMER: [Inaudible] 11:00 or unless they're open for business to the public
19 then –

20 MS. CAIRNS: Yeah.

21 MR. PALMER: - the sign needs to be off.

22 MS. CAIRNS: Right.

1 MR. PALMER: I'm okay with that. I still don't know why you've got to worry
2 about it. Ain't gonna be nobody on the street no how.

3 MS. CAIRNS: I'm on the street driving around, what are you talking about?

4 CHAIRMAN ANDERSON: And it's an energy issue.

5 MS. CAIRNS: It's just a, it's just a –

6 MR. FURGESS: We don't need no more problems, guys, come on.

7 CHAIRMAN ANDERSON: Alright, so –

8 MS. CAIRNS: So (c), we never dealt with (c).

9 CHAIRMAN ANDERSON: Yeah, I think (c)'s gonna be a point of contention as
10 far as –

11 MR. PALMER: I think it'll just be a vote issue.

12 CHAIRMAN ANDERSON: Yeah. So as far as (i) goes, signs shall only be
13 displayed during hours business is opened – well –

14 MS. CAIRNS: Or, yeah, whenever the business is open or 6:00 am to 11:00 pm,
15 whatever's greater. Yeah, whatever's greater.

16 MR. PRICE: [Inaudible]

17 MR. PALMER: Because Sonic's open 'til later.

18 CHAIRMAN ANDERSON: I don't really want to, I don't really want to see a Sonic
19 burger at 2:00 when I can't get one.

20 [Inaudible discussion]

21 MR. PRICE: You can go to Waffle House and get a burger, they're open 24
22 hours a day.

23 CHAIRMAN ANDERSON: No, it's not a Sonic burger.

1 MR. DUNCAN: So you're saying, if I can clarify that, you're requesting that it be
2 from 6:00 am in the morning that it comes on? I'm sorry, excuse me.

3 [Inaudible discussion]

4 MS. CAIRNS: The sign can be used, displayed only between the hours of
5 operation or 6:00 am to 11:00 pm, whatever is greater.

6 MR. DUNCAN: So if you have a hospital, of course, it never closes, they can
7 operate theirs 24 hours a day.

8 MR. MURRAY: Providence can, Richland Memorial can do it.

9 MR. DUNCAN: Yeah.

10 CHAIRMAN ANDERSON: Alright –

11 MR. PRICE: Did we ever get rate of change?

12 MS. CAIRNS: No.

13 MR. PALMER: I think we'll find out pretty soon on that one.

14 MS. CAIRNS: Are we going back in discussion?

15 CHAIRMAN ANDERSON: Yes, I think we're gonna be done with our relaxing
16 recess.

17 MR. DUNCAN: Thank you so much.

18 MR. PRICE: Are we going straight to billboards at this time?

19 CHAIRMAN ANDERSON: We're gonna go straight to digital billboards. The
20 Planning Commission is now back in session. And we will be dealing with digital
21 billboards. Mr. Price? Digital billboards are on page 145.

22 MR. PRICE: Okay, once again you have two, two ordinances before you
23 regarding digital billboards, on-premise non-conforming signs. The first one, of course,

1 was initiated by Richland County Council and based on the motions by, by Council
2 Members Manning and Kennedy. And then you have a second version, which was
3 initiated by Staff after discussion with Council Members Dickerson and Smith, which you
4 have, of course, Staff, the Staff version which are parts of a previously approved
5 ordinance by Planning Commission, it was recommended for approval by the Planning
6 Commission and County Council, some parts of that and also, we also inserted some
7 additional language. The first version that you have that came from County Council,
8 pretty much as is, Staff recommends denial on that, but we have no additional inserts to
9 this.

10 CHAIRMAN ANDERSON: Any discussion of Planning Commission Members?

11 Do we need to open up public –

12 MR. PALMER: No, we already – we never made a motion to get out of it.

13 MS. CAIRNS: Yeah, I think we had our discussion. Can we just, can we just
14 incorporate the discussion from the work session? I mean, does, or does that just
15 become part of the Minutes away?

16 MS. LINDER: If the Planning Commission wants to discuss it further, or if you
17 wish to allow any person from the audience to speak you may do so. You do not have
18 to.

19 MR. PALMER: I would, I would like to make a motion that; two part motion, one
20 being the approval of the County Council's recommended version, along with our
21 Minute from our work session to be included with this so that the discussion that came
22 along with it, Council would be able to see that as well.

23 MR. MURRAY: Second

1 CHAIRMAN ANDERSON: We have a motion and a second on the floor. All
2 those in favor of sending §26-

3 MR. GILCHRIST: Let me ask you a question. Are we under some timeline to get
4 this to Council?

5 CHAIRMAN ANDERSON: Yeah.

6 MR. PALMER: They've already got first reading.

7 MR. GILCHRIST: Sorry?

8 MR. PALMER: They've already got first reading.

9 MR. GILCHRIST: First, they've already had first reading on it?

10 CHAIRMAN ANDERSON: Um-hum (affirmative). Any other questions? We do
11 have a motion and a second on the floor. All those in favor of sending §26-180, Council
12 version, ahead to Council with a recommendation of approval, please signify by raising
13 your hands. All opposed?

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

16 CHAIRMAN ANDERSON: Alright. Do we need to – alright, on-premise digital
17 signs.

18 MS. CAIRNS: No, we've got to do the second –

19 MR. PALMER: We'll do it [inaudible] just to be proper.

20 CHAIRMAN ANDERSON: Okay. So we do have an additional ordinance that's
21 put forth by Joyce Dickerson and Kit Smith and Staff's recommendation of approval.
22 How do we want to act on that?

1 MR. PALMER: Mr. Chair, I'll make the recommendation along with the previous
2 one that I made that, that this is in conflict with the first ordinance that we recommended
3 approval on, so henceforth I'll make a recommendation for denial of the Staff
4 recommendation as it applies to §26-180 of our Code.

5 MR. MURRAY: Second.

6 CHAIRMAN ANDERSON: We have a motion and a second. All those in favor of
7 sending this ahead to Council with a recommendation of denial –

8 MR. GILCHRIST: Wait a minute. Let me make sure I understand what we're
9 doing here.

10 MR. PALMER: The recommendation is for denial of the Staff version.

11 MR. GILCHRIST: Okay.

12 MR. PALMER: Section 26-180.

13 CHAIRMAN ANDERSON: Page [inaudible]. Does everybody understand what
14 we're voting on? We have a motion and a second. All those in favor of denying this
15 ordinance, please signify by raising your hand. All opposed?

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

18 CHAIRMAN ANDERSON: Alright. On-premise signs. Mr. Price?

19 MR. PRICE: Okay, we have an ordinance before you that would allow on-
20 premise digital display devices. It would allow them to also have a change. Flashing,
21 animation, other type of movement would still be prohibited. Some of the – we can go
22 through the discussion of each one or we can just kind of go through – y'all can do it
23 during your motion.

1 CHAIRMAN ANDERSON: I think we need to vote on each individual change and
2 then on the, on its entirety after the –

3 MR. PRICE: We can actually show that to you as you go through each one.

4 CHAIRMAN ANDERSON: First, as far as the text regarding the grandfather
5 issue, I think that was one of the first things we discussed, so. Do we have the notes on
6 that?

7 MR. PRICE: Just kind of looking at it, and if this ordinance is actually passed
8 then automatically those other signs would be grandfathered in.

9 CHAIRMAN ANDERSON: I'm sorry?

10 MR. PRICE: If this motion, if this particular ordinance, you know, whatever
11 version it is, is passed the signs, once again as you stated previously, would be allowed
12 as long, it would be grandfathered in regardless of size.

13 CHAIRMAN ANDERSON: Because they were permitted.

14 MS. CAIRNS: Right.

15 CHAIRMAN ANDERSON: Okay.

16 MR. PALMER: And they could, they could now –

17 MR. PRICE: As long as they comply with the, you know, the change and they
18 are not in violation of the new ordinance.

19 CHAIRMAN ANDERSON: Even if the uses change?

20 MS. CAIRNS: No, but like the, the rate of change of the sign face has to comply.

21 CHAIRMAN ANDERSON: I was just talking about the use as far as a business
22 leaves and something comes back. We're not gonna come back to the size of the sign
23 or the percentage of the digital area?

1 MR. PRICE: No, actually –

2 CHAIRMAN ANDERSON: They could comply? Let's just say –

3 MS. CAIRNS: Cause you have, I mean, you have the 12 month rule on
4 grandfathering so, I mean, it would still be the 12 months. If those signs say dormant
5 for 12 months it loses its grandfathering.

6 CHAIRMAN ANDERSON: And the it would be a non-conforming.

7 MS. CAIRNS: But a permit, but on the sign does the new tenant have to get it
8 permitted, cause they're changing the sign face.

9 CHAIRMAN ANDERSON: Yeah.

10 MS. CAIRNS: They'd have to get it re-permitted. So maybe not.

11 MR. PALMER: The problem here is that you have legal signs out there currently.
12 They're permitted and they are legal as long as they don't change their face.

13 MS. CAIRNS: Right.

14 CHAIRMAN ANDERSON: No.

15 MR. PALMER: Yes, once they change their face then they become an illegal
16 sign currently, under the current Code.

17 CHAIRMAN ANDERSON: That's not always true, it's my understanding that's
18 now always true because of the size of the sign.

19 MR. PALMER: Well, they're legal –

20 MS. CAIRNS: The whole sign, as long as it stays static it doesn't matter that it's
21 like an LED sign.

22 MR. PALMER: Cause these, these rules apply to LED signs. But once they
23 start changing the face, then they have to fall under these requirements.

1 CHAIRMAN ANDERSON: Okay.

2 MS. LINDER: I believe what Mr. Price is saying is if you have a legal 200 square
3 foot digital sign currently, legal, but it doesn't move, under, if this ordinance is passed
4 and movable, the sign can now change, you would have a changeable 200 square foot
5 sign that was allowed as long as it met the NITS and the, the frequency.

6 MR. PALMER: So they could then start scrolling legally, not scrolling but they
7 can start changing the sign face every, however often is agreed upon, they can then
8 start changing their sign faces that amount of times.

9 MS. LINDER: Even if it exceeds the size.

10 MR. PALMER: Even if it exceeds the size or if it's two foot in the air. Right?

11 MS. LINDER: That's correct.

12 CHAIRMAN ANDERSON: Alright. That is correct. So at that point there's no
13 need to vote on any grandfather, correct? Is everybody okay with that?

14 MR. PALMER: I don't – I'm just not –

15 MR. MURRAY: As long as we don't forget. There's got to be something –

16 MR. PRICE: [Inaudible]

17 CHAIRMAN ANDERSON: Just for, let's just go ahead and vote on it.

18 MR. PRICE: I want to answer one of your questions about this sign.

19 CHAIRMAN ANDERSON: Sure.

20 MR. PRICE: Really, the ordinance says, and this has nothing to do with digital,
21 it's just supposedly all signs. On signs that advertise an activity or business that is no
22 longer conducted on the property on which the sign is located, that's the definition of an

1 abandoned sign, the sign structure [inaudible] sign structures must be removed within
2 30 days of becoming an abandoned sign or sign structure.

3 MS. CAIRNS: Oh, yeah, that'll happen. [Laughter]

4 MR. PRICE: Believe it or not that is one of the [inaudible].

5 MS. CAIRNS: Good. Good. [Inaudible]

6 MR. PRICE: So to go back to what you were saying if a church is there and it
7 has a sign, a non-conforming, and the church closes and 45 days go by, then that sign
8 would have to come down anyway, regardless of whether it was digital or not.

9 CHAIRMAN ANDERSON: Alright. Do we have a motion on the floor, to add
10 some text? [Inaudible]

11 MR. PALMER: I'm personally, it's just me personally, I mean, I'm more
12 comfortable with us having something that's in the ordinance just because I don't, I can
13 see someone raising an issue on those things. I understand our current Zoning
14 Administrator is, is sympathetic to those things, but perhaps the next one may not. And
15 someone comes in and somebody wants to complain about a sign and then it's easy for
16 them to say, no this is not a legal sign, you've got to take it down.

17 MS. CAIRNS: If it's got a permit and it was legal when it was permitted, you
18 know, whatever, and, I mean, grandfathering is, again, a basic [inaudible] land use law.

19 MR. PALMER: What I'm concerned about is someone saying, yes you can, you
20 can use the sign for what it was permitted for. It was not permitted for an LED sign. So
21 what we want to do is have them have the ability to become an LED change topic sign.
22 So they are permitted for a non-changing sign, that's what the issue's gonna be. You
23 understand what I'm saying?

1 MS. CAIRNS: I do, but I mean, I think the only thing that it would really – okay,
2 hang on.

3 CHAIRMAN ANDERSON: Do we have something in the form of a motion?

4 MR. PALMER: I'll try to structure that. I'll make the motion that the ordinance in
5 §26, §3, 26-180, shall only apply to any newly permitted signs as of the date of the
6 adoption of this ordinance.

7 MS. CAIRNS: It can't be that broad because then all of a sudden you're gonna
8 say they can flash and scroll and change every second, I mean, cause that's too broad
9 a grant.

10 MR. PALMER: Well, then we'll just tighten it up and say that §3(B)(2)(b) –

11 MS. CAIRNS: (b), (d) –

12 MR. PALMER: (d) and (h) shall not apply to any, shall, shall not apply to any
13 previously permitted sign in Richland County as of the adoption of this ordinance.

14 MR. MURRAY: I'll second it.

15 CHAIRMAN ANDERSON: Alright.

16 MR. PALMER: What's wrong with that?

17 MR. PRICE: [Inaudible] Yeah, once again, this is a little difficult here in just how
18 we're looking at this. And you know, any time we deal with any non-conforming issues
19 and what's grandfathered and that, you know, it's always a little hard, it's a little more
20 difficult to look at than most other uses. [Inaudible] you have a sign, just throwing out
21 some numbers here, that is 100 square feet, and all 100 square feet of it is for a digital,
22 LED sign. That signs allowed, it's only allowed for digital display, it's not allowed for any

1 animation or anything at this time, it's only allowed for the LED sign, we adopt this
2 ordinance, we're saying that's grandfathered in.

3 MR. PALMER: The size of it is, correct. But they still have to abide by the,
4 there's no animation to it, the lumens, the amount of time it changes, all that stuff is still
5 going to apply.

6 MR. PRICE: And it also would apply it was no more than 40% of it –

7 MR. PALMER: That's not going to apply. That sign's already been permitted for
8 that size.

9 MS. CAIRNS: But not with a changing face.

10 MR. PRICE: Right. It's only been –

11 MS. CAIRNS: That's why you're granting them more than what they could've
12 gotten.

13 MR. PRICE: Yeah. See, I'm just saying, you know, you permitted a sign –

14 MS. CAIRNS: To be a static sign, that's the thing is they're not conforming right
15 now.

16 MR. PRICE: It's static. But now you're gonna allow it to do more.

17 MR. PALMER: But it's still not larger than the sign face allowed for the property.

18 MS. CAIRNS: No, but you're allowing more of the sign face to change than ever
19 was allowed.

20 MR. PRICE: You're restricted already, 40% of the sign to digital display, but now
21 you're saying if you already previously, that you could go up to 100 or whatever that
22 number is that would exceed that 40%.

23 MR. PALMER: Yeah, because the sign was permitted that large –

1 MS. CAIRNS: But not to change.

2 MR. PRICE: Yeah.

3 MR. PALMER: I know, but that's where the intent of it from the applicant was to
4 have it change, and that's when we're gonna get into the whole issue of, was the permit
5 process what it should've been because this guy's coming in here and putting up a
6 \$40,000 sign. Do you honestly expect he's gonna make it say the same message for
7 the next 20 years? The answer's no. Of course, it's gonna be an LED sign and of
8 course you should think that this thing's gonna change. In our permitting application,
9 and our permitting process is so antiquated we didn't even know to ask the right
10 questions as to say, you know, or, I mean, I'm sure that the people that come in and are
11 putting up a digital display sign are not thinking that they're going to make it say, Smith
12 Brothers Fabricating for the next 20 years.

13 MS. CAIRNS: But they also didn't, they didn't, I mean, these permit applications
14 show that it was having a changeable face, they did not all. I mean, I will absolutely
15 give you that there were some sign people who came in here and who knew to stay
16 silent.

17 MR. PALMER: Well, the problem you've got is we've allowed these for 20 years
18 and nobody said anything about it. So, of course –

19 MS. CAIRNS: Not 100, not a huge digital ever changing face sign. I mean, the
20 Lite House one is like some text on the bottom of the sign that changes.

21 MR. PALMER: It doesn't matter. If you allow it for 20 years and you never call
22 somebody on it, people are gonna assume in the community that it's allowable.

23 MS. CAIRNS: Well, that's, that's at their own risk.

1 MR. PALMER: Well, so my issue is that yes, maybe there are some of them
2 larger out there than what we want, but from this point moving forward they're only
3 gonna be a certain size and that size is gonna be capped, but to go back and tell
4 somebody that we gave you a sign that's 20% larger than what, what we think it should
5 be, now you've got to come back in and replace that sign? Huh-uh (negative), as far as
6 I'm concerned, that's just my personal opinion.

7 MS. CAIRNS: Block it so only a certain percent shows.

8 CHAIRMAN ANDERSON: I tend to agree with Mr. Palmer on that. And I think
9 that people with permitted signs, and at one time I know that, you know, that was
10 supposed to be a static sign, and then [inaudible] get into this argument like we did last
11 time. I think their intent was to have [inaudible]. Now, we have limited that, we have the
12 ability to limit it more as we move down the list. But I think the intent of a \$40, 60,
13 80,000 sign was to have moving text. I can't imagine a static sign costing – now, having
14 said that, you know, that is a flaw in our system and I hate that it was abused, but I can't
15 imagine taking that away from somebody that paid that much for the sign and saying
16 you can't do that anymore, you need to take it down to this percentage of your sign. I
17 mean, I think we heard that it cost, just to replace the LED lights cost as much as a new
18 sign.

19 MR. PRICE: So it was stated. There could be a time period in which these signs
20 could come into compliance, just to throw one out there?

21 MR. MURRAY: Yeah, 15 years.

22 MR. GILCHRIST: Well, that's what I was gonna ask too. I mean –

1 MR. PRICE: You know, he threw out a number there, but 15, seven, five,
2 whatever.

3 MR. MURRAY: Give them 15 years.

4 MR. PALMER: Well, they have a, they have a natural life span of what, 20 years,
5 10 years?

6 MR. MURRAY: It depends on [inaudible].

7 CHAIRMAN ANDERSON: If they were gonna change or replace that digital
8 area, the digital surface area, would they have to come in for the permit?

9 MR. PALMER: They'd have to then come into compliance anyhow.

10 CHAIRMAN ANDERSON: So they'd have to come in for the permit once they,
11 once that portion of the –

12 MR. PRICE: Well, I mean, I would assume that they would just call a technician
13 to have them, you know, fix the sign because it's kind of burned out.

14 CHAIRMAN ANDERSON: But that wouldn't –

15 MR. PRICE: That wouldn't need to be permitted.

16 MR. PALMER: But if you need to replace the sign then it would come into, it
17 would have to come into compliance.

18 MR. PRICE: If you're gonna replace the sign as in put up a new sign that's
19 gonna change in the shape or the square footage of the sign you would need to come in
20 and get a permit.

21 MR. PALMER: Okay.

22 MR. PRICE: I just want, just throwing that out. You know, once again I
23 understand what you're saying, let the sign stay there, you know, forever as long as it's

1 [inaudible]. But you're also [inaudible] that maybe you can look at a time period in
2 which they need to come into compliance. You know, I mean, maybe seven years,
3 maybe eight years. Maybe a year, just throwing that out.

4 MR. PALMER: I don't, I don't think that's fair to the guys that just got them as
5 compared to the guys that had them 10 years ago. Somebody just forked out that
6 amount of money for a sign two months ago and then now slap on them a seven year
7 timeframe when the natural life span of them by the industry is 10 years, for something
8 that's, through no fault of their own.

9 MR. PRICE: Ten years.

10 MR. FURGESS: Let's go with the 10 years and keep going. Let's go, we need
11 to wrap this up. Y'all going over the same thing. You need to come on and wrap it up.
12 Go with the 10 years and keep going, let's go.

13 MR. GILCHRIST: I mean, I'm cool with that, I just –

14 MR. MURRAY: I never, I never said anything, I thought I would never say
15 anything about government infringing on people too much, just have [inaudible] and Billy
16 Taylor from County Council, everything, too much government, and I believe, I think I've
17 lived to see the day when we've hit that point. We need to turn them folks lose
18 somewhat. You don't supposed to squeeze them like that. You know, 15 years, 10, or
19 use the 10, I say 12, I'll come down off my 15. And I think 12 would be fair.

20 MR. PALMER: Y'all okay with 12?

21 MR. FURGESS: That's fine.

22 MR. PALMER: I would make a motion that this, that §26-180, §2, paragraph
23 (B)(2)(b), (g), and (h) do not apply to any previously permitted sign prior to the

1 enactment of this ordinance, but that all said signs shall come into full compliance with
2 this ordinance within 12 years of the adoption of this ordinance.

3 MS. LINDER: That's previously, previously existing digital signs?

4 MR. PALMER: Well, then you get into a definition of digital.

5 CHAIRMAN ANDERSON: On-premise digital signs.

6 MS. LINDER: Digital signs.

7 MR. FURGESS: I agree with that.

8 MR. MURRAY: I second the motion.

9 CHAIRMAN ANDERSON: We've got a motion and a second on the floor. All
10 those in favor of doing that, please signify by raising your hand. All opposed?

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

13 CHAIRMAN ANDERSON: Alright, the next issue we have is –

14 MR. PALMER: Number one?

15 CHAIRMAN ANDERSON: Number one, time and temperature displays are
16 allowed [inaudible] did we actually make any recommendations on that?

17 MR. MURRAY: No, I don't remember.

18 CHAIRMAN ANDERSON: Okay. Number one, time and temperature displays
19 are allowed but not to exceed 20 square feet of the sign face, does anybody have any
20 problems with that?

21 MR. FURGESS: No problems with that.

22 CHAIRMAN ANDERSON: Okay, do I have a motion?

23 MR. PALMER: Make a motion to approve.

1 MR. FURGESS: Second.

2 CHAIRMAN ANDERSON: We've got a motion and a second. All those in favor
3 – hold on. Mr. Price?

4 MR. PRICE: Just kind of looking at this, if you're just going to say that the, get
5 the percentage of the sign, you know, I'm just wondering do we even need to put any
6 regulation on time and temperature.

7 MR. PALMER: That was what y'all were thinking.

8 MR. PRICE: Okay, just go ahead.

9 CHAIRMAN ANDERSON: Okay. All those in favor, please signify by raising
10 your hand. All opposed?

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

13 CHAIRMAN ANDERSON: [Inaudible]. Number two, all of the changeable copy
14 signs – okay, §(2)(a). Do we have a motion?

15 MR. PALMER: I make a motion to approve §(2)(a).

16 CHAIRMAN ANDERSON: Do we have a second?

17 MR. MURRAY: Second.

18 CHAIRMAN ANDERSON: All those in favor of sending (2)(a) ahead, please
19 signify by raising your hand. All opposed?

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

22 CHAIRMAN ANDERSON: (2)(b), electronic area may not exceed 40% of the
23 sign face. How did we say that?

1 MR. PRICE: The allowed signage face.

2 CHAIRMAN ANDERSON: The electronic area may not exceed 40% of the
3 allowable signage –

4 MS. CAIRNS: Sign face.

5 MR. PALMER: Sign face.

6 CHAIRMAN ANDERSON: - sign face, okay. Alright, do we have a motion?

7 MS. LINDER: Was there a maximum up to 40% square feet then?

8 MS. CAIRNS: Forty percent of the allowable.

9 MS. LINDER: Forty percent of allowable.

10 MR. PALMER: Forty percent of the allowable square footage.

11 MS. LINDER: Up to a maximum of 40 square feet?

12 MR. PRICE: Yeah, that was something you discussed.

13 MR. PALMER: Yeah.

14 MR. PRICE: Previously.

15 MS. LINDER: That was in your notes.

16 CHAIRMAN ANDERSON: It's right up there. For some reason, my eyes are
17 going and I can't see.

18 MR. PALMER: Up to a maximum –

19 CHAIRMAN ANDERSON: There we go.

20 MR. PALMER: Yeah, I'll make a motion that, for §26-180(B)(2)(b), to read, the
21 electronic area may not exceed 40% of the allowable square footage of the sign face
22 with such sign, with such allowable area not to exceed 40 square feet.

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

1 MR. FURGESS: Second.

2 CHAIRMAN ANDERSON: All those in favor of sending, approving this, please
3 signify by raising your hand. All opposed?

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

6 CHAIRMAN ANDERSON: (2)(c).

7 MR. PALMER: I'll make a motion for six seconds, sign face can change every
8 six seconds.

9 MR. MURRAY: Second.

10 CHAIRMAN ANDERSON: We've got a motion and a second. All those in favor,
11 please signify by raising your hands. All opposed?

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

14 CHAIRMAN ANDERSON: Hold on, we need a vote.

15 MR. MURRAY: You want it again?

16 MR. GILCHRIST: I missed that all together.

17 CHAIRMAN ANDERSON: All those, (c), §26-180(B)(2)(c), for that section to
18 read, this message must not change more than once every six seconds. We have a
19 motion and a second. All those in favor, please signify by raising your hand. All
20 opposed?

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

23 CHAIRMAN ANDERSON: Okay, (2)(d), do we have a motion?

1 MR. PALMER: I'll make a motion to amend §26-180(B)(2)(d) to say, illumination
2 should not be greater than 7,500 NITS during daylight and no greater than 500 NITS
3 during evening hours.

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

5 MR. MURRAY: Second.

6 CHAIRMAN ANDERSON: Did I hear a second?

7 MR. MURRAY: Second, yes.

8 CHAIRMAN ANDERSON: Okay. All those in favor of sending this forward,
9 please signify by raising your hands. All opposed?

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

12 CHAIRMAN ANDERSON: (e).

13 MR. PALMER: I make a motion to amend, to leave section (e) as presented by
14 Staff.

15 MR. MURRAY: Second.

16 CHAIRMAN ANDERSON: All those in favor, please signify by raising your
17 hands. All opposed?

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

20 CHAIRMAN ANDERSON: (f).

21 MR. PALMER: I make a motion to leave section (f) as amended by Staff.

22 CHAIRMAN ANDERSON: Do we have a second?

23 MR. FURGESS: Second.

1 CHAIRMAN ANDERSON: All those in favor, please raise your hands. All
2 opposed?

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

5 CHAIRMAN ANDERSON: (g).

6 MR. PALMER: I'll make a motion to amend section (g), I mean to leave section
7 (g) and (h) as amended by Staff.

8 MR. MURRAY: Second.

9 CHAIRMAN ANDERSON: Unless –

10 MS. MATTOS-WARD: We changed –

11 CHAIRMAN ANDERSON: Yeah, we changed the bottom of the sign shall be at
12 least 10' off the ground if it is allowed –

13 MR. PALMER: Correct, yeah. Yeah, okay. To amend section (g) to state that
14 the bottom of the sign must be at least 10' from the ground, if it is, if that size is allowed
15 by the ordinance. If not, the digital portion has to, must be placed in the top 25% of the
16 sign. There's a better way to word that.

17 MS. LINDER: I'll clean up the intent of what you're saying.

18 MR. PALMER: Yeah.

19 MS. CAIRNS: Thank you.

20 MR. PALMER: That it is still allowed, however, it must, it must be placed in –

21 CHAIRMAN ANDERSON: This is much better coming out of your mouth.

22 MR. PALMER: - it must be placed in the top 25% of the sign.

23 MS. LINDER: I understand your motion.

1 MR. PALMER: Okay.

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

3 MR. GILCHRIST: Second.

4 CHAIRMAN ANDERSON: Okay, all those in favor, please signify by raising your
5 hands. All opposed?

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

8 CHAIRMAN ANDERSON: Alright.

9 MS. LINDER: Was that a 7/0 vote?

10 MS. CAIRNS: Yeah.

11 CHAIRMAN ANDERSON: Yes. (h).

12 MR. PALMER: I make a motion to –

13 MR. FURGESS: You said (g) and (h) together.

14 MR. PALMER: We had to amend (g).

15 MR. FURGESS: Okay.

16 MR. PALMER: I think (h) stays, I make a motion to have (h) stay as Staff
17 recommendation.

18 MR. GILCHRIST: Second.

19 CHAIRMAN ANDERSON: Okay, we have a motion and a second, please signify
20 by raising your hand if you approve. All opposed?

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

23 CHAIRMAN ANDERSON: (i).

1 MR. PALMER: I'll make a motion that (i) be, of §26-180(P)(2)(i) to be amended
2 to say that signs shall only be displayed during hours of operation, during hours that the
3 business is open to the public or from 6:00 am to 11:00 pm, whichever is greater.

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

5 MR. FUGESS: Second.

6 CHAIRMAN ANDERSON: We have a motion and a second. All those in favor,
7 please signify by raising your hand. All opposed?

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

10 CHAIRMAN ANDERSON: Alright.

11 MR. PALMER: I guess we need to go through these last three and just make
12 those votes.

13 MR. PRICE: [Inaudible].

14 CHAIRMAN ANDERSON: Correct. Do we need to go through sections 4, 5, and
15 6, just to be safe?

16 MS. LINDER: If you would just now take a, a vote for the ordinance as amended.

17 CHAIRMAN ANDERSON: Okay.

18 MR. PALMER: Mr. Chair, I make a motion to send the ordinance as amended
19 forward to Council with a recommendation of approval.

20 MR. FURGESS: Second.

21 CHAIRMAN ANDERSON: We have a motion and we have a second. All those
22 in favor of sending §26-180 ahead to Council with all amended changes, please signify
23 by raising your hands. All opposed?

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

3 CHAIRMAN ANDERSON: Alright, we have another case that we have –
4 *[laughter]*

5 MR. PALMER: Mr. Chairman, I move to adjourn.

6

7

8

[Meeting Adjourned at 6:00 p.m.]