

RICHLAND COUNTY PLANNING COMMISSION

November 6, 2008

1
2
3
4 *[Members Present: Heather Cairns (in at 1:30); Julius Murray, Patrick Palmer,*
5 *Christopher Anderson, Deas Manning, Elizabeth Mattos-Ward, Wes Furgess (in at*
6 *1:52); Absent: Enga Ward, Eugene Green]*

7
8 CHAIRMAN MANNING: I'd like to call the November 6, Planning Commission
9 meeting to order. I'll read this for the Record. "In accordance with the Freedom of
10 Information Act a copy of the Agenda was sent to radio and TV stations, newspapers,
11 persons requesting notification, and posted on the bulletin board located in the lobby of
12 the Richland County Administration Building." I don't think we have any Minutes to
13 approve at this point. Do we have any agenda amendments?

14 MS. ALMEIDA: Yes, Mr. Chairman. Under Other Business, VIII, that has been
15 deferred. That item has been deferred to our December Planning Commission meeting.

16 CHAIRMAN MANNING: Any amendments from the Commission? I would like to
17 change the order that we review the Text Amendments and put the storm drain
18 ordinance at the top of that list. Under New Business, Anna, we have the Roper Pond
19 appeal?

20 MS. ALMEIDA: Yes, Mr. Chairman and Planning Commission Members. You
21 will see on page three of your packet a memorandum dated October 24th addressing all
22 items of the Development Review Team conditional letter. The first group of items are
23 under Department review. We did receive revised plans and they are being reviewed
24 and that does include storm water, controlled clearing, landscape plans, lighting plans.
25 Planning Department has not received approvals from item two, Flood Coordinator, Fire
26 Marshal, Public Works, and of course, DOT. DOT will not comment or submit any
27 approvals until they receive a letter of approval that all items are completed. We have

1 received approval for, or at least initial approval from the City of Columbia and DHEC on
2 water and sewer, item three, DHEC 401 Certification for Authorization to Impact, and
3 the GIS digital submission. That is, the site plan that is on the screen for your use and I
4 believe there are representatives from Public Works and the applicant to address any
5 concerns that you may have.

6 CHAIRMAN MANNING: Anna, at the last meeting we basically tabled the
7 process until we had gotten some further information I think. The applicant was
8 submitting information to DHEC for the storm water review and you say you have
9 received that information?

10 MS. ALMEIDA: We have received initial contact which is, normally that is the
11 way that DHEC approaches it. They are in the review process of those revised plans. If
12 you will recall the applicant was requested to go back and review the plans for the area
13 of disturbance, whether it was 9.9 or 10. The applicant's engineer did review the plans
14 and has analyzed that it is a 9.64 area of disturbance and those revisions have gone
15 back to the Public Works and DHEC.

16 CHAIRMAN MANNING: So do we have enough information at this point to move
17 forward?

18 MS. ALMEIDA: Yes, sir.

19 CHAIRMAN MANNING: Okay. And the review of not just the acreage but I think
20 there was some discussion that they were going to have them further review the water
21 quality issues, some of the techniques that they were proposing to use?

22 MS. ALMEIDA: Correct.

23 CHAIRMAN MANNING: And what was DHEC's response?

1 MS. ALMEIDA: We have not gotten that response but as far as Public Works is
2 concerned they have met all minimum standards required by the existing Code,
3 Richland County Code.

4 CHAIRMAN MANNING: As far as other issues, I think we had lighting as one.

5 MS. ALMEIDA: The applicant is here with their landscape professionals I believe
6 and their engineer that can answer any and all questions. We did meet with the
7 applicant. He is exceeding the minimum landscape standards and he does have his
8 professionals here in order to explain how they have exceeded our Code.

9 CHAIRMAN MANNING: Any other issues [inaudible]?

10 MS. ALMEIDA: Just a note for the Commission. Our standard operating
11 procedure is that no land disturbance permit is issued until all conditions are met. So as
12 far as our normal operating procedure, this is normal operating procedure.

13 CHAIRMAN MANNING: I understand that. One of the things that we might want
14 to discuss later is the whole appeal process, how it works, when an appeal should be
15 heard and not heard. That's for another day but.

16 MS. ALMEIDA: Right. But the –

17 CHAIRMAN MANNING: The process is a little bit complicated.

18 MS. ALMEIDA: The point that the Commission needs to – the appeal that's
19 before you is whether the Development Review Team operated consistent with our
20 Code.

21 CHAIRMAN MANNING: Right. Okay. With that I think I would like to ask the
22 applicant to address the podium.

23 **TESTIMONY OF LAYTON LORD:**

1 MR. LORD: Thank you, Mr. Chairman. I'm Layton Lord. I'm the attorney for the
2 applicant and I can direct towards whatever professionals y'all may want to speak with.

3 CHAIRMAN MANNING: Well, I guess what I would like to do first is have
4 someone just address those issues that we raised at the last meeting. So if you are
5 doing anything above and beyond on the storm water, water quality issues, lighting
6 issues. I think there was some concern about light intrusion into the neighborhood and
7 address those.

8 MR. LORD: Okay. I'll let Jim Footer with BP Barber go over the storm water and
9 the technical issues first.

10 **TESTIMONY OF JIM FOOTER:**

11 MR. FOOTER: I'm Jim Footer with BP Barber. As far as what we've done to go
12 beyond, we actually had silt fence around the pond and we've gone back and added
13 another layer of silt fence about half way up and installed some sediment basins in
14 there to collect some of the silt that might go into the pond prior to just counting on the
15 double row of silt fence. And then we've also added at a later time during the paving
16 process we've installed some storm, some water quality units that will collect all the
17 pollutants as well as silt before it goes into the pond.

18 CHAIRMAN MANNING: You say you've installed water quality what?

19 MR. FOOTER: They're called water quality units. It's a large tank that has, that
20 collects pollutants, you know, collects the pollutants and the silt from the site.

21 CHAIRMAN MANNING: So it would not be able to access the pipe that leads
22 into Arcadia Lakes?

23 MR. FOOTER: That's correct.

1 CHAIRMAN MANNING: And is double row of silt fencing required?

2 MR. FOOTER: Double row silt fencing is required because it's water of the state.

3 CHAIRMAN MANNING: Waters of the state?

4 MR. FOOTER: Yeah.

5 CHAIRMAN MANNING: Is the, given the size of the pond was there anything
6 done to enlarge or enhance the storage capacity of that pond?

7 MR. FOOTER: What we've done to, as far as the storage is we've lowered the
8 level of the pond to create a, to create a quantity level that meets with what needs to be
9 done for the storm water that, for the storm that we need to address.

10 CHAIRMAN MANNING: How do you lower the water level?

11 MR. FOOTER: There's an outlet structure in there and we're going to open that
12 up and lower that down so that the water will drain down lower and then – we have an
13 orifice in there that keeps the water at that level until the storm event hits and then it
14 slowly raises up while the storm's occurring.

15 CHAIRMAN MANNING: In your opinion y'all have done what's necessary to
16 address the concerns of the lake owners, done what the Code requires?

17 MR. FOOTER: Yes, sir. We've gone I think beyond what Richland County
18 requires and we've got a good project here.

19 CHAIRMAN MANNING: Any other questions? Okay. Thank you, sir.

20 MR. LORD: Mr. Chairman, I believe the other issues were height and we have
21 an architect's certification letter that's in the package that certifies that the height is
22 under what is required for Richland County. The other issue was the disturbance area.
23 Ms. Almeida mentioned that we have provided information to establish it's 9.6 acres so

1 it's under the 10. And the third, the fourth final issue was the lighting and we have a
2 lighting plan, we're happy to hand it out to all of you, that establishes that the lighting is
3 also well within the requirements of Richland County.

4 CHAIRMAN MANNING: I don't know what the Code requirement, Anna, is as far
5 as parking lots, the buffer requirements along those three lots right in the middle. And
6 the cars will be turning into that area at night and obviously those lights are going to be
7 shining into those three lots. Is there anything that the Code requires be done to keep
8 that from happening?

9 MS. ALMEIDA: For our lighting requirements it is clear that to minimize the
10 spillage of light onto any other property, number one. Number two the landscaping
11 code, although minimum is 10'wide, the buffer requires the opacity that would assist in
12 that if there were any sort of light that would be seen from these properties. Now my
13 understanding is the property in this area is at a lower grade, okay? That shielding and
14 landscape buffer is required along that entire property line. We have suggested and we
15 have seen on the plan that evergreens, just species of trees and shrubs that do not lose
16 their leaves, be placed in there to give that maximum added comfort for no light spillage
17 for any sort of headlight –

18 CHAIRMAN MANNING: Have you got a copy of that?

19 MS. ALMEIDA: We have in the plan, yes.

20 CHAIRMAN MANNING: Can you share that with us?

21 MS. ALMEIDA: I have a copy.

22 (?): We have extras of this letter addressing what's been included in the buffer
23 and what's been done as far as landscaping if you don't mind [inaudible]. There's also

1 a letter addressing SCE&G and their concerns with the [inaudible] lighting [inaudible]
2 address.

3 MR. LORD: What this letter that we're handing out right now establishes that
4 what we are planning, the height requirement it's under the height requirement by a foot
5 and the maximum lighting per acre which I think is 80,000 lumens per acre, ours were
6 actually about 30,000 so it's well under what's required in Richland County. And this
7 plan also shows how we've actually gone above and beyond on some of the
8 landscaping to minimize it even further. And I think as was mentioned, the topography
9 helps us because it's a lower piece of land rather than a higher piece of land where we
10 are against these houses.

11 CHAIRMAN MANNING: Any questions for Mr. Lord? Any further questions?
12 Thank you.

13 MR. LORD: Thank you all.

14 MR. ANDERSON: And just to be a little repetitive here, Anna. We have to find
15 some flaw in the DRT's evaluation of the site in order to make the appeal valid?

16 MS. ALMEIDA: That is correct.

17 CHAIRMAN MANNING: I know as tough as it may be I know this has been a
18 very contentious situation and a lot of it has to do with things that we're not even
19 discussing today. But our role is to evaluate whether there was an error made or not
20 and or decision based on that or whatever the Code allows. From what I can see, I
21 can't see that there was any variance from what the Code does provide. Does anybody
22 have any feelings any different from that?

23 MR. PALMER: Is that a motion?

1 CHAIRMAN MANNING: I'd rather somebody else make a motion but if I need to
2 I will.

3 MR. ANDERSON: I'll go ahead and get something on the books. I make a
4 motion that we – how should I phrase my motion as far as not upholding?

5 MS. ALMEIDA: Deny the appeal.

6 MR. ANDERSON: To deny the appeal. I make a motion that we deny the
7 appeal for Roper Pond.

8 CHAIRMAN MANNING: Got a motion. Do we have a second? Second.
9 There's a motion and a second. All those in favor raise your hand. All opposed?

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

12 MS. ALMEIDA: Was that a four/one?

13 CHAIRMAN MANNING: Four/one. I don't think Mr. Murray voted. For those of
14 you in the neighborhood I, you know, we've listened and we think we applied the appeal
15 process fairly. Obviously you have other options available to you but from our
16 standpoint there's nothing we can do but deny the appeal. Thank you. Next on the
17 agenda?

18 **CASE NO. 08-34 MA:**

19 MS. ALMEIDA: Case No. 08-34, Stuart Lee, property owner Southern Regional
20 Industrial Realty. The location of the site is on Bluff Road. The acreage is 13.94. The
21 site contains approximately 747 linear feet of frontage along Bluff Road. The request is
22 to rezone from heavy industrial to RM-HD. We have a potential gross density of 223
23 dwelling units, a net potential density of 112 dwelling units. The current Level of Service

1 on Bluff Road is a Level of Service C. The character of the surrounding area along
2 portions of Bluff Road have shifted from industrial to residential. As you can recall
3 we've rezoned applications Copper Beech Townhomes located east of the site. Also
4 we have had the Woodlands development that was also rezoned from heavy industrial
5 to RM-MD. The Retreat located west of the site was also rezoned back in 2007 and has
6 since been annexed into the City of Cayce. All of the previous map amendments
7 brought about a change in this portion of Bluff Road from industrial to residential. The
8 rezoning of vacant industrially zoned property into residential multi-family would create
9 an opportunity for residential in-fill within the Beltway area, Beltway planning area rather
10 than creating further sprawl out into the county. The site does have access to water
11 and sewer. Staff has found that there is an existing baseball field and you can see this
12 at the northwest corner of the site. It's currently leased to the adjacent neighborhood by
13 Norfolk Southern Railroad and the railroad has the right to terminate this lease within a
14 30-day period. The existing subdivision to the west of the site is zoned residential multi-
15 family and Planning Staff recommends approval of this map amendment.

16 CHAIRMAN MANNING: Any questions for Staff? Anybody signed up? Stuart
17 Lee?

18 **TESTIMONY OF STUART LEE:**

19 MR. LEE: Mr. Chairman, I represent the applicant and obviously we're for the
20 rezoning map amendment and here to answer any questions you might have.

21 CHAIRMAN MANNING: Thank you. Any questions for Mr. Lee?

22 MR. ANDERSON: John Cale?

1 MR. LEE: John Cale's here. He's with the University Suites, LLC. He's also for
2 it.

3 MR. ANDERSON: [Inaudible]? Dana Hamilton?

4 **TESTIMONY OF DANA HAMILTON:**

5 MR. HAMILTON: Yes, sir. I'm Dana Hamilton with Weaver Engineering. We will
6 be the site engineers on the project and of course we support and will comply with the
7 [inaudible].

8 MR. ANDERSON: Frank [inaudible]?

9 **TESTIMONY OF FRANK (?):**

10 MR. (?): I'm with Norfolk Southern Corp. and all this property was ours with the
11 prior rezoning which we supported and I'm here to answer any questions.

12 CHAIRMAN MANNING: That's all signed up to speak. There is no opposition
13 here to speak. Any discussion?

14 MR. PALMER: Mr. Chair, I make a motion that Case No. 08-34 MA – make a
15 motion to make a recommendation to Council for approval.

16 MR. ANDERSON: Second.

17 CHAIRMAN MANNING: Got a motion and a second. All those in favor please
18 raise your hand. All opposed?

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

21 MR. LEE: Thank you very much.

22 **CASE NO 08-36 MA:**

1 MS. ALMEIDA: Mr. Chairman, Case No. 08-36. The applicant Todd Cease.
2 Property owner Security Federal Bank. This application is located at the intersection of
3 Dutch Fork Road and Rauch Meetze Road. The acreage of the site is 2.0. The zoning
4 request is Neighborhood Commercial to OI. The site contains approximately 250 linear
5 feet of frontage along Dutch Fork Road and 315 linear feet of frontage on Rauch
6 Meetze Road. The current Level of Service is estimated at a Level of Service F. In '94
7 this map amendment for this site came before Council for Neighborhood Commercial
8 and at the time it was consistent with the Land Development Code in effect for financial
9 institutions, banks. In July of 2005 when our regulation was modified for Neighborhood
10 Commercial, although it permits financial institutions, it did have a special requirement
11 attached to it which prohibited anything with a drive-thru. Currently what has happened
12 we have a site plan for a proposed bank that's come to the office and they're proposing
13 approximately 3,700 square feet and they're requesting three drive-thrus. They were
14 unaware that when the new Code went into effect that there was a special requirement
15 that would not allow drive-thrus. The zoning district that would allow a bank with drive-
16 thrus is the OI district. Staff is recommending approval. We feel it is consistent with the
17 previous approvals with the intent of the property at the time, and we feel that OI is the
18 only designation that would fit for the use that they're requesting.

19 CHAIRMAN MANNING: Any questions for Staff?

20 MR. PALMER: Can they not get a variance for a special requirement?

21 MS. ALMEIDA: I do not believe they can get a variance for drive-thrus.
22 Variances are usually for set-backs and things of that nature.

1 CHAIRMAN MANNING: Is that something we want to look at in the future as far
2 as text amendments?

3 MS. ALMEIDA: That could be a potential maybe requiring -

4 CHAIRMAN MANNING: It would seem to me that Neighborhood Commercial
5 serves its -

6 MS. ALMEIDA: Absolutely.

7 CHAIRMAN MANNING: - purpose. Before we go into this process [inaudible]
8 modify that language.

9 MR. ANDERSON: Darren Bouknight?

10 **TESTIMONY OF DARREN BOUKNIGHT:**

11 MR. BOUKNIGHT: Hi, I am Darren Bouknight with Jumper Carter Sease
12 Architects. Our client is Security Federal. We do feel that the change in the zoning is
13 consistent with the character of the neighborhood. The request that they're making for
14 the drive-thru is not a burden to the community and feel it should be approved.

15 CHAIRMAN MANNING: Thank you.

16 MR. ANDERSON: Mr. Tony Atecca(?)?

17 **TESTIMONY OF TONY ATECCA:**

18 MR. ATECCA: My name is Tony Atecca. I represent Security Federal Bank and
19 we do feel that the drive-thru is essential to serving our customers so of course we are
20 here to ask you to change the designation to OI.

21 CHAIRMAN MANNING: Thank you.

22 MS. MATTOS-WARD: Mr. Chairman, I have a question. You know, I
23 understand a bank needs the drive-thru. What bothers me is later on down the road

1 could OI bring high density; say the bank decides, you know, they're going to leave that
2 area?

3 CHAIRMAN MANNING: Anna?

4 MS. ALMEIDA: It could potentially provide for 32 dwelling units.

5 MS. MATTOS-WARD: How many?

6 MS. ALMEIDA: Thirty-two.

7 MS. MATTOS-WARD: Dwellings?

8 MS. ALMEIDA: Dwellings.

9 MR. PALMER: What's this large building that's in the RU district across the
10 street, catty-corner to the site?

11 MS. ALMEIDA: Look at the next line, maybe we could see. Across the street?

12 MR. PALMER: Um-hum (affirmative). Catty-corner over there? That's it.

13 MR. BOUKNIGHT: That's a church.

14 MS. MATTOS-WARD: A Presbyterian Church I believe.

15 MS. ALMEIDA: It is a church. It's on the existing zoning grid.

16 CHAIRMAN MANNING: Okay.

17 MS. ALMEIDA: And we have gas stations and plant nurseries, and automatic car
18 washes and -

19 CHAIRMAN MANNING: Does Neighborhood Commercial allow any residential
20 uses?

21 MS. ALMEIDA: It does, 16 dwelling units to the acre. So we concluded that they
22 could probably gross, put 32 units.

1 CHAIRMAN MANNING: So if the bank was, did not do what the intended use
2 was [inaudible] be a net difference? How many units?

3 MS. ALMEIDA: Yeah, three percent so yeah, nine units10 ten units.

4 MR. ANDERSON: I don't see that market in that corner right there ever going
5 residential but.

6 MR. PALMER: Well there's tons of GC around it if someone would just go to.
7 This whole quadrant up in here is General Commercial which allows 16 [inaudible]. Mr.
8 Chair, I make a motion to send Case No. 08-36 MA forward to Council with a
9 recommendation of approval.

10 MR. MURRAY: Second.

11 CHAIRMAN MANNING: Motion and a second. All those in favor please raise
12 your hand. All those opposed?

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

15 MS. CAIRNS: I'm going to not vote simply because I was not here for the
16 discussion.

17 CHAIRMAN MANNING: Next case.

18 **CASE NO. 08-37 MA:**

19 MS. ALMEIDA: Case No. 08-37. The applicant is Bruce Oswald. The location is
20 on Fairfield Road. The acreage is .83. The zoning request is GC to RS-MD. The site
21 contains approximately 164 linear feet of frontage along Fairfield Road. We have done
22 a traffic analysis and it has been proposed that the amendment would reduce the
23 amount of traffic from the proposed site along this adjacent segment. Fairfield Road is

1 operation at a Level of Service B. Staff feels that – in 2007 the map amendment
2 request went from a single-family RS-MD to General Commercial. Planning Staff
3 recommended approval because we felt it reflected the general growth pattern in the
4 area of commercial. In addition the lots have frontage on a collector road, Fairfield
5 Road and Prescott Road. Obviously we're down near the south side of I-20. The
6 factors diminish the land use for residential based on the location along as well with the
7 increased land use of commercial as you can see. Although the proposed amendment
8 is in compliance with the comprehensive plan the corridor is designed as an urban
9 medium-density with emphasis on utilizing existing infrastructure. This is compliant in
10 both zones and Staff recommends disapproval. Could you go to the next slide? I guess
11 it was the zoning slide that identified the area more in its commercial character. We just
12 felt that the residential factor up against Fairfield Road was just not compatible with
13 what's building up around it as commercial.

14 CHAIRMAN MANNING: Any questions for Staff? Signed up to speak we have
15 Bruce Oswald.

16 **TESTIMONY OF BRUCE OSWALD:**

17 MR. OSWALD: Thank you, Mr. Chairman and Members. The portion of the lot
18 that I'm wanting to convert back to residential consists of half of what you have gridded.
19 To give you a history of what we have done, we did ask you last year to change the
20 zoning on nearly three and a half acres and which you did. And my daughter owns the
21 outer lot which is the corner of Prescott and Fairfield. I own the center lot which is the
22 one we've got gridded, and we put it on the market with Colliers & Keenan. At first it got
23 a lot of interest, a lot of people were interested in it. They looked at it. However it's got

1 a low spot on it. It's up close to the front near the old house site. The low spot was
2 originally an old mill pond which was on the place. Granddaddy bought this piece in '38
3 and he worked to dig a ditch and drain it because he had [inaudible] leg and he couldn't
4 work jobs other than guarding chain gangs and whatnot, but anyway he tried to drain it
5 and tried to work it and all efforts to farm this thing resulted in buried tractors because
6 it's been so boggy. In '41 when Daddy built his house on the corner he had to move up
7 to the edge and he had to put concrete blocks in around it and fill it by hand in order to
8 get the ground solid enough to build his house on. Now I didn't realize when we came
9 forward and listed this that it was going to be viewed as a wet spot or a wetlands and
10 the people that looked at it have viewed it as such and they lost interest in it. So
11 figuring that I wasn't going to be able to – my daughter and I figured we couldn't sell the
12 two lots as a whole I came back to the county and I met with Geo Price, Brian Cook and
13 we discussed plans how we could subdivide it and utilize as much of the land as we
14 could. So my daughter and son-in-law have made plans to and they're coming this
15 November to put a car wash up on the corner of Fairfield and Prescott. Then we came
16 back and my daughter and I decided that we would cut this lot in half about – it's
17 actually further than half. We cut it down to where the solid ground goes into a wet
18 spot. I dedeed her this and their plans probably will be in the Spring. They want to do a
19 mini warehouse across the back. And that leaves me back with the lot that I'm asking
20 rezoning on now is I know that I can't develop it commercially because of the wet spot –
21 oh my. Sorry. I'll be quick. I know that I can't use it and what I'm requesting rezoning
22 for is I can't pay commercial taxes. I'm not going to be able to afford to pay commercial
23 taxes on a piece of property that I won't be able to use for commercial value and I ask

1 for your support to grant me the vote to put this small part back residential because I'm
2 not going to be able to use it commercial.

3 CHAIRMAN MANNING: You say you want to split it in half?

4 MR. OSWALD: I've already done it. I'm not clear why your map didn't pick it up.
5 I have already deeded my daughter – on this gridded part I have deeded her more than
6 half of the part. I've already given it to my daughter. It's to remain commercial value.
7 What they plan to do is put a mini-storage warehouse across the back of these two lots.

8 CHAIRMAN MANNING: How'd you divide it?

9 MR. OSWALD: I came back – well we looked at where the land comes down
10 where it starts going into that low, wet spot and I had Bostick Surveying, I told him what
11 I needed and I drew a – okay, that's the paperwork on it there. I had them draw a plat
12 up and I went down and drew a deed up and deeded her 500, no, 262' from the back. I
13 deeded this part to my daughter and we intend to leave this part commercial. In fact
14 this lot that I'm requesting a change on represents about 20% of what you have shaded
15 off in the red there, on the right.

16 MS. ALMEIDA: Have you recorded that document?

17 MR. OSWALD: Yes, ma'am. It has been recorded.

18 MS. ALMEIDA: Okay. It hasn't been registered up with –

19 MR. OSWALD: Okay. That's –

20 MS. ALMEIDA: - our assessor's office so it's not yet gone into the system.

21 CHAIRMAN MANNING: That piece is still zoned commercial; correct?

22 MS. OSWALD: Yes, sir. It's, 80% of it's still commercial.

1 CHAIRMAN MANNING: And that's the piece that you want to have changed for
2 a [inaudible]?

3 MR. OSWALD: Mini-storage. Yes, sir. [inaudible] I'm requesting is going to be
4 the front portion up where Dad's old house – my plans are now, I know I can't develop it
5 commercially. My plans are to plant actually more berries. I've got berry plants down
6 on that wet spot and they're doing well. I want to plant more berries on that and as far
7 as the old house I'm going to keep it for emergency use or guest stay if some of the
8 family members come into town. There's nothing I can do with it because I know what a
9 wetland or a wet situation gets into.

10 CHAIRMAN MANNING: So what you're saying is that you're being taxed at a
11 commercial rate but you can't use it [inaudible]?

12 MR. OSWALD: That's true. That's just on this – yeah, on this front part because
13 I'm not going to be able to financially bear that burden. And I know that the map
14 amendment, Staff requested a denial on it but I would like to point out this is just a small
15 part of that three and a half acres that we had rezoned last year but I can't use it
16 commercially.

17 MR. ANDERSON: I have a quick question. Even if we approved or denied the
18 tax map number and if he subdivided it and it was parceled off, it's two different parcel
19 numbers now.

20 MS. ALMEIDA: And they haven't created that yet. It would be a portion.

21 MR. OSWALD: It should be just that front .83 acres.

22 MS. CAIRNS: I have a question for you, sir.

23 MR. OSWALD: Yes.

1 MS. CAIRNS: When you talk about being taxed commercially are you talking
2 about a non-legal residence?

3 MR. OSWALD: Right now both of those lots are under commercial zoning and I
4 haven't gotten the tax statements on them yet but I think the commercial tax is about
5 three times what residential tax is.

6 MS. CAIRNS: But is it, I mean, I'm more familiar with whether it's deeded the six
7 percent, four percent, whether it's legal residence or not.

8 MR. OSWALD: No. It's not my legal residence. It's Dad's old house; Dad died.
9 This whole tract here was part of a six-acre tract that Grandfather bought in 1938 and it
10 was deeded down to the children and grandchildren. And what we did we were trying to
11 utilize some of this land because it was sitting idle. And, you know, if I had been aware
12 of what this low spot was going to generate I would have cut this off before I asked ya'll
13 to zone it previously but I didn't know it.

14 CHAIRMAN MANNING: Have you had this property delineated; is it a wetland?

15 MR. OSWALD: Sir?

16 CHAIRMAN MANNING: Is it a wetland on the property; is it classified as a
17 wetland?

18 MR. OSWALD: Is it classified as a what?

19 CHAIRMAN MANNING: A wetland.

20 MR. OSWALD: As a what?

21 MS. CAIRNS: A wet land.

22 MR. OSWALD: Oh wet – it's not classified. The people that looked at it talked
23 about the vegetation and whatnot. I'll give you some feel of how wet it is now with the

1 drought. I replaced a fence post this summer and I dug down two feet to do the corner
2 post and I was still getting water and mud. That's how wet it is. In fact we refer to it as
3 the bottom because as I say Grandfather never could work it with a tractor. He had to
4 work it with a push plow or hand tools because the tractor would just bog up in it.

5 CHAIRMAN MANNING: Any other questions for Mr. Oswald? Thank you, sir.

6 MR. OSWALD: I appreciate it. Thank you, sir.

7 CHAIRMAN MANNING: Any discussion? [Inaudible]

8 MR. PALMER: Does the assessor go by the zoning or by use?

9 MS. ALMEIDA: By use.

10 CHAIRMAN MANNING: Well I don't know that that's always the case. I think
11 they would look at the property being more valuable with commercial zoning on it than
12 residential zoning and even though the use is not commercial at this point it will impact
13 his assessment.

14 MR. MURRAY: I think you're right.

15 CHAIRMAN MANNING: Anybody feel compelled to make a motion? Pretty quiet
16 group today.

17 MR. PALMER: So the site we're contemplating is up on the street.

18 MS. ALMEIDA: Correct.

19 MR. PALMER: And the rear parcel I guess is attached to –

20 MS. ALMEIDA: Will remain commercial and would be attached to the –

21 MR. PALMER: - to the corner because – so you're not land locking it; right?

22 MS. ALMEIDA: Right. Half of this would be attached to this lot. So you'd have
23 the front of this –

1 MR. PALMER: As MD and then the rear piece would then become an L-shaped
2 parcel?

3 MS. ALMEIDA: Correct.

4 CHAIRMAN MANNING: If we don't produce a motion what is the situation?
5 Basically it fails on –

6 MR. MURRAY: For lack of a motion.

7 MR. PALMER: Mr. Chair, I'll make a motion to send it forward to Council with a
8 recommendation of approval.

9 CHAIRMAN MANNING: Approval of the –

10 MR. PALMER: Approval from GC to RS-MD.

11 MS. CAIRNS: I would like to add a little bit to the discussion. I mean, we can – if
12 you'd hold the motion in abeyance just ever so slightly. Because basically I think what
13 we refer as the applicant, I mean, the use can survive the GC zoning as it is and if
14 indeed the assessor were to over assess it there's a mechanism by which the owner
15 could address that and explain that it doesn't have the apparent value because of –
16 probably a wetland and this and that. So, I mean, I feel as if we're being asked to
17 rezone something based on hypotheticals, fears and concerns, not on legitimate basis
18 for rezoning property to a specific use. I mean, if it gets over valued by the assessor
19 then that can be taken up with the assessor. I don't think we have to be rezoning things
20 because the land is potentially assessed inappropriately. So that's, I mean, we can go
21 back to the motion now.

22 MR. PALMER: Yeah. My motion stands, I mean, the adjacent property is RS-
23 MD. There's a residential structure on it which he plans to continue to use residentially.

1 In essence he's asking to bring the use into conformity with what the current use is.
2 He's not using it commercially. He has no plans to use it commercially and it is a
3 residential use which he plans to use residentially.

4 CHAIRMAN MANNING: Have a motion. And a second?

5 MR. MURRAY: Second.

6 CHAIRMAN MANNING: All those in favor please your hand. All those opposed?

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

9 CHAIRMAN MANNING: When is the Council meeting?

10 MS. ALMEIDA: It is November 25th. Zoning public hearing is November 25th.

11 CHAIRMAN MANNING: Mr. Oswald? We're only a recommending body -

12 MR. OSWALD: Yes.

13 CHAIRMAN MANNING: - and this issue will be taken up before the County
14 Council on the 25th so you may want to be there for that.

15 MR. OSWALD: The 25th?

16 CHAIRMAN MANNING: November -

17 MR. OSWALD: Is that a day or is that an evening?

18 MS. ALMEIDA: Evening at 7 p.m.

19 MR. PALMER: Seven p.m. The same chambers.

20 MR. OSWALD: Thank you. I appreciate it.

21 **CASE NO. 08-38 MA:**

22 MS. ALMEIDA: Case No. 08-38 MA. Applicant is Deborah Shaffer. There are
23 several property owners and they are all listed under the property owner list. This

1 application is off of Summer Haven Drive which road is off of Johnson Marina Road. As
2 you can see here it's a little cove. If you recall this application was before you June 2,
3 2008. At the time the applicants were requesting to be rezoned from RU to RS-MD.
4 The Planning Commission agreed with Staff recommendation for denial and County
5 Council denied it at that time. The applicant now is requesting the RS-LD. I will say the
6 current Level of Service on Johnson Marina Road is a Level of Service A. We do not
7 have any traffic counts on Summer Haven Road. The subject parcels range from
8 roughly 7,400 to 2,700 square feet. Under the current RU classification these lots are
9 all legal, non-conforming as the minimum lot size of 33,000 square feet is required
10 under the RU zoning. I will say that in 2006 and 2008 we have had several variances
11 granted, actually two of the subject parcels were part of those variances were requested
12 and therefore we feel that this RS-LD request is more in character with the area and
13 Staff is recommending approval.

14 MS. MATTOS-WARD: Mr. Chairman, I have a question. When this was brought
15 before us in June one of our Planning Commissioners said, what was being requested
16 was nothing more than spot zoning. Now how can this be different from that issue?

17 MS. ALMEIDA: Well I believe the issue that Staff had at the time under the RS-
18 MD, which the minimum lot size is 8,500 square feet, we had at least one lot that was
19 well over that, 12,000 square foot minimum and Staff felt that there would be further
20 subdivisions. The argument that was brought up by the applicant at the time was to
21 bring the lots into conformance and therefore not have to go to a Board of Zoning
22 Appeals for a variance request for setbacks. But under what was analyzed by Staff we
23 felt that under the RS-MD there would actually be more subdivision occurring. If you

1 look at the map – if we could go back. The area is either RU or RS-LD, okay? And RS-
2 MD we felt by doing that here would just really start changing the character and we
3 would see even further smaller lots occur on some of these larger parcels. If we go to
4 the third slide, Betty, with, the development slide. We have had several subdivisions, lot
5 splits, in the area. This is a very popular area so we felt that in keeping with the other
6 minor subdivisions in the area RS-LD would be a more compatible zoning district that
7 would meet the intent of what the applicants are trying to achieve.

8 MS. MATTOS-WARD: And you say there's water and sewer here?

9 MS. ALMEIDA: Yes. These are all existing homes on these lots other than I
10 believe one or two lots that do not have a home on them now.

11 MS. MATTOS-WARD: Then there is water, not septic. Is there a septic system
12 required because of the lack of water?

13 MS. ALMEIDA: I believe there's water and sewer but I believe the applicant is
14 here and they would probably be able to answer that question more accurately.

15 MS. CAIRNS: How many of the lots are more than 24,000 square feet?

16 MS. ALMEIDA: 24,000 square feet? I believe it's – is it one or two lots larger
17 than 24,000 square feet?

18 MS. CAIRNS: And how many are subdividable basically?

19 MS. ALMEIDA: It would one, one of them.

20 CHAIRMAN MANNING: [Inaudible]

21 MS. MATTOS-WARD: Well I'm waiting for someone to tell me if this lot has
22 sewer or septic.

1 MR. PALMER: Well if it had septic doesn't it have to be three-quarters of an acre
2 to DHEC?

3 MS. ALMEIDA: That would be up to DHEC. Both are available, water and
4 sewer.

5 MS. MATTOS-WARD: Beg your pardon?

6 MS. ALMEIDA: Both water and sewer are available for the site.

7 MR. ANDERSON: Deborah Shaffer?

8 **TESTIMONY OF DEBORAH SHAFFER:**

9 MS. SHAFFER: Hi. I'm Deborah Shaffer.

10 CHAIRMAN MANNING: Here to speak on -

11 MS. SHAFFER: I am, on anything that you need answered.

12 CHAIRMAN MANNING: Would you like to offer anything?

13 MS. SHAFFER: I am here in favor and if you need anything answered. We do
14 have the septic tank and well – I'm sorry. We do have water and sewer available.

15 MS. MATTOS-WARD: But the homes that are there now are they on sewer?

16 MS. SHAFFER: Some of them area.

17 MS. MATTOS-WARD: But others are septic, correct?

18 MS. SHAFFER: The ones that are older are, yes. As new development, and as
19 new development has come in that's what brought it, brought water and sewer.

20 CHAIRMAN MANNING: Any questions for Ms. Shaffer?

21 MR. PALMER: Mr. Chairman, to go along with the Staff recommendation I would
22 make a motion to send Case No. 08-38 MA forward to Council with a recommendation
23 of approval.

1 MR. ANDERSON: Second.

2 CHAIRMAN MANNING: Motion and a second. All those in favor please raise
3 your hand. All opposed?

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

6 MS. ALMEIDA: What was the vote? I'm sorry.

7 CHAIRMAN MANNING: Excuse me? What was the vote?

8 MR. PALMER: Six to one.

9 CHAIRMAN MANNING: Six to one. Ms. Shaffer, this is a recommending body.
10 This will go to the Council with a recommendation of approval [inaudible] November
11 25th. Next case.

12 **CASE NO. 08-39 MA:**

13 MS. ALMEIDA: Mr. Chairman, Case No. 08-39. Applicant Martha Crawford.
14 The location of the site is on Trading Post Road. The acreage is approximately three
15 acres. The request is RU to OI. The current count station and traffic is on Wilson
16 Boulevard. The Level of Service is A. Trading Post is a two-lane unclassified DOT
17 maintained rural road. We have no counts for that road. The applicant's intent is to use
18 the parcel as a licensed children day care center which currently is not permitted under
19 RU. The surrounding parcels as you can see are rural in nature, RU zoned and the uses
20 reflect that zoning district. Staff feels the OI zoning district is appropriate in the urban
21 and suburban area where land uses are in transition from residential to a low intensity
22 commercial, and we feel it is clearly not the intent to rezone a rural area like this very
23 low dense land uses as OI, and Planning Staff recommends denial.

1 CHAIRMAN MANNING: Are there any classification or exceptions in the rural
2 that would allow day care? How would somebody in a rural area get a license
3 [inaudible]?

4 MS. ALMEIDA: As a home occupation.

5 CHAIRMAN MANNING: Home occupation?

6 MS. ALMEIDA: Correct.

7 MR. PALMER: They go to the Board of Zoning Appeals to get a –

8 MS. ALMEIDA: No. They don't have to go through the Board of Zoning Appeals
9 any longer. That's been changed in the Code.

10 MS. CAIRNS: What was it, they can go up to six or 12?

11 MS. ALMEIDA: [inaudible]

12 MS. CAIRNS: Just six. So once they have more than six children then they
13 have to be a licensed day care center?

14 MS. ALMEIDA: Yes, ma'am.

15 MS. CAIRNS: That's the thing that triggers it.

16 MR. PALMER: Do they have to live there?

17 MS. CAIRNS: Six or less you can live in the home and have children but if
18 there's more than six children it has to be a full-blown day care.

19 MS. ALMEIDA: I have also received to put in the record an email from an
20 adjoining property owner opposing this rezoning.

21 MS. MATTOS-WARD: May we have that letter?

22 MR. PALMER: I just have a request. Could you go back to the other map? In
23 the future can we get one of these put in our packages as well –

1 MS. ALMEIDA: [inaudible]

2 MR. PALMER: - of a larger area.

3 MS. ALMEIDA: We'll try.

4 MR. PALMER: I mean, it's just, I mean, same size it's just, you know, and it
5 would have helped on the previous cases as well to get a little further out as well
6 [inaudible] helpful.

7 MR. ANDERSON: Ms. Martha – I can't – Crawford?

8 **TESTIMONY OF MARTHA CRAWFORD:**

9 MS. CRAWFORD: Thank you, Mr. Chairman. I am Martha Crawford and the
10 home is going to be used for a child care facility and I've spoken with my neighbors and
11 I've had – we have seven neighbors that were concerned when they saw the post sign
12 and they were willing to sign a petition and I have the petition with me. Would you like
13 to have it?

14 CHAIRMAN MANNING: [Inaudible]

15 MS. CRAWFORD: Okay. Also the, back in 1982, the property was approved by,
16 back then it was Mr. Woodard that was the administrator of zoning. And during that
17 time we had a child care, I'm sorry, boarding home for the developmentally disabled. I
18 was a social work with the Department of Mental Retardation during that time and the
19 home was licensed up until 1990. And the home is currently being used as a residence
20 so it's not that the home was not zoned before. That property has been zoned
21 commercially before. We have a septic tank. My husband can speak more intelligently
22 about it, the size of the septic tank. But I think the septic tank is 200 – it's 1,500 gallons.
23 We have, everything was approved by DHEC during that time. And when we went

1 through zoning before we had no problems and we had approximately 10 residents
2 back then. And right now we want the home to be zoned for a child care that will house,
3 that we will take care of more than six. My personal residence is right next door to it.
4 My son lives on the opposite side so we've had no problems with the residents as far as
5 them not wanting the property rezoned.

6 CHAIRMAN MANNING: Any questions?

7 MR. FURGESS: I have a question.

8 MS. CRAWFORD: Yes, sir.

9 MR. FURGESS: How close is the nearest day care? Another day care in this
10 area besides the one that you want to start.

11 MS. CRAWFORD: Round Top Elementary School has a CDC in this district two
12 school district. That's the closest one. The other one is right on Wilson Boulevard. I
13 don't know whether she could put the camera back but it's on the corner of Rimer Pond
14 and Wilson Boulevard. And I think that day care has about 97 kids in that day care
15 center. And I had the Midlands, Central Midlands Board of Governors, I don't know
16 what the exact name, but they did a survey for me and we have about 15 schools within
17 the five-miles radius of the site that we are asking for rezoning. And we have had some
18 people to come and ask us to open, reopen the facility for child care and because I have
19 social work experience and I have staff that, I know staff that will be able to work there, I
20 think it would be good for the neighborhood. And that's why we're here before you this
21 afternoon.

22 CHAIRMAN MANNING: Thank you [inaudible].

23 MS. CRAWFORD: You're welcome.

1 MR. ANDERSON: Ms. [inaudible]?

2 AUDIENCE MEMBER: I'll pass. [Inaudible]

3 MR. ANDERSON: Mr. Crawford?

4 MR. CRAWFORD: [Inaudible]

5 CHAIRMAN MANNING: Any questions for Staff? Other discussion?

6 MR. MURRAY: That's in the vicinity of, not too far from Rimer Pond Road and a
7 lot of development.

8 MR. FURGESS: Ma'am, you need to come back to the mic.

9 MS. CRAWFORD: Just within walking distance we have Blythewood Middle
10 School where my grandson attends and then we have Round Top, is it, Round Top
11 Elementary School. And the, it's a driving range that's right next to Round Top and it's
12 less than a quarter of a mile from my home and that has also been zoned, rezoned
13 commercial.

14 MR. MURRAY: So there's been a lot of changes in the growth and the zoning,
15 rezoning in that area?

16 MS. CRAWFORD: Yes, it has.

17 MR. MURRAY: It's a growing area.

18 MS. CRAWFORD: Very, very much.

19 AUDIENCE MEMBER: [Inaudible]

20 CHAIRMAN MANNING: Any further questions for Ms. Crawford?

21 MS. CRAWFORD: I think I have touched on all of it. I think that's it.

22 CHAIRMAN MANNING: Thank you.

23 MS. CRAWFORD: You're welcome.

1 MS. ALMEIDA: Mr. Chairman, for the Record we're looking back on our recent
2 Code and it does allow in rural six to 12 children.

3 MS. CAIRNS: Okay.

4 CHAIRMAN MANNING: It does allow what?

5 MS. ALMEIDA: As a special exception.

6 CHAIRMAN MANNING: As a special exception?

7 MS. ALMEIDA: Correct, in the rural zoning district.

8 MR. MURRAY: To have the center in a rural setting?

9 MS. ALMEIDA: Home occupation.

10 MS. CAIRNS: Okay. In an occupied home in a rural district you can have up to
11 12 children in a home day care if you got a special exception from the Board of Zoning
12 Appeals. You can do up to six as a matter of by right use without a special exception.

13 MR. MURRAY: I would be more comfortable with what they are requesting
14 rather than a home one because that's seems to be where the majority of your
15 problems are emanating from when you have, I call it the Mom and Pop operation. You
16 know, small.

17 MS. CAIRNS: Be that or not I'm not sure that that's relevant for this zoning
18 request. I mean –

19 MR. MURRAY: No. But when you requested the information I simply made the
20 comment because you said you can have six in some homes and 12 in some homes. I
21 said, let's do, if I was going to do something I would rather see us do something that
22 would be more relevant to what we have to deal with when you [inaudible] what's going
23 on in those houses.

1 CHAIRMAN MANNING: Now say that again?

2 MS. ALMEIDA: The home occupation is up to six.

3 CHAIRMAN MANNING: Up to six. So 12 is not allowed?

4 MS. ALMEIDA: Right. And it has to be a home occupation in rural.

5 MR. PALMER: So only six are allowed and not 12?

6 MR. ANDERSON: How many structures are on this property?

7 MS. CRAWFORD: Just one.

8 MR. ANDERSON: Just one? All right. I guess I'm looking, it looks like to the left
9 the home it looks like a –

10 MR. FURGESS: She said her home is on the other side and her son is on the
11 other side.

12 MR. ANDERSON: All right. Okay.

13 MS. MATTOS-WARD: And there's one in the middle.

14 MR. FURGESS: And one structure [inaudible] is on.

15 MS. CRAWFORD: Okay. The structure that's on the left side, that's – we had to,
16 that's on a different, it's on a different acre. Because we had to have more than one
17 acre we included that home along with the subject site that we have.

18 MS. ALMEIDA: Right. It's a two-acre minimum for rezoning if you don't have the
19 requested zoning in the vicinity. Because it's all RU she had to get two acres minimum.

20 MR. MURRAY: Two acres?

21 MS. CRAWFORD: Yes. We had to include the [inaudible] the home that's on
22 the left. We had included that along with the subject site. It looks like it's close but it's
23 not close. And we're not interested in just six for residential because I have no

1 intentions of using my residence because that's not my residence. My residence is on
2 the right side of the site.

3 CHAIRMAN MANNING: How many children do you plan to keep?

4 MS. CRAWFORD: We're looking at about 20 or 25.

5 CHAIRMAN MANNING: Thank you.

6 MR. MURRAY: I move that –

7 MS. CAIRNS: I think we should have some discussion.

8 MR. PALMER: He can still make a motion.

9 MR. MURRAY: [inaudible] discussion I thought. That's what General Robert
10 say.

11 MS. CRAWFORD: If you have any more questions I'm willing to answer.

12 MR. MURRAY: I move that we send this to County Council with a
13 recommendation for approval of this request.

14 CHAIRMAN MANNING: All right. We have a motion. We'll have some
15 discussion then, further discussion?

16 MR. MURRAY: And we get a second?

17 CHAIRMAN MANNING: Want to second?

18 MR. FURGESS: I second.

19 CHAIRMAN MANNING: We've got a motion and a second. All those in favor
20 please raise your hand. All those opposed?

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

1 CHAIRMAN MANNING: This will go forward to the Council on November 25th.
2 We're a recommending body.

3 MS. ALMEIDA: Mr. Chairman, I need –

4 CHAIRMAN MANNING: Reasons.

5 MS. ALMEIDA: Reasons for approval.

6 CHAIRMAN MANNING: Since it's in opposition to the Staff recommendation we
7 need to offer an explanation as to why.

8 MR. MURRAY: Well because of the continuous growth in that particular area
9 where you have commercial growth. We just dealt with the Roper Pond development
10 up there.

11 MS. ALMEIDA: It has to pertain to this case.

12 MR. MURRAY: Well because there's a need for it.

13 CHAIRMAN MANNING: Their asking for [inaudible] would require more than the
14 existing zoning would allow.

15 MR. MURRAY: Yeah. Is that all right or you want me to write you a -

16 MS. ALMEIDA: I'm going by the ordinance, I'm sorry [inaudible].

17 CHAIRMAN MANNING: Mr. Palmer, do you want to add something to that?

18 MR. PALMER: You know, I would just say because of the facilities and the traffic
19 counts being at a Level of Service A that there's not a safety issue involved with the
20 rezoning and the requirement, and the need for the services in the area.

21 MR. MURRAY: Back to the books.

22 CHAIRMAN MANNING: That got it?

23 MS. ALMEIDA: Thank you.

1 MR. MURRAY: Okay.

2 MR. PALMER: Can we take a quick break before we get into the Text
3 Amendments?

4 CHAIRMAN MANNING: We'd like to take a short five-minute break.

5 *[Break]*

6 CHAIRMAN MANNING: Okay. I'd like to call the meeting back to order. I think
7 next on the agenda is the Text Amendments. We've moved the storm drain ordinance
8 to the top.

9 MS. ALMEIDA: Correct. We have representatives from Public Works, Mr.
10 Srinivas Valavala is here to go over the storm water text amendment and any questions
11 you may have. We have also distributed some concerns from the Homebuilders
12 Association that was sent to us late last night for your review.

13 CHAIRMAN MANNING: Thank you. Any discussions for Anna? Any questions
14 for Anna before we get started? Then I guess we'll ask Mr. Valavala to come to the
15 podium

16 **TESTIMONY OF SRINIVAS VALAVALA:**

17 MR. VALAVALA: Yes, Mr. Chairman. I'm Mr. Valavala. We got some
18 comments yesterday evening at like about 5:30 or something.

19 CHAIRMAN MANNING: You got comments yesterday?

20 MR. VALAVALA: We got comments from the HOA, Homebuilders Association
21 and we are reviewing those comments and we just got a first set of comments like
22 almost like two weeks or three, I mean, before the, almost two weeks or three weeks
23 back and we did prepare the response for those comments. And we got a new set of

1 comments yesterday evening so I have, I have answers for certain questions but we did
2 not have a chance to review the whole document because we got it yesterday evening.
3 But if you have any particular questions I'll try to answer my best.

4 CHAIRMAN MANNING: Those questions that you want to answer related to the
5 Homebuilders Association, do you have a copy of that [inaudible]?

6 MR. VALAVALA: Yes.

7 CHAIRMAN MANNING: I'm not sure what you're referring to in the questions
8 that you wanted to answer.

9 MR. VALAVALA: We have two sets of comments from – I think one is from Mr.
10 Bill Flowers or someone, and the second set of questions we received yesterday
11 evening and we've prepared the answers for the first set of questions that was sent by
12 Mr. Bill Flowers and I do have answers for those questions. But for yesterday's
13 questions I have like, I've gone through it very roughly from yesterday to now and if you
14 have any, like a, I can go through really roughly but I cannot just give you the whole –

15 CHAIRMAN MANNING: Do you just want to take them one by one and go
16 through them?

17 MR. VALAVALA: That's fine but it will take long time so, I mean, how ever you
18 want to do I'm open for that.

19 CHAIRMAN MANNING: Why don't you just address them one by one and we'll
20 just [inaudible].

21 MR. VALAVALA: Sure. Let me start with the questions we received from Mr. Bill
22 Flowers, the first set of questions and the first question he has is about the FEMA flood
23 [inaudible]. They're asking us to restrict one particular position that's the flood plain

1 coordinator not to do the floodplain reviews, and that is, our answer is like we cannot
2 put it in the, amendment in the ordinance that such particular position cannot do the
3 reviews because it can be delegated by a Planning Director or it can be delegated by a
4 Public Works or - it can be delegated by administrators. So we cannot restrict particular
5 position to do the, not to do certain kinds of relations so if that answers [inaudible]. I
6 should have – do you have these questions with you?

7 CHAIRMAN MANNING: I've got that set.

8 MS. CAIRNS: I'm so lost.

9 MR. VALAVALA: The first set – it's actually the next set of document but at the
10 end.

11 MR. PALMER: I'm sorry. You said you cannot say which department deals with
12 this?

13 MR. VALAVALA: [Inaudible]

14 MR. PALMER: Why not?

15 MR. VALAVALA: We haven't changed any of that section. That section was
16 already there in the current ordinance.

17 MR. KOCY: The county's floodplain ordinance specifically states that the
18 Floodplain Coordinator has to do floodplain reviews so we can't contradict that in this
19 storm water ordinance.

20 CHAIRMAN MANNING: Okay.

21 MR. VALAVALA: And then the next one is about the above the Richland County
22 Engineer powers and duties, to review and approve/deny all applications for land
23 disturbance permits. And the concern of Mr. Bill Flowers is like this paragraph should

1 make it clear that the County Engineer may issue these permits directly to the applicant.
2 That's the comment Mr. Bill Flowers had. What Richland County Staff is saying is the
3 land disturbance permit is something which is overseen by state authority and the
4 County Engineer cannot really give that land disturbance permit. We, when we review
5 plans we cannot give the land disturbance permit, we have to send it to the DHEC for
6 the [inaudible] of the general permit before the approvals are sent for engineer or the
7 developer. So really we cannot, the County Engineer cannot approve, I mean, cannot
8 give the permit approval for the land disturbance activity. He recommends and sends it
9 to the DHEC and DHEC is the final authority which gives the permit, [inaudible] land
10 disturbance permit.

11 CHAIRMAN MANNING: Doesn't Richland County have delegated review
12 authority to do land disturbance permits?

13 MR. VALAVALA: Yes, Mr. Chairman. We do have a delegated program.
14 However, the state, according to the EPA guidelines, the state cannot delegate the
15 whole program to the counties or the cities. They have to, they have to oversee the
16 program. They have to oversee the certain elements of the program. So DHEC chose
17 to retain that responsibility of giving the permits with themselves. Whereas the reviews
18 and recommendations are done by the county.

19 CHAIRMAN MANNING: It seems to be duplication to me. I'm not sure I
20 understand why that's necessary.

21 MR. VALAVALA: That's the EPA guidelines, sir. And the next comment is about
22 no building permit shall be issued until the required drainage improvements as set forth
23 in a approved design plan are installed. And actually it's about the single-family

1 dwelling units on a single lot [inaudible] which is not part of the larger common
2 development, and they're asking us to give some exemptions for the single lots. If the
3 single lot is part of the larger common development we have to consider that as part of
4 the, like if it's five acres and there are like five lots we consider it as part of the larger
5 common development. So everything that has to be required for the five acres
6 development has to take place. We cannot exempt the single, we cannot consider them
7 as a single lot just because they're single lots. Because we oversee it as a whole larger
8 development. And for example if it's 10 acres we consider that as a larger common
9 land development and anything the requirements which quality for the 10 acres those
10 requirements has to be abided by.

11 CHAIRMAN MANNING: I'm not sure whether we want to [inaudible] exemptions
12 and [inaudible] point in time but, you know, there's one-acre exemptions [inaudible]
13 agriculture, there's five-acre exemptions [inaudible], a number of different thresholds
14 and if lots of a larger development are approved under a management plan I don't know
15 why they would be impacted.

16 MR. PALMER: I don't either.

17 MR. VALAVALA: But we cannot – I mean, the Richland County cannot exempt
18 certain, the only two exemptions which came from the [inaudible] is mining I think. But
19 we cannot exempt small lots from the permit requirements. Anyone has to abide by the
20 sediment and erosion control regulations. I was telling previously like what DHEC tells
21 us is like, they will tell you what the requirement, they won't tell you what to do exactly.
22 They will tell you, what they will tell you is like the fecal chloroform for example is like .5
23 units in the creek. What they will tell you is like review is at 2.25 but they won't tell you

1 how to regulate that. So it's up to the [inaudible] it's up to the Richland County to come
2 up with options and ways to reduce the limits. So although the DHEC does not say you
3 do it for the less than one acre what, in the permit it is clearly mentioned that you have
4 to reduce the pollutants to the maximum extent practicable. They call it MEP, that's
5 Maximum Extent Practicable. So for us to achieve that Maximum Extent Practicable to
6 all the programs which we do we try to do [inaudible] at maximum extent practicable to
7 bring the pollutants as much down as possible if that answers your question.

8 CHAIRMAN MANNING: I'm not sure. I mean, it seems to me that if you had lots
9 [inaudible] in the area and there was new development less than one acre, what's the
10 difference in those lots with a new management plan which is more stringent than lots of
11 record that are individual, you know, that individual building permits were taken out?

12 MR. VALAVALA: For the lots which are less than one acre, if it's an individual
13 lot, if it's not part of a larger common development, if it's just someone is building a
14 house on that single individual lot which is less than one acre, what they have to do is
15 like simply just put it on the plan what the site layout is, what is it they're building, and
16 what is it, like it need not be engineering kind of thing. It's something which is really
17 minute. This is where I'm keeping the silt fence, this is where I'm directing the water.
18 Those kind of minute details so that the site owner is aware of what the storm water
19 management controls are in his, on his particular lot. So we're not asking for the
20 technical, too technical document. What we're asking for is really minute so that the
21 person is aware of the storm water management.

22 MR. KOCY: Mr. Chairman, what Srimi I think is trying to say that no one is
23 exempt from this. There are two levels of review and for single-family or for one-acre

1 developments or smaller it's a much lower level of review but you wouldn't need to do
2 an engineered study. You would just have to talk to Srimi and indicate on your plat how
3 you're going to prevent soil erosion and sedimentation and control storm water. It's not
4 an onerous task but you do have to submit some documentation. There are no
5 exemptions for construction on any size lot.

6 CHAIRMAN MANNING: Of record?

7 MR. KOCY: Correct.

8 CHAIRMAN MANNING: [Inaudible]

9 MR. KOCY: Existing lots or future subdivided lots; correct. It's just a different,
10 it's a reduced standard of review.

11 MR. VALAVALA: And again it need not be engineer certified. Engineer certified
12 is only if it is more than an acre. That's when we need the technicalities involved, but if
13 it's like a smaller lot where a citizen is constructing some small house what we need is
14 very, very minute details, and we outline them in the ordinance like what is it they have
15 to give us.

16 CHAIRMAN MANNING: All right. Next question.

17 MR. VALAVALA: The next comment is about – let's see, the fourth comment is
18 about the same thing [inaudible] less than one acre. Dredging permitted on Lake
19 Murray by SCE&G and we cannot exempt any private entity [inaudible] even if we do it
20 it's illegal. Richland County cannot do that. They're asking us to exempt SCE&G's
21 dredging effort as part of the, in the ordinance. Richland County Staff cannot do that
22 because we're following the DHEC requirements. And construction of recreational
23 [inaudible] those are too broad to exempt and then we have variance and waivers and

1 there is certain particular property which they need variance or waivers they can always
2 go through the appeal process or they can come to the plan review. But we cannot put
3 that in the ordinance saying that only farm ponds are exceptional because there are a
4 lot of logistics involved in that. The next one the fourth is like the area to be disturbed
5 will not allow water to flow in one direction for over 200'. It's for plan submittal. This is
6 again if it exceeds 200', yes we need, county requires the SWPPP be prepared by a
7 professional engineer.

8 CHAIRMAN MANNING: Say that again.

9 MR. VALAVALA: The County needs the SWPPP, the storm water pollution
10 prevention plan, we call it SWPPP, be prepared by a professional engineer and the
11 question is about like what if the slope is exceeded by, exceeded at 200' length of - the
12 requirement actually in the ordinance is like if the water is directed like a, by a slope on,
13 through a water like a conveyance more than 200' we're asking for a professional
14 evaluation. It's not just the [inaudible] come and redirect the water from his lot to the
15 next lot. In those scenarios we're asking that the, it has to be evaluated by the
16 professional engineer to make sure that the water flows.

17 CHAIRMAN MANNING: I read that because it appeared to me that what you
18 were asking was that the direction of flow would not go any further than 200' in any one
19 way before you had to alter it and I've always thought that things like [inaudible] flow,
20 natural drainage, you know, you don't want to take it where it's not supposed to go. And
21 that's what it appeared to me that this language was trying to –

22 MR. VALAVALA: It's not something which we kept as a new regulation, that's
23 already there in the current ordinance if you are directing water – like if you're

1 [inaudible] flow that is fine but if you're leaving it on particular adjacent property then we
2 have a problem because the exempt property [inaudible] water used to pool in his
3 neighboring yard now it's coming on to his yard and he's getting flooded because of this
4 particular construction.

5 CHAIRMAN MANNING: Well if an engineer says that the, I mean, the pre and
6 post rates are not any different.

7 MR. VALAVALA: That's excellent; that's what we're asking for. That's exactly
8 what we're asking for. We're asking for the professional evaluation instead of
9 [inaudible] building up without the professional calculations.

10 CHAIRMAN MANNING: Okay.

11 MR. VALAVALA: And again the next comment is about in the same section in
12 the section four the word topsoil should be spelled like combined. That's an English
13 part of thing, and we said like, thanks for catching it and we'll replace it. That's not a
14 problem. And the next two is also the same thing, the spelling corrections and we'll
15 surely address that. The next comment is in the Chapter 26, Article IV, Amendments
16 and Procedures, Section 26-64. Level Two SWPPP Requirements. Again I'm spelling
17 it as a SWPPP, that's the storm water pollution prevention plan. The question is
18 normally dry swells and detention pond water should be constructed with a gravel
19 blanket as part of a measure to minimize the creation of the [inaudible] due to
20 maintenance activities. That was the language in the ordinance. And the question is
21 what does this mean? Will all swells and detention pond waters be required to contain
22 a gravel base that can support traffic, how much gravel in which locations? And again,
23 no. It is not mandatory to have gravel base but is just a suggestion on a case by case

1 basis and as required. The goal of this section is to avoid pockets in the swells or
2 ponds. The general statement is used just for a suggestion and other methods can be
3 used. This is not you have to do. What we are saying is just don't create a pockets in
4 the pond where if the maintenance equipment goes [inaudible] just sitting down. And
5 we have seen a lot of stumps around in the pond. We don't want that kind of conditions.
6 We want a pond where if the maintenance, even it can be homeowners association or if
7 it's the county whoever goes into the pond should be able to maintain the pond. It's not
8 like something which is just a big pothole kind of thing.

9 CHAIRMAN MANNING: Well, I mean, either way it should be a requirement that
10 [inaudible] aren't left in a detention pond when somebody leaves. I don't know that a
11 gravel blanket is necessary to accommodate that.

12 MR. VALAVALA: [Inaudible]

13 CHAIRMAN MANNING: [inaudible] ponds are planted with grass anyway and
14 should – wouldn't want to go in there when it's wet anyway.

15 MR. VALAVALA: And again we're leaving that open. We're not just telling that
16 you have to do this. We are just giving a suggestion maybe you can use the gravel
17 base but it's not requirement.

18 MS. SMITH: Excuse me. I think that it's key to note on a number of these that
19 the terminology here is normally and should and not always and shall. We're making
20 some suggestions about some things that will be extremely helpful as we move through
21 and some language that would help; not that these are actual requirements that are
22 being put in place. They're suggestions that would be beneficial as we move forward
23 and ideas for tips that will be useful as we partner and move forward with trying to get

1 some ideas and some suggestions out there both for doing the construction of these
2 activities as well as beneficial for Richland County as we move forward with the upkeep
3 and maintenance in the future. So that's extremely important as we move forward in
4 trying to partner and make sure that we're looking at the things that we have to do
5 currently in making some improvements and the things that we have to do in the future.

6 CHAIRMAN MANNING: Obviously ya'll are going to be involved in [inaudible].

7 MS. SMITH: Right. And discussions and –

8 CHAIRMAN MANNING: [inaudible]

9 MS. SMITH: Right.

10 CHAIRMAN MANNING: [inaudible] done –

11 MS. SMITH: Yeah.

12 CHAIRMAN MANNING: - without being a mandatory –

13 MS. SMITH: That is correct and that's why again the language is very important.
14 And, you know, we're trying not to say you shall put in two feet, ten feet, three feet, five
15 feet because it's going, I mean, it's going to be on a case by case basis. But we want to
16 put some ideas out there as to what some of the things are that can be done and to say
17 as you look at this and moving forward, you know, we've experienced some problems
18 and some issues in some of these, in detention ponds, here's some of the problems.
19 We know we have to go out and do maintenance on some of these things. We can't
20 wait until they dry out completely always before we go out. Normally – ideally it'd be
21 great if we could wait until they're completely dried out before we went out to do
22 maintenance. It's not always an option. We get some siltation. We have to go out. We
23 don't want out equipment getting stuck when we go out and we have to deal with it. A

1 gravel bottom would be great. Anything to start out with is better than nothing. We
2 don't know how much on a case by case basis. Keep this in mind when you're doing
3 some design, when we're setting some of these things up. But normally some type of a
4 gravel bottom, some starting point, let's partner, let's look at moving forward with, you
5 know, getting some of these things done. Let's look at some things that are
6 economically feasible, environmentally friendly. Let's make sure that we're, you know,
7 we're starting out in a good place as we move forward with trying to get some of these
8 things done. We're not looking to try and be dictatorial with any of these things. We want
9 to have a good partnership and try to have a good working relationship and ending up
10 with a product that the county is not going to have to rebuild or recreate the first time we
11 have to go in and start doing maintenance on these things, when we have to go in and –
12 we don't want to have to go in and reconstruct or rebuild these things the first time we
13 have to go in and do what would be or should be maintenance related activities.

14 CHAIRMAN MANNING: Thank you.

15 MR. VALAVALA: The next comment is in the Chapter 46, Article 6. [Inaudible]
16 Districts and the Development Requirements, Water Quantity Problem Areas. And the
17 question is volume base of storm water detention as required here is far more restrictive
18 than cutting the post development flows to have pre-developable flows, thus making the
19 preceding paragraph [inaudible] a moot requirement. It has been our experience that
20 meeting these storage requirements often creates a violation of the SCDHEC
21 requirement that all storm water facilities must dewater within 72 hours. The
22 methodology is so restrictive that it often takes a week or more to dewater the facility.
23 We recommend that this paragraph be stricken as the intended goal of the meeting

1 higher standards for storm water detention is accomplished with paragraph A. And our
2 [inaudible] is that in the design computation the [inaudible] means different to different
3 people. Actually, hence the requirement for the [inaudible] we're quantifying it basically
4 for the engineering calculations. Whenever they're putting a detention pond or doing
5 some, some kind of a storm management calculations, we are just quantifying that the
6 post levels has to be equal to the half of the pre. So that's a requirement we are
7 keeping. We're not talking about detention ponds. If it has to dewater within 72 hours,
8 yes, it can be dewatered within the 72 hours. But what, we are putting a quantification
9 as a requirement for the environment and protection districts. That is the whole reason
10 for the environment and protection districts is like it has to be something different from
11 the regular development because particularly when some watershed is going to the
12 environmental protection district that means that particular watershed is impeded
13 already. That means we have to identify special requirements to that particular
14 watershed, to repair that watershed. That's what we're doing here.

15 MR. VALAVALA: [Inaudible] they should be abided by. The next one is in the
16 Section 7. The same thing about the water quality buffers. The language is the water
17 quality buffer is [inaudible] area of trees, shrubs, and other vegetation that water
18 [inaudible] an existing water course, wetland or other water body. That's including open
19 conveyances. And what the comment is we need a definition of open storm water
20 conveyances and this could be easily misconstrued to include backyard swells and kind
21 of small channels of [inaudible] or even the [inaudible] driveway. And our response is
22 that yes we will provide the definition for the open conveyances and accordingly this is
23 just a very preliminary we are working on. Anything which is more than one foot usually

1 call it as a channel kind of thing. We'll give it more definitions as to what does that open
2 conveyance mean so that it cannot misconstrue by different people and we'll surely
3 provide those definitions.

4 CHAIRMAN MANNING: Going back to that, I mean, there are a lot of [inaudible]
5 ditches that carry drainage [inaudible]. The other [inaudible] all this [inaudible] how do
6 you propose to go onto property to determine every natural drainage course? I mean,
7 obviously the engineers review based on topo and peak flow and proper places to
8 locate detention and retention ponds but it seems to me that this is so broad it's going to
9 be an engineering nightmare to identify them.

10 MR. VALAVALA: Mr. Chairman, let me tell you the [inaudible] point for this is like
11 there are some houses which were constructed very close to these ditches and many of
12 the times they come back to us, us means the county, Richland County and [inaudible]
13 particular conveyance, this particular ditch is eroding the property, is eroding the
14 foundation of the house. So we don't know, ditch came first or the house came first. If
15 there is a ditch already you shouldn't be constructing the house next to the ditch and
16 you should know that the foundation will be eroded if the ditch erodes. So that's why we
17 are at least trying – what happened is what happened. We can't do anything about it.
18 At least the new development, what we're telling is if there is a ditch next to you in your
19 particular property please do not construct it at least within the 10' of the ditch so that
20 it's actually does good to the homeowner. It's not, we are not asking for any property.
21 We are just asking them not to construct in that 10' so that we do not stress that
22 particular stream and aid to that erosion which may happen [inaudible] it's a natural
23 course. Many of the banks if some ditch erodes, it erodes. And if you add to the

1 erosion, if you're constructing that house next to that ditch, if you're adding to that,
2 you're stressing the stream. That's what is part of it and for the any new development
3 what we're asking is please do not construct within that 10'. And if there are some –
4 there are a lot of variances, it depends on the case by case basis and we do not want to
5 put all that stuff in the ordinance and if there is a construction or if there is a house
6 which has to be built, there can be some other options and they can bring it to the
7 appeal process and they can [inaudible] they can apply for the variances [inaudible]
8 which they're asking [inaudible] different kinds of variances and it's very hard to see
9 what all the different variances we can come up with. It's not good to put it in the
10 ordinance and if something happens we have to change it we have to go through
11 tougher process all the time. So those are all the minute details to put in the Design
12 Standards Manual which we already have and this is just the initial part of the ordinance
13 change. And if the concept gets approved then we will put more time and effort into that
14 concept and we'll come up with the difference kinds of variances possible and they'll go
15 in the design manuals but not in the ordinance. And there's something called trading of
16 setbacks and if they can do it in this [inaudible] they can [inaudible] lot itself they can
17 adjust it to different areas on the lot. And there are a hundred different kinds of options
18 to that. And the next question is the same thing, Other Water Bodies. And we will
19 provide the definitions for the Other Water Bodies.

20 CHAIRMAN MANNING: Okay.

21 MR. VALAVALA: Section 7, Chapter 26, Article 7. General Development Site
22 and Performance Standards, Water Quality Buffers and the General Requirements.
23 This is about the USGS quad maps. The language in the ordinance change is this

1 establishes the USGS quad maps as authority to [inaudible] locations of required
2 buffers along perennial and intermittent streams. And the comment from Mr. Bill
3 Flowers is, Richland County should be aware that the current USGS quad maps are out
4 of date with the issue dates ranging from 36 years old to 55 years old. We do not feel it
5 is appropriate to use these maps as more than just a general guideline. Perennial and
6 intermittent stream designation should be based on better, more recent mapping or by
7 predetermination by the wetlands expert. And the Staff, Richland County response is
8 Neither Richland County nor wetlands expert has authority to change the jurisdiction.
9 These are the [inaudible] except federal identified streams. If the US Corps of
10 Engineers they come down and say like, okay this ditch, which is like, does not even
11 carry water half of the year and if they say it's a perennial, yes, it's a perennial.. We do
12 not have, the county does not have jurisdiction on identifying the perennial and
13 intermittent streams. So USGS maps are the baseline for us to - even if we do some
14 project that's the first thing we refer. That's the only baseline right now what we have to
15 identify whether the particular stream is a blue line or an intermittent so we follow, we
16 the county follow it as a baseline. So we cannot really, we do not know what other
17 entity which can identify this blue line streams. It's a federal mandated and the
18 Richland County cannot do anything about it.

19 CHAIRMAN MANNING: The county does not have on its GIS map [inaudible]
20 streams located?

21 MR. VALAVALA: What we have on the county system is the [inaudible] data,
22 based on the [inaudible] date [inaudible] and if there is water that's what it's [inaudible]

1 as a blue line. To answer your question, we have but it's not the data which you can
2 100% rely on.

3 MS. SMITH: The official data –

4 MR. VALAVALA: Official –

5 MS. SMITH: - that we have is the same data.

6 MR. VALAVALA: Yes.

7 CHAIRMAN MANNING: Go ahead, Valavala.

8 MR. VALAVALA: Yes.

9 CHAIRMAN MANNING: Say that again.

10 MR. VALAVALA: The data which we follow is a USGS map data, USGS quad
11 maps.

12 MS. SMITH: Excuse me. What he's saying is when we fly it and water shows it
13 will show where the water is. On the date that the flight happens where there is water
14 that is what will show so that is not necessarily the official US – the official Corps data.

15 CHAIRMAN MANNING: What's the definition of a [inaudible]?

16 MS. SMITH: I'm sorry?

17 CHAIRMAN MANNING: What's the definition of a perennial or intermittent
18 stream?

19 MS. SMITH: The official definition of a perennial stream is a stream that has
20 water – gosh, where's the – what's the definition of a perennial stream?

21 AUDIENCE MEMBER: A stream that has water that runs all year round.

1 MS. SMITH: All year round, yeah. A stream that has water that runs all year
2 round but it's not necessarily at a specific level throughout that entire year. It simply has
3 water year round.

4 CHAIRMAN MANNING: The intermittent would be just occasionally.

5 MS. SMITH: I'm sorry?

6 CHAIRMAN MANNING: The intermittent would be occasionally?

7 MS. SMITH: Yes.

8 CHAIRMAN MANNING: The information that we provide to Public Works for
9 review has wetlands on it, has streams on it. I mean, they're providing a lot of that data
10 now.

11 MS. SMITH: Um-hum (affirmative).

12 CHAIRMAN MANNING: So it would seem to me that the latest and the greatest
13 data that they're having to provide ought to be what's being utilized somehow or
14 another. I think – it just seems to me that if we've got something that is more up-to-date
15 and identifies this.

16 MS. SMITH: The biggest difference between the amount of water that it has in it
17 today relative to flooding isn't necessarily the amount of, isn't necessarily the water
18 that's pertinent when you have a flood. And that's, I mean, that's where your –

19 CHAIRMAN MANNING: That really wasn't my concern.

20 MS. SMITH: Oh, okay.

21 MR. VALAVALA: To add to that [inaudible] just for the difference. It's not for
22 jurisdiction. It is just for the difference and we have a disclaimer statement at the end
23 saying that this is just for the difference and anything jurisdiction wise you need to get

1 that, get it cleared from the Corps saying that it's not perennial stream and if someone
2 wants to pipe that particular ditch and the county does not take the responsibility
3 because we kept the [inaudible] data on the county website, what we say is like if you're
4 doing something to the perennial stream and if it is not cleared enough but it's a
5 perennial [inaudible] you have to get it delineated by the Corps of Engineers. And the
6 county website is just what county website does, is like it just give the difference, but we
7 do not identify the jurisdiction. The jurisdictions are identified by the Corps of
8 Engineers. And as I said previously even they can come and say like the small ditch in
9 your backyard, they can say like there's a special species in here and that's a perennial.
10 So we cannot clearly, we cannot clearly identify what is perennial and what is not
11 perennial. That Richland County has no right to do that.

12 CHAIRMAN MANNING: So it's a jurisdictional question.

13 MR. PALMER: How often and how difficult is it to change these quad maps?
14 Can't do it?

15 MR. VALAVALA: That's the Corps of Engineers. I can't answer that. And
16 there's a procedure for that even just like the – we can submit something to Corps of
17 Engineers saying that there is no 24-hour or 365 days water flow in this particular
18 stream and that's why you just exempt this from the perennial stream stratus and they
19 have different kinds of procedures for that, that can be done. And that's what most of
20 the developers will do when they get their permits.

21 MR. PALMER: But they'll need to change the maps, I guess, right?

22 MR. VALAVALA: Oh, yes. For the maps I don't know. What we have is what we
23 have. And again that's a jurisdiction. The next issue's also the same thing. It's about

1 the jurisdiction kind of, it's the FEMA approvals. The next one, Section 7. The next one
2 is also the same thing, it's a jurisdictional.

3 CHAIRMAN MANNING: I think the question is it, is there [inaudible] jurisdiction
4 outside of Zone A? They currently don't have jurisdiction [inaudible].

5 MR. VALAVALA: If they don't have? I mean, what we're saying is just follow the
6 guidelines, whatever the FEMA guidelines are. And if they say like no we don't have
7 jurisdiction that's fine with Richland County. But we cannot put the exact statement in
8 there because every time those regulations change we'd have to change our ordinance
9 again. If they put, if they keep being specific [inaudible] so just, we'll put the general
10 statements saying that the FEMA guidelines have to be followed.

11 CHAIRMAN MANNING: But the FEMA guidelines only apply to Zone A or X,
12 right?

13 MR. VALAVALA: That's right as of now, yes.

14 CHAIRMAN MANNING: Okay.

15 MR. VALAVALA: The next one is about the Lake Murray shoreline buffers and
16 we took it as, I mean, we're asking for 100%, 50' slopes from the 100 year high flood
17 elevation and the concern, the comment from Mr. Bill Flowers is like the shoreline
18 [inaudible] shall be 50' perpendicular from the shoreline, for ponds and lakes, for any,
19 for all the different ponds it's the same thing, 100 year high water elevation. And what
20 they're asking for is identifying the 50' buffer from the shoreline. It's a 360 elevation.
21 And what we kept is like this is open for discussion and when the Staff designed these
22 changes to the ordinance, when we, before the [inaudible] ordinances it's always the
23 [inaudible] 100 year high water elevation. So we haven't given any exception to any

1 water body in Richland County. What we kept is like 50' from high, under the high water
2 elevation for all the ponds, all the lakes. And similarly so Lake Murray is part of the
3 Richland County waters so we just kept it like 50' from the 100 year water elevation and
4 100 high water elevation for Lake Murray is 363. So that's what it is kept. But if there is
5 some concerns we'll be more than happy to discuss that.

6 CHAIRMAN MANNING: So Lake Murray, is not the 100 year floodplain. That is
7 not where the buffer [inaudible] on Lake Murray?

8 MR. VALAVALA: For Lake Murray, the buffer according to the current ordinance
9 change the current language, the buffer starts from the 363, not from the shoreline but
10 from the 100 year high water elevation.

11 CHAIRMAN MANNING: The 363 is the shoreline.

12 MR. VALAVALA: No, sir, 360 is the shoreline.

13 MR. KOCY: 363 is the FEMA approved floodplain line and this is consistent with
14 language throughout the document that the buffer should be measured from the
15 floodplain line, from the 100 year floodplain line.

16 CHAIRMAN MANNING: That moves over the place. I think that's, one of my
17 concerns is that there's no definition to it. I mean, one yard might be 100' up into it.
18 The other might be whatever the buffer width is. If you look on page 31 in one of our
19 zoning text amendments today at Lake Murray, it showed the floodplain line totally
20 engulfed in a lot of lots, homes, floodplain, and how are you going to establish buffers
21 in, you know, it would totally eliminate a lot. I just don't understand it. It would seem to
22 me you would want the waterline which is an identifiable point to begin your buffer

1 rather than a hypothetical line. It's not a hypothetical line but a line that does have
2 movement from lot to lot.

3 MR. KOCY: Waterlines have movement from season to season.

4 CHAIRMAN MANNING: But you can touch it.

5 MR. KOCY: And during a flood you can touch it too.

6 CHAIRMAN MANNING: Well it's not about the flood issue I'm addressing right
7 now. It's about where it begins [inaudible] flooding or helps in that situation is really not
8 what I'm discussing, I'm just talking about where you begin the buffer and it would seem
9 to me the logical place would be the shoreline.

10 MR. PALMER: We're dealing with storm water issues not with, you know, a
11 floodplain issue here. We're trying to keep the streams and that kind of stuff clear of
12 sediment and whatnot, aren't we?

13 MR. VALAVALA: We're dealing with the storm water issues, the water quality
14 issues but not – water quality's not just for the two year rainfall event, it's for any rainfall
15 event, it's a five year rainfall event, it's for a 25 year rainfall event. It's not just for the
16 two year rainfall event. And that's why when someone talks about the buffers
17 everywhere we did research it's, the buffer starts from the 100 years floodplain. It does
18 not start from the shoreline because shoreline is arbitrary. Shoreline today is here and
19 tomorrow it can be somewhere else.

20 CHAIRMAN MANNING: All that's arbitrary than the 100 year floodplain.

21 MS. CAIRNS: The 100 year floodplain's based on topography and therefore –

22 CHAIRMAN MANNING: Shoreline's based on the water level.

1 MS. CAIRNS: Right. Which is why it's a much more variable thing than the
2 topography. The topography doesn't tend to come and go.

3 CHAIRMAN MANNING: The normal [inaudible]. Lake Murray is at 360 or
4 whatever it is, that's an elevation.

5 MR. VALAVALA: So answering your question we did not give any exceptions to
6 Lake Murray.

7 CHAIRMAN MANNING: The floodplain line around the lake as it relates to a
8 [inaudible] but [inaudible] buffer [inaudible].

9 MR. VALAVALA: Well we haven't given any exceptions to any Lake Murray but
10 that's open for discussion.

11 CHAIRMAN MANNING: I think Lexington though did not do that.

12 MR. VALAVALA: Lexington did give an exception for the Lake Murray and they
13 started from 360. They did give an exception. And the next comment is about the
14 definitions and we'll surely provide the definitions for the other waters. And then the
15 next comment is about in the Section 7, Chapter 26, for the Water Quality Buffers. The
16 language is like an analysis needs to be conducted to ensure that no economic feasible
17 alternative is available. This is for variances and waivers. And what the language says
18 is like that economically feasible alternative, the engineer has to develop a statement
19 with the [inaudible] calculations saying there's no other economically feasible solution
20 just to other than encroach the buffers. And Mr. Bill Flowers is saying like this is a
21 troubling requirement for three reasons. [Inaudible] temporary disturbances and will not
22 leave a long term impact. Assuming that we are discussing perennial or intermittent
23 stream crossings, the developer will already be under obligation to demonstrate the

1 need for crossing the Corps of Engineers restriction. And who will decide that, what
2 economically feasible means. Again the previous point which I mentioned. This is just
3 the ordinance and the concept and the more details on these calculations, setbacks,
4 trading of setbacks, variance and waivers and different kinds of things, they will go into
5 the Design Standards Manual and we will truly take the point into consideration and will
6 give more language in the design standards. Economically feasible, that's too broad but
7 at the same time we cannot just put it without any definition and we'll discuss more in
8 brief in the Design Standards Manual.

9 CHAIRMAN MANNING: Okay.

10 MR. VALAVALA: In the Section 8, Article 8, [inaudible] Production Standards.
11 Actually the rest of the comments most of them – excuse me. We haven't changed any
12 requirements for the next of the, many of the comments. We are just moving the
13 section from one section to the end of the section so that all the storm water pollution
14 prevention plan requirements are in the one section, all the sediment and erosion
15 control plan and related ordinance and points are in just one section. And the storm
16 water management, I mean, the programs as part of the [inaudible] programs like the
17 pesticide/herbicide controls, and [inaudible] management and IDD like the illicit
18 discharges, everything, all the storm water related programs we're putting in a different
19 section. That's a section 203. So we moved certain aspects from the Section 203 into
20 the Section 202. The next, the other comments are about just moving them so we're
21 not doing any changes. Those are not the new points. They have to be abided today
22 even if this is approved or not approved. They still have to be abided because they're in
23 the ordinance as of now. They're in the existing ordinance.

1 CHAIRMAN MANNING: So if an engineer submits to you a development plan
2 currently he is already taking into effect upstream development [inaudible]?

3 MR. VALAVALA: I do not see the plans but, yes. He has to submit in his
4 calculations, he has to consider, I mean, it's not like he has to consider the whole
5 Richland County. He has to like at least show the conditions. If [inaudible] if there is
6 fecal chloroform impairments in the particular watershed, yes, he has to consider that
7 fecal chloroform impairment and make sure that he's not adding to that fecal chloroform
8 impairment. So if something is coming out of his lot in the new construction.

9 CHAIRMAN MANNING: [Inaudible] design standard that would be utilized for
10 [inaudible].

11 MS. SMITH: Yeah. And I apologize. Srini doesn't see those plans. Yes he
12 does have to take upstream development into consideration in those calculations that
13 he submits.

14 CHAIRMAN MANNING: That is a fully 100% development [inaudible]?

15 MS. SMITH: That is correct. It takes the – what he detained upstream into what
16 he's supposed to be detained up site, upstream and what is released from his post-
17 development coming downstream; that is correct.

18 CHAIRMAN MANNING: So there's no change [inaudible]?

19 MS. SMITH: There should not be any change. That is supposed to be
20 demonstrated in this calculations. And as Srini pointed out some of the other comments
21 that are in here I'm not real sure that there was an assumption made that because they
22 were in a different location that there was some changes that were made but most of
23 these other comments are things that we just rearranged where they are in the

1 ordinance but all of these are comments that were in different places that we, for the
2 purpose of making them more applicable, are already requirements that exist in the
3 ordinance. So we did not go through and address some of these on an individual basis
4 in our comments back to you because there are not any changes that are reflective of
5 our MPDES comment, changes that are made in the ordinance today. We did also
6 receive the memo from yesterday that consolidated these comments and I guess there
7 was a total of about 14 pages and I think everyone – I know I saw an email last night but
8 those were going to be distributed to you all. We have not gone through nor we were
9 going to attempt to address the other 10 or 12 pages of comments.

10 CHAIRMAN MANNING: [Inaudible] complete whatever he can address and then
11 we'll ask questions.

12 MS. SMITH: Of the ones we got last night?

13 CHAIRMAN MANNING: Is he prepared to answer them?

14 MS. SMITH: No. Mr. Valavala was not in yesterday. He was out sick. Mr.
15 Valavala did not get those comments until about 10:00 o'clock today. Okay?

16 MR. VALAVALA: [Inaudible] I just took my [inaudible] initial set from 10:00
17 o'clock to now just tried to scribble something out of my – within the timeframe I had.

18 MS. SMITH: And I think a lot of them were actually duplicates from a number of
19 the comments – we talked about the level one and level two SWPPPs. I don't know if
20 you all have had an opportunity to look at them but if there are other questions that you
21 have from those that you require additional clarification on then he can probably try to
22 address those. But I think that, you know, there are a number of things and I had some
23 concerns because I know that there were some numbers that were submitted in the

1 previous Planning Commission meeting that I have not had a chance to look at yet that
2 reflected a difference of about 30 to 40,000 acres difference and the impact of the
3 buffers between the numbers that were presented and the numbers that we reviewed
4 and I certainly did not want to kind of give you numbers that you needed –

5 CHAIRMAN MANNING: [Inaudible] a lot of information that's floating around
6 [inaudible]

7 MS. SMITH: Right.

8 CHAIRMAN MANNING: Hopefully we can work our way through what we, you
9 know, what Valavala can, you know, and then we'll go to the next level of questions and
10 hopefully they'll clarify some of this.

11 MS. SMITH: Okay. Well I didn't want you guys to have to figure out a whole lot
12 of data. I hope that we would be able to present information to you that didn't require
13 you to have to work through a whole lot of it and figure it out and –

14 CHAIRMAN MANNING: Having the questions answered that were sent is
15 important. I think we've got both sides here listening to the responses and this is helpful
16 in trying to understand how it was all put together or the intent of this, so we'll finish up
17 with the questions Mr. Valavala and then we'll continue on additional questions
18 [inaudible] people in the audience.

19 MS. SMITH: Okay.

20 CHAIRMAN MANNING: Thank you.

21 MS. SMITH: All right.

22 MR. VALAVALA: Are there any particular questions which –

23 CHAIRMAN MANNING: Have you completed all their questions?

1 MR. VALAVALA: Yes. The initial set of questions are complete. We tried to
2 answer all the questions. And then as I said like we got a new set of questions
3 yesterday asking for some clarifications and we didn't have a chance to review it a
4 whole lot from yesterday evening to now but if you have any particular questions I'll try
5 my best to answer them.

6 CHAIRMAN MANNING: One of the points that was made in the Staff Report for
7 the text amendment basically says that there will be no financial impact to the added
8 language in [inaudible] and one of my questions to either you or Ms. Smith would be
9 has anybody really calculated the extent of what this is doing as far as buffer areas
10 [inaudible]? Do we know how many property owners are affected or how much land this
11 will impact from the buffer [inaudible]?

12 MR. VALAVALA: We did those – do you want to answer that?

13 MS. SMITH: Actually after we received some, I guess some preliminary
14 information was presented at the last Planning Commission meeting of I guess it was
15 somewhere in the neighborhood of 60 to 70,000 acres. We were quite alarmed and
16 received some preliminary information that I believe it was somewhere in the
17 neighborhood of 20 to 30,000 acres that would potentially be impacted. I have not had
18 an opportunity to review that information. We just received some preliminary
19 information earlier this week I believe it was and so have not had an opportunity to take
20 a thorough look at that. I don't know number of parcels. I don't know number of citizens
21 specifically, number of parcels or anything like that that are impacted. I actually am not
22 even sure how many of those parcels would be impacted even without the buffers if you
23 understand what I'm saying. So I don't know how many of those pieces, how many of

1 those parcels would have water bodies on them anyway even without the buffers. So if
2 you understand – do you understand what I’m saying? I don’t know how many of those
3 parcels have bodies of water on them that the additional 25’ may not have a major
4 impact on their properties anyway if we had another 25’ of water buffer around that
5 existing body of water. So I don’t know what the impact is so I can’t really speak to how
6 much of an impact that buffer is having on that property.

7 CHAIRMAN MANNING: Doesn’t the GIS system we’ve got give some
8 preliminary data pretty quickly?

9 MS. SMITH: Oh, yes. Uh-huh (affirmative). Okay. Sure. I’m not sure. Can she
10 pull it up? Okay. We can possibly get that information. Would you be able to get it
11 pulled up during this meeting? Okay. And I simply haven’t seen it because we’ve just
12 recently gotten that information run.

13 CHAIRMAN MANNING: Well I just think it’s important to know the impact
14 [inaudible] as best you can.

15 MR. KOCY: Mr. Chairman, Brenda Carter has –

16 MS. CARTER: [Inaudible] is just overall buffers and that is buffers around the
17 ponds, the streams, inside the municipal boundaries, everywhere. The next slide
18 actually shows what the final outcome and output from our analysis was just in this area
19 and you can see that the things from inside the municipal boundaries have been taken
20 out. The buffers where water already exists that has also been taken out also. The
21 process used was to take the different streams and buffer those, then to take the lakes
22 and ponds and buffer those, put everything together and then you go back and you start
23 taking out things that you don’t need. You don’t need where water already is because

1 nobody's going to be able to build on the water so you took those acreages out. You
2 took the federal lands out, we took the municipal boundaries out, we just did
3 unincorporated Richland County.

4 CHAIRMAN MANNING: Okay. Do you have a number for that?

5 MS. CARTER: 27,709 acres.

6 CHAIRMAN MANNING: 27,000?

7 MS. CARTER: 27,000.

8 CHAIRMAN MANNING: Any further questions from Valavala right at this
9 moment?

10 MR. ANDERSON: Bill Flowers, please.

11 **TESTIMONY OF BILL FLOWERS:**

12 MR. FLOWERS: My name is Bill Flowers and I wrote the letter that we've been
13 discussing the last hour or whatever. Do I have three minutes or?

14 CHAIRMAN MANNING: Could you get it done in three?

15 MR. FLOWERS: Depends on what you want me to do. Going through my letter
16 point by point, I guess first of all I'm a little just frustrated that we're having to have this
17 discussion in a public arena rather than the engineering community and the Planning
18 Staff talking about these sort of issues ahead of time. We didn't know about any of
19 these things ahead of time so our only option was to respond to them in this fashion. I
20 would have preferred to have sat down with the Staff and discuss our concerns so that
21 he would understand what I'm saying. Because I'm not sure that on nearly any of these
22 points that he understood what my concern was and it's just hard to do through writing
23 in this way. It'd be easier to sit down across from one another at a table. We certainly

1 don't have time for me to go back through point by point and look at every one of them
2 but I can say as they seem to be dismissed very easily that was because they weren't
3 understood properly from my point of view the concerns. So if – excuse me if there
4 were an opportunity to sit down together and look at each one of those with the Staff or
5 something I would love to do that to better express what those concerns are.

6 CHAIRMAN MANNING: There are a lot of issues here.

7 MR. FLOWERS: There are a lot of issues.

8 CHAIRMAN MANNING: [Inaudible] clarification of language but from an
9 engineering standpoint just from being able to provide the county with what's necessary
10 to move the process more toward a landowner or an applicant. What do you see as the
11 major point here?

12 MR. FLOWERS: Language that is inexact in an ordinance. She mentioned
13 earlier that we'll get to it when we get to the manual. Should kind of language in an
14 ordinance is very dangerous from an engineering point of view because when it's in a
15 code, when the regulations are written and the guidelines are written the people
16 interpreting those things are the Staff and we have no more say in it. They interpret
17 those things. And should often becomes you will when it gets down to a practical point
18 of view. So the gravel for example, the discussion we had earlier about the gravel. You
19 should put gravel at the bottom of a ditch or should put gravel at the bottom of a pond.
20 In my experience over a long period of time working with governmental agencies those
21 things tend to become you must do these things and if you don't do them you don't get
22 your permit. So that's, most of the comments that I raised were those sorts of things.
23 What do you mean by that? We need to know up front what does this mean so we

1 know what we're dealing with rather than waiting for an interpretation later after it's
2 already in the regulations.

3 CHAIRMAN MANNING: From a landowner's position [inaudible]

4 MR. FLOWERS: From a landowner point of view, I have an example I'd like to
5 show you of a project that we had and we had engineered in Lexington County if I may.
6 Would it be okay to show you something here?

7 MR. PALMER: It seems to be more like the problem would be the ruts in the
8 bottom of the pond, right? So I guess instead of saying you should put in gravel, simply
9 say you have to somehow design it so that the ruts won't be left at the bottom of the
10 pond.

11 MR. FLOWERS: Well I guess my point is language like should – I'm not sure
12 why that's in an ordinance. Should – that kind of language I could understand it a little
13 better in a guideline manual but I'm not sure why we'd even put language like should in
14 an ordinance. Anyway, this project is on a piece of property in Lexington County that
15 has two perennial streams running along the two sides and this was about the time that
16 Lexington County was enacting a similar kind of ordinance regarding their perennial and
17 intermittent streams. And we got the project approved with a 25' wetland buffer that you
18 see along the wetlands. That was a delineated wetland by the Army Corps of
19 Engineers, approved by the Army Corps of Engineers. Had we been required to live
20 with the 100' foot perennial stream buffer it would have wiped out a third of the units that
21 the landowner was planning to develop. The project would not be feasibly,
22 economically feasible at that point. And we had to meet with Lexington County on
23 several occasions to get this ironed out but the landowner made the point that if he had

1 to live with the 100' buffers it would impact him terribly on an economic way and he
2 would not have been able to develop the project because of the difference between
3 those buffers. It just wouldn't have yielded enough units.

4 CHAIRMAN MANNING: So you had a 25' buffer on top of the wetland buffer that
5 was already [inaudible]?

6 MR. FLOWERS: Well we delineated the wetlands and then we buffered the
7 wetlands 25' and stayed out of the 25' foot buffer and they were satisfied with that. And
8 that's another thing, in Lexington County when they enacted their ordinance there's a
9 process where if there's a hardship case like this piece of property you can meet with
10 the county Staff and determine what can we do to where it is feasible in this individual
11 property. There's a little bit of room to come to a compromise in the way they approach
12 it. And I think that would be something valuable to consider.

13 CHAIRMAN MANNING: Any questions for Mr. Flowers?

14 MR. FLOWERS: Thank you.

15 CHAIRMAN MANNING: Thank you.

16 MR. ANDERSON: Mr. Robert Gould? Guild, sorry. John Grecco? Pamela
17 Greenlawn?

18 **TESTIMONY OF SANDRA GREENLAWN:**

19 MS. GREENLAWN: Thank you for your time. I actually learned a lot today. I
20 came to make a comment about the process that, you know, I'm glad to see it is moving
21 forward and my concern here is the overlay district and I don't have that in front of me.
22 That, yeah, the overlay district for the Gills Creek Floodway and I'm just going to push
23 that for my next two minutes that I have. The Gills Creek Basin or watershed has been

1 studied since – well forever. USGS in 1995 began a study of water there and they
2 found that it was impaired severely. DHEC has had the Gills Creek on its list forever as
3 well as an impaired stream under [inaudible] section of the Clean Water Act. USGS
4 discovered that this was a part of their national water quality assessment program. The
5 data they collected revealed significant concentrations of pesticides and that does
6 increase as the percentage of urban land use and development increases. Buffers are
7 one of several critical tools of, you know, LID, the Low Impact Development practices.
8 So stream buffers absolutely deal with the storm water in that the proper buffers do
9 reduce the quantity of storm water because it controls the amount of impervious
10 surfaces that are developed there. And basically I just wanted to encourage you to
11 move the process forward as you can, you know, to County Council and appreciate all
12 the concerns and so on that people brought forward. But I think having the – that since
13 Richland County has already started the watershed plan that we pay particular attention
14 to this overlay district and make sure that it is intact when you send it on to County
15 Council. Thank you so much for your time.

16 MR. ANDERSON: Carol Kozowski?

17 **TESTIMONY OF CAROL KOZOWSKI:**

18 MS. KOZOWSKI: I'm Carol Kozowski. I'm Vice-Chair of the Richland County
19 Conservation Commission and I'd just like to thank you for listening to us. Our
20 chairman, Maxey Love was here at your last meeting and you heard from us and you
21 know that we have endorsed the Staff version of these revisions. We're especially
22 pleased at the approach that you're taking to it. We think it's very important to go ahead
23 and get this before County Council promptly so that we can avoid any more fines from

1 DHEC. We were very sorry about the \$500,000 fine that Richland County has already
2 received and certainly hope that we can move this process forward such that we don't
3 get another seven and a half million in fines from DHEC. We think that the buffers are
4 especially important. The Richland County's current 10' buffers for streams are
5 inadequate to prevent runoff and erosion and sedimentation and you have seen the
6 pictures from Elliott Powell and you'll hear from him shortly from the Gills Creek
7 Watershed Association. We've had major problems with the Cary Lake sedimentation,
8 major problems in Lake Katherine and so forth and we believe that this improvement in
9 the buffers will go a very long way to improving our water quality in Richland County.
10 So thank you so much for the opportunity to talk to you. We urge you to move ahead
11 promptly. Thank you.

12 MR. ANDERSON: Mr. Elliott Powell?

13 **TESTIMONY OF ELLIOTT POWELL:**

14 MR. POWELL: Good afternoon, Mr. Chairman, Members of the Planning
15 Commission. My name is Elliott Powell. I'm Chairman of the Gills Creek Watershed
16 Association. We're obviously very concerned about doing everything we possibly can to
17 reverse the damage that's been done, restore Gills Creek Watershed and prevent the
18 problems from reoccurring and the taxpayers and community having to deal with an
19 impaired watershed and the cost of ongoing maintenance if it's not planned properly.
20 One of the things that I will say is the Gills Creek Watershed Association is very unique.
21 It's gotten a lot of attention primarily because we brought all the players to the table; it's
22 been an open invitation. It's not been exclusive to anyone that might be impacted by
23 the effort that we're undertaking. And one of the key elements I think that has been

1 missing from our discussions is in fact the building and development community. We've
2 asked them to participate and we've really not gotten much response and we'll more
3 aggressively approach them in the future. Mr. Flowers, I would recommend that you
4 consider coming to some of our meetings, participating. We've been discussing the
5 ordinance for quite some time now. It's not completely new to us. Unfortunately it's not
6 been something that we've had that additional input. Some of the questions that have
7 occurred since we started reviewing this effort I think make a lot of sense from the
8 development community. And so we're trying to find solutions and in talking with
9 Srinivas many of the concerns that seem to make sense from the development
10 community that I've had addressed or have asked of me, when go to Srinivas I find that
11 there's a very good provision in the more detailed descriptions or more detailed
12 provisions of this whole effort, those folks will have, just like in Lexington, opportunities
13 to work with the county to find solutions. We have to do something. We have to take a
14 stand. And there will be folks impacted by whatever decision we make. The bottom line
15 is we can't keep avoiding reality that our past has led us to a very impaired liability for
16 the county and we'd like to prevent that from being a complete disaster. We do support
17 the Staff recommendations. We do agree that everyone should be at the table and the
18 concerns in the future that might come from this ordinance being passed we'd like to
19 make sure that there's provisions for flexibility in the future to make sure it's fair to all.
20 Thank you very much.

21 CHAIRMAN MANNING: Let me ask you one question. One of the points that I
22 think Richland County had to adopt is restoration as part of this [inaudible] is Gills Creek

1 Watershed Association involved in identifying restoration projects or are there any other
2 any restoration?

3 MR. POWELL: As a matter of fact we have contracted with BP Barber and
4 Tetrattech with the help and the funding from the county and from Conservation
5 Commission and grants, etc. to do a management plan for us. A very detailed plan of
6 the entire watershed which will identify hotspots, sites that do require restoration, and
7 then prioritizing those and coming up with a legitimate approach to a comprehensive
8 plan of attack so to speak. And we do need the development community. We are not
9 anti-development. This is smart development and it's the way of the future and we want
10 to set a standard for the rest of the nation and we're getting a lot of attention because
11 we have taken such a strong initiative. For example we had the folks from the Reedy
12 River Project up in Greenville that's gotten so much recognition and turned that
13 downtown community around. We had them down to help us to see what we could be
14 doing better and they looked at our foundation that we've laid over the last year and a
15 half and said, we're behind ya'll. We really could learn from ya'll and so the – DHEC
16 has said that we are a priority. The Council of Governments – I forget the name, the big
17 river summit. We've identified – DHEC has identified Gills Creek and the Saluda Basin
18 as the two model projects to try to start working towards cleaning up some impaired
19 valuable assets to the community that really should be assets and right now they're
20 liabilities.

21 CHAIRMAN MANNING: Thank you.

22 MR. POWELL: Yes, sir.

23 MR. ANDERSON: Mr. Bill Theus?

1 **TESTIMONY OF BILL THEUS:**

2 MR. THEUS: Good afternoon. I'm Bill Theus. Elliott's a friend of mine. I grew
3 up two blocks from Lake Katherine and I know Gills Creek and I've been in Forest Lake,
4 been in Lake Katherine. I know the area well and I'm afraid we're mixing issues here.
5 Gills Creek and Lake Katherine, Arcadia Lakes is a mess and I would contend that it's a
6 mess because much of the upstream development took place before there was really
7 any storm water plan at all. I mean, they're no detention basins at Columbia Mall. We
8 own a big property on Decker Boulevard. There's no storm water detention there at all.
9 So when we're talking about, when we hold up pictures of a trashed Arcadia Lakes and
10 say we need these buffers it's not really a fair comparison. Clearly Gills Creek is a
11 problem but we're talking about the problems largely exist there because of there being
12 no storm water practices in the past. I'm not going to reiterate everything I said last go
13 around but by the county's own calculation we heard 27,000 acres impacted by these
14 buffer requirements. That's over half of Fort Jackson. Fort Jackson's 50,000 acres. It's
15 an enormous impact on property owners. Depending on your evaluation assumptions
16 you're hundreds of millions of dollars of land that will be rendered useless because it's
17 an undisturbed buffer, particularly given the inability to relate a buffer width to the
18 effectiveness of the buffer to remove pollutants and the like. We are suggesting a
19 reduced buffer width of 25' throughout the county. We're also asking you to consider an
20 entitled property exemption. It's only fair. Examples like Bill Flowers demonstrated
21 properties that we own where we have land planned, invested, borrowed money, have
22 tremendous capital tied up based on a land plan that we're moving forward with that this
23 property's exempt from these restrictions, from these new buffer requirements. And

1 then as a, just an editorial comment, it's particularly frustrating to property owners – I'll
2 just speak for myself – one property owner where the burden of cleaning up streams is
3 being put on us by in essence taking our buffer property. This is being put on us by
4 government, when government itself through its own roadway systems is probably one
5 of if not the largest source of storm water pollution out there through the roads dumping
6 directly into creeks and streams and the like. And I thank you very much.

7 CHAIRMAN MANNING: Thank you.

8 MR. ANDERSON: Walter Taylor?

9 MR. TAYLOR: No comment.

10 CHAIRMAN MANNING: That concludes the public comments. Anybody have
11 any questions for Staff or the Public Works Department? [Inaudible]

12 MR. VALAVALA: I'm hearing from time to time like some people saying that the
13 government is taking land and we want to make it clear that Richland County has
14 enough land. We do not want to take anymore land. We have enough maintenance to
15 deal with. The Public Works itself has enough maintenance to deal with. What we are
16 trying to do is like regulate development the and the shorelines, streams, creeks, these
17 are all the, not the individual property. This is the property for the larger community. It's
18 for the betterment of the community. It's part of the whole ecosystem. It's not, even
19 though the property lines go to the extent of the creek it's not, does not mean that the
20 citizen can put some dirt and close that creek. It's part of the ecosystem and we, if we
21 give the individual kind of choices for the citizens we will, the days no more close where
22 all these waters will disappear. So what we're trying to is like [inaudible] is like to

1 regulate the development. We are not constraining development but just doing
2 development in a sustainable way. That's what our goal is.

3 MR. ANDERSON: I might tend to disagree with you when the land suddenly
4 becomes undevelopable, there's no more development. I guess one of the – I heard a
5 good point, you know, there's money borrowed on certain pieces of property and when
6 that gets taken away all sorts of craziness happens and I'm speaking just from a
7 financial perspective because that's where I work, in the sector I work in. And 27,000
8 acres is a lot of land and one of the things that I was interested in is the 25' buffer that
9 was mentioned earlier, how much proportionally would that, how much acreage would
10 that actually affect?

11 MS. SMITH: And I'm glad you brought that up because that was a comment that
12 I had just made to Joe and that's the reason that I said that I hesitate to speak to the
13 numbers tonight because I hadn't had a chance to go back and thoroughly look at what
14 those numbers really mean. Because even though I'm telling you that the current
15 numbers may be 27, I don't know what – I'm sorry – our proposed numbers may be 27
16 but I don't know what the current buffer numbers are to be able to tell you what the delta
17 is between what the current buffer numbers and the proposed buffer numbers are
18 because we may be talking about a delta of 5,000 acres versus – you understand what
19 I'm saying, right?

20 MR. ANDERSON: Uh-huh (affirmative). I follow you.

21 MS. SMITH: Right. So I don't know what the delta is between what the current
22 buffer numbers and the proposed buffer numbers are because I didn't run the first set of
23 buffer numbers.

1 MR. THEUS: What is the current buffer requirement?

2 MR. VALAVALA: It depends. It has a formula to it.

3 MS. SMITH: Yeah. And that –

4 MR. VALAVALA: It has a formula to it, it's like 25' less depth. It will take the
5 depth of the creek and it will take the slope of the creek, the slope of the bed and
6 everything into consideration.

7 MS. SMITH: Right.

8 MR. VALAVALA: So it's not a particular, exact number. It's a formula based on
9 the kind of [inaudible].

10 MR. THEUS: [Inaudible] County code?

11 MR. VALAVALA: Yes, sir.

12 MS. SMITH: It's a much more complex calculation than what's currently being
13 proposed and that wasn't something we were able to give to GIS very quickly and easily
14 run. And so - I'm sorry, I sat down. So it turned out that we were able to, based on the
15 numbers that were given at the last Planning Commission, we did somewhat of a
16 reactionary to try to figure out okay what are the numbers, you know, comparative and
17 then I realized that I don't know what our current numbers are. And so that's why I was
18 attempting not to have, you know that discussion because now I don't know what the
19 other delta numbers are. So we're still talking apples – apples, apples, and oranges at
20 this point.

21 CHAIRMAN MANNING: I understand that, that that number may need to be
22 calculated -

23 MS. SMITH: Right.

1 CHAIRMAN MANNING: - but just going back to what Srini said trying to regulate
2 development. And –

3 MS. SMITH: Well I'm not sure I necessary agree with that statement but –

4 CHAIRMAN MANNING: [Inaudible] that comment. And I understand that we've
5 got to do a better job with water quality control. But part of this ordinance is restricting
6 areas that are already restricted. I mean, floodways are floodways and they are not
7 able to be developed in but there are some uses that you can do in a floodway outside
8 of an agricultural, timber exemption. And to take those uses away to me is further
9 restrictions, could be a taking. One of the points in DHEC's facts about riparian buffers
10 and they say don't solely use buffers as the only tool and we're not. One of the tools
11 that they talked about was using incentives to get people to create conservation
12 [inaudible] and if we take all uses away for those areas there is no incentive to do that.
13 There is no value in providing that to whoever the donee might be. So I think restricting
14 further the things that are already restricted is not a good thing.

15 MS. SMITH: And I want to say and I should – I certainly can't strike it from the
16 Record and I don't think that Srinivas' area of expertise is in the area of zoning or land
17 use, and will say that the comment about the restricting land use may not have been
18 appropriate considering his area of professionalism, his area of professional expertise.
19 He certainly is not a professional land use planner. I understand that what his intention
20 was certainly went to the area of water quality and in the general thought process of if I
21 am able to somewhat restrict what they are doing on a piece of land or a piece of
22 property I'm better able to control the water quality related item but I don't think that in
23 his heart of hearts it was a homebuilders land restrictive kind of –

1 CHAIRMAN MANNING: [Inaudible] that was not the point of my question.

2 MS. SMITH: Okay.

3 MR. VALAVALA: Let me clarify a little bit.

4 CHAIRMAN MANNING: What he said was a commendable point and it really
5 goes to the heart of what this ordinance is about and it is to regulate differently than we
6 have regulated in the past and there's nothing wrong with what he said.

7 MS. SMITH: Well I think the spirit and intent that he's getting to has to do with
8 water quality though and I think that as we're moving towards our green, our
9 conservation related issues that we've been working towards, as we're looking towards
10 green development there a number of things that we're trying to do in Richland County
11 to change initiatives that move towards improving water quality; that there are some
12 other things that we're looking at doing as well. And buffers is one of those tools in our
13 toolbox.

14 MR. VALAVALA: And just to give a clarification on what I said, I haven't said the
15 restricted and what I'm saying is the regulation because the reason I said that is for
16 example if we let the Joe Citizen to landscape to the end of the creek so the
17 landscaping means more fertilizers. So if you let the Joe Citizen to put the fertilizers in
18 that, close to the creek obviously when it rains all the chemicals will be in the creek and
19 that will effect the ecosystem and in the long run we don't see fish, we don't see
20 shellfish, anything. So that's what I'm saying. I'm not [inaudible] development and
21 we're not against development. What we're asking is for a sustainable development
22 where there is a balance between the environment and a balance between
23 development. Yes, we all need to live in the homes at the end of the day but at the

1 same time those fish and all the organisms they need to live too at the same time and
2 they have an equal opportunity.

3 MR. ANDERSON: And it's your opinion that 100' buffer gets you where you want
4 to be or gets to that point?

5 MR. VALAVALA: Actually buffers is one of the best management practices and
6 when we started thinking about the buffers, buffers is not new to this region. Lexington
7 County already has this buffers and when we started discussing about the buffers we
8 said like let's be in the consistency. Let's maintain the consistency with our neighbors
9 and again it is one of the best management practices. It's not all the best management
10 practices. It's one of the best management practices which Richland County has
11 chosen to achieve the water quality part of – I mean, we'll try.

12 MR. ANDERSON: And just to get back to 100' or 25' or 32' where's your
13 difference? Where's the difference?

14 MR. VALAVALA: Can you please repeat the question?

15 MR. ANDERSON: I mean, we've taken 100' number. That 100' number has
16 somehow gotten you to a point where you feel that the water quality will improve. Have
17 we looked at 32' or 25'?

18 MR. VALAVALA: What we have in the different [inaudible] when we started
19 thinking about the buffers we have of things. There is 50'. In some areas there is 50'.
20 So when we started thinking about the buffers we took into consideration the Lexington
21 County which is our neighbor and obviously the City of Columbia will also be, have to
22 going in this fashion because they're getting the MPDES permit. So we're just trying to
23 be consistent in the Midlands so that developers won't be facing different kinds of

1 regulations in the next neighbor county and Richland County is doing a different kind
2 [inaudible]

3 MR. PALMER: The first time we're doing that I remember we just did the
4 floodplain ordinance where we tried to look at Lexington County and the City of
5 Columbia and what their floodplain ordinances were and we decided not to go with
6 them. Why are we trying to go with what –

7 MS. SMITH: Because we at Public Works, we said, hey you know what, and it's
8 really interesting to hear Mr. Flowers make the comment about Lexington County. We
9 actually got around the table, we sat with Lexington County, we talked to the City of
10 Columbia and got completely out of that box you said that we hadn't been into.

11 MR. PALMER: [Inaudible] the floodplain ordinance [inaudible]

12 MS. SMITH: I don't know. I really don't.

13 MR. KOCY: The City of Columbia and Lexington County are being dropped from
14 FEMA's community rating system insurance program. I did not think that was a model
15 we wanted to follow.

16 MR. PALMER: How about Cayce; are they being dropped too?

17 MR. KOCY: Well they're part of Lexington County so yes, they are.

18 MS. SMITH: But yeah we actually sat down, got in a room, and talked with
19 Lexington County. We – Lexington County and they said, you know what, we had a
20 formula that worked. We worked with the development community. We were
21 successful. Here are the things that worked, here are the things that they bought into.
22 We said, oh, wow, you're model worked? We'll follow your model.

1 MR. PALMER: Don't they have a five-acre establishment in Lexington County
2 where five acres are exempt, five acres or less?

3 MS. SMITH: No.

4 MR. PALMER: They don't?

5 MS. SMITH: No.

6 MR. VALAVALA: That's a DHEC regulation. They can't.

7 MR. PALMER: I think Lexington County does.

8 MS. SMITH: I think according to DHEC it's 10. We actually brought DHEC
9 around the table with us on this. DHEC, Lexington County, from Public Works, storm
10 water, Administrator, their Council. We all got in the room together and talked about
11 this which, which has made this whole process very interesting for us. We did lessons
12 learned, here's the pitfall guys. We don't want you to fall into them. Sat around the
13 table, talked about it for about three months? Six months? And so even some of the
14 comments that we received have been very, very interesting comments for us. In either
15 case though the only real difference, slight differences that we've had has been the
16 Lake Murray comments and we worked with them on those and they identified what
17 they anticipated what some of the comments on those would be. But yeah we actually
18 worked very closely with them, even some of their planning folks on this to try and
19 understand what their process was, what their comments were, what the feedback was
20 that they got from the development community, engineering community and worked on
21 the ordinance with their Council, their administrators, and thought – put together what
22 we thought was a good product to bring forward.

23 CHAIRMAN MANNING: Thank you. Appreciate it.

1 MS. SMITH: Thank you. But that's where the 100' buffer came from trying to
2 bring some consistency to the development community and everybody would have the
3 same -

4 CHAIRMAN MANNING: Don't mean to cut you off, we've got a lot more to do
5 here today.

6 MS. SMITH: Okay.

7 CHAIRMAN MANNING: Thank you. I guess as most of you know that this
8 process was sent to us on a parallel track and we had a public hearing a couple weeks
9 ago, took information from the public, we took more today. And we've been asked to
10 send something back to County Council. They have approved the document that we
11 have before us and sent it back for our recommendation. And so I was hoping that we
12 could have some discussions on doing that. It's obvious to me that there are a lot of
13 concerns still out there. I don't know that our discussions will alleviate all of those
14 concerns but I think we should send something back to the Council so that they can
15 begin to work on it. It appears that there will be an ongoing dialogue between the Public
16 Works Department and landowners and other stakeholders as it should. They
17 mentioned that that process would be open until this is final, so I hope that during this
18 interim process some of this will get worked out because I think there's still some
19 confusion and concerns on both sides. With that being said can we begin some
20 discussion amongst ourselves on how to proceed in sending something back to the
21 Council?

22 MR. PALMER: Did everybody get this same thing here? The vegetative riparian
23 buffers and buffer ordinances? Y'all got that? On page nine where it talks about the

1 graph that's provided from the Center for Watershed Protection? Did you see that? If
2 you take a look at the buffer widths, you take a look at five meters at 16 ½' and you take
3 a look at 100' which is 30 meters you're looking at a difference of 50% to 70%
4 difference in effectiveness. But you're talking about a great deal of land difference in
5 what is taken away as far as usefulness to landowners in the county. There's a big
6 difference between 25' and 100'. And the difference in effectiveness is not as, it doesn't
7 keep up with the same ratio as I heard it does an additional 75'. You're only gaining 20
8 more percent of effectiveness over that width of land. And it's really going from 60 ½'
9 which is quite a bit less than 25'. But taking a look at that, you know, I would submit
10 that 25' buffer would be a good place for us to try to get our buffers at because we
11 would initially right out the gates reduce the polluters by 50%, at a minimum of 50% or
12 greater of pollutant removal. And the cost to go to 100% and just simply get to 70%
13 removal is, that breakout doesn't make sense to me; the additional land that would be
14 required to do that additional 75' around our streams and whether they be perennial or
15 intermittent or whatever that's just a huge amount of land difference for the amount of
16 gain you get. So I would make the recommendation that we, one of the things that we
17 do in this ordinance and I know there's a lot of devil in the detail things that we may or
18 may not have time to get to because of the necessity to get this moving quickly. But
19 that would be one of the major things that I want to take a look at would be reducing that
20 buffer from 100' down to 25' because of the effectiveness that you're already at – really
21 at 60 ½' you're gaining 50%. And I look to make those from, as you can tell from this
22 sketch here it's from the stream, it's not from some line of floodplain, floodway,
23 whatever else. I would look to make that 25' from the top of the water crest of the

1 stream. Sometimes those lines match up where the floodway and the floodplain line are
2 at the top of the creek, sometimes they don't. But our goal here is to get things out of
3 the stream. Get sediment out of the stream, get pollutants out of the street and that
4 kind of stuff and if your floodway line is already 200' up away from the stream I think
5 you're doing a pretty good job of keeping things out of the stream already because you
6 can't be developing in those area much anyhow so. And if we're able to get 25' away
7 from the streams we're reducing it by 50% or greater the pollutants that go in those
8 streams. My recommendation would be that we go to 25' from the top of the crest of the
9 stream.

10 CHAIRMAN MANNING: I think probably what we ought to do too is take
11 whatever issues we want to take and vote them up or down rather than trying to
12 encapsulate them all into one motion in the ordinance and that way some may get there
13 and some may not. I just, I think we'll get further down the road doing it that way.
14 [Inaudible]?

15 MS. CAIRNS: I mean, granted there's this chart in this document that, you know,
16 has those percentages but there's also on page three a recommendation of a minimum
17 average of 50. So, I mean, there must be more in here that if you start cherry picking
18 one chart out of a document obviously there's a lot of support to make them bigger. So
19 I think that, you know, going and trying to recommend to go from 100 to 25 and also
20 changing it from the flood line to the stream bank is not even talking about the same
21 kind of -

1 MR. PALMER: Yeah. But our goal here is to do what is feasible. What was the
2 term you used? What's the term you used where it says it's feasible to do something?
3 The maximum feasible; what's that term?

4 MR. VALAVALA: Maximum extent practicable.

5 MR. PALMER: Okay. Maximum extent practicable. And, you know, when
6 you're looking at a difference of 75' which only adds an additional 20% I don't think
7 that's practicable in my opinion.

8 CHAIRMAN MANNING: Going back to Heather's point, this got started by a
9 large part because of DHEC's fine and need to renew, and part of that was to readdress
10 the storm drain ordinance, part of which they said you're going to have to deal with
11 [inaudible] as a part of that [inaudible]. But I don't think DHEC offered any limit on what
12 that buffer should be.

13 MR. PALMER: Right.

14 CHAIRMAN MANNING: And erring on the side of caution right now, not knowing
15 how to quantify the bigger number to me would be the way to go. If there's a need or an
16 EPA requirement for a DHEC requirement, or state requirement later that requires
17 buffer areas to be enlarged or looked at based on soil type, slope stability, other issues,
18 you know, if it's not getting the job done then it's certainly going have to be redone.

19 MR. PALMER: Right.

20 CHAIRMAN MANNING: I would rather err on the side of caution at this point
21 until we know the extent of impact as far as buffers.

22 MR. PALMER: So how do you want to handle it, Mr. Chairman, [inaudible]?

1 CHAIRMAN MANNING: I would rather do it in a motion form [inaudible] vote
2 [inaudible] up or down?

3 MR. PALMER: Each individual.

4 CHAIRMAN MANNING: At whatever point [inaudible] to send to the Council.
5 That might be this, it might be 10 more. I don't, that's up to the Commission.

6 MR. PALMER: They haven't said that DHEC says for us to try and fix it and they
7 don't say you need to do 100', you do 200'. I agree that let's see if 25' works. If not
8 DHEC's certainly going to let us know it doesn't work. So my motion would be that we
9 change the Staff recommendation to be, from 100' buffer to be 25' buffers and from
10 instead of being measured from the floodplain line or from the floodway line to be
11 measured from the top of crest of the stream whether it be perennial or intermittent or
12 [inaudible] body of water.

13 MR. KOCY: Can I ask for clarification? What is the top of the crest? I'm not
14 familiar with that term.

15 CHAIRMAN MANNING: I think it was a term used in this DHEC buffer ordinance
16 language.

17 MS. CAIRNS: But, I mean, would that mean that it's a floodway?

18 MR. FURGESS: [Inaudible]

19 MR. VALAVALA: The clarification –

20 MR. PALMER: - is a stream

21 MS. CAIRNS: [inaudible] there'd be no buffer.

22 CHAIRMAN MANNING: Excuse me.

23 MR. PALMER: I'm sorry?

1 MS. CAIRNS: If you're talking about using the edge of the water; is that what
2 you're talking about when you talk about the crest of the water, using what's actually
3 wet?

4 MR. PALMER: The stream.

5 CHAIRMAN MANNING: The stream. From the top of the stream bank I think is
6 what they refer to – the stream bank.

7 MS. CAIRNS: Well but the buffer is from the flood –

8 MR. KOCY: Flood elevation.

9 MS. CAIRNS: - flood elevation.

10 MR. VALAVALA: The Staff recommendation is like –

11 MR. PALMER: Staff recommendation.

12 CHAIRMAN MANNING: That's the Staff recommendation.

13 MS. CAIRNS: Yeah. But, I mean, they'll – so your recommendation's 25' from
14 where it's wet most days?

15 MR. PALMER: The crest of the stream, yes.

16 MS. CAIRNS: Right. From where, you know, if I stand out there at this point
17 [inaudible].

18 MR. PALMER: So you're 25' from –

19 MS. CAIRNS: I mean, that could be in the floodway?

20 MR. PALMER: It could be.

21 MS. CAIRNS: So there could be no buffer –

22 CHAIRMAN MANNING: No.

23 MS. CAIRNS: - because you can't build in the floodway anyways.

1 MR. PALMER: You can build things in the floodway.

2 CHAIRMAN MANNING: The stream, top of the stream bank I think is what Pat is
3 referring to and then it would go inward from there.

4 MR. VALAVALA: Mr. Chairman, let me clarify what the Staff recommendation
5 was. It's the perennial streams, it's 100' from the center, from the top of the ditch or the
6 top of the creek or floodway whichever is greater.

7 CHAIRMAN MANNING: We understand that.

8 MR. VALAVALA: Yeah.

9 MR. PALMER: Thank you.

10 MR. VALAVALA: From the –

11 MR. PALMER: My recommendation, my motion is that it be 25' from the top of
12 that ditch or the top of the stream. The same line that you're using is the same line that
13 I want to use. I just want it to be 25' from that and not from the floodplain line or the
14 floodway line because the purpose of this is to keep things out of that ditch or out of that
15 stream. So that's where we need to stay away from, not – the floodplain line's a
16 completely different issue. That's my motion for one thing, okay?

17 MR. ANDERSON: I second.

18 CHAIRMAN MANNING: Got a motion and a second. All in favor of those raise
19 your hand.

20 MS. LINDER: Mr. Chairman, before you take a vote would you clarify – the way
21 I'm looking at this ordinance we've got different buffers for different streams. We've got
22 perennial streams with 100'.

1 MR. PALMER: Yes, ma'am. My recommendation was for all of the buffers to be
2 25'.

3 MS. LINDER: For the perennial, the intermittent, the wetlands, the shore lands,
4 and the other waters?

5 MR. PALMER: Yes, ma'am.

6 MS. LINDER: All across the board, 25?

7 MR. PALMER: Yes, ma'am.

8 MS. LINDER: Thank you.

9 MR. SMITH: Now Amelia though the measuring point for them though are
10 different reference points.

11 CHAIRMAN MANNING: Twenty-five feet from the top of the creek bank to the
12 wetland is a defined line. In other words you're going to work from that line.

13 MS. LINDER: I don't see reference to a wetland.

14 MS. SMITH: And that's the problem.

15 MR. VALAVALA: And what about for the ponds?

16 CHAIRMAN MANNING: Ponds and lakes would be the same thing.

17 MR. PALMER: They would have a high water -

18 MR. VALAVALA: You're saying that 25' from the high water elevation?

19 CHAIRMAN MANNING: I think [inaudible] from the shore.

20 MR. PALMER: From the shore lines.

21 MS. LINDER: I'm looking at pages 29 and 30 of the ordinance.

22 CHAIRMAN MANNING: Okay.

23 MS. LINDER: [Inaudible] the buffer -

1 MR. PALMER: I'm going to use the same language that's in there and the
2 language I'm seeing is the top of bank of each side of the waterway.

3 MS. LINDER: You want to leave that language? All you're doing is changing the
4 numbers 100 –

5 MR. PALMER: Correct.

6 MS. LINDER: - and 50 and you're moving those numbers to 25?

7 MR. PALMER: Correct.

8 MS. CAIRNS: But also that it never measures from the floodway –

9 MR. PALMER: Correct.

10 MS. CAIRNS: - it only measures from the actual water.

11 MR. PALMER: And it does not measure from the floodway, it just simply
12 measures from that point.

13 MS. SMITH: Could you repeat what you said?

14 MR. PALMER: Twenty-five feet from the top of the bank on each side of the
15 waterway. I would imagine that's supposed to be from the top of the bank.

16 MS. LINDER: You do not want to change how we measure it or from where we
17 measure it. You're just changing the numbers?

18 MR. PALMER: No. We're changing from where we measure it and the numbers.
19 No longer measured from the floodway or floodplain lines.

20 CHAIRMAN MANNING: Staff is reviewing that. Do you all want to have further
21 discussion?

22 MR. PALMER: Sure.

1 MR. ANDERSON: I do have a couple questions. I guess if we address the
2 shore line then one of my questions [inaudible].

3 CHAIRMAN MANNING: I guess one thing I wanted to get a little clarification on
4 was the exemptions cause - well I really need, some of this may go back to zoning too.
5 The question earlier from one of our earlier cases regarding commercial, the
6 assessment they might get and we have an agricultural or timberland exemption in the
7 ordinance; correct? As written is an agricultural –

8 MR. KOCY: Mr. Chairman, I don't know this ordinance like Srinivas does so.

9 CHAIRMAN MANNING: There is an ag exemption in the - what constitutes that
10 ag exemption? Do you have to apply for an agricultural assessment? Do you get the
11 ag exemption? Do you have to be a farmer, full-time farmer to get that?

12 MR. VALAVALA: That ag exemption, we have the guidelines in the design
13 manual for what constitutes as an ag. And some, we got a call recently from a person
14 saying that they're doing some kind of a development but he was asking like since I'm
15 throwing seeds that is for putting the landscaping does it count as an ag? No.
16 Obviously it doesn't count as an ag.

17 CHAIRMAN MANNING: [inaudible] clarify that because if you look at Richland
18 County there's a tremendous amount of rural property that people may not apply for an
19 ag assessment maybe engaged in some minimal agricultural activity, you know, I'd hate
20 to see a 10 or a 15 acre piece of property in the rural parts of the county be denied the
21 ag exemption because they've not either applied for an ag assessment or it's not being
22 used 100% from an agricultural [inaudible].

1 MR. VALAVALA: We do have some guidelines in the design manual but I don't
2 have it from the top of my mind. But as far as the timber which you previously
3 mentioned we're thinking about keeping that as a maintenance for these buffer areas,
4 those kinds of things are allowed. But we don't want to put all of this stuff in the
5 ordinance. That all comes in the waivers and maintenance. What kind of maintenance
6 will [inaudible] buffer areas. What kind of landscaping? What kind of bike trails? And if
7 those kind of things all was in the design manual.

8 CHAIRMAN MANNING: Okay. I just think that's something that needs to be
9 addressed –

10 MR. VALAVALA: Sure.

11 CHAIRMAN MANNING: - for future clarification. There's a lot of property
12 [inaudible].

13 MR. FURGESS: Same thing in rural areas. If you have 30 acres and you want
14 to put a 10 acre pond on your property how would that fall in this category?

15 MS. SMITH: A 10 acre what?

16 MR. FURGESS: Pond.

17 MS. SMITH: Pond?

18 MR. FURGESS: You've got 30 acres and you want to put a 10 acre pond on
19 your property? It's rural; it's in the agricultural area but you want to put a pond on it.

20 MS. SMITH: In the buffer area?

21 MR. FURGESS: Yeah.

22 MS. SMITH: If you're putting – you want to put a 10 acre pond in the buffer
23 area?

1 MR. FURGESS: Right.

2 MS. SMITH: Next to –

3 MR. FURGESS: Out there in an open field.

4 MS. SMITH: Well but if it's next to an open field it wouldn't be in the buffer area,
5 would it?

6 MR. FURGESS: Well it could be because sometimes you have wetlands on the
7 outside, you know, of that buffer area that you, in that 30 acres.

8 CHAIRMAN MANNING: The way the ordinance was written – the way the
9 ordinance was written if you were using floodplain lines that may be a prohibition.

10 MR. FURGESS: Prohibition, yeah.

11 CHAIRMAN MANNING: But given Mr. Palmer's motion [inaudible] the
12 amendment we approve I think that would –

13 MR. FURGESS: Negate?

14 CHAIRMAN MANNING: - go away.

15 MR. FURGESS: Okay.

16 MS. SMITH: But you wouldn't be building anything on it.

17 CHAIRMAN MANNING: He's talking about building a pond.

18 MR. VALAVALA: If it's a storm water management practice and if it is for the
19 water quality we will -

20 MS. SMITH: Yeah. That would be allowed.

21 MR. VALAVALA: - we will consider, that will be a good thing. So those kind of
22 storm water management –

23 MS. SMITH: Yeah. That's – that would be a good thing.

1 MR. VALAVALA: We will encourage actually. What we don't want to do is like
2 grow like grass, cutted grass, landscape it and what we don't want to do is like create
3 an impervious layer there, put the concrete in there, we don't want that. Those kinds of
4 things we don't want but if it is like storm water management.

5 CHAIRMAN MANNING: Thanks.

6 MS. SMITH: The perennial stream, I mean, just for the sake of making sure
7 we're on the same page with this and on page 53 – I'm sorry. Page 29 –

8 MR. PALMER: Right.

9 MS. SMITH: - based on what, you were changing it to 50' is what we were
10 doing? Twenty-five feet? Okay. In areas where a floodway profile has been computed
11 along a perennial stream AE zoned as part of the approved flood study the buffer area
12 shall be the width of the floodway. If the floodway is greater than or equal to 25' –

13 MR. PALMER: No, ma'am. B goes away. B's stricken.

14 MS. LINDER: You want to tear that B out?

15 MR. PALMER: Correct. And A to have 25' in it.

16 MR. FURGESS: Right.

17 MS. LINDER: And what about paragraph C then?

18 MR. FURGESS: [Inaudible]

19 MS. LINDER: C references B.

20 MR. PALMER: Well you're going to have to do that any how.

21 CHAIRMAN MANNING: Yeah. I mean, if you're in zone A –

22 MR. PALMER: You're going to have to show the floodway line any how.

23 CHAIRMAN MANNING: - you're going to have to show it.

1 MS. LINDER: The [inaudible] of buffer requirements which is B which is now
2 taken out.

3 MR. PALMER: Well strike the words "and follow the buffer requirements outlined
4 in B." That's very simple. Okay?

5 MS. SMITH: Okay. That clarifies what he wants.

6 MR. PALMER: And that same scenario follows perennials, intermittent, shore
7 lines, the same philosophy.

8 MS. LINDER: Leave wetlands A, B, and C alone except change it to 25'.

9 MR. PALMER: Which page are the wetlands on?

10 MS. LINDER: Thirty.

11 MR. PALMER: I gotcha. Correct.

12 MS. LINDER: Okay. Then shore lines and then other waters. And the other
13 waters 10'?

14 MR. PALMER: Yeah. That'll stay at 10. Shore lines 25; wetlands 25; perennial
15 and intermittent all 25.

16 MS. LINDER: Okay. I've got it.

17 MR. PALMER: Do you want us to vote again?

18 MS. LINDER: Please.

19 CHAIRMAN MANNING: Why do we need to vote again?

20 MS. SWORD: There was a lot of conversation and I didn't see the vote.

21 MS. LINDER: Just for the Record if we could get a vote again, please.

22 CHAIRMAN MANNING: Okay. Does he have to restate the motion?

23 MS. LINDER: I don't believe so. I believe it was clear.

1 CHAIRMAN MANNING: We've got a motion and a second. All those in favor
2 please raise your hand. All those opposed?

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

5 MS. LINDER: I believe there was six in favor and one opposed?

6 MR. PALMER: Yes. There's another matter, Mr. Chair, if you would. I believe
7 that it's only fair that persons or whoever that has a project that's already been worked
8 on, borrowed against, planned out, and you know, moved along in the process would be
9 able to keep with the plans that it's under. It has been evaluated and as I like to say,
10 the number at the bottom of the spreadsheet has made sense to the developer. For us
11 to go in after all that stuff's already been done and say now we have a new regulation
12 for you that you did not plan for would not be fair to those people. Any new
13 development that comes in would need to abide by the new regulations but any
14 development that has been approved and has been worked on would not need to abide
15 by this but any new stuff in the county would. Because people do make their plans,
16 they do look at things for extended periods of time, years as a matter of fact as we know
17 how long it takes to get a piece of property developed now. So my recommendation
18 would be that what's called Entitled Property – did y'all get this along with the HBA stuff,
19 the definition for Entitled Property?

20 CHAIRMAN MANNING: I have not seen that. I've seen [inaudible] they
21 [inaudible]. Do you want to read it into the Record or do you want to -

22 MR. PALMER: It's in the HBA letter that everybody got mailed to them from the
23 HBA? If y'all took it – have ya'll read it? Called "All Entitled Properties" under C.

1 MS. CAIRNS: [Inaudible] today and did not have a chance to read it.

2 MR. PALMER: It's under this in this stack under C. And I'd like to read this in if I
3 could as a definition for Entitled Property and I'll submit it as well [inaudible]. ""Entitled
4 Property" means any property that, prior to the adoption of this Ordinance, has been
5 subject to either "Development Activity" or a "Governmental Approval." "Development
6 Activity" means (i) the property owner has commenced construction of a building or of
7 any portion of a potable water distribution or transportation system, a sanitary sewer
8 distribution or transportation system, a storm water drainage system or a public road, or
9 (ii) the property owner has commenced grading or other land disturbance activities.
10 "Governmental Approval" means (x) issuance by Richland County or other applicable
11 governmental authority of a permit to commence a Development Activity, or (y) approval
12 by Richland County of subdivision of the property, of planned development district
13 zoning for the property, or of a sketch plan for development of the property. If a
14 Development Activity or Governmental Approval has occurred with respect to any tract
15 and such tract was substantially subdivided, or in the future is subdivided, by an
16 approved subdivision plat, then all subdivided parcels that are part of the original tract
17 shall be considered Entitled Property." Here's a copy of that if you need it. I'll make a
18 motion that properties which fall under the Entitled Property definition -

19 MS. CAIRNS: I would like to say that I think this -

20 MR. PALMER: Can I finish?

21 MS. CAIRNS: Sure.

22 MR. PALMER: Thanks. I'd like to make a motion that anything that falls under
23 the Entitled Property definition that I just read would be exempt from having to abide by

1 this new ordinance but any new parcels that come in for any new development would be
2 subject to the new storm water management plan we're putting forward.

3 MR. ANDERSON: [Inaudible]?

4 MR. PALMER: Correct.

5 MR. ANDERSON: Once Council gets through reading it(?).

6 MR. PALMER: Any new stuff that comes in has got to abide by this but any of
7 this stuff that's already done you don't have to abide by it because you hadn't planned
8 for it.

9 MR. FURGESS: [Inaudible]

10 MR. PALMER: Yes, ma'am.

11 MS. LINDER: Clarification again if I may. The proposed language that you read
12 is a recommendation to insert it under the exemptions portion of the ordinance for water
13 quality buffers and that's the only portion that's being exempted?

14 MR. PALMER: Correct.

15 MS. LINDER: Okay. So your intention is to amend the exemption section by
16 adding that paragraphs to it under water quality buffers.

17 CHAIRMAN MANNING: Any discussion?

18 MS. CAIRNS: I just would offer that this definition would allow – my concern is
19 that it would allow an enormous amount of property to be exempt because this definition
20 allows almost nothing to have occurred. I mean, any portion of a system, commence
21 construction of a building? I mean, so generally one doesn't get entitled rights unless
22 you actually are acting on them and this does not necessarily show a full financial
23 commitment to a project based on this definition. I don't know what it needs to be but I

1 think this is far too vague and it would allow, you know, projects that nothing has
2 happened on for years to fall under Entitled Property.

3 MR. PALMER: There's a lot of money that's invested before the first bulldozer is
4 put on site.

5 MS. CAIRNS: I understand that there are needs, I understand that there should
6 be some type of properties that should be allowed to continue and finish but this
7 definition would allow almost anything that's had anybody do anything be exempt and
8 that's much too broad. I mean, because there are projects where a builder will do
9 something, go lay a road in and then realize that there isn't some economic feasibility
10 and it lays dormant for years and under this definition that project will be exempt from
11 today until whenever it happened to get built. And it's like no you can't just simply say if
12 you've done anything. You started some building, you put in some portion of a water
13 system?

14 MR. PALMER: And all that's been approved by the county and all that's been
15 paid for, engineered and –

16 MS. CAIRNS: But that doesn't necessarily mean you've made a, I mean, it's
17 much too vague. I would offer that this far too vague and would allow way too many
18 projects. I mean, you've got in here that if you've just got a PDD approved you're
19 exempt, you know.

20 MR. PALMER: Because you've already gone to the extent of having the PDD
21 planned out, having it approved through Council and –

22 MS. CAIRNS: And don't we also have an –

23 MR. PALMER: - a lot of money invested in that PDD.

1 MS. CAIRNS: We have an ordinance we're going to address today about PDDs
2 that were approved two years ago that nothing has happened on them and so we're
3 going to say that, you know, PDDs get approved and sometimes nothing more happens.

4 MR. PALMER: Those cases are few and far between.

5 MS. CAIRNS: I beg to differ actually, having had discussions with Staff.

6 CHAIRMAN MANNING: Mr. Kocy, wasn't there some language in this ordinance
7 dealing with PDDs already that was [inaudible] something that had been –

8 MR. KOCY: In the storm water ordinance?

9 CHAIRMAN MANNING: Right.

10 MR. KOCY: No, sir.

11 CHAIRMAN MANNING: There wasn't?

12 MR. KOCY: There's PDD(?) [inaudible] later in your agenda today.

13 CHAIRMAN MANNING: [Inaudible] okay. Have we got further discussion? Got
14 a motion on the floor. We have a second?

15 MR. FURESS: I have a question to Pat about this.

16 MR. PALMER: Sure.

17 MR. FURGESS: What Heather just said is, you have to weigh the pieces to that.
18 Because like she say someone come in 20 years and put the road in. Twenty years
19 later they decide, it's been dormant for 20 years, and decide to come back to do
20 something, so they should they be exempt after? Shouldn't there be a timeframe in
21 there?

22 MR. PALMER: But the chances of someone laying a road for a subdivision and
23 just walking away from it for 20 years that's very slim. That's, you've got to spend a lot

1 of money in planning and coming down to the county getting your plans approved,
2 getting your disturbance permits, getting the permits from DOT to lay the road, and the
3 funds to lay the road is just enormous. It's just people put a lot of effort and a lot of
4 money into these plans and they're out there and they're working on them. Now you
5 may not see a bulldozer on site but there's a lot of stuff going on behind the scenes with
6 the engineers and with the county and the architects and all that stuff being done and
7 funded. And we look at these projects that now, for example what happened over in
8 Lexington they showed us today. This guy, I don't know what I did with – this guy right
9 here. He had all this approved and done but there probably wasn't a bulldozer on site
10 yet but he's put all the money into this and knows that this project works for him. Well it
11 doesn't work now if you take out a third of the homes. But he's already spent the
12 money and now he's just out of luck? Just say I'm sorry. I know you've planned it out
13 and you've got all your engineering done and everything's approved but now we're
14 going to change the rules on you. I'm not saying that anything in the future that comes
15 up, all the new cases that come up after this thing's passed – yep, this is the new way
16 we're doing it.

17 MS. CAIRNS: Well then there's a couple of different ways to address that. One
18 is to simply have an enactment date that allows project that have commenced to finish.
19 So like what you're – I mean, what you're offering is this fellow that gets this, you know,
20 apartment complex approved prior to the enactment could not do anything for 20 years
21 and come build it without having to abide by the new regulations. Because your thing
22 simply says that if it gets approved, if the sketch plan is approved that's enough. You

1 will forever be exempt from this ordinance. That can't be enough because people get
2 sketch plans approved -

3 MR. FURGESS: - five to ten years [inaudible].

4 MR. CAIRNS: There's got to be something that says when you get a sketch plan
5 approved and you will build it within an X period of time.

6 MR. PALMER: They're buffers.

7 CHAIRMAN MANNING: Okay. I think there needs to be a clarification from what
8 Mr. Palmer was saying. He wasn't saying that they wouldn't be having to adhere to the
9 ordinance. The buffer requirement -

10 MR. PALMER: The buffer requirement because that's what's messing up the
11 projects. I should have been more clear. I'm talking about the buffer requirements that
12 are in here because that's what people plan around is the land planning. But if you've
13 got to put some more gravel in the detention pond and that kind of stuff but when you're
14 actually losing lots in development that's when the numbers don't start making sense for
15 you.

16 MR. ANDERSON: And that's when your infrastructure is [inaudible] and no
17 longer works.

18 MR. PALMER: You put that street down and now you've got lots off that street.
19 Well now you can't do those lots anymore because of these buffers. That's the problem
20 with it.

21 MR. ANDERSON: And I see - I see your point too, Mr. Furgess. I keep coming
22 back to if, you know, let's say a road's poured and that road is 20' that road is no longer
23 any good. And this is phase two or phase three and that's just a burden on a developer

1 [inaudible]. I don't know how much it cost per square foot of road but I wouldn't want to
2 have to dig it up and pay for it.

3 MS. ALMEIDA: I'd like to add a comment to the discussion in that even in our
4 approvals we do have vested rights and the applicant is not vested forever. So the
5 applicant, even though he may have an approval, there is a time in which if they don't
6 develop, they don't come in for so many extensions, it's void. So that's something you
7 can consider.

8 MR. FURGESS: Okay.

9 CHAIRMAN MANNING: Well, I guess that's state law.

10 MS. ALMEIDA: And it's also county –

11 CHAIRMAN MANNING: That issue.

12 MS. ALMEIDA: - ordinance as well.

13 CHAIRMAN MANNING: Outside of [inaudible] jurisdiction. I think what –

14 MS. ALMEIDA: We have vesting provisions in our ordinance as well.

15 CHAIRMAN MANNING: I think what Mr. Palmer is suggesting that [inaudible]
16 that has money been spent on and planning's been done and [inaudible] to be exempt.
17 If there comes a question of vested rights, that's a court issue.

18 MS. ALMEIDA: But if you have an application that's expiring.

19 CHAIRMAN MANNING: Have a what?

20 MS. ALMEIDA: A minor, major subdivision that expires within two years you
21 have the opportunity to be extended but if you fail to do that it expires. It's irrelevant
22 how much money you've spent on engineering.

23 CHAIRMAN MANNING: [Inaudible] subject to expiration.

1 MR. PALMER: Well then they're no longer approved.

2 MS. ALMEIDA: Correct.

3 MR. PALMER: Then they've got to come back around any how so they'll be a
4 brand new project so they'll be under the new ordinance.

5 MR. ANDERSON: Yeah. And at point I think [inaudible]

6 MR. PALMER: [Inaudible] project.

7 MS. CAIRNS: I think there needs to be some concept of percent of money
8 expended or something but this is far too, it would just grant way too much property to
9 be entitled. I think there should be something. I think that changes in the ordinances
10 that affect land use, yes, they need to appreciate expenditures.

11 CHAIRMAN MANNING: But to put a monetary number on it, a 100 acre project's
12 going to be different than a five acre.

13 MS. CAIRNS: No. It would be a percent of what the project is done. But I mean,
14 to just simply say that if you've done anything you're exempt.

15 CHAIRMAN MANNING: [inaudible] a lot of that too.

16 MS. CAIRNS: Huh?

17 CHAIRMAN MANNING: The use will dictate a lot of that too. [inaudible]

18 MS. CAIRNS: That's all. I just –

19 CHAIRMAN MANNING: I think –

20 MS. CAIRNS: I mean, we're gonna differ.

21 CHAIRMAN MANNING: - [inaudible] a number [inaudible] very difficult to
22 quantify later. Do you want to restate your motion, Pat, based on the buffer?

1 MR. PALMER: Yeah. My motion would be that the Entitled Property definition
2 as I read would apply to the buffer not to the whole ordinance but to the buffer section of
3 the ordinance where the buffers would not apply to the project that fall under the Entitled
4 Property parcels. A 25' foot buffer as we talked about.

5 CHAIRMAN MANNING: Any further discussion? There's a motion on the floor.
6 We need a second.

7 MR. ANDERSON: Second.

8 CHAIRMAN MANNING: Got a motion and a second. All those in favor please
9 raise your hand. All those opposed?

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

12 MR. MURRAY: I'm going to abstain.

13 MS. LINDER: I'm not sure an abstention is allowed.

14 MS. CAIRNS: Yeah. You can't abstain from voting unless you have a conflict or
15 something.

16 MR. MURRAY: I might have a conflict.

17 MS. LINDER: I'm sorry?

18 MS. CAIRNS: You have a conflict?

19 MS. LINDER: Each member shall vote on every motion unless recused.

20 MR. MURRAY: Well I'll just recuse myself [inaudible].

21 MS. LINDER: And that is you have a conflict of interest.

22 MR. MURRAY: Could very well have.

23 MS. LINDER: In that case you have to fill out a form.

1 MR. MURRAY: Say again?

2 MS. LINDER: You have to fill out a form.

3 MR. MURRAY: Okay. Give it to me, please. I'll fill it out. Thank you so much.

4 MR. PALMER: Mr. Chair, those are the two glaring things that I saw. I know
5 there's a lot of details that are over my head and I'm hopeful that the manual that's
6 being referred to would be able to handle a lot of the things that we're talking about but
7 those are two of the glaring details that I saw.

8 CHAIRMAN MANNING: Does anybody else have any motions they want to
9 make before we [inaudible]? I think as Mr. Palmer said there are numerous areas of
10 concern on both sides that need to be addressed and hopefully that can be done
11 [inaudible] that during the process of the County Council. Their next meeting is the third
12 reading that's [inaudible] details fully appreciated. With that I think we'll move on to the
13 next.

14 MS. LINDER: We need Mr. Murray's recusal into the Record, please.

15 CHAIRMAN MANNING: Okay. Can we move on or – he's filling it out. Can we
16 go to the next text amendment?

17 MR. PALMER: Can we make a motion to the send the [inaudible] forward so we
18 [inaudible]?

19 CHAIRMAN MANNING: Yeah.

20 MR. PALMER: [Inaudible]?

21 CHAIRMAN MANNING: I'm sure that these motions that we've just discussed
22 are going to go forward to the Council for their next –

23 MR. PALMER: Make a motion to send the rest of it and it does not [inaudible].

1 CHAIRMAN MANNING: Okay.

2 MR. PALMER: Do you know what I'm saying?

3 CHAIRMAN MANNING: Yeah. [Inaudible] Can I just give you this or do I need
4 to read it?

5 MS. LINDER: You need to –

6 CHAIRMAN MANNING: It's basically stating that he has a conflict of interest
7 dealing with the second motion.

8 MS. LINDER: Describing the matter requiring action, the nature of the potential
9 conflict with respect to the action, furnish a copy to the Commission Chairperson.

10 CHAIRMAN MANNING: He didn't go into that kind of detail.

11 MS. LINDER: And the reasons for the recusal to be printed in the Minutes.
12 That's according to your rules.

13 MR. PALMER: Okay. So you've got that, right, as the reasons for recusal?

14 MS. LINDER: There are no reasons.

15 MR. PALMER: The reason is he has a conflict of interest.

16 CHAIRMAN MANNING: A possible conflict of interest.

17 MR. PALMER: Possible.

18 MR. MURRAY: Need to put possible on it, that's correct, and I didn't do that.

19 MS. LINDER: I mean, if you want to waive your rules, I mean, you certainly can
20 waive your rules.

21 CHAIRMAN MANNING: I don't know why the rules need to be waived. If he's
22 saying he's got a conflict of interest or a possible conflict of interest –

23 MS. LINDER: The rules say the conflict of interest needs to be –

1 CHAIRMAN MANNING: - [inaudible] recuse themselves. I mean, we don't go
2 through this detail on any other recusal.

3 MS. LINDER: With all due respect, yes, sir, you do.

4 CHAIRMAN MANNING: They sign that form and give it to you and we move on.

5 MS. LINDER: Yes, sir.

6 CHAIRMAN MANNING: And it doesn't have to specify exactly what that conflict
7 is.

8 MR. PALMER: I just think that Ms. Hazelwood has told me many times to always
9 err on the side of caution and that if Mr. Murray feels like he may possibly have a
10 conflict of interest then he needs to recuse himself. That's where we are.

11 MS. LINDER: [Inaudible]

12 CHAIRMAN MANNING: [Inaudible] to explain the reason for the recusal in the
13 Minutes?

14 MS. LINDER: Yes.

15 MR. PALMER: I make a motion to waive out rules for that particular motion as it
16 applies -

17 MR. FURGESS: I second.

18 MR. PALMER: - to Mr. Murray's recusal.

19 CHAIRMAN MANNING: Got a motion and a second. All in favor to waive the
20 rules?

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

23 MR. PALMER: I think – Wes did you second?

1 MR. FURGESS: Yeah.

2 MR. PALMER: Wes seconded. Mr. Chair, I make a motion that we send the
3 remaining language, where it does not conflict with the two previous motions, forward to
4 Council with the recommendation of approval but also with the hope that they get
5 together with the engineering community and the private sector and address the
6 concerns that I know Mr. Flowers has brought up that he does not want to express in
7 writing because you cannot express in writing your feelings so well as you can in
8 person. I hope they get together with the private community and iron out some details
9 as it goes forward to Council. But in the essence of time that we send it forward to
10 Council, the remaining language as it does not conflict with the two previous motions,
11 with a recommendation of approval.

12 CHAIRMAN MANNING: Got a motion.

13 MR. ANDERSON: Second.

14 CHAIRMAN MANNING: Second? All those in favor please raise your hand. All
15 those opposed?

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

18 CHAIRMAN MANNING: Okay. I am on the agenda with the text amendments.

19 MS. LINDER: Mr. Chairman, we have an ordinance that would amend special
20 requirements. The Use Tables currently we have a use of banks, finance and insurance
21 offices which would include by the nature of the business payday lenders and what
22 we're proposing to do is break out payday lenders and allow them with special
23 requirements only in the general commercial districts as opposed to the other districts

1 that banks and finance companies could go into. And then the special requirements of
2 the payday lenders would be that they would be no closer than 3,000' from one to
3 another.

4 CHAIRMAN MANNING: And where are the payday lenders able to locate now?
5 In what zoning classifications?

6 MS. LINDER: I'm sorry?

7 CHAIRMAN MANNING: What zoning classifications are payday lenders allowed
8 to do business in now?

9 MS. LINDER: Currently?

10 CHAIRMAN MANNING: Yes, ma'am.

11 MS. LINDER: Currently they would fall into banks, finance, and insurance offices
12 which would be permitted outright in Office Institutional, General Commercial, M-1 and
13 L-I and by special requirements in the Neighborhood Commercial and in the Rural
14 Commercial.

15 CHAIRMAN MANNING: So we are going to limit those zoning categories and
16 then place a, according to this explanation, a 3,000' restriction in GC?

17 MS. LINDER: That is correct.

18 MR. ANDERSON: To only in GC?

19 MS. LINDER: That is correct.

20 MR. ANDERSON: No Neighborhood Commercial, no Rural Commercial?

21 MS. LINDER: That is correct and I believe this is compatible with what the City
22 of Columbia's doing.

1 MR. ANDERSON: As you all know from the last meeting I have a big problem
2 with this. I mean, we're actually taking a specific financial institution, now granted they
3 don't have the best reputation but I do not feel like this is a zoning issue, we are taking,
4 we're basing our ordinance off, my interpretation what type of interest rate they charge.

5 MR. KOCY: This is a request from the Council and so, yes. We are taking a
6 specific financial institution and putting special requirements to it just like we do to
7 specific [inaudible] the subcategory called sexually-oriented business. Again, a request
8 of Council.

9 MR. PALMER: Sure. And those are for public safety issues?

10 MS. CAIRNS: [Inaudible]

11 MR. PALMER: [inaudible] safety?

12 MR. KOCY: Welfare, yes.

13 MR. PALMER: And payday lenders would fall under [inaudible]

14 MR. KOCY: The welfare part. The Council was concerned of the concentration
15 of payday lenders along certain commercial corridors in the county.

16 MR. PALMER: And how does it fall in that category, because they cluster
17 together?

18 MR. KOCY: Correct.

19 MS. CAIRNS: It tends to decrease property values and decrease the quality of
20 life in that area because of the concentration of a specific use.

21 MR. KOCY: Correct.

22 MR. PALMER: Because of the people that go to that use or - saying the people
23 that go to that use cause the property values to go down? I mean, how does that -

1 MS. CAIRNS: You know, when payday lenders have an opportunity to
2 concentrate what you see is a decrease in the quality of the commercial area and of the
3 neighborhood.

4 MR. ANDERSON: You see that with bingo parlors too.

5 MR. PALMER: Pawn shops too probably.

6 MR. ANDERSON: Pawn shops.

7 MR. PALMER: Coin laundry operated facilities.

8 MS. CAIRNS: I don't think that coin operated facilities, laundromats were you
9 [inaudible]?

10 MR. MURRAY: Bars.

11 MR. PALMER: Yeah, what do you think about going to pawn shops?

12 MS. CAIRNS: It's not a personal opinion. It's simply –

13 MR. PALMER: I'm asking.

14 MS. CAIRNS: I don't think it's relevant.

15 MR. ANDERSON: I guess my whole point is I think we're specifically taking out,
16 and one particular industry in the financial sector, one particular sect of the financial
17 sector and zoning them out.

18 MR. KOCY: Duly noted.

19 MR. PALMER: Which is a legal use which is also regulated at the state level.

20 MR. KOCY: Duly noted. Yes. Just like sexually-oriented businesses are
21 regulated at the state level and the counties has an opportunity to restrict them even
22 further; correct. And that was the directive from County Council.

1 MR. ANDERSON: And it's my understanding, well potentially the legislature
2 could be taking this up.

3 MR. KOCY: Correct.

4 MR. ANDERSON: Eventually.

5 CHAIRMAN MANNING: What is the definition of payday lender?

6 MR. KOCY: It's interest rate and length of the loan.

7 CHAIRMAN MANNING: Interest rate and length?

8 MR. KOCY: Correct.

9 CHAIRMAN MANNING: Do you know what that is?

10 MR. KOCY: The federal guidelines? Or actually, no. The state - nationally the
11 interest rate is about 640-some percent and the loans are due every two weeks.

12 MR. PALMER: And that's what applies to this - this is how you define these
13 payday lenders?

14 MR. KOCY: Correct. That's how they define themselves. All of these various
15 payday lending institutions throughout the county talk about payday loan -

16 CHAIRMAN MANNING: [Inaudible] be considered a payday lender.

17 MR. KOCY: It's 25% per two-week period. Annually it's 644%.

18 MR. PALMER: But if they go to 24.9 [inaudible].

19 MR. KOCY: Most banks charge considerably less than triple-digit interest rates
20 annually on a loan.

21 MR. ANDERSON: But my, here's my point. We're basing this off what they
22 charge. I'm sure you could find a bank that has a 19 or 18% interest rate that is

1 considered high. So are we going to suddenly zone out those banks because their
2 interest rates are higher?

3 MR. KOCY: If the Council asked me to write a piece of regulation that goes after
4 Bank of America versus Wachovia you will be considering that requests, yes, sir.

5 MR. ANDERSON: Okay.

6 MR. PALMER: I have a credit card that a payment was missed on that's at
7 24.99%.

8 MR. KOCY: That's annually; that's per two weeks.

9 MR. PALMER: It feels like it to me. [Laughter]

10 MR. ANDERSON: Well I would say also effective rates when you buy a
11 mortgage your first payment is rather high of a 360 month –

12 MR. KOCY: I'm sorry. When you do what, a mortgage? What's that?

13 MR. ANDERSON: It's an effective rate that it's extremely high. Your first
14 payment and it decreases as of that.

15 MS. CAIRNS: [inaudible] as opposed to a –

16 MR. ANDERSON: It is mostly interest.

17 MR. KOCY: You're correct.

18 MR. ANDERSON: And we have CitiFinancial. We have - Washington Mutual
19 used to have places here.

20 MR. KOCY: Had.

21 MR. ANDERSON: There's still CitiFinancials. I guess I'm just stating my
22 personal opinion of this is one sector from the financial institution. I cannot vote for that
23 just on that basis.

1 MR. KOCY: Duly noted.

2 MR. PALMER: As a hopes of a compromise and I understand that the will of
3 Council is that something gets passed and I'm not always one to just go with the will of
4 Council, I would offer up that perhaps some underlying thing may be an architectural
5 displeasure to perhaps some of the payday lenders and in hopes to do away with some
6 of that I would offer up perhaps a compromise that payday lenders would need to locate
7 inside a shopping plaza as defined as having more than five doors, more than five
8 individual bays available for rent with doors open to the street with one per, no more
9 than one per shopping, no more than one could locate per shopping center which would
10 do away with the stand alone location and would then mean that you would space them
11 out along areas where there's only one per center. Is something wrong with that, Joe,
12 Mr. Kocy?

13 MR. KOCY: I think the market would require, I mean, I don't know that one
14 payday lender's going to go into a shopping center that there's already an existing
15 payday lender so.

16 MR. PALMER: Oh, yeah, they do.

17 MR. KOCY: Okay.

18 MR. MURRAY: Mr. Chairman, when we have situations like this there should be
19 some kind of communications from local government or say from your county through
20 your legislative delegation. Along with the County Council there should be a more
21 workable solution to a situation like this. And it is, I don't know who is the chairman,
22 who is the administrative person over at your legislative delegation but that – someone
23 from Council should be communicating with our delegation so that we don't have to

1 mess with nothing like this. We, you know, there are times when it is better for us to
2 keep our mouths shut or to not take any action because the action can be taken by –

3 MR. PALMER: Legislature.

4 MR. MURRAY: - yeah. Harrison over there, he's the chairman of the judiciary
5 committee. They can handle it, you know, and I know they can.

6 CHAIRMAN MANNING: They can but as Mr. Kocy said they asked him to bring
7 something back to us and he's having to do that whether he likes it or not I guess.

8 MR. PALMER: Three thousand feet's over a half a mile.

9 MS. MATTOS-WADE: That's true.

10 MR. PALMER: I mean, I know we did an extensive search of the SOBs and we
11 were told not to cut their locations down to certain numbers.

12 MR. KOCY: That was complicated because the Supreme Court of the U.S has
13 ruled that sexually-oriented businesses are a protected class of speech. I do not
14 believe the payday lending loan institution has got a similar covenant from the Supreme
15 Court.

16 MS. CAIRNS: Yeah. We could simply ban payday lenders.

17 MR. ANDERSON: We could zone them out.

18 MS. CAIRNS: Yeah.

19 MR. ANDERSON: You're right.

20 MS. CAIRNS: We could – I mean –

21 MR. ANDERSON: We could zone out banks, zone out golf courses. I mean, we
22 could zone out restaurants.

23 MS. CAIRNS: You can't zone out SOBs. I mean, they are different.

1 MR. KOCY: That's correct.

2 CHAIRMAN MANNING: Do we know how many payday lenders we have in
3 Richland County?

4 MR. KOCY: No. Just a quick perusal of the phone book, a couple of dozen but
5 we haven't gone out and inventoried them, no.

6 MR. MURRAY: You've got over 100.

7 CHAIRMAN MANNING: Do we have any –

8 MR. MURRAY: Some licensed, some ain't.

9 CHAIRMAN MANNING: Have you areas that we know [inaudible]?

10 MR. KOCY: Yes. Decker Boulevard, Two Notch. Decker Boulevard and Two
11 Notch jump out immediately.

12 MR. FURGESS: The lower end of Taylor.

13 MR. KOCY: Right.

14 CHAIRMAN MANNING: Going back to what Mr. Palmer was saying, I – why
15 [inaudible] be in only a shopping center concerns me a little bit. I think there are
16 locations in and around the county that may be appropriate. That, you know, the
17 restriction of 3,000' may be excessive but from an architectural standpoint they can
18 adhere to the same standards everybody else does. You have one on the corner of
19 Harden and Taylor; I'd hate to say you couldn't be there just based on –

20 MR. PALMER: Well if there was one 2,999' away you're telling them they
21 couldn't be there.

22 CHAIRMAN MANNING: The way this is written you're right.

1 MR. ANDERSON: Mr. Chair, I'm going to make a motion that, to send this text
2 amendment up to Council with denial.

3 CHAIRMAN MANNING: [Inaudible]?

4 MR. ANDERSON: Based on the fact that I don't feel like we can single out one
5 particular sect of the financial industry and say that because their interest rates are high
6 or "too high" that they can't operate or they are – I just don't feel that this is a zoning
7 issue. I don't – it'd could be taken up in other areas.

8 CHAIRMAN MANNING: So I guess the motion is to send this forward with a
9 recommendation of denial and that would be the reason for Staff. There is a motion on
10 the floor. Do we have a second?

11 MR. PALMER: Let me just clarify. To send this forward that we do not regulate
12 payday lenders any different than any other, that we leave the current payday lending
13 under the current category that it is. We do not segregate it out and we leave it labeled
14 as a traditional financial institution.

15 MS. LINDER: That is my understanding of what the motion is that you would not
16 be approving this ordinance and the ordinance would die.

17 MR. PALMER: Okay. I'll second that.

18 CHAIRMAN MANNING: Okay. We have a motion and a second.

19 MS. LINDER: Correct.

20 CHAIRMAN MANNING: All those in favor please raise your hand. All those
21 opposed?

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

1 MR. MURRAY: I'm in favor.

2 MR. PALMER: [Inaudible] the motion.

3 MS. LINDER: Could we have the motion again, please? I mean, a vote, please.

4 CHAIRMAN MANNING: All in favor of the motion?

5 *[Approved: Murray, Palmer, Anderson, Manning]*

6 CHAIRMAN MANNING: All those opposed?

7 *[Opposed: Furgess, Cairns, Mattos-Ward]*

8 MS. LINDER: It's a four to three vote to recommend denial.

9 MR. KOCY: Mr. Chairman, you saw this lighting code two months ago and I was
10 advised to go back and meet with representatives of the industry and to fine tune this a
11 bit. And in the last 60 days I have met with representatives of Musco, which is a sport
12 lighting manufacturer. I met with David Jacobs who is an industry representative. I met
13 with Dixon O'Brien who's an electrical engineer who designs many of the outdoor
14 lighting plans in the county. And Rebecca Best set me up with a meeting with two
15 members of the Board of Real Estate and I forgot the gentlemen's name but one was a
16 commercial real estate broker and one was an architect. And the language in blue is
17 the recommendations from these gentlemen to amend the proposed lighting
18 regulations.

19 MR. PALMER: Mr. Chairman, I make a motion to approve the language as
20 submitted by Staff and as [inaudible] by Mr. Kocy with not a single change.

21 CHAIRMAN MANNING: Got a motion on the floor. Do we have a second?

22 MR. FURGESS: Second.

23 MR. PALMER: Hold on a second. Did y'all want to speak on it?

1 AUDIENCE MEMBER: We have signed up for public comment.

2 CHAIRMAN MANNING: Would you like to speak?

3 AUDIENCE MEMBER: Yes, sir.

4 MR. ANDERSON: Mr. Carter is for.

5 AUDIENCE MEMBER: And against.

6 MR. ANDERSON: And against. Can't wait to hear this one.

7 MR. PALMER: Does that mean he gets four minutes?

8 CHAIRMAN MANNING: Mr. Carter, I had no idea what you were here for but I
9 appreciate your patience.

10 **TESTIMONY OF BRUCE CARTER:**

11 MR. CARTER: Thank you very much. My name is Bruce Carter. I manage the
12 outdoor lighting business for South Carolina Electric & Gas. The reason I'm here would
13 be to address any issues that deal with the outdoor lighting ordinance that you're
14 presently considering. I welcome the opportunity to address and specific questions,
15 issues or concerns that you might have for me. Otherwise I have a few comments that I
16 have worked on prior to being here that I can address in that fashion if you like. It may
17 be a little too late.

18 MR. PALMER: I was under the assumption that the industry was in favor of it.

19 MR. CARTER: As a utility as part of the industry there are some specifics that I
20 would say we're not in favor of. One of those is dealing with the issue of curfew and
21 part of the ordinance requires that you actually cut off a certain amount of your lighting
22 whether it's outdoor parking lot or other applications after a certain time when they close
23 up doing business. We feel like that's a public safety issue, it's a security issue and

1 highly recommend against that based on those reasons. I also believe that from what
2 I've heard the ordinance is based on I believe the draft that is currently being
3 considered by the IES or the model lighting ordinance which is fact has not been
4 adopted by the IES committee and it still has some issues that are under contention.
5 So if that is in fact true you may be somewhat premature because the actual ordinance
6 when it is adopted through the IES maybe different than what it is today. There's a lot
7 of discussion about mounting heights. I would suggest that different mounting heights
8 are appropriate for different applications. What would be reasonable for a roadway in a
9 subdivision may actually not be reasonable for a large distribution industrial tract. We
10 have a lot of tractor trailer trucks moving in and out during all hours of the night. You
11 refer to a full cut-off IES specification and that's fine. That's one way to control light
12 trespass and that will accomplish that in combination with restrictive mounting heights.
13 But throughout the ordinance there are other mentions of ways to deal with light
14 trespass like spillover into an adjoining piece of property. I believe it's, in one case you
15 can actually quantify that and measure it with a light meter. I believe it says one foot
16 candle horizontal and one foot candle vertical which is certainly a good way to deal with
17 that. Other sections of the ordinance refer to full cutoff which really accomplishes the
18 same thing a different way, maybe somewhat redundant. Some of the issues, and I
19 know I don't have time to go through each one independently, but some of the wording
20 is a little bit vague that when it comes time to actually deal with what this ordinance
21 requires it will probably require a lot of discussion and it may not be quantifiable. It may
22 not be objective. And these are issues, certainly it will affect how SCE&G does
23 business, our ability to do business. It affects our ability to provide reasonably

1 affordable lighting in rural areas whether it's 20 or 30 acres. The level of light in that
2 area may be different than what you would want to consider at a downtown,
3 metropolitan area and the folks who have the ability to lease those lights from someone
4 like SCE&G or even private subcontractors will be effected by the mounting heights that
5 the ordinance require. The type of light that you have been available, you have able to
6 purchase from a place like Lowe's may not be the most efficient type of light. Within the
7 rural areas this is the type of light that people have become to rely on. All I'm
8 suggesting is what works in a metropolitan area may not necessarily be the best design
9 option for the person with a 30 acre farm. And I have addressed each one of these
10 issues and I know you're tired and you're not ready to hear input on each one of them
11 but I would suggest that it might need a little bit of extra work.

12 CHAIRMAN MANNING: Do you have a copy of your concerns? I mean, do you
13 [inaudible]?

14 MR. CARTER: I have notes. I do not have anything in writing, no, sir.

15 MR. FURGESS: [Inaudible] looking through this I know the rural areas sometime
16 in the city with churches updating their sanctuary cause now more churches are putting
17 on family life centers how is that going to effect those areas that's in the city and rural,
18 [inaudible] going to family life centers with lighting?

19 MR. KOCY: They would be allowed to have lighting, sir.

20 MR. FURGESS: It's a stipulation?

21 MR. KOCY: There are stipulations for canopies for churches, for up lighting for
22 steeples and poles and signs. All that's included, all that's permitted.

23 MR. FURGESS: Okay.

1 MR. KOCY: The family life center building would be able to have lights. The
2 parking lot would be able to have lights.

3 MR. PALMER: Mr. Kocy, did you check with the Sheriff's Department on the
4 safety issue with dimming the lights after hours?

5 MR. KOCY: Yes. The security levels in here are national guidelines and were
6 consistent with what the sheriff is okay with. We're not saying the lights have to be
7 turned off. They just have to be dimmed to security level, to 80,000 lumens per acre
8 which is quite a bit of light actually. And the industry representatives I met with were all
9 comfortable with these lighting standards. For a cost savings, just with the cost of
10 energy today many large shopping center, large parking lot owners will turn the lights
11 down just to save cash.

12 MR. PALMER: I know our tenants have requested more light [inaudible] but, you
13 know, you can always say the ordinance is what it is.

14 MR. KOCY: You get [inaudible] lighting closer to the building?

15 MR. PALMER: Lighting on the building.

16 MR. KOCY: Right. That would be – that's different than parking lot lighting, yes.

17 MR. PALMER: But the lights are in the parking lot.

18 MR. KOCY: Put lights on the building.

19 MR. PALMER: [Inaudible] jack that up.

20 MR. KOCY: Just a couple of responses. Again, these were industry standards.
21 The industry and the Black Sky Society are working on again new updates to their
22 lighting standards. This update is a year overdue and I'll be happy to change these
23 standards when the new industry standards are published. What I'm trying to do is

1 almost every commercial parking lot we see in the Planning Department has to go
2 through the Board of Zoning Adjustment because our existing lighting requirements are
3 so restrictive. No car dealer has gone through the Planning Department without going
4 to the BOZA Board because of our lighting requirements. So I spent several months
5 working with industry professionals. These aren't perfect but they're a heck of a lot
6 better than we currently have. These lighting standards will not be applied to farms.
7 There's no lighting requirements for farmers if they want to light up the barns and their
8 tractors and such. These new lighting standards do have two different heights for light
9 poles in residential. It's six feet higher in commercial or non-residential lots. That is
10 different than our current lighting standards. Our current lighting standards are 18'
11 everywhere. The new lighting standards is 24' for non-residential and again the security
12 levels contained in this document were industry recommendations.

13 MR. PALMER: How high is the typical truck, 18 wheeler?

14 MS. CAIRNS: Bridges are 14 so, you know. When you drive under all the
15 bridges they all say 14.

16 MR. PALMER: [Inaudible]

17 MS. CAIRNS: If they're taller than 14, they're in [inaudible].

18 CHAIRMAN MANNING: Any other questions? Thank you, sir.

19 MR. CARTER: Thank you.

20 CHAIRMAN MANNING: Okay. That brings us back to your motion?

21 MR. PALMER: I'll restate the motion. Make a motion to approve.

22 CHAIRMAN MANNING: Got a motion to approve. Got a second?

23 MR. MURRAY: Second.

1 CHAIRMAN MANNING: Motion and a second all in favor? All opposed?

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

4 CHAIRMAN MANNING: Got another one?

5 MR. PALMER: SOBs.

6 MS. LINDER: Mr. Chairman, Members of the Commission, there's an ordinance
7 that is doing some cleanup language regarding sexually-oriented businesses. When
8 the sexually-oriented business ordinance was passed it inadvertently left out some
9 amendments to the Table of Uses because it was added not only in General
10 Commercial but also in Heavy Industrial areas and so that's the provision. We just want
11 to clean up those sections so when the ordinance gets codified it'll be consistent in all
12 areas of the Code.

13 CHAIRMAN MANNING: Any discussion? [Inaudible] a motion?

14 MR. PALMER: I don't want to be known as the SOB guy.

15 MS. CAIRNS: I make a motion that the request to amend the Table of Uses to
16 match the textual code as explained in our book on page 45 be approved.

17 CHAIRMAN MANNING: Got a motion. Do we have a second?

18 MS. MATTOS-WARD: Second.

19 CHAIRMAN MANNING: A motion and a second. All those in favor please raise
20 your hand. Opposed?

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

23 MR. ANDERSON: Only because I don't think it should be in the GC.

1 MR. PALMER: Or is that because you have a conflict? [Laughter] He owns a
2 couple of them.

3 MR. MURRAY: Uh-huh (affirmative).

4 CHAIRMAN MANNING: Next.

5 MR. MURRAY: Fill that form out.

6 MS. LINDER: Mr. Chairman, the last text amendment is regarding the PDD
7 expiration provision that was before you before and at that time you had recommended
8 approval that it would revert back to the prior zoning classification. This did go to
9 Council and Council is, gave first reading to an ordinance that would just make the PDD
10 not expire. And so it was sent back to you for your recommendation on what they gave
11 first reading to.

12 MR. PALMER: So they want no expiration date on PDDs?

13 MS. LINDER: That is correct.

14 MS. CAIRNS: Once it's rezoned, it's rezoned?

15 MR. KOCY: Correct.

16 MS. CAIRNS: Like any other rezoning?

17 MR. KOCY: Correct.

18 MR. PALMER: I make a motion to that effect.

19 CHAIRMAN MANNING: Got a motion. Do we have a second?

20 MS. CAIRNS: Second.

21 CHAIRMAN MANNING: A motion and a second. All those in favor please raise
22 your hand. All those opposed?

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

3 CHAIRMAN MANNING: Is that it for the text amendments?

4 MR. KOCY: Yes, sir.

5 CHAIRMAN MANNING: Thank you, Mr. Kocy, for making that painless.

6 MR. KOCY: I just work here. [Laughter] We have a 90-minute presentation, Mr.
7 Chairman, on the final presentation of the comp plan so. [Laughter]

8 MS. CAIRNS: Don't we have a driveway amendment?

9 CHAIRMAN MANNING: A driveway amendment?

10 MS. LINDER: Mr. Chairman, on that last vote was that a six to one vote?

11 CHAIRMAN MANNING: I think it was – Mr. Murray did not vote.

12 MR. MURRAY: I think that was a six/o vote. Seven/o vote.

13 MS. LINDER: A seven/o vote.

14 MR. MURRAY: A seven/o vote. I had my hand up, Mr. Chairman.

15 CHAIRMAN MANNING: Okay. I'm sorry.

16 MR. MURRAY: I did that a little later. But thank you, sir.

17 MR. KOCY: Can we set a date for a work session on the comp plan, please?
18 Can a couple people show up on the date that we set?

19 CHAIRMAN MANNING: Actually we probably need to set two and I think we've
20 got a lot to go over and obviously once we get this ball rolling 'd like to move it forward.
21 I know the Council is waiting for some feedback from us and I think we're ready to give
22 it to them.

23 MR. KOCY: Okay.

1 MR. PALMER: Would you email us all three dates tomorrow and have us email
2 you back the two we wish to have?

3 MR. KOCY: Can't we do it now?

4 MS. CAIRNS: We can do it now.

5 MR. KOCY: We're quite fond of Mondays.

6 CHAIRMAN MANNING: What dates would you like to do it, Mr. Kocy?

7 MR. KOCY: Ms. Almeida, do you have a calendar there? Well next Monday, this
8 coming Monday's the 10th. The 17th is the Monday following, that'd be about 10 days.
9 The 24th is the Monday following that. We could have other weekdays but I just –

10 CHAIRMAN MANNING: Would y'all like to have two that close together? I know
11 this is time consuming for everybody but –

12 MR. KOCY: May I offer a suggestion? We could have a work session for
13 instance on the 17th, next month's Planning Commission Agenda is rather light so we
14 could have it on our regularly scheduled Planning Commission meeting. We could
15 finish up the editing then.

16 MR. ANDERSON: We haven't had a light agenda in three months.

17 MR. KOCY: Well I should say we don't have a lot of applications on the agenda.
18 We have a bunch of housekeeping stuff that we need to take care of.

19 MR. MURRAY: [inaudible] was a light one.

20 MR. PALMER: We looking for the 17th?

21 MR. KOCY: We have a community plan with a zoning overlay we'd like to
22 present to you, the Woodfield Park that we'd definitely like to get to you.

23 MR. ANDERSON: What time?

1 MR. PALMER: The 17th works.

2 MR. KOCY: On the 17th?

3 MR. MURRAY: What time?

4 MR. PALMER: [Inaudible] happy hour at Harper's or something?

5 CHAIRMAN MANNING: That's what we need is a happy hour.

6 MR. PALMER: Let's do it.

7 MR. ANDERSON: Breakfast at Lizard's Thicket, that sounds better.

8 CHAIRMAN MANNING: I don't know about y'all. It works better for me to do it
9 later in the afternoon and allow enough time where, you know, just that's the end of the
10 day.

11 MS. CAIRNS: Yeah. Is 3:00 late in the afternoon or do you want to go 4:00?

12 CHAIRMAN MANNING: Three would suit me.

13 MR. MANNING: Three works good for me.

14 MS. ALMEIDA: On the 17th?

15 MS. CAIRNS: Yeah.

16 CHAIRMAN MANNING: I mean, that would be [inaudible].

17 MR. KOCY: We'll do the fourth floor. We'll try to reserve it but we'll confirm that
18 with you on the exact meeting location.

19 CHAIRMAN MANNING: Okay.

20 MR. KOCY: On another housekeeping matter the Board needs, state law
21 requires the Board to take training six hours annually. To date I don't believe anybody
22 has done training this year for the Planning –

23 MR. PALMER: That's because the training guy doesn't work here anymore.

1 MR. ANDERSON: He used to keep with our hours.

2 MR. KOCY: Sorry. Would it be feasible to have a training session here?

3 MR. PALMER: Yeah. On the 17th.

4 MS. CAIRNS: Six hours between now and the end of the year?

5 CHAIRMAN MANNING: Six hours of training?

6 MR. KOCY: Well, no, no, no. You have to have six hours within a year.

7 [Inaudible discussion]

8 MR. KOCY: You have to be proctored to make sure that you're actually here and
9 awake.

10 CHAIRMAN MANNING: All right. Well how many hours –

11 MS. MATTOS-WARD: Excuse me. They are having one I believe December the
12 15th.

13 MS. ALMEIDA: Yes.

14 MR. KOCY: Is it the 15th or is it the 8th? It's December 8th at the COG. It's land
15 use law and –

16 MS. MATTOS-WARD: The 15th too.

17 MR. KOCY: Oh, okay.

18 MR. KOCY: All right. But if it'd be more feasible to run the sessions here we
19 could do it here. Your chairs up there are certainly more comfortable than the chairs at
20 COG; I can guarantee you that.

21 CHAIRMAN MANNING: I'm fine with having it here. How many hours?

22 MR. FURGESS: Three hours each time?

1 MR. KOCY: We could two three-hour sessions in December or have one in early
2 January. You have six you have to do this year.

3 [Inaudible discussion]

4 MR. KOCY: The only alternatives are to go to COG or do it here.

5 [Inaudible discussion]

6 MR. KOCY: [Inaudible] email you dates but we could also do one here it it'd be
7 more convenient.

8 MR. ANDERSON: And then we're still talking about the 8th, right?

9 MS. MATTOS-WARD: The what?

10 MR. ANDERSON: The 8th.

11 MS. MATTOS-WARD: Of what?

12 MR. ANDERSON: December.

13 MR. PALMER: Let's do the 8th thing seriously. Let's knock it out in one day.
14 Bring your work with you and do your work up here while you're doing it.

15 MS. ALMEIDA: You take a test afterwards.

16 MS. MATTOS-WARD: No tests.

17 MR. PALMER: It's just like going to real estate class.

18 MR. ANDERSON: And we're in a great situation.

19 MR. PALMER: Can I make a motion to adjourn first?

20 MR. KOCY: Mr. Chairman, let's just offer, let's, maybe on the 17th when
21 everybody's a little more fresh we can come back with some potential dates.

22 CHAIRMAN MANNING: Email us the dates [inaudible] COG is.

1 MR. KOCY: And one more housekeeping issue. Our meeting for December is
2 scheduled for the 8th which is the second Monday. We typically meet the first Monday
3 of every month. Would you prefer?

4 CHAIRMAN MANNING: The 8th.

5 MR. KOCY: That's what the schedule reads. Monday, the 8th, for the Planning
6 Commission.

7 MR. PALMER: Is the Council having –

8 MS. HAYNES: [Inaudible] because we thought the tax sale was going to go.

9 MR. KOCY: And the tax sale has already occurred at the Township, not here.
10 So we could meet on Monday, the 1st, if that would meet your –

11 MS. MATTOS-WARD: Let's just stay with the [inaudible]

12 MR. PALMER: Is the Council going to be hold a zoning public hearing that
13 month? Because right now they haven't scheduled, have they?

14 MS. HAYNES: In December you're talking about?

15 MR. PALMER: Correct.

16 MS. HAYNES: We don't have any map amendments unless there's some text
17 amendments.

18 MR. FURGESS: Okay. So we're still having the Planning Commission meeting
19 on December the 1st.

20 MR. KOCY: If the Board would like to move it to the first Monday.

21 MR. MURRAY: The first is fine.

22 MR. FURGESS: When we have the other meeting when we have this class?
23 December what?

1 MR. KOCY: We'll talk about that at the work session on the 17th.

2 MR. PALMER: Do we have road names?

3 MR. FURGESS: Work session on the 17th?

4 CHAIRMAN MANNING: Mr. Kocy, we are then going to defer that, okay? Sorry
5 about that.

6 MR. KOCY: All right.

7 CHAIRMAN MANNING: We got a little bogged down.

8 MR. MURRAY: I move that we adjourn.

9 MR. CAIRNS: No. I make a motion that we approve the road names.

10 MR. ANDERSON: Second.

11 CHAIRMAN MANNING: Approve road names. All in favor raise your hand.

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

14 CHAIRMAN MANNING: Okay. That's done.

15 MR. MURRAY: Seven to nothing.

16 MS. CAIRNS: A motion to adjourn.

17 MR. MURRAY: Second.

18 MR. PALMER: Got a motion and a second to adjourn.

19 CHAIRMAN MANNING: A motion and a second. All those in favor?

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

22
23 *[Meeting Adjourned at 5:30 p.m.]*