

RICHLAND COUNTY PLANNING COMMISSION
September 2, 2010

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3
4 *[Members Present: Olin Westbrook, David Tuttle, Pat Palmer, Deas Manning, Elizabeth*
5 *Mattos-Ward, Wallace Brown, Sr.; Absent: Heather Cairns, Katherine McDaniel,*
6 *Stephen Gilchrist]*

7
8 Called to order: 1:00 pm
9

10 CHAIRMAN PALMER: I'd like to call the September 2nd Planning Commission
11 meeting to order. I need to read into the Record pursuant to the Freedom of Information
12 Act a copy of the Agenda was sent to radio, TV stations, newspaper, persons
13 requesting notification and was posted on the bulletin board located in the lobby of the
14 County Administration Building. The Minutes from July, has everybody had a chance to
15 look at those? Any motions?

16 MR. TUTTLE: I'd like to make a motion that we approve the Minutes as
17 presented.

18 MS. MATTOS-WARD: Mr. Chairman, I'll have to remove myself, because I was
19 not here.

20 CHAIRMAN PALMER: Okay.

21 MR. WESTBROOK: I'll second.

22 MR. MANNING: Mr. Chairman, for the Record, I need to abstain as well.

23 CHAIRMAN PALMER: Okay. Mr. Manning and Mrs. Ward were not here, so
24 they won't be voting. All those in favor to approve the Minutes, please signify by raising
25 your hand.

26 *[Approved: Westbrook, Tuttle, Palmer, Brown; Abstained: Manning, Mattos-Ward;*
27 *Absent: Cairns, McDaniel, Gilchrist]*

28 CHAIRMAN PALMER: None opposed. Road name approvals. Any motion?

1 MR. MANNING: Mr. Chairman, I'd like to make a motion that we approve the
2 road names as proposed.

3 MS. MATTOS-WARD: Second.

4 CHAIRMAN PALMER: A motion and a second, all those in favor to approve the
5 road names, please signify by raising your hand.

6 *[Approved: Westbrook, Tuttle, Palmer, Manning, Mattos-Ward, Brown; Absent: Cairns,*
7 *McDaniel, Gilchrist]*

8 CHAIRMAN PALMER: None opposed. Any Amendments. Geo?

9 MR. PRICE: Yes, sir. I believe each of you should have received a revision to
10 the Staff Report regarding Ashland Subdivision –

11 MR. TUTTLE: Excuse me, Geo. Mr. Chairman, I'd like to recuse myself from
12 any discussions as relate to that matter.

13 CHAIRMAN PALMER: Okay. I'm going to go ahead and read this into the
14 Record so that way we can go ahead and put it in. "Dear Mr. Palmer, I must request to
15 be excused from participating in discussion or voting on Agenda Item No. SD-05-231
16 which is scheduled to review and/or discussion in today's Planning Commission
17 meeting. It is my understanding of the Rules of Conduct, Provision of Ethics,
18 Government Accountability and Campaign Reform Laws that since I have a financial
19 interest in the project, I will be unable to participate in this matter through discussion or
20 voting. I would therefore, respectfully request that you indicate for the Record that I did
21 not participate in any discussion or vote related to the item representing a potential
22 conflict of interest. I would further request that you allow and direct this letter to be
23 printed as part of the official Minutes and excuse me from such votes or deliberations

1 and note such in the Minutes. Thank you for your consideration of this matter.
2 Sincerely, David Tuttle.” Okay. Alright. Alright, Mr. Price you have something on the
3 Agenda?

4 MR. PRICE: Yes, actually the only amendment is under the Map Amendments
5 Item No. 4 which is case 10-26 MA.

6 CHAIRMAN PALMER: Right.

7 MR. PRICE: That has been administratively deferred.

8 CHAIRMAN PALMER: Deferred?

9 MR. PRICE: Deferred.

10 CHAIRMAN PALMER: Okay.

11 MR. PRICE: And that will be it for the amendments to the agenda.

12 CHAIRMAN PALMER: Okay. Anything from any Commission Members? Do we
13 have a motion to amend the Agenda?

14 MR. BROWN: So moved.

15 MS. MATTOS-WARD: Second.

16 CHAIRMAN PALMER: Okay, we have a motion to amend the agenda per Mr. Price’s
17 request. All those in favor, please signify by raising your hand.

18 *[Approved: Westbrook, Palmer, Manning, Mattos-Ward, Brown; Absent for vote: Tuttle;*
19 *Absent: Cairns, McDaniel, Gilchrist]*

20 CHAIRMAN PALMER: None opposed. Subdivision review.

21 **SD-05-231:**

22 MR. PRICE: Yes, sir. Each one of you should have received a revised Staff
23 Report regarding this subdivision review. You’ll note that the new version does not

1 reference Phase 5 at any point, at lease it shouldn't. So, hopefully you'll have the
2 correct one. After the review it was determined that the information that was necessary
3 for Staff's review was not correct.

4 MR. MANNING: We should not be evaluating anything as it relates to Phase 5;
5 is that correct?

6 MR. PRICE: Yes, sir.

7 MR. MANNING: So, just 3C and 6?

8 MR. PRICE: Yes, sir.

9 MR. MANNING: Okay.

10 MR. PRICE: As far as the actual Staff Report, nothing really changed, like I said,
11 what you'll notice is that all the references to Phase 5 have been taken out but
12 everything else is the same regarding the material. And as you'll note, Staff does
13 recommend conditional approval for both Phases. Conditional approval and it's listed
14 on page, well I guess it'd be page 3 of your Agenda.

15 CHAIRMAN PALMER: Okay. Is the applicant here or the applicant's
16 representative?

17 AUDIENCE MEMBER: Yes.

18 CHAIRMAN PALMER: Have you taken - can you come down to the podium for
19 me, please? If you'll give your name and address I'd appreciate it; I have a question for
20 you.

21 **TESTIMONY OF JONATHAN WHITEHEAD:**

22 MR. WHITEHEAD: Okay, my name is Jonathan Whitehead. I work with Lake
23 Carolina Development, 300 Long Pointe Lane, Suite 200, Columbia, 29229.

1 CHAIRMAN PALMER: Okay. Have you had a chance to take a look at these
2 conditions?

3 MR. WHITEHEAD: Yes, sir.

4 CHAIRMAN PALMER: Any objections?

5 MR. WHITEHEAD: No, sir.

6 CHAIRMAN PALMER: Okay. That's all I have, anyone else? Do we have any
7 motions on the issue?

8 MR. MANNING: Mr. Chairman, I'd like to make a motion that we approve the
9 modification to the PDD referenced in Mr. Price's Staff Report for 3C and Phase 6 of
10 Lake Carolina.

11 CHAIRMAN PALMER: With the conditions on -

12 MR. MANNING: With the conditions as proposed.

13 CHAIRMAN PALMER: - page 3?

14 MR. MANNING: As found on 3.

15 CHAIRMAN PALMER: Okay. Do we have a second?

16 MR. BROWN: Second.

17 CHAIRMAN PALMER: We have a motion and a second, all those in favor,
18 please signify by raising your hand.

19 *[Approved: Westbrook, Palmer, Manning, Mattos-Ward, Brown; Abstained: Tuttle;*
20 *Absent: Cairns, McDaniel, Gilchrist]*

21 CHAIRMAN PALMER: None opposed. Thank you.

22 MR. WHITEHEAD: Thank you.

23 CHAIRMAN PALMER: Alright, Map Amendments. Case No. 10-23 MA.

1 **CASE NO. 10-23 MA:**

2 MR. PRICE: Yes, sir. As you have previously stated, we have Case 10-23 MA.
3 The applicant is Cynthia South. The location is Brevard Street and Jefferson Allen
4 Drive. And this will encompass about 8.18 acres and the request is to rezone from
5 RSLD which is single-family low density, to RSMD, which is single-family medium
6 density. Staff recommends approval for this request.

7 CHAIRMAN PALMER: Any questions for Staff?

8 MR. MANNING: I've got one. Mr. Price, Jefferson Allen Drive and Brevard
9 Street are public streets maintained by the county?

10 MR. PRICE: Let me grab their file.

11 MR. DELAGE: Thomas Delage. The Brevard Street is county maintained and
12 SCDDOT, depending upon the section; Jefferson Allen Drive is county unpaved.

13 MR. MANNING: Would a land disturbance permit require the paving of those
14 streets?

15 MR. PRICE: The streets, we would look for the streets to be brought into
16 compliance, that doesn't necessarily have to be paved, that would really be decided by
17 the county Public Works director but they would have to be improved.

18 MR. MANNING: Okay.

19 CHAIRMAN PALMER: Any other questions for Staff? We have a few people
20 signed up to speak. If you would, please try to limit your comments to two minutes and
21 if you would give your name and address when you take the podium, we'd appreciate it.
22 And I'm awful with names, so please don't be offended when I butcher your name.
23 Cynthia South, followed by Jerry Douglas.

1 **TESTIMONY OF CYNTHIA SOUTH:**

2 MS. SOUTH: I'm Cynthia Montgomery-South and I'm the trustee of my family's
3 estate, the Montgomery Estate, which owns the property that we're making reference to
4 and I live at 3501 Lyles Street, Columbia 29201. I essentially wanted to reiterate two
5 points, two key points found in the Staff's Report. The first one being reference to the
6 2009 Richland County Comprehensive Plan, where the future land use map designates
7 this area a priority investment area. My request complies with the Comprehensive
8 Plan's objective of "residential housing should be varied at moderate to high densities or
9 up to 16 dwellings per acre". Our request would allow up to, my request would allow up
10 to 5.1 dwellings per acre. The second point is that this is part of the Broad River Road
11 corridor and community study and I'm sure you're very well aware of that, and I've been
12 going to those meetings and I'm very excited about this project; it's long time coming
13 and it's making progress. Obviously this document is still in its draft form, but it will
14 have as its number one policy to promote new and diverse housing stock. I live in this
15 area, I live off of River Drive and I enjoy being able to bike, I'm looking forward to the
16 improvements to the bridge that's part of this study, and access to the River Walk, that's
17 just fabulous. And this particular property fits into the Broad River study in that it's very
18 walkable, it's very close to the shopping, to grocery shopping, it's right on the bus line, it
19 has access to the River Walk, it's just strategically positioned with the study and that's
20 what this is all about, trying to prepare and get ready for when this study comes out and
21 making this property fit in with that plan. That's really all I needed to say at this point.

22 CHAIRMAN PALMER: Thank you. Jerry Douglas?

23 **TESTIMONY OF JERRY DOUGLAS:**

1 MR. DOUGLAS: I'm Jerry Douglas. I live at 1027 Betsy Drive, been living there
2 approximately 45 years. To this date, I have never seen Jefferson Allen Drive with any
3 county equipment maintaining it. It's more like a alley which the only equipment out on
4 the thing that I see on that is basically the trucks from that vending machine, vending
5 supply company right there right on the corner. Of course, I don't monitor it every day. I
6 am against the changing it to a multiple density. I believe the lady says more than 5
7 houses per acre. Some of the houses that's been proposed, and this came up about
8 two years ago and it was withdrawn because some of the housing was something like
9 maybe 800 square feet, which would not fit into the area whatsoever. And we at that
10 time proposed 1,200 square feet or more and the only change that I see entered is for
11 single-family dwelling. But this being a high density area and right now we got all kind
12 of crime in there, we've got people being broken into, we got people travelling Broad
13 River Road that are constantly firing weapons and throwing out the spent cartridges out
14 on the highway, which I can show anybody at any time, and the sign right there at the
15 corner is saying that the speed limit, there's a big old hole where some high powered
16 weapon was discharged in there recently. I think that this change to the high density
17 will increase crime, which we don't want. It'll bring more traffic, which the Betsy Drive
18 and that area would be overloaded. They're having trouble right now at Saluda River
19 Road maintaining it because every time you turn around you got potholes all over it.
20 And if it's allowed to pass with just dirt roads, the houses that some of them were
21 proposed was on the edge of the dirt road. If they're paved, you don't have paving
22 room and I'm totally against the multiple family on that small tract of land. I feel like it

1 should maintain some of its current standing. By the way, the River Walk is about a
2 mile or more from this area.

3 CHAIRMAN PALMER: I appreciate it, thank you. Harold Snuggs followed by
4 John Rivers. And you are?

5 MR. RIVERS: John Rivers.

6 CHAIRMAN PALMER: Okay.

7 MR. SNUGGS: Did you call for Harold Snuggs?

8 CHAIRMAN PALMER: Yes, sir.

9 MR. SNUGGS: May I request that you put back up the diagram that shows the –
10 no, the next one. No the one that has that, that's what I want.

11 CHAIRMAN PALMER: Would you give us your name and address real quick sir
12 before you start?

13 **TESTIMONY OF HAROLD SNUGGS:**

14 MR. SNUGGS: I am Harold Snuggs and I live at 996 Betsy Drive and I've lived
15 longer there than anybody else in the neighborhood.

16 CHAIRMAN PALMER: Okay.

17 MR. SNUGGS: My home, I have two houses right there inside the city down
18 there in the middle of the spot at 996 and 948 Betsy Drive. I called to the attention of
19 my neighbors and others that all this is being asked for is that this be rezoned the same
20 as the yellow which is where we all live. It's not anything more than medium density.
21 Now, I own this property on down here, on past were the line is and I intend to come
22 before the council and get it also rezoned as part of this development. The problem as I
23 see it is that there's some people that live in the neighborhood, don't want any changes,

1 but change is coming. This is the best possible provision that we could make. I've lived
2 there for more than 50 years and I have dreamed of seeing that done. Now, you'll see
3 back up there in the corner, there's a big pond site. That pond is still there. The dam is
4 still there. And the developers, I'm sure will refill that pond with the proper permits and
5 everything and that'd make a really beautiful new addition. I built a pond on my land in
6 1969, and I'm having water problems because so many trees have grown up on the old
7 pond that the water table is dropping. And so I firmly support the rezoning because this
8 will make our property more valuable and I can't understand anybody that would not
9 vote for it.

10 CHAIRMAN PALMER: Thank you.

11 MR. SNUGGS: Thank you.

12 CHAIRMAN PALMER: Jan War?

13 MS. WAR: War.

14 CHAIRMAN PALMER: War?

15 **TESTIMONY OF JAN WAR:**

16 MS. WAR: Jan War. I live at 1000 Betsy Drive. I've been there about 33 years.
17 One thing at 8.18ths of an acre it's my understanding there's not but 5 acres of it that
18 can be built on. Jefferson Allen Drive and Brevard where you saw the pictures of those
19 are dirt roads. Saluda River Road where I'm assuming the entrance to the subdivision
20 would be, you have Saluda River Road which is not a real good road and you've got the
21 apartments across the street, the entrance to them, so it's all going to be right there
22 together, and vendor supply is right there too. So, they're all going to be right there
23 together with the big ole tractor trailers rolling in and out day and night, seven days a

1 week. And I had a question about the city sewer. I was told over the phone that it
2 would be city sewage but it's not in the city. So I wondered will that service be available
3 to them in the county?

4 CHAIRMAN PALMER: Yes, ma'am. Just like people that live in the county have
5 city water, you don't necessarily have to be a resident of the city to use their services.

6 MS. WAR: To get city sewage?

7 CHAIRMAN PALMER: Yes, ma'am.

8 MS. WAR: Okay, but I would like to request that you not rezone it to that
9 [inaudible] density. We, most of our lots are a half acre lot. I realize in today's times
10 that's not reasonable but not this density, not five houses to an acre, that's just too
11 dense.

12 CHAIRMAN PALMER: Well, currently, it's says at 3.6 per acre.

13 MS. WAR: Oh, is it?

14 CHAIRMAN PALMER: Currently, the zoning for the site is 3.6 per acre.

15 MS. WAR: Well, that's, you know, like I said in today's time that's more
16 reasonable but five per acre? Which is what I'm assuming it would be if it was rezoned –

17 CHAIRMAN PALMER: They could put a possibility of 5.1 per acre.

18 MS. WAR: Yeah. I don't like that. Thank you.

19 CHAIRMAN PALMER: Okay. Ray Head.

20 MR. HEAD: I signed the wrong paper; I guess I'm on case 10-25 at number 3.

21 CHAIRMAN PALMER: Okay.

22 MR. HEAD: I signed the wrong one, I reckon.

1 CHAIRMAN PALMER: Alright, is there somebody at 996 Betsy? I can't make out
2 your name.

3 MR. SNUGGS: That is me again and my wife.

4 CHAIRMAN PALMER: Okay. And that's Betty [inaudible].

5 MR. SNUGGS: Betty.

6 MRS. SNUGGS: I pass.

7 CHAIRMAN PALMER: Okay, alright. I appreciate it. And that's everyone who
8 has signed up to speak.

9 MR. MANNING: You know, it fits in with the comp plan and my only concern is
10 frequency, I'm not concerned about the density [inaudible] 3 to 5 is not going to be
11 significant amount of traffic or different [inaudible]. The street right-of-way is something
12 I think that I would like to have addressed a little more in-depth. I know it's county or
13 SCDOT, but are they going to be required to pave those roads, is there a 50' right-of-
14 way there that will allow that or would that be property that needs to come from the
15 applicant in order to get the roads in?

16 MR. PRICE: Well, while that will, you know, definitely be addressed on the site
17 plan review; however, Jefferson Allen Drive and Brevard Street which would be the
18 main roads that will lead to the developments, would need to be brought up into
19 compliance.

20 MR. MANNING: And compliance would be a 50' right-of-way?

21 MR. PRICE: Yes, sir.

22 MR. MANNING: And –

23 MR. PRICE: Usually it's a 20 I think.

1 MR. MANNING: But you don't know whether that's the size of the right-of-way
2 now?

3 MR. PRICE: No, sir, I'm not sure. I would guess it isn't at this time but.

4 MR. MANNING: So, there would need to a further dedication of –

5 MR. PRICE: Yes, sir.

6 MR. MANNING: - right-of-way. And I'm presuming Ms. Montgomery as trustee
7 for that property would be able to grant that herself or is other planned owners in there
8 that would have to be a part of that?

9 MR. PRICE: Well, seems like all of this, since all of the property will be coming
10 as being developed, yes, I mean, in order for us to approve the plans that would have to
11 be associated with it.

12 MR. MANNING: Okay.

13 CHAIRMAN PALMER: Does that satisfy your question?

14 MR. MANNING: It does.

15 MR. TUTTLE: Mr. Chairman, I'd like to move that we take Item No. 10-23 MA
16 and send it forward to Council of approval.

17 MR. WESTBROOK: I'll second.

18 CHAIRMAN PALMER: We have motion and a second. Any other discussion?
19 All those in favor, please signify by raising your hand?

20 *[Approved: Westbrook, Tuttle, Palmer, Manning, Mattos-Ward, Brown; Absent: Cairns,*
21 *McDaniel, Gilchrist]*

22 CHAIRMAN PALMER: None opposed. Folks, we're a recommending Body to
23 County Council, they will have the final say on these issues everything that we vote on

1 from here on out so Council will be meeting on the – one second, the 28th of this month
2 in these same chambers at 7:00 o'clock. So, if you have an interest in these cases,
3 please feel free to come back and let them know how you feel as well. Okay? Geo,
4 Case No. 10-24.

5 **CASE NO. 10-24 MA:**

6 MR. PRICE: Next case 10-24 MA. The Applicant is Lexington Land
7 Development, LLC and I believe they'll be represented by Benjamin Kelly. The location
8 is Farrow Road and Clemson Road and it will encompass three tracts of land and the
9 total acreage is 1.65 acres. They're proposing to go from HI which is heavy industrial to
10 a GC Zoning District. Staff recommends approval.

11 CHAIRMAN PALMER: Okay, any questions for Staff?

12 MR. MANNING: It was mentioned in your report that there was controlled access
13 along Clemson Road.

14 MR. PRICE: Yes, sir.

15 MR. MANNING: There is none along Farrow Road?

16 MR. PRICE: It would be because – yes because it's at the intersection, it would
17 be. Yes, sir.

18 MR. MANNING: And how far down does that go?

19 MR. PRICE: I'll pull the file on that.

20 MR. MANNING: Mr. Chairman, if you want to proceed, I can get that later.

21 CHAIRMAN PALMER: Okay. Any other questions for Staff? Mr. Kelly?

22 **TESTIMONY OF BENJAMIN KELLY:**

1 MR. KELLY: Yes. Ben Kelly, the applicant, Lexington Land Development
2 Company, 1492 Fulmer Road, Blythewood, SC 29016. There is controlled access on
3 Farrow; there is no access on Clemson. The access on Farrow will be at the very tip; I
4 believe that's 400' from the intersection, so it's encumbered with limited access.

5 MR. PRICE: Mr. Manning, I'll pass this to the Commission, and y'all can look at
6 it.

7 MR. MANNING: Mr. Kelly, you've already obtained your encroachment permit
8 then, is that -

9 MR. KELLY: No, but we've got - when the property was purchased it was
10 purchased with the, all the surveys show that limited access on -

11 MR. MANNING: Okay.

12 MR. KELLY: - and the middle portion was purchased from SCDOT which had
13 used it as a lay down yard.

14 CHAIRMAN PALMER: Anything else Mr. Kelly?

15 MR. KELLY: Pardon?

16 CHAIRMAN PALMER: Anything else?

17 MR. KELLY: No, sir.

18 CHAIRMAN PALMER: Any questions for the applicant?

19 MR. BROWN: What's the proposed use of this property?

20 MR. KELLY: Right now, there is no definite use. We do believe it will go retail,
21 what I would call a small box retail in the neighborhood of 6,000 - 10,000 square feet.

22 MR. BROWN: How much parking, how much room is there for parking -

23 MR. PRICE: Mr. Brown, we can't hear.

1 MR. BROWN: How much parking is provided if that's, that's much retail?

2 MR. KELLY: Five per thousand is Code, is my understanding with retail. We
3 would like to achieve more than that, but with the layout of that piece of property we are
4 struggling with increasing the building size over 6,000 feet due to the fact that we can't
5 get sufficient parking to put two tenants on the property. I think it would be limited to a
6 single tenant user even though its 1.6 acres.

7 MR. PRICE: Mr. Brown, according to the Land Development Code, retail sales
8 are required at a minimum to have one parking space per 250 of gross floor area.

9 MR. BROWN: So will this then meet the requirement?

10 MR. PRICE: That will – we'll – he would have to when he submits his plans for
11 development of the property. It's kind of hard for us to say without actually a plan
12 before us.

13 MR. BROWN: This is not going to create a problem from the standpoint of being
14 able to get into the property and out of the property with retail, with that amount of
15 parking.

16 MR. PRICE: No, sir. Once again, this is a case, you know, you're looking at a
17 rezoning now, but when it comes in for submittal of site plans, that's when he'd have to
18 meet the requirements for the parking and if he was unable to meet those parking
19 requirements, then his plans would not be able to be approved.

20 MR. BROWN: Thank you. Thank you, Mr. Chairman.

21 MR. TUTTLE: Mr. Chairman, may I ask Mr. Price a question?

22 CHAIRMAN PALMER: Yes.

1 MR. TUTTLE: Mr. Price, I just want to make sure I understand – what's before
2 us today is a rezoning.

3 MR. PRICE: Yes, sir.

4 MR. TUTTLE: And the end use is irrelevant for this Commission to look at as
5 long as it falls within that classification.

6 MR. PRICE: Exactly.

7 MR. TUTTLE: Okay, thank you.

8 CHAIRMAN PALMER: What are the setbacks in GC?

9 MR. PRICE: Twenty-five front, 0 on the sides and I believe 10 in the rear.

10 CHAIRMAN PALMER: And how would you classify this site, which would you
11 say is the front, sides and rear of this site?

12 MR. PRICE: Gee, that's a good question Mr. Palmer.

13 MR. KELLY: I think we are struggling with that also.

14 MR. PRICE: Well, typically the way our Code reads – I can tell you, the way our
15 Code reads any side of the parcel that abuts a road is considered a front. However, my
16 interpretation has been if there's controlled access and it can't get any more cuts off of
17 that, then we do not hold them to that 25' setback requirement and that side is typically
18 been deemed to be either the rear or the side.

19 CHAIRMAN PALMER: So you would take a look at this site as having no
20 setback.

21 MR. PRICE: Well, it looks like they're going to have to have a least one front
22 yard setback because as they actually enter the property, so wherever that is, it
23 definitely will be the front yard setback. And then we'll make a determination as to what

1 the side and rear, if in any case a rear. Because some cases you would have just a
2 front and the rest will be sides.

3 MR. TUTTLE: And I would assume the geometry of the point of the triangle
4 would automatically make the setback a number greater than the minimum setback
5 anyway.

6 MR. PRICE: Yes, sir.

7 CHAIRMAN PALMER: Alright. It's going to be a tough one to make fit. Okay,
8 any other questions for the applicant or Staff? Any motions?

9 MR. TUTTLE: Sure, Mr. Chairman I'd like to make a motion that we send Case
10 No. 10-24 MA forward to Council with the recommendation for approval.

11 MR. WESTBROOK: I second.

12 CHAIRMAN PALMER: We have a motion and a second. All those in favor of the
13 motion, please signify by raising your hand. Those opposed?

14 *[Approved: Westbrook, Tuttle, Palmer, Manning, Mattos-Ward, Brown; Absent: Cairns,*
15 *McDaniel, Gilchrist]*

16 CHAIRMAN PALMER: Next case.

17 **CASE NO. 10-25 MA:**

18 MR. PRICE: Next case is Case No. 10-25 MA. The applicant is Josh
19 Williamson. The property owner Ray Head is also present. The location is, there are
20 two locations; 11315 and 11325 Garners Ferry Road and it encompasses a 2.35 acre
21 tract. The property was formally zoned, excuse me, it's currently zoned PDD. And
22 they're proposing to go to RC, which is Rural Commercial. This actually was before you
23 in July I believe and the applicant withdrew at County Council, so they're back before

1 you. I'm not sure if this was mentioned at the last meeting why this became PDD. If
2 you care to hear, I'll be happy to give you some information regarding the property.

3 MR. MANNING: Yeah, I'd like to hear that some point, I don't know whether we
4 want to come back to you or [inaudible].

5 CHAIRMAN PALMER: Go ahead, Geo.

6 MR. PRICE: This property actually was a non-conforming use, we're going, you
7 know, back quite some years ago, and it used to be I believe some type of garage more
8 or less for 18 wheelers and also had a restaurant on the property. Once the property
9 owner, I believe it was Mr. Bostick, was making an addition onto the garage area and
10 when it was found out by county Staff, we had to put a stop work order on it and it was
11 determined that he could not expand a non-conforming use. So in order for him to have
12 a permitted use and to continue with the expansion, County Council actually rezoned
13 this to a PDD. And we're going back to the old Code, so that PDD was a site specific
14 use which limited it to a garage and a restaurant. So it wasn't a General Commercial
15 type use or just sales, it was just a restaurant and a garage and that is all this property
16 is limited to now.

17 MR. MANNING: And the acreage requirement was met for a PDD?

18 MR. PRICE: Yes, sir. It was 2.35 then, I mean, now and it was the same thing
19 back then.

20 MR. MANNING: And the specific uses on that site just became the PDD?

21 MR. PRICE: Yes, sir.

22 MR. MANNING: What was the Planning Commission's recommendation at that
23 time?

1 MR. PRICE: I don't have the before me. We don't have that before us.

2 MR. MANNING: And so he is basically limited to the placement and size of the
3 structures that exist to date and they are no longer in existence, in other words a fire
4 destroyed one and the other business is gone out of business.

5 MR. PRICE: Well, the other business the structure is still there for the restaurant.
6 But, you're correct that the fire did destroy the other one.

7 CHAIRMAN PALMER: Alright. Josh Williamson followed by Mr. Ray Head.

8 **TESTIMONY OF JOSH WILLIAMSON:**

9 MR. WILLIAMSON: Yeah, I'm Josh Williamson. I live at 800 Willie Wilson
10 Road, Eastover, SC 29044. Last time I come in front of you in July I got too new faces,
11 four original faces. Mr. Palmer and Mr. Tuttle y'all voted yes for GC, you voted nay, you
12 voted nay, and the woman that was sitting here, I believe would be the blonde headed
13 girl and another little young lady was sitting there, the voted nay. I went by what they
14 kind of said they would go with, they felt better that if I had it zoned as rural commercial
15 instead of general commercial because it still limited my uses, all I wanted to do is make
16 a convenience store instead of a restaurant; put gas pumps up even though the awning
17 for the gas pumps will contain within that 20,000 square foot of what I can do with rural
18 commercial as of what Mr. Price said last time I was here, so I paid the \$100 again and
19 I'm back up here again. I withdrew because I was under the impression and led to
20 believe that if I went rural commercial instead of GC I had a better chance of getting it
21 approved. Even though you, Mr. Palmer and Mr. Tuttle approved me for GC.

22 CHAIRMAN PALMER: I remember. And you're able to do what you want to do
23 under rural commercial?

1 MR. WILLIAMSON: As far as what he read last time, yes sir. What Mr. Price
2 said last time; I can do gas pumps, and as long as I don't have no structures, none
3 whatsoever, no matter if they're conjoining or not, go over the 20,000 square footing
4 mark. And what's there now is only a 4,700 square feet, roughly.

5 CHAIRMAN PALMER: Right. Okay. Any questions for Mr. Williamson?

6 MR. MANNING: Yeah, well I've got a question for Staff.

7 CHAIRMAN PALMER: Okay. Mr. Head? Anything else you'd like to say?

8 **TESTIMONY OF RAY HEAD:**

9 MR. HEAD: I'd just like to ask for help here. Like I say, I'm 73 years old. My
10 name is Ray Head, 3205 Highway 777, Loris, South Carolina. I acquired this land by a
11 bad loan, foreclosure. The restaurant, I loaned money on it, I mean, borrowed money, I
12 mean, I bought the truck repair shop next door with intentions of putting a flea market. I
13 had all my paperwork while I was applying to the county to put a flea market there. Well
14 some of my good neighbors burnt my building down. That's \$150,000 I lost, cash
15 money. And anybody would be not in their right mind to go out there and put a
16 \$250,000 building for truck repair shop on this, where the truck repair shop was at. All
17 they're asking is for the, where the restaurant's at to put a convenience store. It would
18 create tax base, I don't never intend to do anything with it, like I said last time if it's, if I
19 can't do anything with it, I want to donate it to the Turbeville Orphan Home and that will
20 take it off the tax books forever. That's my intention, I mean, it's just, I need to sell it.
21 I'm getting old, I need to ride out in the sunset.

22 CHAIRMAN PALMER: Appreciate it. Anything else?

23 MR. HEAD: No, sir, just help me.

1 CHAIRMAN PALMER: I appreciate it, thank you. Alright. Mr. Manning, anything
2 for Staff?

3 MR. MANNING: Yeah, I scratch my head a little bit and was wondering why we
4 had a PDD anyway? But I guess that was because of the nonconforming use, but –

5 MR. PRICE: That seemed to be the answer going back, at least in the '90s
6 particularly and early 2000 as a way to allow certain uses and, you know, you wanted to
7 give them a general commercial too open, so you could restrict certain uses.

8 MR. MANNING: Why isn't a waiver or a modification to the PDD allowable in this
9 situation to permit what they're requesting to do? I mean –

10 MR. PRICE: Because essentially you'll be going from a PDD to a PDD. It's not
11 an amended PDD, its PDD –

12 MR. MANNING: PDD to a -

13 MR. PRICE: You'd be rezoning, let's say in this case go to a PDD, that's how
14 you would amend it in some way. Unfortunately, because PDD's do have to be mixed
15 use, what you currently would have will still be one use, commercial. So they're not
16 eligible to apply for a PDD –

17 MR. MANNING: What you've got now is a PDD with no use.

18 CHAIRMAN PALMER: Exactly.

19 MR. PRICE: Well, no they're uses permitted there.

20 MR. MANNING: Okay, well you've got a PDD with one use. It's not being used.

21 MR. PRICE: Right.

22 MR. MANNING: I mean, one building's gone and, you know, does it make sense
23 to go back and build a garage there? That's a whole nother question but you could take

1 the other building and allow it within the PDD. You know, this whole issue goes away, I
2 mean, it just didn't make sense to me.

3 MR. PRICE: I don't disagree with you Mr. Manning, unfortunately there are no
4 mechanisms in order for use to just do that and limit it to a certain use. So what they
5 have to do is apply to one of the zoning districts that essentially is open –

6 MR. MANNING: But we just modified a PDD a few minutes ago on density for a
7 road layout. I mean, that's the use. And I don't quite follow why we can't amend the
8 PDD to allow the filling station or a restaurant and a filling station combination and don't
9 worry about the truck stop and go through the whole issue of zoning a piece of property
10 commercial, general commercial, if people are concerned about that opens it up to too
11 many uses.

12 MR. WILLIAMSON: Sir? The concrete footing – if I may, the concrete footing is
13 still there so really by Richland County's Code, I can build another building back on top
14 of the concrete footing that's there because that is the original foundation.

15 MR. MANNING: Yeah, I understand, yeah.

16 MR. WILLIAMSON: But I don't want to make it into a garage if I build a building
17 over there.

18 MR. MANNING: I understand.

19 MR. WILLIAMSON: That's why they told me, he told me you couldn't do another
20 PDD, you couldn't amend it, y'all don't do no more PDD's. But he said that was kind of
21 the way they was going with it but if – but Bostick did have a business license, he did
22 have a business license to do business in Richland County. So on the business
23 license, what was the zoning for the business license, if he got caught building

1 something extra on that he wasn't supposed to build, did you red flag him because he
2 didn't pull a permit to build on to make it taller, correct?

3 MR. PRICE: Huh? I'm sorry. It was zoned rural. The property was zoned rural
4 and was non-conforming.

5 MR. WILLIAMSON: So, he was already zoned rural but then you mentioned a
6 PDD.

7 CHAIRMAN PALMER: Hold on, Mr., hold on a second.

8 MR. MANNING: Alright the PDD was established, I don't know whether this
9 Body, the Planning Commission approved it or not but it was established.

10 MR. PRICE: Exactly.

11 MR. MANNING: And what you're saying now is that we cannot modify a PDD
12 because it's not an existing zoning classification?

13 MR. PRICE: No, sir. What I'm saying is the term that we've always used
14 regarding PDD's was amend a PDD. Technically, you aren't amending a PDD; you're
15 rezoning it to another PDD. If you're going to change the uses or make any changes to
16 it, essentially it's going from a PDD to a PDD. So what I'm saying is, so there's never
17 been an amendment to them. And right now, he can't go to, from a PDD – he can't go
18 to a PDD because there's no mixed use involved with this property or the proposed
19 uses.

20 MR. MANNING: What did we just do a few minutes ago in regard to Ashland?

21 MR. PRICE: To Ashland? You approved a subdivision.

22 MR. MANNING: Within a PDD.

23 MR. PRICE: Yes, sir. It was just –

1 CHAIRMAN PALMER: That's subdivision approval which is – we're the only
2 guys left that have that where it used to come to us years ago as [inaudible].

3 MR. PRICE: That was not a rezoning.

4 CHAIRMAN PALMER: Still comes to us for rezoning.

5 MR. MANNING: But that's a modification allowed in the PDD.

6 CHAIRMAN PALMER: No, no.

7 MR. MANNING: That's not a new rezoning.

8 CHAIRMAN PALMER: No, no.

9 MR. PRICE: It's not a rezoning –

10 CHAIRMAN PALMER: It's not a rezoning at all, it's just we're approving the
11 roads, the streets, all the lots –

12 MR. PRICE: Site plan review.

13 CHAIRMAN PALMER: - if you wanted to say you can't have two of these lots
14 [inaudible]

15 MR. MANNING: Alright. They've got three uses on that screen.

16 CHAIRMAN PALMER: Yeah, but this is a zoning classification –

17 MR. MANNING: Hear me out – they got three uses on that screen, one was a
18 garage, one was a mobile home, one was a restaurant.

19 CHAIRMAN PALMER: Correct.

20 MR. MANNING: And one of them that was the garage, burnt down.

21 CHAIRMAN PALMER: Right.

22 MR. MANNING: They could put something back on that, the same footprint.

23 CHAIRMAN PALMER: But only a garage.

1 MR. MANNING: But why couldn't you say, and have another use which would
2 eliminate the need for mixed use, the question of mixed use. I mean –

3 CHAIRMAN PALMER: Because you're –

4 MR. MANNING: - nobody says that it's not going to be a mixed use on the
5 property.

6 CHAIRMAN PALMER: Well that's – but if you amend the PDD they have to
7 come in as PDD and say we're going to do residential here, and we're going to do
8 commercial here. They're not saying that, they're saying we're doing commercial on the
9 whole site. And there never was a simple amended PDD, there was never an amended
10 PDD. When that was the process it became a brand new PDD.

11 MR. MANNING: Okay, alright. Short of commercial on the whole tract -

12 CHAIRMAN PALMER: Right.

13 MR. MANNING: - you couldn't take one of those existing buildings and say, I
14 want to – because this use is no longer in existence, replace that use with some other
15 use?

16 MR. PRICE: No, sir.

17 MR. MANNING: And not rezone the whole property to commercial.

18 CHAIRMAN PALMER: You're making a new PDD and you can't make this a
19 new PDD without it being mixed use. In other words, if they were playing with a mixed
20 use plan, and had that plan approved, you [inaudible].

21 MR. MANNING: Right. Let's just say two of them stay the same and they modify
22 one. You know, who's to say that they're not going to go put some [inaudible] in the
23 project?

1 CHAIRMAN PALMER: That's [inaudible].

2 MR. PRICE: Yeah, modification and in this case is just not an option.

3 MR. MANNING: Okay.

4 CHAIRMAN PALMER: I agree with you. I mean, it makes sense to be able to do
5 that but when they changed the Code to require mixed use in PDD's, it took that option
6 away. If we want to go back and change it and we can propose an ordinance change to
7 make it go back the way it was, that's something we can take a look at doing, but as the
8 ordinance reads right now, you can't do it. So – but me personally, I don't have a
9 problem with rural commercial. I think rural commercial is meant to be in rural areas
10 where this is. I understand that we'd like to have them exactly at cross-roads, at nodes
11 if you will. There is a rural commercial three lots down at the intersection and I
12 understand that. I also understand that you can't make rules in the county simply on
13 black and white without taking a look at what the issues are pertaining to a piece of
14 property. This is a piece of property which is operated as a commercial site for a
15 number of years and wants to continue to do that and is trying to find a way to not be
16 intrusive into the area and not have all the uses that general commercial has and simply
17 the limited uses that rural commercial has. And I applaud the applicant for sticking with
18 it and staying within the system and not trying to come in and ask for forgiveness rather
19 than permission, so I would be in favor of it, the rezoning to rural commercial because I
20 believe that it is in keeping in character with the area and because it would not be a
21 safety issue or negatively impact the traffic in the area, but I can't make a motion to do
22 that.

23 MR. WILLIAMSON: Okay, I've got one more thing, if you don't mind.

1 CHAIRMAN PALMER: Nope. Okay. So, that's my thoughts on that.

2 MR. TUTTLE: Mr. Chairman, I'd like to make a motion to send Case No. 10-25
3 MA forward to Council with a recommendation for approval. And Mr. Price, my
4 understanding is I have to come up with a philosophy as to why I'm going against the
5 Staff recommendation?

6 MR. PRICE: Yes, sir.

7 MR. TUTTLE: I guess, basically, I'll reiterate what Mr. Palmer said. I think that it
8 is – you do have similar use three lots down, it is on a major arterial road, the traffic
9 count certainly notes that this should be a commercial property right there, it certainly
10 doesn't support residential. Not to mention, I also think that by actions of the Planning
11 Commission years ago I think we pigeon-holed the property owner into something that
12 he doesn't have much flexibility on. Is that -

13 MR. PRICE: That's fine. Just - what you said, that's fine. We're just looking at
14 the purpose for the rural commercial and maybe that's something we can kind of re-
15 evaluate but just for the purpose for rural commercial, those kind of go against what
16 your findings are.

17 MR. TUTTLE: Right.

18 CHAIRMAN PALMER: We have a motion, do we have a second?

19 MR. MANNING: Second.

20 CHAIRMAN PALMER: All those in favor of the motion, please signify by raising
21 your hand? All those opposed?

22 *[Approved: Westbrook, Tuttle, Palmer, Manning, Mattos-Ward, Brown; Absent: Cairns,*
23 *McDaniel, Gilchrist]*

1 CHAIRMAN PALMER: Okay, so the 28th is when you'll need to be back, at 7:00.

2 MR. WILLIAMSON: Yes, sir. At 7 o'clock, thank you.

3 MR. MANNING: This might need to be a discussion for another day but it seems
4 like Mr. Tuttle mentioned that we've got somebody boxed in, pigeon-holed based on
5 some other approval years ago that we may or may not have had any input in and it just
6 does not seem to me that we've got to go through, shouldn't have to go through all
7 these steps to correct that problem. I mean, there's got to be an easier way, should be
8 an easier way.

9 CHAIRMAN PALMER: It is. You change the ordinance to not require mixed use.

10 MR. MANNING: Well, that's –

11 MR. TUTTLE: Mr. Price I had quick question. Wouldn't it be possible to create a
12 PDD that allowed a minimum of two uses off of a list of 10 or 12? I'm just – just in theory
13 because over a long period of time, conditions are going to change and growth is going
14 to change particular uses and if we take somebody and limit them to two uses, you
15 know, I'm not sure starting from scratch you could ever get financing in the real world for
16 that because you're –

17 CHAIRMAN PALMER: Well, I don't know that this is a [inaudible]. I would
18 [inaudible].

19 MR. MANNING: Look what you've got is non-conforming uses that [inaudible]
20 built around and let's just say the garage was one of those mixed uses. Ten years from
21 now everything's electric. There's no need for a garage anymore.

22 CHAIRMAN PALMER: Right.

1 MR. MANNING: So there goes your mixed use, you know. I just think there's
2 got to be an avenue to deal with change.

3 CHAIRMAN PALMER: Well, and if the PDD doesn't apply anymore, it goes back
4 to the underlying zoning, so it would've revert it back an RU zoning. So they could have
5 used it under the RU classifications if the PDD doesn't apply.

6 MR. PRICE: You mean from previously?

7 CHAIRMAN PALMER: Yeah. They could, it would revert back to the underlying,
8 the previous zoning, correct?

9 MR. PRICE: No, there's still a PDD. And someone is still eligible to come in for
10 a PDD; it's just that it has to be a mixed use.

11 CHAIRMAN PALMER: I'm saying on this particular site.

12 MR. PRICE: On this site, it's still, it would just be a PDD.

13 CHAIRMAN PALMER: So, he didn't even have the option as using it as a rural
14 site?

15 MR. PRICE: No, sir.

16 CHAIRMAN PALMER: So, he's just stuck with the PDD with those two uses?

17 MR. PRICE: Yes, sir.

18 MR. TUTTLE: And so if he doesn't want to build the truck repair shop, he can't
19 use his property for anything?

20 MR. PRICE: Yes, sir.

21 MR. MANNING: Well, that's why we need to [inaudible].

22 MR. PRICE: Correct. And this -

1 MR. MANNING: We shouldn't – the zoning shouldn't make a piece of property
2 unusable.

3 MR. PRICE: Right, and that's something I'm sure that we could probably talk
4 about, you know, looking in the Code. But if you go back some years, really the PDDs
5 when we had just a site specific PDDs then PUDs were really kind of, I think abused in
6 some ways to try to make something fit, you know, or to try to negotiate certain uses.
7 And so what you end up with is cases like this. If you go back and you consider it was
8 non-conforming before [inaudible] behind the non-conformity is well, it's there before the
9 zoning came into place or the regulations and the idea is that we're not trying to
10 encourage its survival, we're going to let it stay there. Well, then you turn around and
11 rezone it and give it a use that's going to allow it be there but guess what? It really kind
12 of effects the way that are is going to develop or at least the surrounding zonings in that
13 property.

14 MR. TUTTLE: At the time the PDD was done, was RC even a classification?

15 MR. PRICE: No, sir.

16 MR. TUTTLE: So, it had to either be GC or PDD was probably the dilemma
17 before.

18 MR. PRICE: Yes.

19 CHAIRMAN PALMER: That's C1 and C2 – 3.

20 MR. TUTTLE: Well, yeah – okay.

21 MR. PRICE: Right, but those wouldn't have, none of those uses would have
22 worked for the garage; the C1 or C2.

1 MR. MANNING: Mr. Price said, I mean, you know, the Council liked to use those
2 in order to limit the uses or to fix the problems of non-conforming uses, that's – people
3 went to great expense to get to that PDD or PUD that, you know, it's time consuming
4 and expensive and sometimes doesn't fix the problem.

5 MR. PRICE: Exactly, and that's a discussion that we typically have with
6 applicants especially when they were coming in with the old site specific PDDs or really
7 even PDDs today, that if you aren't careful in the crafting of your wording within your
8 document, you could be in a situation, stuck like this where the market changes and you
9 can't do anything unless you come back to, for the full steps.

10 CHAIRMAN PALMER: Okay. So Deas, you want to take that one up?

11 MR. MANNING: Yeah, I will. When do you want me to start?

12 MR. PRICE: A special called meeting.

13 CHAIRMAN PALMER: Whenever you want to get it resolved. Alright. Text
14 Amendments.

15 **TEXT AMENDMENTS:**

16 MS. LINDER: Mr. Chairman, if you'll look on page 33, the first Text Amendment
17 is just a matter of correcting a section number. The flood insurance rate map that's
18 referenced there is now found in 26-106 not 105. So that's just a correction of section
19 numbers.

20 CHAIRMAN PALMER: Okay, we have no one signed up to speak on it.

21 MR. MANNING: You need a motion?

22 MS. LINDER: I need a motion.

1 MR. MANNING: Mr. Chairman, I'd like to make a motion that we adopt the
2 amendment to the ordinance specifically – what's the number on it? Can you help me
3 there? Ordinance No. 10HR?

4 MS. LINDER: It's just to approve, make a motion to approve the text
5 amendment.

6 MR. MANNING: Okay. I make a motion that we approve the text amendment in
7 Ordinance 10HR.

8 MS. LINDER: Page 33? The text amendment is on page 33.

9 MR. MANNING: Oh, okay, the text amendment on page 37 or 33. Thirty-three?

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

11 MR. BROWN: Second.

12 CHAIRMAN PALMER: All those in favor, please signify by raising your hand.

13 *[Approved: Westbrook, Tuttle, Palmer, Manning, Mattos-Ward, Brown; Absent: Cairns,*
14 *McDaniel, Gilchrist]*

15 CHAIRMAN PALMER: Second one?

16 MS. LINDER: The second text amendment, we have Mr. Quinton Epps here,
17 who's our flood plain coordinator and he can explain the necessity of this ordinance. If
18 you would allow him to come to the podium?

19 MR. EPPS: Hi. These changes are required by the FEMA. Whenever we have
20 new map updates they go through our ordinance and look for specific items that we
21 need to include in our ordinance to be compliant with the National Flood Insurance
22 Program, and they picked out a few things that we needed to change. And that's, we're
23 gonna change those exact things, most of them are very minor in nature.

1 MS. LINDER: The only thing I would like to add is that we're under a timeframe.
2 We need to get this enacted before September 29th, therefore County Council will be
3 taking it up on September 7th for first reading. We're going to be having a special called
4 Zoning Public Hearing and Staff does recommend approval of this ordinance.

5 MR. MANNING: I do have a couple of questions, Quinton, if you don't mind.
6 There was, before you got here, a lot of discussion about the flood plain coordinator, the
7 county engineer and who was making those decisions and I guess what this is, the
8 powers and duties – are we modifying what we were doing before to allow the flood
9 plain coordinator to move forward under the purview of the county engineer? Is that
10 basically what we're doing, was the sole authority with the county engineer before or?

11 MR. EPPS: I can't speak as well with what happened before, but if I say
12 anything wrong I'm sure they'll correct me. The flood plain coordinator was under
13 Planning before I came and they changed that so that now my position is under, directly
14 under the County Engineer, works out of Public Works so that we have more
15 enforcement authority and we're more directly connected with engineering and with the
16 storm water folks and, that deal with a lot of flooding issues as well. So those wording
17 changes really are just updating the ordinance to reflect what's already in place.

18 MR. MANNING: Okay. The other question I had is [inaudible] and disclaimer of
19 liability? It says this section shall not create liability of the part of Richland County or by
20 any officer or employee thereof for any flood damage that results from reliance of the
21 provisions contained herein. How do you exempt the county in an ordinance from
22 liability? Does that –

23 MS. LINDER: It's a FEMA requirement.

1 MR. MANNING: Well, does it mean anything? I mean, it's, I'm not a lawyer but, I
2 mean, how, how do you do that?

3 MS. LINDER: If you want my legal opinion we can have an Executive Session.

4 MR. MANNING: Well, Mr. Chairman, I'd like to hear the opinion.

5 CHAIRMAN PALMER: We'll take a moment for an Executive Session to receive
6 legal advice.

7 MR. EPPS: Would you like for me to stay?

8 MS. LINDER: I would like Mr. Epps to join us in the Executive Session. And that
9 would be the only Staff person.

10 *[EXECUTIVE SESSION]*

11 CHAIRMAN PALMER: We have just opened a three hour can of worms.
12 [laughter] If you could report us out of Executive Session.

13 MS. LINDER: Mr. Chairman, the Planning Commission went into Executive
14 Session to receive legal advice. No action was taken.

15 CHAIRMAN PALMER: Thank you.

16 MR. MANNING: One last question, Quinton. Water course alterations and
17 maintenance, it says the maintenance must consist of a comprehensive program of
18 periodic inspections and routine channel [inaudible] and dredging are all the related
19 functions. [Inaudible] consistent with description of maintenance, activities, frequency of
20 performance, blah, blah, blah. Don't you have to have an inventory of every drainage
21 ditch in Richland County to do that? I mean, are, is that not something that is gonna
22 create a tremendous burden on, if not you, the people who are in a flood prone area or
23 who have property in flood prone areas?

1 MR. EPPS: In a nutshell, yes. Yes, sir. And this is one of the few requirements
2 that they requested of us, well or said that we had to put in there, that I knew that was
3 gonna create what you're talking about, an additional burden. The good side of that is is
4 that we already have a lot of these ditches and other areas mapped and that we already
5 do some of this through our storm water program. We are gonna have to step up our
6 efforts to meet this ordinance in our One Stop Program because calling in and they say,
7 I have flooding here and then we go out and look at it, and if it is a blocked up ditch or
8 culvert we generally clean it out. I spoke with FEMA in-depth about this particular
9 requirement and especially as it pertains to private property where we do not have
10 easements. And what I was told is, is from FEMA, is that where we do not have
11 easements and we know that there is a blockage or there is a problem, we need to, I
12 don't want to say force, but that's what FEMA said, we have to get the, the private
13 property owner to clean out that ditch so that it does not cause flooding on someone
14 else's property.

15 MR. MANNING: So you're saying that FEMA, through asking the county to adopt
16 these regulations, can literally force a private property owner to clean out a ditch?

17 MR. EPPS: Yes, sir. That is, that is the ultimate result of that particular
18 inclusion.

19 MR. MANNING: I don't want to take us back into Executive Session, but
20 [laughter] I'm just not sure they've got the authority to do that, but.

21 CHAIRMAN PALMER: Well, I mean, I have a, I have a, I mean, you know, points
22 that issue out right there I have a big issue with that and, I mean, if FEMA wants to
23 make their own requirements and somehow try to enforce those, I mean, they're free

1 and welcome to do those, but they're, looks like they're trying to force something on the
2 counties that they won't do themselves or trying to use the counties as an arm to do
3 their own enforcement by mandating that they somehow figure out a way to enforce
4 their own code.

5 MR. EPPS: Well, that, that is, and forgive me I'm new to this, if I'm not supposed
6 to speak, just tell me.

7 CHAIRMAN PALMER: No, you're fine.

8 MR. EPPS: That is exactly what they're doing. If we want to be a part of their
9 program, which is the National Flood Insurance Program, then we have to meet the
10 requirements that they set forth. And one of those requirements is that we, what you
11 just read, that we maintain ditches and other things or we go to the limits of our ability,
12 which is if we go out and we see a clogged ditch and we don't have an easement, then
13 we send a letter or we go tell the private property owner to clean out that ditch.

14 CHAIRMAN PALMER: How do you see a clogged ditch when you're not on your
15 own property?

16 MR. EPPS: A good point.

17 CHAIRMAN PALMER: You have no right to go on their property to look.

18 MR. EPPS: Well, I believe, and I may be wrong about this, but I believe it does,
19 there are sections in the ordinance that allow us to go on private property to look at
20 issues just like this. I'd have to do some research to find where that is, but I believe we
21 do have the ability to go look at things like this.

1 CHAIRMAN PALMER: Well, I understand that Council's gonna do what it wants
2 to do but because of this one issue and because of I am an extremely strong property
3 rights individual, I'm not gonna be able to support it.

4 MR. MANNING: You mentioned that this is a requirement in the NFIP program.
5 I mean, is this a specific, is there specific language that states that, that you will do
6 these things or is this just a policy decision that they're asking the county to adopt?

7 MS. LINDER: The amendments that you have before us have been requested of
8 us by the state FEMA folks and these are what is before.

9 MR. MANNING: Okay. Are you seeing the same language being modified in
10 other municipalities across the state, same language?

11 MS. LINDER: I have not looked into what other municipalities or other
12 jurisdictions are being asked of, but I would suspect that there would be similar
13 requirements.

14 MR. MANNING: Well, I mean, the NFIP program is, is a national program, not
15 county by county, it's not state by state.

16 MS. LINDER: If Mr. Epps does not know the answer we can certainly get that
17 answer for you.

18 MR. MANING: Okay.

19 MR. EPPS: They're, to my knowledge, there are other municipalities and
20 counties, etc. that are being required to adopt these same things requirements.

21 MR. MANNING: Okay.

22 CHAIRMAN PALMER: When a grandma and a grandpa have a house with a
23 stream on it and we then go onto their property and make them pay out of their pocket

1 to bring those streams up to the quality standards that they're talking about – they, they
2 haven't done anything to, you know, it's just been over the years that trees have fallen
3 in it or whatever, but we now have to bring those, we require them to bring these up to
4 the capacity that – [inaudible] capacity is not diminished. In other words they've got to
5 bring it back to the original states, that's amazing to me. You know, there's no reason
6 for that.

7 MR. EPPS: I understand. I agree with that. What these, what this is specifically
8 referring to is not a natural stream. There wouldn't be any sort of clean out required on
9 the Congaree River or, or a small swamp stream like Gills Creek or some place like
10 that. These are specifically related to ditches and maintained channels that, in a lot of
11 cases, particularly in more urban areas, would have easements on them, but in some
12 places they would not have easements, these would be on private property and there
13 might be the same issue that you brought up. It would come up but it wouldn't be on a
14 natural stream. It'd be really hard for debris and things like that to clog up a natural
15 stream.

16 CHAIRMAN PALMER: But I know this for a fact that years ago people would dig
17 ditches and drain their property and, you know, they go across – those are what you're
18 talking about is those kind of manmade natural ditches that people just did years ago.
19 They've been on these old farm sites for years. That's what you're talking about having
20 to come back in and restore, right?

21 MR. EPPS: That, there's a potential for that. I do think that it is a minimal
22 because a lot of these areas are not gonna be the ones that are gonna be affected by
23 flood prone areas that are big enough to affect, you know, huge flooding. You know,

1 like if you're talking about a lot of these farm ditches where the farmers put in ditches to
2 drain fields so they wouldn't flood as much as they do, those are, I would see that very
3 unlikely that we would be out there going, you know, you need to make sure you keep
4 that ditch clean because it's gonna flood, you know, somebody down here. Cause
5 that's only gonna affect their property in a lot of cases.

6 MR. MANNING: What about beavers? I mean, you see that all over the state
7 right now where they're damming up natural ditches, flooding other people's property.

8 CHAIRMAN PALMER: But this, what he's saying is this doesn't apply to any
9 natural waterways.

10 MR. EPPS: It'd be very unlikely.

11 CHAIRMAN PALMER: [Inaudible] creek.

12 MR. EPPS: Very unlikely.

13 MR. MANNING: But the ordinance that we just adopted [inaudible] ordinance I
14 think referred to intermittent streams, perennial streams, and so we've got that language
15 in the storm water ordinance and then you – the interpretation I would bet you would go
16 right to this, or this would go right to that. I mean, I –

17 MR. EPPS: My, my interpretation and what I, cause I've been asking lots of
18 questions about this, that it's, it really does not apply to natural stream courses. Now,
19 obviously if there is a huge beaver dam that flooded somebody's property or that might
20 flood somebody's property in a natural stream, that might be cause for some concern,
21 but again my thought might be, would be that these areas would be very localized and
22 not be cause for huge concern. Now, some unique case might present itself and I don't
23 disagree that this is gonna create a lot of issues.

1 MR. MANNING: I guess, I guess my concern is, is, you know, and I'm trusting
2 that that interpretation is, is correct, but at the same time when the language is, consist
3 of a comprehensive program, that means something more than just a broad
4 interpretation of drainage and ditches.

5 CHAIRMAN PALMER: If it doesn't specifically exclude something then it's
6 included. I mean, this, this section 8, nowhere does it exclude natural waterways.

7 MR. EPPS: But doesn't it say, ditches and maintain drainage ways or something
8 like that? I can't remember the exact language.

9 MR. MANNING: It says, in addition to the notification required for water course
10 alterations per 26-35(D)(4)(c), written reports of maintenance records must be
11 maintained to show that maintenance [inaudible] been provided. I mean –

12 MR. EPPS: So here's the language. Water course alterations. That means the
13 water course has been altered, it's not natural. So it does, it, it inadvertently excludes
14 natural streams. In my view, now I'm not a lawyer, so.

15 MR. MANNING: Right. Well, at the same time it's now requiring some level or
16 standard of a private landowner to keep maintenance records.

17 MR. EPPS: It does, and this is a new requirement and we don't have it and it is
18 required by the FEMA.

19 MR. TUTTLE: And pay for periodic inspections. Who, who would perform
20 those?

21 MR. EPPS: Well, currently right now that's done by storm water personnel and
22 the flood plain.

1 MR. TUTTLE: As this moves forward to Council and they approve it, they
2 certainly need to address their budget.

3 MR. MANNING: Okay, well that's all my questions.

4 CHAIRMAN PALMER: Is this language verbatim per state FEMA?

5 MS. LINDER: That is correct.

6 MR. EPPS: If I could explain a little bit more about the process. They go through
7 your ordinance or our ordinance and they look at it and they have a checklist that is, that
8 they go through and they mark off everything that you're supposed to have in your
9 ordinance and if you don't have it, then they say you need to put it in there. It, the
10 FEMA regulations are long and winded and up to a lot of interpretation, but the state
11 FEMA director provided us with a checklist and I went through probably a couple days
12 of negotiations with them and through our 500 plus page ordinance and said, you know,
13 this is already in here right here and we're doing this right here, and they dropped about
14 half of those things or more than half. And then these are the things that were left over
15 that they said that we had to have in our program or we would not be compliant with the
16 NFIP minimum requirements, which is, I know I've said that a few times, a very
17 important thing in terms of flood.

18 MR. MANNING: One other question, Ms. Linder. You indicated this is verbatim
19 from FEMA and typically they, I think, request that municipalities provide some
20 language, that there is some flexibility in the way they draft ordinance or amendments.
21 Did the county request FEMA to send this language verbatim because they didn't want
22 to provide it themselves, or did they just say, here it is, you take it or leave it?

1 MS. LINDER: To my understanding the state FEMA, like Mr. Epps said, had a list
2 of things that they wanted in our ordinance and this is verbatim what they wanted in our
3 ordinance.

4 MR. MANNING: But the county didn't want to provide the language themselves?
5 I mean, you're saying that this language -

6 MS. LINDER: I'm not sure if, Mr. Epps, did you provide any alternative to them
7 or did we just accept what they told us they wanted?

8 MR. EPPS: They provide to all the municipalities under the NFIP program, a
9 model ordinance and that model ordinance has specific language and we did not go
10 back to them and say, we would rather have this in there, would you consider this? We
11 took this particular thing out of their model ordinance.

12 MR. TUTTLE: You said – to ask the question a different way again, then should
13 we assume that Lexington County would have this exact language in their ordinance or
14 would they have perhaps negotiated a different language?

15 MS. LINDER: I, I don't know what Lexington County has done, but if Lexington
16 County is working with the state FEMA, I would suspect that their language is similar if
17 not identical.

18 MR. TUTTLE: Well, the only reason I ask is cause Mr. Epps stated that he went
19 through a negotiation process with the state FEMA and I just didn't know what items
20 were on the table for negotiation and which weren't. And whether the public's concerns
21 with items in the ordinance were relevant prior to that negotiation.

22 MS. LINDER: What we can do if the Planning Commission has as a desire, is
23 we can specifically ask of the state FEMA if they would accept an amendment and then

1 we can bring their answer back to you at the next meeting. And if we can do amended
2 languages further down maybe that's a possibility.

3 MR. EPPS: To real specifically answer your question, every ordinance is not the
4 same and there is different, there's a lot of different ways of saying it. They do go
5 through the ordinance and, with their checklist, and if you don't have what they want in
6 there, then they required it and they can revoke the program. The model ordinance that
7 they provide to every person, you know, municipality in South Carolina directs what you
8 should have in there.

9 MR. TUTTLE: I know, and I appreciate it. And so just so I understand a little
10 more. The way I'm reading it is you really don't even have to have a problem with a
11 ditch on your property and yet you still have to maintain records and have periodic
12 inspections.

13 MR. EPPS: Yes. We are –

14 MR. TUTTLE: So every person in the county that has a ditch that's not owned by
15 the county will then have to file a periodic report and perform periodic maintenance
16 regardless of whether or not it has influence on a flood prone area.

17 MR. EPPS: What she's clarifying, and maybe I didn't make this clear is that we
18 are gonna, the county is gonna do the inspections. If they don't have an easement the
19 county doesn't have an easement, then we might ask them if the ditch is clogged up to
20 clean it out, if it would have an affect on flooding.

21 MR. TUTTLE: Okay, so, so if you were in an upland area and had a ditch that
22 really wouldn't have much to do with flooding, that ditch would never, potentially never
23 be inspected by the county.

1 MR. EPPS: Correct. And that could be easily interpreted by looking at aerials
2 and all the GIS layers that we have now, it'll be fairly easy to pick out those particular
3 areas that we need to look at. The other important point is, is that all of the different
4 municipalities around the state are on a different set of timeframes. The reason that
5 we're getting picked on if you want to call it that is that we got the entire county
6 remapped and whenever they do a remap they go through the ordinance and so
7 Lexington County may not have had that done for 15 years, so they're regulation may
8 not be up to the same standards that the feds require now and so there could be very
9 different sets of things going on out there. I didn't want you to think that everyone has
10 to do exactly the same thing at exactly the same time.

11 MR. TUTTLE: Okay. No, thank you. That's important.

12 CHAIRMAN PALMER: But to your point, David, this, it doesn't say in here that if
13 you're in the uplands or if you don't have potential of flooding someone else's property,
14 it doesn't say all that. It says that if you have one of these altered or relocated
15 waterways, water courses then you have to have these maintenance records.

16 MR. EPPS: Well, the maintenance records would be kept by the county. It's up
17 to the community to do this maintenance and it does say that the flood carrying capacity
18 is not diminished, so my interpretation of that would be that if you're not in a flood zone
19 then there's no flood carrying capacity that could be diminished. Now again, that's my
20 interpretation.

21 CHAIRMAN PALMER: Mr. Epps, one of my problems and, and I understand that
22 our back's against the wall, but it seems like our back's always against the wall. I mean,
23 how long has the county been dealing with this flood issue knowing that this date is

1 looming. We're less than a month away from it now. How long have you guys been
2 dealing with FEMA on these language issues?

3 MR. EPPS: We, it's been probably about, about a month.

4 CHAIRMAN PALMER: And they came to you in a month and said that within two
5 months you have to pass this or you're out of our program?

6 MR. EPPS: No, they, they sent us some letters apparently back before I was
7 here and we had various staff changes and actually the state FEMA office had various
8 staff changes, and so some, some of this probably should've been addressed earlier,
9 but it was not.

10 CHAIRMAN PALMER: And they're, and they're, because of all these
11 extenuating circumstances they're not likely to extend for an additional six months if we
12 requested it?

13 MR. EPPS: We have actually requested that and the answer was a definitive no.
14 There will be no extension.

15 CHAIRMAN PALMER: Well, I guess the question is not whether you think the
16 language is good for the county or whether you think it's right or not, the question is
17 whether you think the county should abide by these standards in order to take
18 advantage of the flood insurance program. And if you think it's worth doing this to take
19 advantage of the flood insurance program then you got to do it. If you don't think it's
20 worth being part of that program over these issues, then you don't do it.

21 MR. MANNING: And I agree with you, I think the National Flood Insurance
22 Program is obviously a, a very big issue and, nationwide. But at the same time I do feel
23 from a property rights issue the same, have the same concerns that you do, and I, and

1 I, although I want the National Flood Insurance Program, I don't have to agree with the
2 language that is in this document, and therefore I can't support it because of two
3 paragraphs. I want the National Flood Insurance Program but I'd like to see
4 consistency from county to county. It is a national program, one shouldn't be any
5 different than the other. And I think there is a record, a history of just plucking out and
6 putting things in to accommodate the federal government, and I just, I can't do it. That's
7 my position.

8 CHAIRMAN PALMER: Is there a motion?

9 MR. MANNING: I think it'd be better if somebody else made the motion.

10 CHAIRMAN PALMER: Okay. Yes?

11 MR. PRICE: As I was saying, you know, remember that y'all can send this
12 forward with whatever your recommendation is, with some recommendations of what
13 you think we should look into.

14 CHAIRMAN PALMER: Okay.

15 MR. BROWN: Mr. Chairman?

16 CHAIRMAN PALMER: Yes, sir.

17 MR. BROWN: To move this thing forward, given the fact that this is a national
18 program, the state has basically said that we need to do this in order to not jeopardize
19 the property owners in Richland County as far as flood insurance, I move Staff's
20 recommendation.

21 CHAIRMAN PALMER: We have a motion for approval. Do we have a second?

22 MR. WESTBROOK: I'll second that.

1 CHAIRMAN PALMER: We have a motion and a second to send the second Text
2 Amendment forward to Council as presented by the Staff. All those in favor please
3 signify by raising your hand. Those opposed?

4 *[Approved: Westbrook, Mattos-Ward, Brown; Opposed: Tuttle, Palmer, Manning;*
5 *Absent: Cairns, McDaniel, Gilchrist]*

6 CHAIRMAN PALMER: Okay, we'll need a motion that carries.

7 MS. LINDER: I believe a tie vote is a vote for denial.

8 CHAIRMAN PALMER: It is. So we'll need one that will carry. Will we not need a
9 motion that will carry? We would then need a motion for denial to see if the motion for
10 denial would pass.

11 MS. LINDER: Let me just check your rules.

12 CHAIRMAN PALMER: My understanding – and while we're waiting for that, I
13 mean, we would entertain another motion, but I understand the, the desire and the need
14 to be in the FEMA program and I'm not even say that we wouldn't be in the program
15 with, with, you know, Council doing whatever they may want to do. I just, I couldn't
16 agree with Deas more in that we are being asked to take part in a federal program but
17 yet not being asked to do the same thing that everybody will be asked to do. And when
18 it comes to private property rights and when it comes to maintaining records and having
19 county officials going on private land to inspect ditches when they don't have the, an
20 easement to do so is something that I just don't, I don't agree with at all.

21 MS. LINDER: Mr. Chairman, your rules say that a tie vote means it's a no
22 recommendation vote so this will go forward with no recommendation. You do not need
23 another motion.

1 MR. TUTTLE: But we could have one.

2 MS. LINDER: You could have one if you want one, sure.

3 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that the second Text
4 Amendment in the package, page 35, be sent forward to Council with denial.

5 MR. MANNING: Can we have some discussion on the motion [inaudible]
6 second? If it, if we could address section 8, number 1, water [inaudible], and, and I
7 don't know whether we really need to address item number 2 that we went into
8 Executive Session over, because that's gonna get played out legally, you know,
9 somewhere else.

10 CHAIRMAN PALMER: I view section 2 as basically a sign that's in a garage
11 when you [inaudible] that says, we're not responsible for your items. Well, they are
12 responsible for your items, they're just putting up a sign that says they're not. So that's
13 kind of what, what I view that as.

14 MR. MANNING: Right. So that's, that's really not that big an issue with me,
15 although I don't like the language.

16 CHAIRMAN PALMER: Right.

17 MR. MANNING: But section one dealing with water course alterations and
18 maintenance, I, I think we need to send this forward with a recommendation of denial
19 with the *proviso* that the county come back with different language that addresses
20 whatever that FEMA reg is understanding that we are consistent with every other
21 municipality in this country, and I'd like to see the, the requirement in the National Flood
22 Insurance Program that mandates it. I think we're getting a lot of things that are not law,
23 but being pushed down the county's throat.

1 CHAIRMAN PALMER: Right.

2 MR. WESTBROOK: Mr. Chairman –

3 MR. BROWN: Can I address that? Go ahead.

4 MR. WESTBROOK: Mr. Chairman, didn't Staff indicate that with the tie vote this
5 would go to Council for denial?

6 MS. LINDER: No, this would go forward with no recommendation.

7 MR. WESTBROOK: With no recommendation. Alright. I somewhat agree with
8 that, with no recommendation. Not vote again with, for denial.

9 CHAIRMAN PALMER: Just not have any recommendation.

10 MR. WESTBROOK: Yes.

11 MR. MANNING: And I appreciate that. I, but do we want the –

12 MR. TUTTLE: I, I understand there's semantics involved here, but I, you know,
13 Council [inaudible] the Minutes available to them, but they're not gonna necessarily be
14 privy to the, all the conversations that are here, so I think it'd be important for them to
15 understand our perspective and I think the only way to do that is perhaps send
16 something forward to them that explains our position.

17 CHAIRMAN PALMER: Right.

18 MR. BROWN: And Mr. Chairman? I'm sorry, excuse me Mr. Westbrook.

19 MR. WESTBROOK: No, no, you go right ahead.

20 MR. BROWN: I was just gonna say, we could forward the comments and
21 concerns to County Council, that should not be that big a deal. Since basically you're
22 not making a recommendation one way or the other. Just tell them, these are the
23 issues that are there. The point is County Council's gonna be in a position where

1 they're going to have to adopt something. Now, if they want to raise those issues, and
2 I'm not opposed to them, you know, I – those issues are fine. What I'm saying is if you
3 have no recommendation you tell them, this is why we have [inaudible] concerns about
4 these items. And just have that as a part of it.

5 MR. TUTTLE: But with all due respect, I'd like to leave my motion on the table.

6 MR. BROWN: I have no problem with that.

7 MR. TUTTLE: And I'd like to amend it. Deas, do you want to restate my
8 amendment?

9 CHAIRMAN PALMER: I think we're trying to get to the same place, where
10 something is in a formal motion to Council that expresses our thoughts on these issues
11 as it applies to this.

12 MR. BROWN: Yeah, it's the same thing, but –

13 CHAIRMAN PALMER: But I, I think we're all trying to get to the same spot.

14 MR. MANNING: Basically that the language in the water course alterations and
15 maintenance provision in section one is problematic. You don't know whether this is a
16 standard injected on every community in this country. And if so, it is adding a huge
17 burden to the landowners and the county and this paragraph needs to be modified to
18 some extent.

19 MR. BROWN: Mr. Chairman, excuse me if I'm interrupting, but let me just ask
20 this. Did you not say this came from the State of South Carolina?

21 MR. EPPS: Well, it came from the state FEMA director who, and we have also
22 discussed this with the federal, I mean, the regional, federal FEMA office.

1 MR. BROWN: This basic proposal that we, that's before us came from the state,
2 is that right?

3 CHAIRMAN PALMER: But it's an arm of the feds.

4 MR. BROWN: I understand that. I understand FEMA is, it is federal. But what
5 I'm saying is what we have before us came as a recommendation from the State of
6 South Carolina.

7 CHAIRMAN PALMER: But it's to participate in a federal program.

8 MR. BROWN: [Inaudible], is that right?

9 MR. EPPS: It came from the state FEMA director who works with South Carolina
10 DNR, and then we also corroborated, if that's the right word, with the regional FEMA
11 office in Atlanta.

12 MR. BROWN: But this came from the state, is that right?

13 MR. EPPS: Yes, sir.

14 MR. BROWN: Alright, so when the concern we have is not what is happening in
15 California or Louisiana, but what has been proposed by the state based on what the
16 feds basically have asked them to do, is that right?

17 MR. EPPS: Yes, sir.

18 MR. BROWN: Okay.

19 MR. EPPS: Now, I'd like to add real quickly that these same requirements, to my
20 knowledge, now I'm not in the state FEMA office so I don't know exactly what they're
21 doing, are being given to every municipality that's involved in the NFIP program, so it
22 should be consistently applied.

1 MR. TUTTLE: Well, and to the point and I, I get the, the comment that it came
2 down from the state, I'm under the impression it was our interpretation of the guidelines
3 and our application of the guidelines that, that the state sent to us. Otherwise, they'd
4 say, insert clause A here. Right? Cause you said you negotiated some points and
5 others you didn't, so clearly there's not a, an absolute directive issued from state FEMA
6 that would be equally applied to every county. Some counties may negotiate better
7 than others. Is that a fair statement?

8 MR. EPPS: I wouldn't agree with that completely. Maybe negotiate was the
9 wrong term.

10 CHAIRMAN PALMER: I think what he was saying was is that we are already
11 doing what you're asking us to do here, take a look at this part of our Code, this is
12 where we're doing it at.

13 MR. EPPS: Right, cause it's a 500 page plus Code and they, most, a lot of
14 municipalities just have 23 pages that they adopted for their flood ordinance. Ours is all
15 mixed in, so when they went through it they said, well, they had this huge list of all these
16 things that we were not doing and I said, well yeah, we're doing this and this and this
17 and this and this, and this one we were not doing, so I couldn't negotiate, maybe that
18 was the wrong term, I couldn't say, look right here, it says we're doing that.

19 MR. TUTTLE: I know, I just, you know, and maybe I'm overstating it in my head,
20 but the impact and the burden on both individual property owners and the county to
21 adhere to this as written is, is really, really tremendous. And I'm not sure all the
22 ramifications from all that have been completely thought through, or maybe they have
23 and, you know, if you told me that you, that as a whole Richland County understood

1 them and negotiated and tried as hard as they could and did every step possible to try
2 to soften it, then, then that's one thing, but if we just took the phrase and accepted it as
3 gospel and, and moved on, that's another. I'm not sure what the budgetary impact is on
4 this. I would, I would imagine it's very, very significant.

5 MR. WESTBROOK: Mr. Chairman, it's quite obviously that the Planning
6 Commission has an issue here, that we can't resolve and I think it's the responsibility of
7 the committee, the Council to go forward based on our deadlock.

8 MS. LINDER: Mr. Chairman, I did speak to the transcriptionist here and what
9 she can do is pull out this discussion and we can provide this discussion and your
10 concerns to County Council prior to the Zoning Public Hearing on the 21st.

11 MR. TUTTLE: Mr. Chairman, with all due respect I have a motion on the table.
12 I'd like for my motion to be voted up or down.

13 MR. MANNING: And I'll second that, and you can forget my amendment, I
14 mean, my concerns are gonna be in the Record as well as everybody else's dealing
15 with that one but I, you know, I'll second your motion.

16 CHAIRMAN PALMER: Okay. The way I understand it is we have a motion for
17 denial based on section 8(1), and the problems that come and are posed to not only the
18 county but also to private property owners out of that section.

19 MR. TUTTLE: Correct.

20 CHAIRMAN PALMER: Do we have a second?

21 MR. MANNING: Second.

22 CHAIRMAN PALMER: All those in favor of the motion of denial please signify by
23 raising your hand. All those opposed?

1 *[Approved to deny: Tuttle, Palmer, Manning; Opposed: Westbrook, Mattos-Ward,*
2 *Brown; Absent: Cairns, McDaniel, Gilchrist]*

3 CHAIRMAN PALMER: Okay.

4 MS. LINDER: So the, the vote – for the Record the vote was three to three,
5 that's a tie. Again, it's a no recommendation. Thank you.

6

7

[Meeting Adjourned at 3:00pm]