

RICHLAND COUNTY PLANNING COMMISSION
October 4, 2010

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

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Called to order: _____ pm

9 VICE-CHAIRMAN MANNING: I'd like to call the October 4, 2010 Richland
10 County Planning Commission Meeting to order. I need to read into the Record that,
11 under the Freedom of Information Act a copy of the Agenda was sent to radio, TV
12 stations, newspaper, persons requesting notification, and was posted on the bulletin
13 board located in the lobby of the Richland County Administration Building. [Inaudible –
14 laughter]. Okay, has everybody gotten a copy of Minutes?

15 MR. TUTTLE: I'd like to make a motion that we approve the August Minutes as
16 submitted.

17 MS. MATTOS-WARD: I'll second.

18 VICE-CHAIRMAN MANNING: A second.

19 MS. MCDANIEL: And I will abstain from voting since I was absent in August.

20 MR. GILCHRIST: And so will I.

21 VICE-CHAIRMAN MANNING: For the Record, Kathleen McDaniel and Stephen
22 Gilchrist abstain from voting on the Minutes. All those in favor please raise your hand?
23 Opposed?

24 *[Vote; Abstained: McDaniel, Gilchrist; Absent: Westbrook, Palmer]*

25 MS. LINDER: Mr. Chairman, do you not have the September Minutes?

26 VICE-CHAIRMAN MANNING: Excuse me?

1 MR. BROWN: September 2nd, Mr. Chairman.

2 MS. ALMEIDA: September 2nd Minutes?

3 VICE-CHAIRMAN MANNING: September 2.

4 MS. LINDER: Oh, okay. I was worried there.

5 VICE-CHAIRMAN MANNING: Sorry about that. Any Agenda amendments?

6 MS. LINDER: There are none.

7 VICE-CHAIRMAN MANNING: Road name approvals?

8 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that road name approvals
9 as submitted in the package move forward to Council with a recommendation of
10 approval.

11 MR. GILCHRIST: I second, Mr. Chairman.

12 VICE-CHAIRMAN MANNING: I have a motion and a second, all those in favor,
13 please say aye or raise your hands.

14 *[Vote]*

15 MS. LINDER: Just for the Record, road names do not go to the Council.

16 MR. TUTTLE: Okay, sorry.

17 VICE-CHAIRMAN MANNING: Next item on the Agenda is Subdivision Review. I
18 have to read this into the Record. Dear Mr. Manning, I must request to be excused from
19 participating in discussion or voting on Agenda Item No. SD-05-231 regarding Ashland
20 Lake Carolina Phase Five which is scheduled for review and discussion in today's
21 Planning Commission Meeting. It is my understanding that the Rules of Conduct,
22 Provision of Ethics, Government Accountability and Campaign Reform Laws that I have
23 a financial interest in the property, I will be unable to participate in this matter through

1 discussion or voting. I would therefore respectfully request that you indicate for the
2 Record that I did not participate in any discussion or vote relating to this item
3 representing a potential conflict of interest. I would further request that you allow and
4 direct this letter to be printed as a part of the official Minutes, and excuse me from such
5 vote and deliberation and note such in the Minutes. Thank you for your consideration in
6 this matter. David Tuttle.

7 MS. HAYNES: Could y'all put your mics a little bit more in front of you?

8 VICE-CHAIRMAN MANNING: Is that better?

9 MS. HAYNES: Yeah, [inaudible] said everyone's are a little bit crooked.

10 VICE-CHAIRMAN MANNING: Well, we might all be a little crooked here today.

11 [laughter] Okay, Subdivision Review.

12 **CASE SD-05-231:**

13 MS. ALMEIDA: Mr. Chairman, Planning Commissioners, the Applicant is
14 Ashland at Lake Carolina Phase Five. This is part of the Lake Carolina PDD. Phase
15 Five consists of 8.09 acres. It is proposing 41 lots, water provided by the City of
16 Columbia and sewer by Palmetto Utilities. The Phase Five is located near the
17 intersection of Brookdale Drive and Parnell Court. You all at your last Planning
18 Commission Meeting reviewed and conditionally approved Ashland Phase Six. The
19 DOT encroachment permit was included as part of the overall Ashland Lake Carolina
20 Phase One. This Phase is governed by the PDD requirements for the entire planned
21 development including Ashland. Staff did a review on the traffic counts as you can see
22 on page 2 from the Staff Report, with the 41 lots and the average daily trips that are
23 generated for this phase. We have determined that it would determine the Level of

1 Service along Kelly Mill Road as a Level of Service C. And Staff on page 3 has
2 concluded that we would recommend conditional approval for Phase Five with the eight
3 conditions as stated on page 3.

4 VICE-CHAIRMAN MANNING: Any questions for Staff?

5 MS. MCDANIEL: I have a question and I don't think this will really affect the
6 consideration but the average daily trips, is there way that those are calculated that it's
7 not simply addition; 1,254 average daily trips plus 3,400 daily trips yields over 9,000
8 average daily trips?

9 MS. ALMEIDA: I'm not –

10 MS. MCDANIEL: The last 3 sentences on page 2.

11 MS. ALMEIDA: Where is – is Carl here? Carl? Our traffic guru he can –

12 MR. GOSLINE: What was the question again?

13 MS. MCDANIEL: The last three sentences on page 2, give a total for the
14 average daily trips that will be anticipated once the Phase Five is built up and I was just
15 trying to figure out how that was calculated because we've got a current 1,254 plus
16 3,400 equaling 9,600 average daily trips.

17 MS. ALMEIDA: That's to determine the volume to capacity ratio.

18 MS. MCDANIEL: And it may not be a simple addition, I'm just trying to
19 understand how that number is calculated.

20 MR. GOSLINE: I think that's just a typo [inaudible].

21 MS. MCDANIEL: Okay. So, it would be significantly less than 9,000 average
22 daily trips?

23 MR. GOSLINE: I'm sorry?

1 MS. MCDANIEL: So, then actual projected average daily trips would be less
2 than 9,000?

3 MR. GOSLINE: Well, the situation on Kelly Mill Road is that it's generally running
4 pretty close to C, then there's a new elementary school that's coming in that will do a
5 more in depth traffic analysis. In fact we're just working with them right now and so we'll
6 have a much better more up to date record of what's going on.

7 MS. ALMEIDA: Actually I see what you're saying, the DOT reports 3,400
8 average daily trips and if you add 1,254 that does not yield 9,642.

9 MR. GOSLINE: Right.

10 VICE-CHAIRMAN MANNING: It comes back to 4,654 [inaudible] is 9,600.

11 MS. ALMEIDA: Yeah, that was a typographical error.

12 MS. MCDANIEL: But is the overall analysis is that there's currently a Level of
13 Service C on Kelly Mill and with this development it will be projected to be a Level of
14 Service D?

15 MR. GOSLINE: It will still be right in that C area, but again, when these
16 projections are done they're based on year old information but when the TIA is done, it'll
17 have current counts. So, we'll have, after the TIA is done for the elementary school,
18 we'll have a much more accurate idea about what's going on and exactly what the level
19 of service is.

20 MS. ALMEIDA: Mrs. McDaniel, that yield should be 4,642 not 9,000 so those
21 numbers are off by 5,000.

22 MS. MCDANIEL: Okay.

23 VICE-CHAIRMAN MANNING: But the level of service continues to remain –

1 MS. ALMEIDA: Level of Service remains – yes.

2 MS. MCDANIEL: Okay. So it's actually not as bad as the Staff Report would
3 lead us to –

4 MS. ALMEIDA: No, it is not.

5 MS. MCDANIEL: Okay.

6 VICE-CHAIRMAN MANNING: I have one other question. The conditions that
7 y'all have in 1-8 are those the same conditions that were applied to the phases in the
8 previous change?

9 MS. ALMEIDA: That is correct.

10 VICE-CHAIRMAN MANNING: Any other questions, discussion?

11 MR. BROWN: The conditional approval is based on –

12 VICE-CHAIRMAN MANNING: Basically they've got conditional approval with 1-8
13 [inaudible] divided. Do we have a motion?

14 MR. GILCHRIST: Mr. Chairman, I would like to make a motion that we pass
15 along Case No. SD-05-231 Project No. –

16 MS. ALMEIDA: This does not go to Council, so it's a Planning Commission
17 decision.

18 MR. GILCHRIST: Decision? Okay. Mr. Chairman, I would like to make a motion
19 then that we approve -

20 VICE-CHAIRMAN MANNING: Subject to the conditions on page 3?

21 MR. GILCHRIST: - SD-05-231 subject to the eight conditions that the Applicant
22 must meet.

23 MS. MATTOS-WARD: Second.

1 VICE-CHAIRMAN MANNING: We have a motion and a second, all those in
2 favor, please raise your hand.

3 *[Vote; 5/1; Absent: Westbrook, Palmer]*

4 VICE-CHAIRMAN MANNING: Text Amendments?

5 MS. LINDER: Do you want to let Mr. Tuttle know? If we'd like to invite Mr. Tuttle
6 back into the discussion, please?

7 VICE-CHAIRMAN MANNING: Oh, thank you. [laughter] We were going to leave
8 back there. [laughter]

9 MS. ALMEIDA: Mr. Chairman, we have a text amendment for your consideration.
10 It has to do with Chapter 26 with reference to permitted uses and special requirements
11 for cemeteries and mausoleums in the Rural District. Mr. Geonard Price is here to
12 speak on that Text Amendment.

13 MR. PRICE: During our daily enforcing of the Land Development Code in
14 dealing with the citizens, there are a few uses that typically are requested or inquired
15 about that as we go through the various zoning districts we find either there are
16 prohibited uses or allowed by special exception. We just question some of the uses.
17 And one of things that we've found in the Rural District is that really there are a lot of
18 uses that maybe should be included in that district but they aren't. And in order for them
19 to establish certain uses, it would require a rezoning. And one of the uses that came up
20 was cemeteries and mausoleums. They're currently only allowed in a commercial
21 zoning district when you're looking at the OI, the NC, RC, the General Commercial, the
22 GC, M-1 and L-I and H-I Districts. But as you start to look, and one of the things that
23 has occurred is a number of churches have come, especially in the rural areas, have

1 come in and spoken about establishing cemeteries that are not on the same parcel as
2 the church. Unfortunately, the only way they can do that is to rezone the property, so
3 instead of having people come in and say, I want to put commercial out in the middle of
4 rural, which Staff more than likely would recommend denial, is to look at introducing
5 certain uses into the rural district. We feel, you know, not necessary an accessory, but
6 they kind of fit in with the nature that's out there; and one is cemeteries. And what
7 we've done is just, we're proposing that cemeteries and mausoleums should be allowed
8 also in the rural district along with the other commercial and industrial districts, with the
9 same standards or the criteria that are there. So it would be special requirements.

10 VICE-CHAIRMAN MANNING: Basically, what are those special requirements?

11 MR. PRICE: The special requirements are, there are two – well three if you're
12 gonna count in the use districts, but there are two others; 1) that they have to be at least
13 three contiguous acres, if they are not located on the same tract of land as a place of
14 worship; and 2) primary access to the facility shall be from a collector or thoroughfare
15 road.

16 VICE-CHAIRMAN MANNING: Repeat that please?

17 MR. PRICE: Primary access to the facility shall be from a collector or
18 thoroughfare road.

19 VICE-CHAIRMAN MANNING: And that's when it's attached to the facility?

20 MR. PRICE: No, that's when it's separate.

21 VICE-CHAIRMAN MANNING: Okay.

1 MR. PRICE: Because what happens is if you have a church and this is one of
2 the examples that we've come across, here's a church, they have their land, church,
3 building. The own a piece of land across the street –

4 VICE-CHAIRMAN MANNING: Right.

5 MR. PRICE: - a separate parcel.

6 VICE-CHAIRMAN MANNING: Right.

7 MR. PRICE: Well, we can't call it an accessory use because it is not on the
8 same parcel as the church. So the only way they would be able to use it is to rezone
9 the property. So what this would do is kind of eliminate that rezoning.

10 VICE-CHAIRMAN MANNING: And that requirement, they would have to be on a
11 collector street to use that piece of property?

12 MR. PRICE: Yes, sir.

13 MS. MCDANIEL: So that's only –

14 VICE-CHAIRMAN MANNING: If it's not attached to the church?

15 MR. PRICE: Yes, if it's not attached to the church.

16 MS. MCDANIEL: But if it's attached to the church it doesn't have to be a –

17 MR. PRICE: If it's attached to the church, we've reviewed those as just being an
18 accessory, part of the church.

19 VICE-CHAIRMAN MANNING: Why is it necessary to be attached to a collector
20 road?

21 MR. PRICE: Well, you know, that's something that maybe we could amend here,
22 as part of this proposal. I just tied this in with what is currently in our Code. If you feel
23 that maybe there should be some changes –

1 VICE-CHAIRMAN MANNING: I think that there's probably a lot of churches that
2 are located in rural areas that are not on collector streets, so I think if we don't address
3 the collector street, we're going to be coming right back and addressing, you know,
4 having a site not attached to the church. So, I would recommend that we allow it on any
5 residential street or through street, versus a collector street.

6 MS. CAIRNS: What if it's a stand-alone cemetery? I don't think you want to let
7 them go anywhere.

8 VICE-CHAIRMAN MANNING: I personally would, I mean, I feel –

9 MS. CAIRNS: There's a lot of traffic.

10 VICE-CHAIRMAN MANNING: Stand alone cemetery across the street from an
11 existing church that you'd want to let them go there.

12 MS. CAIRNS: Yeah, but they're not always across the street; they could be just
13 completely isolated.

14 VICE-CHAIRMAN MANNING: That is true. That is true.

15 MR. PRICE: Yes, as informed by Mr. Gosline, the collector roads in the rural
16 areas would pretty much apply to anything that's paved.

17 VICE-CHAIRMAN MANNING: A collector street in a rural area is what?

18 MR. PRICE: Would apply to pretty much everything that's paved. So, you aren't
19 really eliminating locations.

20 MS. MCDANIEL: So the way that we have collector defined is a roadway which
21 provides connection between the arterial road system and local roads as well as traffic
22 circulation within residential, commercial and industrial areas. But that really does
23 include just about everything.

1 MR. BROWN: Mr. Chairman? Let me ask, the cemeteries that are off the paved
2 roads and down in unpaved roads, how would they be affected?

3 MR. PRICE: Well, what we would have to look at is the actual parcel and if it's
4 going to be developed as permitted use, then those roads would currently have to be,
5 they would need to be paved. The ones that you see now will more than likely, probably
6 99% chance just grandfathered in but if this is going to be a use that's introduced, it
7 would have to meet all of our requirements for development which would require a
8 paved road.

9 MR. BROWN: Okay, Mr. Chairman, so if I'm understanding this, if a church is
10 two miles away and they have bought a piece of property that's not on a paved road,
11 that they want to use as a cemetery and there's a road that a – a unpaved county road
12 that leads back to that cemetery, they would have to have that road paved in order to
13 use it?

14 MR. PRICE: Yeah.

15 MS. MCDANIEL: Just paving it wouldn't make it a collector.

16 MR. PRICE: No.

17 MR. BROWN: What standard would they have to and what expense would that
18 be to the church or to the county?

19 MR. PRICE: Well, the expense would more than likely come to the county of the
20 maintenance of it but for the church, if they have to develop any portion of that, and I
21 believe you have to develop the entire portion, am I right?

22 MS. ALMEIDA: You need to develop an entire a portion.

23 MR. PRICE: If it's a county dirt road.

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

2 MR. PRICE: County dirt road and they want to develop off of it; they wouldn't
3 have to pave that?

4 MS. ALMEIDA: Depending on the traffic generated from that use.

5 MR. PRICE: Public Works issue.

6 MS. ALMEIDA: Right. But there would have to be safe and adequate access.

7 VICE-CHAIRMAN MANNING: But we do have a number of county owned dirt
8 roads.

9 MS. MATTOS-WARD: Yes, we do.

10 MR. BROWN: Yeah, that's the concern. And you have churches that currently
11 have cemeteries on unpaved roads and you have churches who are purchasing
12 property for that purpose that for any other reason, they could use it for a cemetery but
13 the road to it is unpaved. And what I'm concerned here about is creating extra expense
14 for that church or that cemetery association or whatever it is, that's the concern.

15 MR. PRICE: Right, and I understand that but just like I think any other business
16 that you, that comes in to the county that you develop, that's going to be part of, you
17 know, the cost of doing it. I mean, that's something that goes along with developing
18 property.

19 MS. CAIRNS: Right now they're not allowed, they wouldn't be allowed to buy the
20 land in the rural section at all right now.

21 MR. PRICE: Right.

22 MR. GILCHRIST: It would be great if they adhere to that.

1 MR. TUTTLE: Mr. Chairman, if I could. I just want to walk through a scenario
2 and you walk me through it and tell me if I'm looking at it properly.

3 MR. PRICE: I'll try to walk with you.

4 MR. TUTTLE: Alright. If there was an area that was out and people had a five
5 acre tract and it happened to be, you know, it was kind of designed to be residential, but
6 there are five acre tracts on a collector road, then in fact, any of those tracts could
7 become a cemetery.

8 MR. PRICE: Yes.

9 MR. TUTTLE: And by it falling under the RU as opposed to a commercial, there
10 are no buffer requirements, etc. for that.

11 MR. PRICE: No, sir. What we would do we would – when we're doing a
12 buffering look at what's the highest use to come on the abutting parcel. Typically in a
13 rural district you could go from looking at it from an institutional standpoint from let's say
14 a church or a school or even a subdivision, so that's where the buffering would occur.

15 MR. TUTTLE: Right, but if it's all RU and this has become a special requirement
16 under RU, then there would be no buffering required, would there?

17 MR. PRICE: No, you still, if you're developing the property –

18 MR. TUTTLE: Okay.

19 MR. PRICE: - you would still have to meet the landscaping requirements which
20 would include buffering from certain uses.

21 MR. TUTTLE: Okay, because that would be my only concern if somebody had
22 bought an area and they bought a five acre –

23 MS. ALMEIDA: Landscaping is determined on use, and not zoning.

1 MR. TUTTLE: Not zoning, okay. Thank you.

2 VICE-CHAIRMAN MANNING: I think we still need to address the question of
3 what kind of street this [inaudible]. I think there are a number of churches in the rural
4 areas now that have cemeteries that are not located adjacent to the property and I
5 personally believe that they should be able to use that property for a cemetery. So, I
6 would like to see the road requirement stricken. Now, I don't know what Staff's opinion
7 of that is but I just feel like there are already a number of churches in the area that have
8 sites that are on dirt roads that are not considered collector roads.

9 MR. PRICE: It would be my suggestion if that were the case then we should
10 keep in our Code cemeteries and mausoleums as they're allowed in the
11 commercial/industrial districts as their own section –

12 VICE-CHAIRMAN MANNING: Right.

13 MR. PRICE: - and do a separate one, let's say in this case No. 17, for
14 cemeteries mausoleums in a rural district. Because I don't think you want to allow
15 commercial/industrial, not to be on one of these streets.

16 VICE-CHAIRMAN MANNING: Okay.

17 MR. PRICE: So that can easily be amended.

18 MR. BROWN: So, you would put cemeteries, mausoleums in a separate section.

19 MR. PRICE: For the rural district.

20 MR. BROWN: For the rural areas?

21 MR. PRICE: Right, because I think as Mr. Manning has – one of his concerns is
22 that we're requiring them to off a collector or thoroughfare road. So, in order to

1 eliminate that for the rural district, that can be accommodated but what we don't want to
2 do is also allow the commercial and industrial areas to also benefit from it.

3 MR. BROWN: Okay.

4 MS. CAIRNS: Can you - I mean, it just seems odd to make a blanket exception
5 because I think what people are visualizing are small cemeteries and small graveyards
6 as opposed to what we would be opening up here which is -

7 MR. PRICE: Greenlawn?

8 MS. CAIRNS: Yeah, I mean, somebody could go make a huge cemetery on a
9 dirt road and then that would not be a good scenario. You know, whereas do we want
10 to have in here that, you know, graveyards under a certain acreage don't have to be on
11 collector roads but do above a certain size. Because I mean, I just think it's, you know,
12 bad to let somebody just build a big commercial thing on a dirt road.

13 MR. BROWN: What you might want to consider is non-commercial because
14 churches usually don't have commercial cemeteries.

15 MS. CAIRNS: Well, I don't want the word - then let's get rid of the word
16 commercial but I just think that you don't. You know, somebody goes to build a large
17 cemetery where there's going to be a significant amount of burials going on that we as a
18 county don't want those going on down a dirt roads.

19 MR. BROWN: And I understand but I'm saying that usually - and I'll have to be
20 right about this, I'm quite sure that now all the people in a particular cemetery were
21 members of that particular church. But usually those cemeteries are not that large.

22 MR. PRICE: Well, the section could be amended either way cause currently it's
23 a minimum of three acres is necessary, so maybe we could identify, what if it's less than

1 three acres, what provisions would apply? So now you're talking about maybe another
2 two acres, you know, two and a half acres is still a large parcel but -

3 MS. CAIRNS: But I mean, just yeah, some breakpoint that lets a small church on
4 a small piece of dirt to do a cemetery on whatever kind of road but I just think that that if
5 we're going to have stand alone cemeteries in the rural section, to just simply say they
6 don't have to be on – with no issue of what type of road it has to be on, I think it's too
7 wide open.

8 VICE-CHAIRMAN MANNING: Going back to the commercial aspects of it, most
9 large cemeteries are going to have a paved road and –

10 MS. CAIRNS: Well, but let's just make it –

11 VICE-CHAIRMAN MANNING: - [inaudible] standpoint they wouldn't be able to
12 operate.

13 MS. CAIRNS: But I think, I think if we just break it on acreage that's all we need
14 to break it on.

15 VICE-CHAIRMAN MANNING: Church affiliation, I mean, church may have more
16 than three acres, may have less than three.

17 MS. CAIRNS: Which is also why I don't think it's the church affiliation is the
18 critical issue, I think the critical issue is how big a land use is it going to be.

19 VICE-CHAIRMAN MANNING: Well, I have no idea how many churches are in
20 the rural part of Richland County and what size property they own, so I'd want to know
21 that before I start plugging a number in just –

22 MS. CAIRNS: I mean, if they're currently using as a cemetery it's a non-issue for
23 us today because it's a grandfathered use. The question is pieces of dirt that are going

1 to be turned into cemeteries, whether they're owned by a church or not, whether we
2 want to allow, you know, just have no concern over the road quality regardless of the
3 size of the cemetery and that's where I think it's unnecessary to totally eliminate that
4 provision.

5 VICE-CHAIRMAN MANNING: All of the existing churches now are in rural areas,
6 they're operating in a non-conforming – is that basically [inaudible]?

7 MR. PRICE: The ones that are separate, located on a parcel separate from the
8 church or a place of worship. They will deemed to be non-conforming. Then you really
9 want to get into from an enforcement standpoint, [inaudible] say you can't expand a
10 non-conforming use -

11 VICE-CHAIRMAN MANNING: Right.

12 MR. PRICE: - for a cemetery. No more burials.

13 VICE-CHAIRMAN MANNING: There'd be no size wise anything about churches
14 that have non-conforming uses?

15 MR. PRICE: I can't, no sir.

16 VICE-CHAIRMAN MANNING: Heather, what would be your recommendation for
17 size?

18 MS. CAIRNS: I don't have magic numbers in my head, I just, you know, I'm
19 concerned about just simply saying a stand-alone cemetery in a rural area doesn't have
20 to have address what kind of road it's on. You know, I don't have any problems with the
21 way the section is right now. I just think whether we need some more information about
22 what, you know, I just don't want to, I mean, I don't know what a big or a small
23 cemetery, I mean, I could make guesses but I don't know.

1 MR. PRICE: I can tell you that the ones where we've had people inquire about
2 this, they have been off a collector road. We have yet to run into one where someone
3 wants to go down a dirt road. Not saying that that can't happen, of course. But I would
4 say that most of the ones that have come in before us have been off of a collector road.

5 MS. CAIRNS: Well, I mean, that's the thing, is we could pass this ordinance as it
6 is and then if somebody, you know, is hardship by it, they can go to the Board of
7 Zoning Appeals and ask for a variance.

8 MR. PRICE: Potentially or if it's determined that it is becoming an issue then we
9 can –

10 MS. CAIRNS: Then we can amend it.

11 MR. PRICE: - bring it back to you and just show you.

12 VICE-CHAIRMAN MANNING: I see Ms. Scott here in the audience and I know
13 you came in late, and no one has signed up to speak and I was wondering would you
14 like to sign up to speak?

15 **TESTIMONY OF BERNICE SCOTT:**

16 MS. SCOTT: Thank you. I appreciate the opportunity to say a few words on
17 behalf of the rural churches in the rural community. We're having people now that are
18 dying that never died before. And the thing is all the churches, [inaudible], everybody is
19 trying to bury their loved ones. We have people now coming back up from North and
20 they got family ties in the churches. All churches, whatever cemetery it is, if they have
21 the money they will put in a paved road. We're talking about a hardship for small rural
22 churches or any churches in the rural area. We're talking about people who are trying
23 to bury their loved ones. It is important that we do not try to put extra burden on these

1 big paved roads to, for someone to get buried. It is also important that we do take one
2 by one as they come in to do something like this. When they have the money, they will
3 pave the road. But if I have a loved one coming up from North or wherever and
4 deceased and I'm attached to a church and I want the church to bury them, the church
5 is already charging for spots now, because we are having more people coming from the
6 city areas to be buried in the rural areas. I wish that y'all would understand that. Please
7 do not try to put another burden on the people in the rural areas with all these paved
8 roads and all these regulation. When they have the money, they will pave it. Cause
9 everyone from time to time will go back and look at the grave site or whatever. So, with
10 that in mind, I appreciate y'all allowing me to say a few words, Red Hill, Mount Nebo,
11 Mount Olive, all these churches, we're community churches who are really helping
12 people out in crisis like this. Even sometimes we have to waiver the fee for the burial
13 because they don't have it. So if someone died and someone is related to you or
14 someone you know, you want them to be buried and as long as it go by DHEC with
15 everything - I know you did that intentionally [laughter] but I did, but it's good. But I
16 really appreciate my time to speak to y'all and please take all that into consideration
17 because they are trying to do [inaudible].

18 VICE-CHAIRMAN MANNING: I understand and one question for you. Most of
19 the community churches, do you have any idea about size of the cemeteries that they
20 may own that are [inaudible]?

21 MS. SCOTT: A lot of people are doing land now, is giving the church the land
22 because of the tax reason and the churches are growing. Like I said people are dying
23 who've never died before. And the cemeteries are getting larger. They are getting

1 larger in the rural areas. I'd say 10 acres, 10, 15 acres would be sufficient, and then if
2 it's more than that, then you could come back, they could come back and have a zoning
3 hearing and all that and make sure that the people that's around them or whatever
4 understand that. But 10 to 15 acres would be a good starting point and then over that,
5 then it become commercial, like a Greenlawn or whatever, then you come back and go
6 through all that again. But I would appreciate anything.

7 VICE-CHAIRMAN MANNING: Thank you.

8 MS. SCOTT: Thank you so much.

9 VICE-CHAIRMAN MANNING: Any other discussion?

10 MR. BROWN: Mr. Chairman, can we get some fix on the size of the cemeteries
11 that are out there now that are not on paved roads before we take action on this, get
12 some type of guidance?

13 VICE-CHAIRMAN MANNING: I asked Mr. Price a minute ago whether he had
14 any idea. We know that the commercial cemeteries are somewhat larger than the
15 suggestion that Ms. Scott had a minute ago.

16 MR. BROWN: Right.

17 VICE-CHAIRMAN MANNING: From my standpoint, I just feel like the rural areas
18 do need to be able to access land and if can limit the size of the parcel, not to become a
19 commercial cemetery, then we ought to waive the requirements.

20 MR. BROWN: And agree with you, I'm just saying if we can get some sort of
21 idea of what's out there now. If we don't know and there's no way to find it out, they just
22 need to tell us.

1 VICE-CHAIRMAN MANNING: Well, that would be a question for Mr. Price I
2 guess.

3 MR. BROWN: Yeah.

4 MR. PRICE: I'm sure we could try. I can't promise you what we will come back
5 with cause I'm sure – it would require the cemeteries to be registered I'm sure. But the
6 question is with who?

7 VICE-CHAIRMAN MANNING: Well, really there's no practical way of doing that
8 if it's a non-conforming use.

9 MR. PRICE: Right.

10 VICE-CHAIRMAN MANNING: I wouldn't see how we could gather that
11 information [inaudible].

12 MR. PRICE: And to be – even if I gathered that information for you, I don't know
13 how accurate it would be because I'm sure we will leave out so many.

14 MR. BROWN: Well, Mr. Chairman let me ask you, what makes this, what brings
15 this to us that's so important that we need to take an action on it?

16 VICE-CHAIRMAN MANNING: Mr. Price?

17 MR. PRICE: As I previously stated, not just cemeteries and mausoleums, there
18 are number of uses that over the years will have expressed establishing certain uses
19 within the rural district and the only way it will be allowed is by some type of rezoning.

20 MR. BROWN: But what I don't understand then why are cemeteries and
21 mausoleums included in this?

22 MR. PRICE: Why they not included?

23 MR. BROWN: Why are they included, in your recommendation?

1 MR. PRICE: Why are they?

2 MR. BROWN: Why are they?

3 MR. PRICE: Because the questions and the requests that have come before us
4 are dealing in the rural area.

5 MS. CAIRNS: Like how many requests have you had for cemeteries in a rural
6 area?

7 MR. PRICE: I wish I could – off the top of my head?

8 MS. CAIRNS: I mean a dozen, a hundred? A handful?

9 MR. PRICE: I've gotten at least a dozen. I mean, and what you're looking –
10 usually a church has a parcel and it could be piece just right across the street that
11 they've had for years but it's a separate parcel. You can't do it. Then we've had others
12 come in to establish more of a commercial type cemetery but the people that tend to,
13 are affected most are usually the existing churches and the other parcels that they own.

14 MR. BROWN: When you look at the – excuse Mr. Chairman, I'm sorry.

15 VICE-CHAIRMAN MANNING: Go ahead.

16 MR. BROWN: Mr. Chairman, when you look at the 12 or so that have come
17 before you that were not commercial, and they were across the street or down the road,
18 you have those requests in writing is that correct?

19 MR. PRICE: No, sir. No, sir. Normally, someone would come to the counter,
20 they'll inquire about it. We have a discussion, we pull it up on the map, we can look at
21 it. We can make a determination that it can't, that our Code wouldn't permit it. That's
22 typically where it ends.

23 MS. CAIRNS: I mean, we could -

1 MR. BROWN: I'll wait on you.

2 MR. GILCHRIST: No, go ahead.

3 MR. TUTTLE: Just to go back, I think if I understand the dilemma, right
4 now if a church has a non-contiguous property and they wanted a cemetery, it would
5 have to be rezoned to commercial?

6 MR. PRICE: Yes, sir.

7 MR. TUTTLE: And once it's rezoned to commercial, it could be any uses that's
8 allowed under the commercial zoning?

9 MR. PRICE: Exactly.

10 MR. TUTTLE: So someone could come in with the intention of it being a
11 cemetery and two years later it could be anything that would comply under the
12 commercial zoning.

13 MR. PRICE: Yes, sir.

14 MR. TUTTLE: So, this is a way to allow it under the RU zoning where it
15 specifically has to be a cemetery or mausoleum?

16 MR. PRICE: Yes, sir.

17 MR. TUTTLE: Isn't that correct?

18 MR. PRICE: Yes, sir.

19 MR. GILCHRIST: And the current zoning does not require any type of special
20 exception?

21 MS. CAIRNS: They aren't allowed right now.

22 MR. PRICE: Yeah, they are not allowed in the rural district at all.

23 MR. GILCHRIST: Okay.

1 MS. CAIRNS: And I mean, what about – I think it's interesting that under our
2 definition, I guess, of contiguous that across the road doesn't count, and I almost
3 wonder if we just, I mean, whether we could refine that definition for churches because
4 there is a historical basis for sometimes a road splitting farms, which is what was typical
5 where I'm from or, you know, a church, where the cemetery across the street would be
6 considered in the mind contiguous. I mean, I think – I would have thought that that
7 would have been deemed contiguous when it was only separated by the right-of-way.

8 MR. PRICE: Then we'd have to do some research to make that determination
9 that that's how –

10 MS. CAIRNS: But I mean, I just wonder if that would help. I mean, I wouldn't
11 have any heartburn with allowing a church operating a cemetery across the street to
12 have that deemed to be contiguous.

13 MR. PRICE: And it's not always just across the street, it could just be –

14 MR. TUTTLE: I would just factor –

15 MS. CAIRNS: Right, if it's down the street, it's totally different.

16 MR. TUTTLE: - go back to Ms. Scott's point, I mean, if you've got a church
17 member that wanted to donate land to the church –

18 MS. CAIRNS: A lot of times [inaudible] right.

19 MR. TUTTLE: - for this purpose –

20 MS. CAIRNS: Right.

21 MR. TUTTLE: - and it happened to be a half mile away, I don't see
22 philosophically whether it's across the street or a half mile away, how that really, you
23 know, if you're – if you believe that it's appropriate use in RU and you'd like to restrict it

1 for that use rather than opening it up to all commercial applications, then I think it's kind
2 of moot whether it's across the street or not.

3 MS. CAIRNS: Well, except for if it is contiguous, it can be any size in any
4 manner and we don't touch it because it's contiguous. And that's why I'm just saying I
5 think that contiguousness, if it indeed is across the street, I think it should be treated as
6 if it's contiguous, but if it's half a mile away or across the county because churches will
7 get land all over the place from members, that I just think saying if it's large and you're
8 planning to turn it into a cemetery, then it needs to be on a road and if it's small maybe
9 not.

10 VICE-CHAIRMAN MANNING: Ms. Linder would like to say something.

11 MS. LINDER: Mr. Chairman and Members of the Commission, I don't think
12 contiguous is the issue –

13 MR. BROWN: I can't hear her [inaudible].

14 MS. LINDER: - because right now you have to be on the same parcel as the
15 church and if you're not on the same parcel as the church, you have to be at least three
16 acres.

17 MR. PRICE: Three contiguous acres. That's where the word contiguous comes
18 from.

19 MS. MCDANIEL: The acre is contiguous to themselves, not necessarily to the
20 church.

21 MS. LINDER: I apologize.

22 MR. PRICE: Yes.

1 VICE-CHAIRMAN MANNING: I agree with Mr. Tuttle that [inaudible] the use of
2 appropriate in rural.

3 MS. CAIRNS: Right.

4 VICE-CHAIRMAN MANNING: The question should be do we put another
5 requirement on the road classification? There are a number of churches existing in the
6 Lower Richland area that are not across the street that have cemeteries, you know,
7 miles away. That was the only way they could get the land to have a cemetery. It
8 wasn't available next to them. And I think that situation will come about again and if it
9 has a threshold of a certain size, it's not going to be a commercial cemetery, that it is
10 certainly appropriate to keep those people buried in the neighborhood rather than
11 making them go somewhere like a commercial cemetery.

12 MS. MCDANIEL: So what is the concern with having even a commercial
13 cemetery off of a dirt road?

14 MS. CAIRNS: Too much traffic on a dirt road?

15 MS. MCDANIEL: But too much traffic for the dirt road to bear; it's going to break,
16 tear down the road or?

17 MS. ALMEIDA: Correct.

18 MS. MCDANIEL: Kind of create more maintenance problems?

19 MS. ALMEIDA: Correct.

20 VICE-CHAIRMAN MANNING: Ms. McDaniel, I would agree with you though that
21 the use on a county maintained rural road, dirt road would be appropriate. I don't think
22 the requirement for having a paved road to a cemetery is that important. But if y'all felt
23 it was appropriate to limit the size of that.

1 MR. TUTTLE: I'm not sure where we are so let's give it a whirl and see where
2 we are.

3 VICE-CHAIRMAN MANNING: Okay.

4 MR. TUTTLE: [Inaudible]

5 MR. PRICE: Are there – just I'm sorry, just to look in our Code under our road
6 standards, I haven't looked at this in quite awhile, but there it is determined that a
7 development of property includes or abuts an existing platted county road, it does not
8 conform to the minimum requirements set forth in this chapter or it's going to increase
9 the traffic on that road that the plan must provide for sufficient right-of-way to increase
10 the size of the right-of-way to the width needed under the new classification. It also
11 talks about if it's just on one side of the road. So that one of the issues that if there's a –
12 and we do have a few county roads that don't meet the right-of-way requirements that
13 the development of that property would require them to in some way help us to bring
14 that road into conformity as far as right-of-ways. So they're not necessarily to pave it, if
15 it is a county road, but to provide some land that would help with that increase of that
16 right-of-way.

17 MS. MCDANIEL: Mr. Price, can you tell me what section you are reading from? I
18 didn't quite understand that.

19 MR. PRICE: I can. Section 26-181, section (B)(1)(b).

20 MR. BROWN: Mr. Chairman, is that continuous traffic or is that event traffic?

21 MR. PRICE: This would just be contiguous –

22 MS. ALMEIDA: We don't distinct –

1 MR. BROWN: Okay, so if you had daily traffic, continuous traffic and so forth but
2 what we're talking about here is event traffic.

3 MS. ALMEIDA: We don't distinguish any of that.

4 MR. PRICE: Well, not necessarily because, you know, an events usually tied to
5 a temporary type use, you know, a use that only occurs infrequently. You know, I can
6 ride by certain cemeteries now and see where someone's [inaudible] –

7 MR. BROWN: You can but it's not going to be a whole lot of people doing that,
8 am I correct? You might do it if you were at Greenlawn where you're going up Garners
9 Ferry or Leesburg Road –

10 MR. PRICE: Right.

11 MR. BROWN: - but not necessarily in a rural area where you're going on a dirt
12 road or even a paved road.

13 MS. CAIRNS: But I mean, depending on who's getting buried, will have a large
14 say as to how many people travel to that event.

15 MR. BROWN: And I agree with that, that's why I said, event or continuous.
16 You're not going to have everyday people, that kind of traffic every day.

17 MR. PRICE: It may not be used a lot but I wouldn't put it into the category of an
18 event. It would be a –

19 MR. BROWN: That's what a funeral is, is an event.

20 MR. PRICE: Okay.

21 MR. TUTTLE: What would be the – if we waive the restriction as to the
22 classification of the road, what's the downside of that? To follow up on Mr. Manning's

1 thought, if you didn't designate which type of roads it could be on, on any road, what
2 would the perceived downside of that be?

3 MS. MCDANIEL: Well, you could potentially have a large commercial cemetery
4 down a dirt road?

5 MR. TUTTLE: Well, the classifications of the road don't really delineate whether
6 it's paved or not. So, if you just eliminated collector and it was any road, what's the
7 downside of that?

8 MR. GOSLINE: I don't quite have an answer to your question but it certainly
9 brings up an interesting issue.

10 MS. ALMEIDA: Well collector and thoroughfare in and of itself indicates that
11 there's enough right-of-way for passing vehicles. I mean, that would be my response to
12 that, that the right-of-way is there whether the road is paved or unpaved would be
13 semantics but that the right-of-way would be there to sufficiently carry the traffic that's
14 generated from the local roads.

15 MR. TUTTLE: So then, basically if church A wanted to have cemetery on parcel
16 B and the road wasn't wide enough they could dedicate –

17 MS. ALMEIDA: Absolutely.

18 MR. TUTTLE: - footage to make a 50' right-of-way or whatever is appropriate,
19 and then they would, that road would then be deemed appropriate?

20 MS. ALMEIDA: Correct.

21 MR. PRICE: At least – and to kind of get this thing - it would be the start of
22 bringing that road into compliance.

1 MR. TUTTLE: Because you could clearly see it an occasion where a parcel
2 would be donated and the road might not be conforming as to right-of-way, etc., but that
3 shouldn't necessarily eliminate that parcel from this use.

4 MR. PRICE: And remember that this particular section of our Code applies to
5 any type of development; it's not just a cemetery this is –

6 MR. TUTTLE: Okay.

7 MR. PRICE: - any type of development.

8 MR. TUTTLE: So back to my example, just so I can understand. If somebody
9 donates a parcel that's on a road that's too narrow right now -

10 MR. PRICE: County maintained -

11 MR. PRICE: - yeah, and the church would agree to make the right-of-way, now
12 what about if the church can't grant the right-of-way over the whole width, i.e. there's a
13 parcel or two before you get to the church's parcel, how would we handle that?

14 MR. PRICE: It would be the section in which the church abuts?

15 MR. TUTTLE: Okay. So just by virtue then of the church taking the non-
16 conforming road and granted enough right-of-way then it would become, then it would
17 fall under this collector road status and be eligible? Is that understandable?

18 MR. PRICE: I'm sorry.

19 MR. TUTTLE: Okay, if I had a 15' right-of-way -

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

21 MR. PRICE: Um-hum (affirmative).

1 MR. TUTTLE: - and I give you enough land to make it a 50' right-of-way, then
2 does that classify that roadway then as a collector road? Maybe I'm not asking this in
3 the shortest path –

4 MR. PRICE: No, no.

5 MR. TUTTLE: - I'm trying to just understand.

6 MR. PRICE: No, the width of it wouldn't – it's just the, you know, by definition, I
7 think as Ms. McDaniel read earlier, would classify it as [inaudible].

8 MS. ALMEIDA: Local roads.

9 MR. PRICE: [Inaudible] between arterial and local.

10 MS. ALMEIDA: Yeah.

11 MR. GOSLINE: Road classification is done by DOT. They have, you know, it's
12 either arterial, collector or local. They do have a few dirt streets that are still state
13 roads, but most of them aren't. So just the physical construction or the paving or non-
14 paving doesn't really have anything to do with the classification. What its function is in
15 terms of assembling traffic -

16 MR. TUTTLE: Okay.

17 MR. GOSLINE: - local, the collector, the arterial.

18 MR. TUTTLE: And so - I'm sorry. So in this scenario I was laying out, that would
19 be classified a local road?

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

21 MR. TUTTLE: And under this current ordinance, this would not be an accepted
22 use on that local road? Is that correct?

23 MS. ALMEIDA: Correct.

1 MR. PRICE: Right.

2 VICE-CHAIRMAN MANNING: And the difference is between local and collector
3 and arterial are what, just width?

4 MR. GOSLINE: No, just it's strictly the function that they perform. Local streets,
5 you know, provide direct access; collector streets collect the local traffic, collectors then
6 dump it on to the arterial. So the condition of the road really doesn't have much to do
7 with the classification.

8 VICE-CHAIRMAN MANNING: In order to bring some of the non-conforming
9 uses into play, we would have to be dealing with a local road, something that would be
10 [inaudible].

11 MR. GOSLINE: I mean, local road, someday somebody will build a highway
12 through there and get some –

13 VICE-CHAIRMAN MANNING: Correct.

14 MR. GOSLINE: - other kind of development or something. Then the
15 classification would change because of that, not because of the cemetery.

16 MR. PRICE: But I'm not sure of the necessity to bring the local, I mean, the
17 existing non-conforming cemeteries into compliance. There's a lot. Let's say you have
18 an acre, already started burying, let's say you buried 50% of that lot, I think you're going
19 to go ahead and complete that acreage, we aren't going to let you expand by adding
20 more land to it but we'll let you continue within that site. There's really not a need to
21 initially bring those into compliance.

22 VICE-CHAIRMAN MANNING: But going to a person who wants to donate a
23 piece of land to the church for a cemetery the standard would be greater or the burden

1 would be greater on the community if you were using a collector road or an arterial road
2 with the – to allow the cemetery as opposed to a local. Or you'd certainly be limiting the
3 location.

4 MR. PRICE: You could. Like I said, we could always just kind of looking at this
5 and just based on some of the discussions that you've had, maybe rather than including
6 rural and this paragraph 16, they get let's say maybe 17 and would have its own
7 standards and one of those standards could be less than three acres and we could
8 open it up to – then you could take out the collector and thoroughfare requirement.

9 MR. TUTTLE: So, just so I understand it. The stuff that we're dissecting right
10 now would be part of the special requirement, not part of the ordinance?

11 MR. PRICE: It would be a part of the special requirement. It will still be a special
12 requirement, but it would only be allowed in a rural district under - and if it's, I mean,
13 under two acres then it would not be required to be off of a collector or a thoroughfare
14 road. You would have two, 16 would have rural; that would apply to lots three acres or
15 more. If you, let's say if we would include another one 17; you have cemeteries and
16 mausoleums, use district rural, but for a minimum of, a minimum – excuse me, a
17 maximum of three contiguous acres, then you will take out the primary access to the
18 facility from the collector or thoroughfare road. That may address some of your
19 concerns.

20 VICE-CHAIRMAN MANNING: Well, I think the size is very limiting. I mean –

21 MR. GILCHRIST: I'm confused here for a minute. I thought we said we weren't
22 sure about how much acreage it would take to fully do a rural cemetery or a commercial
23 cemetery, is that not accurate?

1 MR. PRICE: Correct.

2 MR. GILCHRIST: Because I guess I'm a little –

3 VICE-CHAIRMAN MANNING: I think what – tried to identify, do we have some
4 of these in the neighborhood in the rural community now and how large or small are
5 they. And Mr. Price was not able to give us –

6 MR. GILCHRIST: Right.

7 VICE-CHAIRMAN MANNING: - any definition of that because we just don't
8 know.

9 MR. GILCHRIST: Correct.

10 VICE-CHAIRMAN MANNING: I guess going forward though, it ties with the map
11 – if we're going to make an exception or special requirement, and three acres is what
12 he's got in there, we've heard from the community that they would rather have 10-15
13 acres. I guess the question really is, what would constitute a commercial cemetery?
14 What is Greenlawn – you know? What is Elmwood? You know -

15 MR. GILCHRIST: Which we don't know.

16 MS. CAIRNS: Do we know how big Greenlawn is? Do you have any idea?

17 MS. ALMEIDA: We can find out.

18 MR. PRICE: We can pull it up now.

19 MR. TUTTLE: Am I correct though that it's a minimum of three acres and that's
20 there to prohibit your next door neighbor who had an acre and a half from creating a
21 cemetery there.

22 MR. GILCHRIST: Exactly.

23 MR. TUTTLE: You're saying you need at least three acres –

1 MR. GILCHRIST: To create –

2 MR. TUTTLE: - to do this.

3 MR. GILCHRIST: Okay, okay.

4 MR. TUTTLE: Not saying that it's limited to three acres –

5 MR. GILCHRIST: I've gotcha.

6 MR. TUTTLE: - because you could fall under this and be 22 acres as it's
7 currently written.

8 MR. PRICE: You're correct, exactly.

9 MR. GILCHRIST: Yeah, I guess that's my concern – just so that we're not saying
10 that it's X amount of acreage that it's –

11 MR. PRICE: Yeah, well the way the Code is currently written, you want at least a
12 minimum size, so you don't –

13 MR. GILCHRIST: I'm fine with that.

14 MR. PRICE: You don't want an acre.

15 MR. GILCHRIST: Yeah.

16 MR. PRICE: But if you're going to be three acres, you need to make sure, in
17 order to ensure that there's adequate access to the property for a collector or
18 thoroughfare road.

19 MR. TUTTLE: Alright, so just as a matter of course, if I wanted to make a motion
20 that I wanted to change the special requirements, how do you do that? Because that's
21 kind of a separate thing, right?

22 MS. LINDER: If you know exactly what how you can the ordinance to read, you
23 could go ahead and make a motion and get an approval or you can just make your

1 recommendations to Staff and we could bring you back and amended ordinance for you
2 to look at.

3 MR. TUTTLE: Well, I guess my point is I think where we're, if I'm reading
4 everybody right, where the concern is is in the special requirements, not actually in the
5 text that's here today.

6 MS. LINDER: If you want to add additional special requirements, you could
7 make a motion to that effect.

8 MR. TUTTLE: Okay, and that would become part of the ordinance then?

9 MS. LINDER: It could, if that's what your desire is to say, Staff, put these
10 amended special requirements into the ordinance and then forward it on, that would be
11 an option you would have.

12 MR. TUTTLE: Mr. Chairman, if I could I want –

13 VICE-CHAIRMAN MANNING: Okay.

14 MR. TUTTLE: I'd like to make a motion that we send Text Amendment No. 1 on
15 the Agenda today forward to Council with a recommendation for approval with the
16 following change to the special requirement to include that it is acceptable on a local
17 road.

18 MS. LINDER: So, that would be a change to 16(C), that primary access to the
19 facility shall be from a collector, thoroughfare or a local road.

20 MR. TUTTLE: That is correct.

21 VICE-CHAIRMAN MANNING: Okay.

22 MR. BROWN: Mr. Chairman, privilege. Can we get Ms. Scott's reaction to that?

1 VICE-CHAIRMAN MANNING: Well, we have a motion on the floor; I don't know
2 that we can open it up to –

3 MR. BROWN: No, I'm just asking.

4 VICE-CHAIRMAN MANNING: – discussion right now.

5 MR. BROWN: I'm looking at impact as a concern.

6 MR. TUTTLE: We're free to discuss it amongst ourselves still.

7 VICE-CHAIRMAN MANNING: Right.

8 MR. BROWN: Okay, but I'm looking at impact. What impact would that have on
9 the concern that was expressed?

10 VICE-CHAIRMAN MANNING: I think, excuse me, I believe that [inaudible] make
11 the motion to allow for a very wide range of property where it was limiting.

12 MR. BROWN: And size.

13 VICE-CHAIRMAN MANNING: [Inaudible] to three acres but –

14 MR. BROWN: But he said a minimum of three.

15 MR. TUTTLE: That's what's already in the –

16 MR. BROWN: In here?

17 MR. TUTTLE: That's what's already in there.

18 MR. BROWN: Alright, so what is the maximum?

19 MS. MCDANIEL: There is none.

20 MR. GILCHRIST: There is no –

21 MR. BROWN: There is no maximum.

22 MR. GILCHRIST: Yeah.

23 MR. BROWN: Alright.

1 MS. MCDANIEL: But essentially, that would include any road. I mean, is there –
2 there's nothing below local.

3 MR. TUTTLE: Correct.

4 MS. ALMEIDA: Hum-um (negative).

5 MR. BROWN: Okay.

6 MS. MCDANIEL: Would it make more sense just to take out that requirement
7 altogether?

8 MR. TUTTLE: It could be, that's y'all's area of expertise, I'm not sure the best
9 way to write it, but the theory being if you can just visualize that you're going to have a
10 church member that has a four acre parcel somewhere that's on a "local" road and I
11 hate for the church not to be able to take advantage of it.

12 VICE-CHAIRMAN MANNING: We have a motion, do we have second?

13 MS. MCDANIEL: Can I amend the motion?

14 VICE-CHAIRMAN MANNING: Excuse me?

15 MS. MCDANIEL: Can I amend the motion?

16 MS. CAIRNS: You have to have the motion pass or fail.

17 MS. MCDANIEL: Alright, the motion has to –

18 MS. CAIRNS: I think, unless –

19 MS. LINDER: Ms. McDaniel can make a substitute motion, if Mr. Tuttle doesn't
20 get his – well even if does get his second to his main motion, but if his main motion
21 doesn't get a second, then that main motion would fail and then Ms. McDaniel could
22 make a motion.

23 MR. BROWN: I'll second the main motion.

1 MS. LINDER: Ms. McDaniel could still make a substitute motion.

2 VICE-CHAIRMAN MANNING: We have a motion and second, all those – well, I
3 guess we have a motion and a second, how would that work? Should she wait –

4 MS. LINDER: She can –

5 MS. MCDANIEL: Here's the thing –

6 VICE-CHAIRMAN MANNING: - for the vote to make a substitute motion?

7 MS. LINDER: She can still make a substitute motion –

8 VICE-CHAIRMAN MANNING: And then he would have to –

9 MS. LINDER: And then there would have to be second to her substitute motion.

10 VICE-CHAIRMAN MANNING: - and then he would have to withdraw his motion?

11 MS. LINDER: No, then you vote on the substitute motion first.

12 MS. MCDANIEL: Never mind. Never mind, never mind. Never mind.

13 [laughter]

14 VICE-CHAIRMAN MANNING: Sorry about that. We've got a motion and a
15 second. All those in favor, please raise your hand. All opposed?

16 *[Vote: 6/1 to approve; Absent: Westbrook, Palmer]*

17 VICE-CHAIRMAN MANNING: Thank you. Next item is another Text Amendment.

18 MS. ALMEIDA: Yes, it is. It falls under Chapter 26, Definitions. And I believe
19 Mr. Carl Gosline is here to speak on that Text Amendment.

20 MR. GOSLINE: Mr. Chairman, Members, let me start out, if you'll recall the last
21 meeting or so, we gave you some short term issues about sidewalks and some long
22 term issues. These are the short term, one is that we've added a provision so that if
23 DOT doesn't grant an encroachment permit for the sidewalk then it's – you don't have to

1 do anything else that just kind of ends it [inaudible]. And the second thing is being
2 conformance with the AEAAG(?). Our current regulations in some places are sidewalks
3 are too narrow and things like that. Then there's some definitions just to go along with
4 that. The one thing, if you look at I guess page 12, under the Pedestrian/Bicycle
5 [inaudible] amenities, number 1 says is all, the idea here is that developments within
6 rural areas, designated as rural areas under the future plan use map would not be
7 subject to these requirements. They could do them, but they wouldn't have to do them.
8 And the philosophy or suggestions is, its rural area, we certainly want to spend our
9 money on sidewalks, what little we have on suburban and urban and priority investment
10 areas. So that's the idea with that. I'll be glad to answer any questions.

11 VICE-CHAIRMAN MANNING: I'm sure that there are a lot of requirements from
12 the ADA as [inaudible] that are not reflected.

13 MR. GOSLINE: Right. Mr. Chairman, let me just say, we used the term relevant.
14 Because I have ADA requirements about like this [gesturing], so.

15 VICE-CHAIRMAN MANNING: How and where those applied, I think are critically
16 important.

17 MR. GOSLINE: Right.

18 VICE-CHAIRMAN MANNING: You know, for instance in a subdivision, I guess
19 subdivisions that would meet the threshold to require sidewalks.

20 MR. GOSLINE: Correct.

21 VICE-CHAIRMAN MANNING: We've got widths standards. I'm sure ADA is
22 probably larger than is allowable in our existing subdivision.

23 MR. GOSLINE: Yes.

1 VICE-CHAIRMAN MANNING: And also the grade turns, I think –

2 MR. GOSLINE: Absolutely correct.

3 VICE-CHAIRMAN MANNING: - would be very difficult to deal with. I got a quick
4 – you know, I was asking Mr. [Inaudible] if he understood exactly what was going on as
5 far as the ADA requirement as it applied to a subdivision. If you've got a lot that slopes,
6 a lot back to front, right-of-way requirements require that street to be graded so that a
7 sidewalk can be placed without a lot of angling. But what about in width? You know,
8 when lot corner to another lot corner, I mean, if you've got a requirement that says you
9 can have 5% grade or 10% grade, we may end up having it to build a retaining wall to
10 get sidewalks.

11 MR. GOSLINE: Yeah, there's lots of situations like that. One of the ones that we
12 just got dealing with is in Woodcreek Farms with the new park subdivision. The road
13 next to it goes like this [gesturing]. And so, we're still working on the design but what a
14 lot of places do when you have the slopes, you can do, you know, this [gesturing].

15 MS. ALMEIDA: Grades, yeah.

16 MR. GOSLINE: But then the idea is so that particularly the disabled can still
17 control it. But the other significant thing in here is that we have lots of other things the
18 county needs to do to come into compliance with the ADA and one of the objectives of
19 the goals, the complete streets, goals and objectives is to do an ADA transition plan.
20 DOT spent five years doing theirs and it's going to take us some time. There's going to
21 be an awful lot of cross work about details, regulations and all that kind of stuff, and that
22 kind of leads into the other thing that we want to get from y'all is some ideas for people
23 to put on these committees that the Council needs to appoint, hopefully in the next few

1 months. So it, I don't, Mr. Chairman there's no way that we could pick out every single
2 ADA thing. We'll have to work that through the more detailed process as we go down
3 the road, but the important thing is now to make better policy that we're going to comply.

4 VICE-CHAIRMAN MANNING: Well, do you feel like various street classifications
5 ought to have different standards?

6 MR. GOSLINE: I don't know what the ADA says but I would doubt they – it, you
7 know, would make them different. One of the issues we've really been struggling with
8 forever is to have some way to do some kind of trail or something that –

9 MS. ALMEIDA: An alternate pedestrian –

10 MR. GOSELINE: - so it's, not everything's a concrete sidewalk.

11 MS. ALMEIDA: One of the things, and I apologize Carl, one of the things that
12 we're running into in our previous Code, or existing Code, we have sidewalks that are
13 not built safely. They have too much slope; they have – for anyone to walk on. We're
14 not even addressing someone with a disability. So, we have a lot of those issues where
15 it's just not graded right, and we have unsafe sidewalks. We're trying to put a standard
16 together that engineers can use. If we're going to put it in, it's going to be put in
17 correctly so it makes sense and it can be used and it can work for the elderly, the
18 young, the disabled, whomever. Our mission is to build it correctly with the correct
19 standards. It doesn't behoove anyone to build something on a huge pitch that no one
20 can use or on a slope that doesn't conform to anything.

21 VICE-CHAIRMAN MANNING: And this –

22 MR. GOSLINE: And that's - I'm sorry go ahead.

23 VICE-CHAIRMAN MANNING: - and this is something at Public Works already –

1 MS. ALMEIDA: We're working on – absolutely.

2 MR. GOSLINE: There's two great examples that just occurred in Downtown
3 about what happens when you don't pay attention. One is on South Marion where
4 they're putting up the new athletic facilities, nice new sidewalk, ADA width, trees, lights
5 and they paved around the electric pole in the middle of the sidewalk. So now, nobody
6 can get by it. The other one is, the traffic light at Walgreens down in Five Points, it's too
7 narrow.

8 MS. CAIRNS: Yes.

9 MR. GILCHRIST: Ah, yeah.

10 MS. CAIRNS: City of Columbia doesn't do very well with their ADA enforcement.

11 MR. GILCHRIST: I'm sorry?

12 MS. CAIRNS: I'd say there's lots of city of Columbia stuff that they mess up.

13 MR. GOSLINE: Well, the county would never do anything like that. [laughter]

14 MS. CAIRNS: Well, I don't there, but I just, I can drive around and see ADA
15 violations all over the place in the City, with new construction. So –

16 MR. GILCHRIST: This particular ordinance that we're looking at addresses part
17 of the Code that does not comply with ADA, right? Is that what you're saying?

18 MR. GOSLINE: Yes. And there's a lot of it that doesn't.

19 MR. GILCHRIST: Okay. Just a question, then why aren't we sort of kind of
20 looking at, why aren't we looking at the ADA requirements for the county?

21 MR. GOSLINE: We are.

22 MR. GILCHRIST: Okay.

1 MR. GOSELINE: When – in the goals and objectives, the Council directed you to
2 present them with a Sidewalk Capital Improvement Program by June of 2012. They
3 also directed you to provide them with a draft ADA Transition Plan by June 2014. So,
4 we're going to be talking a lot about this stuff.

5 MR. GILCHRIST: So, is this premature to deal with this now?

6 MR. GOSLINE: Excuse me?

7 MR. GILCHRIST: Is it premature to deal with this now?

8 MR. GOSLINE: No, because we can change the existing subdivision standards
9 where it's most noticeable, I guess is the word, very [inaudible]. And ramifications,
10 there's going to be lots of others, I guess. You know, we'll just have to work through
11 that over the next couple of years.

12 VICE-CHAIRMAN MANNING: I guess one of the concerns I have is going back
13 to DOT.

14 MR. GOSLINE: Um-hum (affirmative).

15 VICE-CHAIRMAN MANNING: You're going to have complete streets –

16 MR. GOSLINE: Correct.

17 VICE-CHAIRMAN MANNING: - that have DOT and we have here that they are
18 exempt, SCDOT, right-of-way shall be exempt of the requirements of inspection.

19 MR. GOSLINE: I'm sorry?

20 VICE-CHAIRMAN MANNING: It says all development shall provide sidewalks
21 along one side of all internal roadways, and on one side of adjacent external roadway
22 provided; however, proposed sidewalks within the SCDOT right-of-way shall be exempt
23 from the requirements of the section.

1 MS. CAIRNS: If they [inaudible].

2 MS. ALMEIDA: Upon the Planning – yeah.

3 MS. MCDANIEL: If you can't get the encroachment.

4 MS. CAIRNS: You can't get the encroachment for it.

5 MR. GOSLINE: Maybe it's poorly worded, but the idea is that if you get a letter
6 from DOT denying an encroachment permit, then you won't be caught in a conundrum.

7 VICE-CHAIRMAN MANNING: So -

8 MR. GOSLINE: It's either that or have about five or six variances every month
9 for a simple issue. DOT denied it, that's it.

10 VICE-CHAIRMAN MANNING: And typically the denial is for what? I mean, why
11 what's the denial typically?

12 MR. GOSLINE: Well, they have some criteria and they, you know, like
13 everybody else, they're strapped for money so, they have certain criteria, one of which a
14 top priority is near schools, second priority is connecting neighborhoods to commercial
15 areas, so-called goat trails you see all over the place. And then so, our Complete
16 Streets goals and objectives follow theirs. They have a big problem, sidewalks to
17 nowhere. We've had that discussion before.

18 VICE-CHAIRMAN MANNING: I think we all do. I mean, we build all these
19 sidewalks in these neighborhoods to get them to go somewhere and then all the sudden
20 DOT denies the permit and my question is why is DOT denying the permit?

21 MR. GOSLINE: Well, one of the reasons, one of the reasons is because they
22 think it's a maintenance problem. They might be right. But the other thing they've said

1 is if we have a comprehensive plan for filling in the gaps, then they'll go along with us.
2 So, that's part of it.

3 VICE-CHAIRMAN MANNING: Well, I'm certainly in favor of sidewalks, but I don't
4 know how this is going to impact –

5 MR. GOSLINE: I'm sorry?

6 VICE-CHAIRMAN MANNING: I don't know how this Text Amendment is going to
7 impact various streets, whether it be a collector, arterial or a local road extension as it
8 relates to ADA or those requirements. I personally would like to know what those are
9 but –

10 MR. GOSLINE: With all the, you know, we're going to have to be going through
11 immense amount of details over the next months. The Council's policy is to implement
12 the ADAAG. This is the first step and so, we're going to have –

13 MS. ALMEIDA: Currently –

14 MR. GOSLINE: - we're going to have workshops weekly for the next few years
15 with you guys, so.

16 MS. ALMEIDA: Currently if the DOT is approving a sidewalk in their right-of-way,
17 they are going to require the Applicant to submit a detailed standard. And they are
18 going to approve that detail and they have details that are ADAAG, you know, the little
19 yellow dots and they keep changing a little bit every year but they have those standards
20 and they must conform to their standards. We, of course, at the County or Public Works
21 is trying to mimic that standard as well. So, we would be in compliance or in
22 conformance with the DOT as well. We're all working from the same sheet.

23 MS. CAIRNS: I mean, ADA isn't exactly optional.

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

2 MR. GOSLINE: Correct.

3 MS. ALMEIDA: It's federal.

4 MS. CAIRNS: I mean, its federal law, it's been there, I think since 1990?

5 MR. GOSLINE: Twenty years.

6 MR. GILCHRIST: Correct.

7 MS. CAIRNS: Twenty years old. I mean, so, it's kind of like we can't sit here
8 saying, oh, we can't do ADA, it's not optional. ADA is federal law.

9 MR. GOSLINE: Correct.

10 VICE-CHAIRMAN MANNING: Heather, I would disagree with you on that and I
11 think it's in the last Code revised, there was a lot discussions about neighborhoods and
12 whether they, especially of a certain size whether they would have to comply with that.
13 And that's why, I think the standard in some was best than others. I may be wrong on
14 that but I believe there was a lot of discussion.

15 MS. CAIRNS: I'm not, I mean, I –

16 MS. ALMEIDA: In subdivisions –

17 MS. CAIRNS: - you know, with all the work that I've ever done for developers,
18 we always complied with ADA. I mean, we just, there was no question about it.

19 MS. ALMEIDA: And I'm sure the public right-of-way needs to be ADA, if you
20 have private streets you can develop what you want but it can come back –

21 MR. PRICE: I think in a subdivision you can –

22 MS. CAIRNS: If it's a public road.

23 MR. PRICE: - in a subdivision?

1 MS. ALMEIDA: Yeah.

2 MR. PRICE: Within a subdivision, you're not required to abide by ADA
3 [inaudible].

4 MR. GILCHRIST: True.

5 VICE-CHAIRMAN MANNING: I'm not trying to place a value judgment on -

6 MS. ALMEIDA: No, no, no.

7 MS. CAIRNS: There's weird -

8 VICE-CHAIRMAN MANNING: I'm not.

9 MS. CAIRNS: But I mean, what - that's the thing is whether ADA applies or not
10 is based on the ADA. I mean, ADA has set out where you have to comply with ADA
11 and where you don't.

12 MS. ALMEIDA: Right.

13 MS. CAIRNS: Like inside your own personal home, there's no requirement.

14 MS. ALMEIDA: That's correct.

15 MS. CAIRNS: You know, but if you're providing access to a public facility, then
16 you absolutely have to comply with ADA.

17 MS. ALMEIDA: Public - yep, you have to by law.

18 MS. CAIRNS: And there, and the issue about like sloping sidewalks that are too
19 steep to comply with the 8% grade requirement they have, I mean, I can't remember
20 then specifically because it's been a long time, but we would do park work where there
21 were times we couldn't meet and 8% grade because of the reality of the typography.
22 And there's, ADA provides for that. I mean, ADA doesn't make you do things that are
23 unreasonable so long as all people have reasonable right of access. That's what the

1 ADA's all about. It is federal law. I mean, it just, it is what it is. And so, I think the fact
2 that we've got issues about how do we bring in compliance with old things, how do we
3 deal with stuff, but you know, if there's a sidewalk that's just too steep, maybe the
4 decision has to be made that we don't put a sidewalk there because you're creating a
5 hazard, but it's not because the ADA is too onerous. I mean, because the reality is if
6 you had a parking and a facility and it was steep as all get out, you would have to have
7 ADA access. If it meant that you had to do a serpentine walk-down, you'd have to, but
8 that's not what's happening in a subdivision, because you don't have a facility that the
9 public is going towards. So I mean, just to –

10 VICE-CHAIRMAN MANNING: That wouldn't be a requirement?

11 MS. CAIRNS: On a regular old sidewalk, if it's just cruising through a
12 neighborhood, I don't believe that ADA would require that it meet its compliance if it's
13 just cruising through a regular old neighborhood. But if there's a facility, like a park, if
14 there's a park facility within that subdivision then, yes. Then it's different, you're asking
15 the public to gather at a facility versus traveling through and, you know, I don't know
16 what – I mean in urban settings is different because sidewalks in urban settings are
17 fundamentally different than sidewalks in subdivisions out in the – I mean, the ADA
18 provides for all that, but it is the law, and it has to be complied with. And so I think that,
19 I mean, I do have some amendments that I'd like to offer to this section, even as much
20 as I don't have heartburn with the fact that we kind of need to follow federal law. The
21 one thing that I just, and apologize if I'm a tad bit tart today, I've had some issues come
22 up which have caused me to be so, which are not related to here, so I apologize for that
23 but the – with that in mind the definition that's offered in here of ADA, I think whoever

1 drafted that, is in need of some remedial assistance. It's embarrassing, frankly that that
2 definition was published. ADA does not have to do with facilities for developmentally
3 disabled persons. The ADA has federal legislation concerning facilities and services for
4 use by the public. I mean, I just find that, you know, I think we either we pull the
5 definition that the ADA gives itself, but I think that that's embarrassing frankly.

6 MR. GOSLINE: Thank you for correcting that.

7 MS. CAIRNS: I mean, just, I was stunned. I know it's easy to misstate that but
8 the ADA is nothing like as it's described there. So, that definition just needs to be
9 eviscerated. I think probably the best thing to do would to be pull the definition from
10 itself. But it is, it has to do with facilities for use by the public. I think in Section 2 or
11 (A)(1), in terms of what sidewalks have to be by the ADA, and then it's going on and
12 saying that, "this subsection only applies to developments in areas designated on the
13 comp plan", as a certain type? I don't think that's what's relevant. I think what's relevant
14 is it should only apply to developments that are being developed in a certain manner.
15 So in other words, if our comp plan shows something as rural, but it's being developed
16 in a manner that it ought to have sidewalks, it ought to have sidewalks. It shouldn't
17 matter what the plan was. What should matter is what the use it becoming. So, I'm not,
18 I mean, I find that just problematic. I had a little funny ditty on that.

19 MR. GOSLINE: Mr. Chairman? When I look at –

20 VICE-CHAIRMAN MANNING: [Inaudible] urban and suburban priority
21 investment areas or [inaudible]?

22 MS. CAIRNS: I don't think it should have to do with what the comp plan says.
23 The point is that this –

1 VICE-CHAIRMAN MANNING: Should have [inaudible] priority investment?

2 MS. CAIRNS: No. The point is, is that this requirement shall apply to all
3 developments of a certain density or a certain development pattern or a certain
4 something that shouldn't be – I mean, I think that entire sentence it's not like it needs to
5 be tweaked, it needs to be eliminated and if there's a certain, if we are deciding that
6 certain sections don't need sidewalks, it's based on how their use is, not what the comp
7 plan said.

8 MR. GOSLINE: Mr. Chairman? The problem, that's a huge administrative
9 problem unless you have a definition of rural, something like that because what it's, the
10 way it's worded, is that sidewalks would not have to comply in areas designated as rural
11 in a comprehensive plan. The rationale is we want them to stay rural, we don't, they
12 don't need urban services, we don't want them to have stuff so that's the rationale.

13 MS. CAIRNS: But the thing is that we could have an area right now on the comp
14 plan designated as rural and someone comes before us and has it rezoned to allow a
15 higher density, and based on this section, it wouldn't have to have sidewalks because
16 on the comp plan it was not designated as suburban. That's why I don't want to link it to
17 the comp plan; I want to link it to what is actually being built.

18 MR. GOSLINE: The obvious answer is that it shouldn't be a rezoning –

19 MS. ALMEIDA: Correct.

20 MR. GOSLINE: - for land.

21 MS. CAIRNS: Well, we shouldn't be but -

22 MS. ALMEIDA: In certain areas, obviously our recommendation, if it was not in
23 compliance with our comprehensive plan, we would recommend denial.

1 MS. CAIRNS: That doesn't mean that's what happens.

2 MS. ALMEIDA: In order to stop what's going where we have somewhat urban
3 uses out in rural land and that's why, you know, we find ourselves with urban/suburban
4 type requirements like sidewalks in areas where it doesn't make sense because the use
5 shouldn't be there. We go full circle.

6 MS. CAIRNS: But I don't think the solution is to, I mean, the solution is just to
7 maybe have better control over our rezoning, but I don't think that's a reality. I think
8 that, and I also think that sometimes the comp plan could completely miss something. I
9 think there are times when the comp plan gets set, it sets for at least 10 years, and a lot
10 of things can change and so it's possible the comp plan is not accurate or should be
11 followed anymore. And so that's why I just think that we don't use the comp plan as the
12 basis to decide where sidewalks go; we go based on what's actually being developed.

13 MS. ALMEIDA: Well, I think we can go back and take another stab at this.

14 MR. GOSLINE: We can do whatever you want, but it's – what that means is –
15 well, let me ask you a different way. Are there any areas in the county that you would
16 agree should not have sidewalks other than outright conservation and stuff like that?

17 MS. CAIRNS: Developments that are truly rural, which is not what we have, I
18 mean, you know, when people are like farm, you know, people on large tracts of land,
19 five acre land tracts and 10 acre, I mean, when you're out in the middle of nowhere,
20 yeah, there shouldn't be. But the problem is –

21 MR. GOSLINE: Well, that's exactly –

22 MS. CAIRNS: But my whole thing is but I mean if somebody goes out in the
23 middle of nowhere and takes 20 acres or a 100 acres, I'm not good with the size thing,

1 y'all do that much better than I do, but takes a big tract of land and subdivides it with a
2 bunch of houses, they should have sidewalks. Even if all it provides is for internal
3 transportation within themselves, they should have sidewalks.

4 VICE-CHAIRMAN MANNING: I think the Land Development Code does require
5 that except on subdivisions of less than certain sizes, and it's a small number, I don't
6 know what [inaudible] I can't recall off the top – maybe its 50 lots.

7 MS. ALMEIDA: Less than 50.

8 MS. CAIRNS: Yeah.

9 MR. GOSLINE: So, the result of not exempting rural is that we would – you're
10 going to be required to have subdivisions build sidewalks that go nowhere, get to
11 nothing.

12 MS. CAIRNS: But they provide for internal. I mean –

13 MR. GOSLINE: Excuse me?

14 MS. CAIRNS: Even if there only providing internal – like Kings Grant would be a
15 far greater place if it had sidewalks. They'd be completely internal because you're not
16 going to have sidewalks going out onto Fort Jackson Boulevard but, you know, that to
17 me, that subdivision should have sidewalks. I mean, that's all private roads and it's a
18 little bit different and I know that, but I mean, when you go through that community or
19 you go through even the community I'm in where it's hit or miss as to where we have
20 sidewalks, it should have sidewalks. I mean, if you're going to do a density of certain
21 level, whether it's adjacent to other densities of same type or by itself, it should have
22 sidewalks. I mean, that's, I just think that the use is what dictates where you have
23 sidewalks and you know whether then they have to bring them out some right-of-way

1 where they don't go anywhere, that's a separate issue. But I just, you know, because of
2 the fact that we rezone land and I just think basing the requirement of sidewalks based
3 on a comp plan is a bad way to go, I think it should be based on what's actually being
4 built. I also have one of the other – I do understand this thing about DOT denying
5 sidewalks and that therefore, you know, that we're trying to get around the developers
6 then having to go to BOZA to get the exception which obviously will get granted, the
7 only thing I'd like to sort of try to add to this provision in Section 2 is that over on page
8 13, is that I would like to make it very clear that the Planning Department would,
9 reserves the right appeal the denial on behalf of the public and go back to DOT, and
10 that if the denial is reversed, then that's the end of the issue. My concern is that, you
11 know, I just think it needs to very clear that the Planning Department has the right, even
12 if the developer shows up and says here's the denial of the encroachment permit, that
13 the Planning Department has a right to go to DOT and say, I want you to reconsider
14 based on these factors, and then if DOT denies it again, then it's a done deal. And it's
15 not that Planning Department has to, Planning Department may agree that that's a
16 battle they don't want to fight, but I think that – I want to make it clear that they have the
17 right to do that. That if indeed DOT reverses that denial, the developer can't then fight
18 to have it reversed again. I mean –

19 MR. TUTTLE: Well but, you know, you're kind of creating a slippery slope
20 because which denials do you chase and which ones do you not chase and how do you
21 get a fair -

22 MS. CAIRNS: I would leave that up to the Planning Department.

1 MR. TUTTLE: Well, I just think that's, you know, it's DOT's land, if you ask once
2 and you're denied, I'm not sure it's the purview of the county to go back in and ask
3 again on selected circumstances.

4 MR. GOSLINE: I think that's very true Mr. Tuttle. I mean, if you want to do that,
5 then we would need some criteria to determine whether we want to us to do that, we
6 can do that.

7 MS. CAIRNS: Well, I mean, I think it would be basically based on some of what's
8 been offered today is that you said how DOT is, I mean, what I heard, I'm rephrasing a
9 little bit, is that DOT denies when they don't see that it's, you know, one of the reasons
10 that they would deny is when they don't see it as being part of a comprehensive plan –

11 MR. GOSLINE: Right.

12 MS. CAIRNS: - or this and that.

13 MR. GOSLINE: Correct.

14 MS. CAIRNS: - is that, you know, so that's where – I mean, some of my concern
15 is that a developer can go get DOT to deny the sidewalk without having DOT, without
16 the Planning Department having an opportunity to approach DOT and say, wait, wait,
17 wait. We've got going on here. This is part of our comprehensive plan, please allow
18 this one here. This is the reasons. You know, so I just think that, I just see that –

19 MR. GOSLINE: I think part of – once we have a comprehensive improvement
20 program, not just a plan, an improvement program, which means some sort of allocation
21 of dollars over some period of time to create the sidewalks, that kind of thing [inaudible]
22 direct or it will go away.

1 MS. CAIRNS: I mean, at the same time, I just see right now that, I mean, maybe
2 I'm seeing the evil in folks lately or whatnot, but I mean, I just, my concern is that, I
3 mean, I don't know the process to know even how an encroachment permit is presented
4 to DOT but my concern is that encroachment permits that would be granted will be
5 denied that don't have to be and I just want plenty – I don't think it's a slippery slope, I
6 think Planning Department can offer, you know, I mean, if they're going to get unduly
7 influenced by individual developers to not appeal, well then we deal with the internally.
8 You know, but I mean, my concern is that I just think that the Planning Department
9 ought to have the right to appeal the denial.

10 MR. GOSLINE: The last thing I want to say about that is we can't be arbitrary
11 and capricious and without some criteria, we would be.

12 MS. CAIRNS: Well then, let's craft some criteria but I mean, I –

13 MR. GOSLINE: We can do that and come back.

14 MS. CAIRNS: But I just, I think that I'm just concerned that it's too easy to get a
15 denial from DOT. Because I think DOT would issue denials every single chance they
16 could, if they could.

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

18 MR. TUTTLE: Well, to be fair though if there's a subsequent need for the
19 sidewalk and the developer was given a waiver by DOT and then at some point DOT
20 potentially has to put in a sidewalk with their own nickel, I don't think DOT's just going to
21 summarily reject every sidewalk because they don't want it. I think there's a rationale
22 behind it and if you've ever been through the encroachment process for a developer to
23 have to go through that process and come out with a verdict and then have to turn

1 around again and go through that process again, I mean, you're, you could potentially
2 delay a project a significant amount of time.

3 MS. ALMEIDA: I think what we can do as Staff is get with DOT and just like
4 there are situations for encroachment permits; they will not issue an encroachment
5 permit or a decision until they've contacted us and we've had conversation. Because
6 we did speak to DOT with reference to just that. They're not privy to all the
7 development that's still on the books, ready to be approved, not on the ground, so
8 sometimes they're working in a vacuum and many times we've come to them and said,
9 well, you know, this is what's proposed here, here and here, and they've understood the
10 decision. I think we need to craft something, where either the request comes through
11 us and we can provide information to the DOT, if we have it, for them to get in touch
12 with us or something.

13 MR. GOSLINE: Anna is correct. And they're getting a lot better about that –

14 MS. CAIRNS: Yeah, maybe it's just that before an encroachment permit is
15 submitted the county has to be informed.

16 MR. GOSLINE: [Inaudible]. Can I ask the – is it the consensus of y'all that you
17 do not want the last sentence in 179 (A)(1), that's the one that talks about exempting
18 sidewalks in rural areas on the comp plan?

19 MS. CAIRNS: Yeah, I just think that - I mean, to me that whole sentence just
20 needs to be struck; whether it gets replaced with something else that offers where they
21 shouldn't be required, I'm not opposed to hearing an alternate –

22 MS. ALMEIDA: I think we need to come back.

23 MS. CAIRNS: - exception, but I think that one is inappropriate.

1 VICE-CHAIRMAN MANNING: I don't know if we adopted this Text Amendment
2 what other Text Amendments we're going to need to correct the Code.

3 MR. GOSLINE: Tons, tons.

4 VICE-CHAIRMAN MANNING: Okay.

5 MR. GOSLINE: Tons over the next few years.

6 VICE-CHAIRMAN MANNING: I would want to know that, short of that, rather
7 than saying, all development shall provide, I would rather say, all required
8 developments, cause I don't know what is and what doesn't have to comply with the
9 sidewalk situation now. So, whatever the requirements are, they would stay in place as
10 far as – and that would kind of take care of the comp plan, wouldn't it? I mean, I don't
11 know what that [inaudible].

12 MS. CAIRNS: I just don't want to change – I mean, right. I think –

13 VICE-CHAIRMAN MANNING: Comp plan, I agree with you, the same with the
14 priority investment areas, you know, all developments that are required to have
15 sidewalks, should have sidewalks.

16 MS. CAIRNS: Right. That's just, you know, I mean, I don't – I honestly, right
17 now don't know myself which ones do an don't. But I just - this is not an acceptable
18 exception, that's all.

19 MR. GOSLINE: Mr. Chairman, you've given us a lot of things to think about, so I
20 would suggest that y'all table this and we'll come back next time.

21 VICE-CHAIRMAN MANNING: Okay. Is that appropriate to everybody?

22 MS. CAIRNS: Well, yeah and the only other things I just want to toss out, I
23 appreciate that but, I think that, and I don't know how to accomplish this cause I know

1 there's a lot of issues, but I think sometimes, you know, that if there's an adjacent
2 sidewalk, that there may be some specific requirement that – cause I've just seen every
3 once in awhile where two developments stop and leave this gap because of some
4 anomaly that, you know, if there's an adjacent sidewalk that there has to be connected
5 to it. And the other thing that I just will fight for forever is that I think we should start
6 offering that sidewalks should not be placed up against the curb. There should be that
7 buffer; tree lawn is what I grew up calling them. This sort of Shandon approach to
8 sidewalks; I think that sidewalks up on the curb are better than nothing, but not by
9 much.

10 MR. GOSLINE: Good complete streets, stuff.

11 MS. CAIRNS: Yeah, I just – but I want to start just constantly reinforcing that
12 sidewalks need that separation from the right-of-way.

13 VICE-CHAIRMAN MANNING: Well –

14 MR. TUTTLE: I'm sorry –

15 MS. CAIRNS: I mean, from the curb. Sorry.

16 VICE-CHAIRMAN MANNING: In other words, you know, going to the
17 connectivity of the sidewalk, so we've seen the county require that you put a sidewalk
18 across the entire front of the property, the adjacent property line, then all the sudden we
19 get to a huge wetland. I mean, there needs to be some, before we built that sidewalk –

20 MS. CAIRNS: Oh, yeah.

21 VICE-CHAIRMAN MANNING: - we should have said, well, there's a wetland
22 right there that we're never going to get to cross.

23 MS. CAIRNS: Right.

1 VICE-CHAIRMAN MANNING: And so this one's really unusable. So –

2 MS. CAIRNS: Oh yeah, and I drive by one every single day that I laugh at cause
3 it basically walks you to the railroad right-of-way.

4 VICE-CHAIRMAN MANNING: Right.

5 MS. CAIRNS: And dumps you off. And I, you know, I can appreciate that we
6 don't want to have to require that. But –

7 VICE-CHAIRMAN MANNING: So that connectivity from that standpoint needs to
8 be addressed just as much as it does DOT. I've seen some of the waivers come back
9 where we were going to waive the sidewalk where there really was an alternative. I
10 mean, we could've backed the sidewalk up on private property, not DOT property and
11 gotten connectivity. So, we need to address that whole –

12 MR. GOSLINE: We're going to be talking about this a lot for the next couple of
13 years plus all the other stuff, so very detailed, there's a lot of ramifications for all of this
14 so -

15 VICE-CHAIRMAN MANNING: Are y'all far enough along with Public Works to
16 maybe bring this back, to bring that information back with what they're working with from
17 a design standpoint?

18 MS. ALMEIDA: As far as their standards?

19 MR. GOSLINE: What is it, specifically what are looking for Mr. Chairman?

20 VICE-CHAIRMAN MANNING: I think you mentioned that Public Works was
21 working on design standards for sidewalks –

22 MS. ALMEIDA: For sidewalks.

1 VICE-CHAIRMAN MANNING: - [inaudible] deal with situations that ADA may
2 already require, I don't know, for hardship cases, how do you get them in?

3 MR. GOSLINE: Alright, we have –

4 MS. ALMEIDA: We're going to defer this then?

5 MR. GOSLINE: Remember this one?

6 MS. CAIRNS: You got another one?

7 VICE-CHAIRMAN MANNING: Yeah, I think we are.

8 MR. GOSLINE: This is something we need to consider [inaudible] sidewalk
9 improvement program [inaudible].

10 MS. ALMEIDA: Oh, we need to vote on the deferral.

11 MS. CAIRNS: We need a motion.

12 MR. BROWN: I move that defer the matter that we just discussed and to permit
13 Staff to do such work and bring it back at a subsequent time.

14 MR. TUTTLE: Second.

15 VICE-CHAIRMAN MANNING: Got a motion and second all in favor, please raise
16 your hand. All opposed?

17 *[Vote to defer; Absent: Westbrook, Palmer]*

18 VICE-CHAIRMAN MANNING: So, Carl this memo is something that needs to
19 take up at another time?

20 MR. GOSLINE: Well, the sooner the better Mr. Chairman because we're
21 working, you know, starting to work away at all these issues and the more direction we
22 can get from you upfront the better.

1 MS. ALMEIDA: One of the things that we did want to do, and I believe we spoke
2 to the Chairman is to possibly put a subcommittee together than can work more closely
3 on some of these issues and then bring it to the Planning Commission as a whole.

4 VICE-CHAIRMAN MANNING: Would this be something better, be more
5 productive if we put this in as a special called meeting or something where we could –

6 MS. ALMEIDA: Yes.

7 VICE-CHAIRMAN MANNING: - just deal with this one issue?

8 MS. ALMEIDA: Absolutely.

9 VICE-CHAIRMAN MANNING: Why don't we wait until next meeting until Mr.
10 Palmer's back and let him call us?

11 MS. ALMEIDA: Thank you.

12 MR. GOSLINE: You want to schedule before the election? I should say before
13 the referendum.

14 VICE-CHAIRMAN MANNING: When's the referendum?

15 MR. GOSLINE: The second.

16 VICE-CHAIRMAN MANNING: No, we can wait.

17 MR. GOSLINE: Okay, thank you.

18 VICE-CHAIRMAN MANNING: I mean, if you want to –

19 MR. GOSLINE: The sooner the better, Mr. Chairman, really. We need to get
20 some direction. There's a lot of complex issues that need to be discussed, so I would
21 hope that we could have a special meeting in a couple of weeks.

22 VICE-CHAIRMAN MANNING: Okay, well.

23 MR. GILCHRIST: I'll agree with that.

1 VICE-CHAIRMAN MANNING: Well, then let's go ahead and do it then. Anybody
2 got a calendar?

3 MS. ALMEIDA: If we can go to the next item because we are going to need to
4 schedule a meeting for the Broad River Master Plan, a work session.

5 MS. MCDANIEL: Will we need to do that?

6 MS. ALMEIDA: And we can take that up at that time, the scheduling –

7 MR. GOSLINE: The 25th?

8 MS. ALMEIDA: - the work session.

9 VICE-CHAIRMAN MANNING: We're going to need a work session for the next
10 item on the Agenda?

11 MS. ALMEIDA: Correct.

12 VICE-CHAIRMAN MANNING: So we're not going to have a presentation today?

13 MS. RUTHERFORD: Small presentation just to introduce it.

14 MS. ALMEIDA: We are –

15 VICE-CHAIRMAN MANNING: Okay.

16 **TESTIMONY OF TIA RUTHERFORD:**

17 MS. RUTHERFORD: Good afternoon. Tia Rutherford, Neighborhood Planner.
18 Wanted to introduce to you the Broad River Road Corridor and Community Master Plan.
19 We've been, or have undertaken the Master Planning Process in conjunction with
20 Central Midlands Council of Governments; so in the document that we're getting ready
21 to give to you is two master plans. The Piney Grove/St. Andrews and Broad
22 River/Dutch Square Master Plans in conjunction with a corridor study that the COG
23 already had programmed. We joined forces, put monies together and hired a consultant

1 to come and do both the corridor study and master plan at one time. What we'd like to
2 do today is just introduce to you the planning area, talk a little bit about the process,
3 give you the document to start reading in hopes of bringing you all back on the 26th of
4 October, which is the earliest our consultant can come in to do a full-blown presentation
5 to you to break down the document, the process and recommendations coming forward.
6 And we, as a Staff will bring it back first Planning Commission meeting in November in
7 hopes of a recommendation.

8 VICE-CHAIRMAN MANNING: so, you'd want a workshop on the 26th and then
9 vote on the plan in November the -

10 MR. TUTTLE: The first wouldn't it?

11 MS. ALMEIDA: The 1st?

12 MR. TUTTLE: Yeah.

13 MS. RUTHERFORD: Yeah, I think it is November 1.

14 MR. TUTTLE: Mr. Chairman, if I can –

15 VICE-CHAIRMAN MANNING: Okay.

16 MR. TUTTLE: I was able to attend Ms. Rutherford's and Staff's unveiling of this
17 plan to the neighborhood and I just wanted to compliment and commend Staff, Ms.
18 Rutherford and everyone for an excellent showing and a lot of hard work that's been
19 done. It's obvious once you guys get to see this package; it's really well done and thank
20 you.

21 MS. RUTHERFORD: Thank you. Next slide, please. Again, the mission, and I'm
22 going to have to talk toward the slides cause it's not my PowerPoint, I apologize.
23 Central Midlands Governments' Mission is to provide a regional form for local

1 governments here locally. They are the ones who put together those technical
2 documents that program funding for improvements to roads in our region. Next slide.
3 Okay. Of course, you know our mission, and one goal is to protect and revitalize
4 established communities. Essentially goal 1 is what created the Neighborhood
5 Improvement Program Office. Next slide. The project team was out, comprised of IBI,
6 they also hired a team of consultants for architecture, economic development and public
7 involvement and those are the consultants that were hired by Central Midlands Council
8 of Governments as well, with input from the county. Next slide. And this was our
9 schedule, we started this project early 2009 or late 2009, and we're hoping to be
10 finished December 2010. So, we've had a number of community meetings, one-on-one
11 conversations with elected officials and persons within the community. I think you all
12 early in the process were invited to a few of those meetings with the consultants. Next
13 slide. Goals and Objectives of the plan itself is to optimize transit operations as well as
14 create a framework of policies that will help revitalize this community. And again, this is
15 a 200 page document [laughter] I laugh because I dropped it off on Thursday and it
16 wasn't ready when your meeting started because they were still running off copies for
17 you and Council. So it is a 200 page document, front and back, so we tried to save
18 some trees. Of improvements necessary in this corridor to bring it back, I mean, it's –
19 but it's fantastic, it's a lot of work, a lot of work went into this document and you'll see
20 that when you get it. Next slide. Okay. In taking into account, one of the main, or a
21 major focus coming out of this plan is mixing use and transit oriented development.
22 You'll see a lot of, you will see quite a bit of that theory throughout this plan because of
23 how unique Broad River Road is and how it is connecting Northeast to Downtown. It is

1 that relief thoroughfare from I-126 when it is congested, so it is connecting major
2 communities throughout our region, so the need to mix the commercial development
3 with the residential development and the heavy emphasis of commercial in there is
4 necessary. Next slide. And again, while doing - all that while preserving character of
5 the established neighborhoods. Next slide. Next slide. And again, we went through a
6 process, your stakeholder input, your inventory analysis, the economic positioning;
7 you'll see in this Master Plan it's almost a one for one jobs to residents. In our last
8 meetings, we were told there were about 29,000 persons and about 25,000 jobs in this
9 community. This is a five mile stretch of road from the beginning or from the end of the
10 – let me start at the bottom, from the terminus of the Broad River Road bridge to
11 Harbison State Forest, it's a five mile stretch and including all the communities
12 surrounding that corridor. So our process involves stakeholder input, an inventory
13 analysis. We came in and did the economics of the community. We brought the
14 community in for their visioning design charrette, came back with a conceptual plan,
15 presented that to the community which developed the action plan and implementation
16 plan. Okay, next slide. And this is a picture of one of the largest nodes in the corridor
17 being the Dutch Square Mall property. Okay, next slide. Okay, and this kind of this
18 slide kind of gives you an overview of what came out of the group work sessions.
19 There's, it's fragmented government throughout the entire corridor as it kind of weaves
20 in and out between the city and the county, that is one of the major issues, there's need
21 for some joint efforts to implement this Master Plan, that's something that Council is
22 aware of, they're actually meeting on that. Okay, next slide. Another wonderful aerial of
23 how built out this community is. Next slide. Next slide. And this kind of gives you an

1 idea of how massive this corridor this planning area is that straight black line through
2 the center is Broad River Road. But again, we just wanted to introduce to you, just give
3 you a snippet of the process, give you the document and ask for that work session
4 where the consultant and Staff will be able to breakdown a document to you.

5 VICE-CHAIRMAN MANNING: Will the Planning Commission see the full report?

6 MS. RUTHERFORD: I have it in front of me; I can give it to you all now. What
7 you have in front of you is the Executive Summary that was – I think in your last month,
8 it was given to you? It's been given to the public, Council has had an opportunity to
9 review it, there's a website for this Master Planning effort that's been up for at least six
10 months. So, I think we've exhausted all possible opportunities for public input.

11 VICE-CHAIRMAN MANNING: And how long did it take to create this?

12 MS. RUTHERFORD: We started with public meetings last year. Probably
13 November/December of last year up until now.

14 VICE-CHAIRMAN MANNING: Just so we can try to move this process along
15 quickly.

16 MS. RUTHERFORD: You know what, I tell stories, this was probably last
17 summer. This was before Mr. Kocey left, that we had public meetings, so we've
18 probably been in this process a full year.

19 VICE-CHAIRMAN MANNING: Do you think one work session with the Planning
20 Commission is going to be sufficient time for them to read a 400 page document.

21 MS. RUTHERFORD: Its 200 hundred pages. [laughter] Knowing –

22 VICE-CHAIRMAN MANNING: And to be able to really respond adequately.

1 MS. RUTHERFORD: Knowing how you all have reviewed documents before, but
2 what you will not see is a policy document in conjunction with a Master Plan that you're
3 trying to figure out how to implement what's coming out of this plan. You're going to see
4 a lot of necessary transit improvements; I would ask that you pay attention to those
5 improvements as well as the implementation document which is what we really take the
6 time to digest to see how feasible it's going to be for the county to implement any
7 recommendation coming out of the Master Plan. One work session, I think should be
8 enough because as you get into the document, you'll see a lot of the story is told
9 through graphics and pictures but you'll still, you'll still be able to digest the document, it
10 is not a hard read. It's not a technical document that the lay person couldn't –

11 VICE-CHAIRMAN MANNING: Is the Implementation Plan a Phasing Plan?

12 MS. RUTHERFORD: It is phased out, yes, it is. And it's a part of the Appendix.
13 We've learned from before to not include it as the main document but it is in the
14 Appendix. The figures as with all of our master plans, if you don't start day one, those
15 figures are going to change. But what we needed to see as a government is what are
16 the logical steps necessary to implement this document or this program in phases; so it
17 is phased out. Okay? If you all don't have any questions of me, I want to give you the
18 document and if you could please –

19 VICE-CHAIRMAN MANNING: [Inaudible]

20 MS. RUTHERFORD: We, the consultant will be here on the 26th that morning for
21 technical meetings over at Central Midlands COG; we're looking hopefully to have a
22 meeting with you between 10:00 and 12:00 or at 2:00 pm.

23 MS. MCDANIEL: Is there any way we could do it later in the week?

1 MS. RUTHERFORD: Later that week?

2 MS. MCDANIEL: Is that the only day that they'll be here?

3 MS. RUTHERFORD: That's the only day that they'll be here. And most of our
4 Staff will be at a conference later on that week because most of us have presentations
5 at that conference as well.

6 MS. ALMEIDA: I believe it was the coordination with the consultant coming down
7 from Atlanta.

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

9 MS. MCDANIEL: Well, you'll have to meet without me; I'm going to be in trial in
10 Beaufort that week.

11 MS. RUTHERFORD: Okay. If you can get us any comments you have, any
12 questions you have prior to that would be fantastic.

13 VICE-CHAIRMAN MANNING: Is that date acceptable for everybody else? What
14 time did you say Tia?

15 MS. RUTHERFORD: Two would be good.

16 MS. ALMEIDA: Twenty-sixth of October.

17 MS. MATTOS-WARD: Would it be in the Chambers?

18 MS. RUTHERFORD: Two, the first option is to 10:00 am, if that's not available
19 for the majority of you, we'd like to say 2:00.

20 MS. HAYNES: That's if I can get chambers.

21 VICE-CHAIRMAN MANNING: So it would be 10:00 at COG or 2:00 here?

22 MS. RUTHERFORD: We can go up to the 4th floor, yeah.

23 MS. HAYNES: Okay.

1 MS. RUTHERFORD: Yeah, I think we ought to try 4th floor because I know that's
2 a Council day.

3 MS. HAYNES: Okay.

4 MS. RUTHERFORD: Yep.

5 VICE-CHAIRMAN MANNING: Okay.

6 MS. MATTOS-WARD: Okay, then that's it. Did you say that was Council day?

7 MS. RUTHERFORD: It is a council day so we will look at 4th floor conference
8 room to meet.

9 MS. MATTOS-WARD: Will we be through by the time Council –

10 MS. HAYNES: How long is it going to be?

11 MS. RUTHERFORD: It's up to –

12 MS. HAYNES: What about parking?

13 MS. RUTHERFORD: It's up to them. Yeah, we'll work out parking for you in our
14 building, in our garage but –

15 VICE-CHAIRMAN MANNING: Sounds like we've got a number of people that
16 are not going to be here, is there any other day that we could get the plan –

17 MS. RUTHERFORD: If you all can –

18 VICE-CHAIRMAN MANNING: - I mean, we have one date already that you
19 didn't get to the last minute and I know, I couldn't get there. I don't know if any of y'all
20 were able to get – I know David you said, you [inaudible] -

21 MR. TUTTLE: Well, actually – actually, yeah, the consultants weren't able to
22 meet with us. I went to the public presentation, not anything they set aside for us. And
23 let the Record reflect I remember Ms. Rutherford's name.

1 MS. RUTHERFORD: Do you know how many times I've been repeating that to
2 myself? If the 26th is not an option –

3 MR. BROWN: I can make it on the 26th am or pm.

4 MR. GILCHRIST: I can too.

5 VICE-CHAIRMAN MANNING: Heather, can you make it?

6 MS. CAIRNS: Twenty-sixth I'm good.

7 VICE-CHAIRMAN MANNING: Alright, then we'll do it at 2:00 pm, 4th floor. I think
8 somebody made the recommendation to talk about the memo at that time. I personally
9 would rather set another time for that, this is going to be more than we can digest at one
10 time.

11 MS. ALMEIDA: Absolutely.

12 VICE-CHAIRMAN MANNING: Or meeting – it's going to be all that we want to
13 digest. [laughter]

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

15 VICE-CHAIRMAN MANNING: Does anybody have any objection to us – Anna,
16 does – thank you - Does Carl need, is Carl still here?

17 MS. ALMEIDA: No, he's not.

18 VICE-CHAIRMAN MANNING: Does he need any guidance from us for a
19 particular Council meeting? Is there something that we need to, I mean or some time –

20 MS. ALMEIDA: We can do it in November, if November -

21 VICE-CHAIRMAN MANNING: November is okay?

22 MR. BROWN: [Inaudible] out of town also.

1 VICE-CHAIRMAN MANNING: Would the week of, after the election suit
2 everybody -

3 MS. MATTOS-WARD: For a workshop?

4 VICE-CHAIRMAN MANNING: - for a workshop on the Sidewalk Improvement
5 Program?

6 MR. GILCHRIST: Mr. Chairman, I think he was trying to schedule something
7 before the election.

8 VICE-CHAIRMAN MANNING: Well, I was just asking Anna if there was need for
9 the Council and she didn't seem to think so.

10 MR. GILCHRIST: Oh.

11 MS. CAIRNS: What are we looking?

12 VICE-CHAIRMAN MANNING: A lot of people are going to have to take time off
13 and do that.

14 MR. GILCHRIST: Okay, that's -

15 VICE-CHAIRMAN MANNING: It doesn't matter to me, I can do it that week but I
16 just - if it's not an urgent rush, you know, maybe the next week makes more sense.
17 Does anybody have a recommendation?

18 MS. CAIRNS: What week are you looking?

19 VICE-CHAIRMAN MANNING: Either the first or the second week of November.
20 And it doesn't, as far as I can tell, it doesn't make any difference.

21 MR. BROWN: How about the 9th?

22 VICE-CHAIRMAN MANNING: The 9th? Okay.

23 MS. MCDANIEL: What day?

1 VICE-CHAIRMAN MANNING: That's a Tuesday.

2 MR. GILCHRIST: That's a Tuesday.

3 MR. BROWN: What time?

4 VICE-CHAIRMAN MANNING: Does that suit everybody?

5 MS. MCDANIEL: That works.

6 VICE-CHAIRMAN MANNING: Alright. What do y'all want to give it an hour, an
7 hour and a half?

8 MR. GILCHRIST: Give it an hour and half.

9 VICE-CHAIRMAN MANNING: Okay. Why don't we just say 3:30 pm? That will
10 get us out of here about 5:00. Okay? Three-thirty on the 9th –

11 MR. BROWN: Are we still going to meet on the 1st?

12 VICE-CHAIRMAN MANNING: Are we going to meet on the -

13 MR. BROWN: On November the 1st?

14 MS. ALMEIDA: Yes, that's a Planning Commission meeting.

15 VICE-CHAIRMAN MANNING: And I guess that will be on the 4th floor, take up
16 Carl's memo on sidewalks –

17 MS. MATTOS-WARD: On the 4th floor?

18 VICE-CHAIRMAN MANNING: Right. We've got the 26th and the 9th.

19 MR. BROWN: Yeah, but we also have a regular meeting on the 1st, is that right?

20 VICE-CHAIRMAN MANNING: Right, right. Okay. You got anything else on the
21 Agenda?

22 MS. ALMEIDA: No, our airport briefing has been cancelled.

23 VICE-CHAIRMAN MANNING: Do I have a motion to adjourn?

1 MR. BROWN: I so move, Mr. Chairman.

2 MR. GILCHRIST: Second.

3

4

[Meeting Adjourned]