

RICHLAND COUNTY PLANNING COMMISSION
June 4, 2012

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[Members Present: Olin Westbrook, David Tuttle, Patrick Palmer, Stephen Gilchrist, Deas Manning; Absent: Heather Cairns, Kathleen McDaniel, Howard Van Dine, Wallace Brown, Sr.]

Called to order: 1:00 pm

CHAIRMAN PALMER: We'll call the June meeting of the Richland County Planning Commission to order. Allow me to read this into the Record. In accordance with the Freedom of Information Act a copy of the Agenda was sent to radio and TV stations, newspapers, persons requesting notification and posted on the bulletin board located in the lobby of the County Administration building.

MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we approve the May 2012 Minutes as submitted.

MR. WESTBROOK: I'll second.

CHAIRMAN PALMER: We have a motion and a second. All those in favor say aye.

[Approved: Westbrook, Tuttle, Palmer, Gilchrist, Manning; Absent: Cairns, McDaniel, Van Dine, Brown]

CHAIRMAN PALMER: Road names. Let me read this into the Record before we vote on the road names. "Dear Mr. Palmer, I must request to be excused from participating in discussion or voting on Agenda Item #, for the road names, which is scheduled for review and/or discussion at today's Planning Commission. It is my understanding of the Rules of Conduct, the provisions of the ethics, government accountability, campaign reform laws, and since I have a financial interest in one of the items I will be unable to participate in this matter through discussion voting. I would

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

6 MR. MANNING: Mr. Chairman, will we be able to vote on road names or just this
7 one [inaudible]?

8 CHAIRMAN PALMER: If we have less than a quorum for the road names does it
9 matter?

10 MS. LINDER: [Inaudible]

11 CHAIRMAN PALMER: Alright, let's do this then. Let's take up now the Agenda
12 Amendments and we'll move road name approvals to the end of the Agenda in case we
13 have somebody come in. And then – do we have any other Agenda Amendments?

14 MS. LINDER: Would you like to call Mr. Tuttle back in?

15 CHAIRMAN PALMER: We will. We're gonna move you to the end cause we ain't
16 got a quorum without you.

17 MS. LINDER: Mr. Chairman and Members of the Planning Commission, there
18 are some changes to the Agenda. Case No. 12-18 has been administratively deferred.
19 Case No. 12-19 has been administratively deferred. And Case 12-23 has been
20 withdrawn by the Applicant. So you as a Body need to take no action on those three
21 items.

22 CHAIRMAN PALMER: Alright, do we have a motion on the amended Agenda, to
23 move Road Names to the –

1 MR. TUTTLE: Yeah, Mr. Chairman, I'll make a –

2 CHAIRMAN PALMER: - end of the Agenda as well as defer case 2, 3, and 5?

3 MR. WESTBROOK: I move that we amend the Agenda and defer this to the end
4 of the –

5 MR. TUTTLE: Actually, Mr. Chairman, if I could, if I could interrupt for one
6 second. Why – counsel, can we just split this up and defer the item number 2 to the end
7 of the meeting in case we get a quorum without me. And if not I'm certainly capable of
8 voting on the other road names.

9 CHAIRMAN PALMER: Are you gonna be here then? [Inaudible] if somebody's
10 here you can just step out and –

11 MR. TUTTLE: Well, I was just gonna knock it out right now.

12 CHAIRMAN PALMER: Sure.

13 MS. LINDER: On the road names, do you want to take up the first two road
14 names, Village Brook, Village, Glen, Village Green, Village Harbor, Village Mere, and
15 Village View?

16 MR. TUTTLE: Yes.

17 MS. LINDER: That is fine, you can certainly do that. And then defer the
18 proposed name Channel.

19 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we approve the road
20 names under Item #1 as proposed.

21 MR. WESTBROOK: I'll second.

22 CHAIRMAN PALMER: All those in favor of the motion please say aye?

1 *[Approved: Westbrook, Tuttle, Palmer, Gilchrist, Manning; Absent: Cairns, McDaniel,*
2 *Van Dine, Brown]*

3 CHAIRMAN PALMER: Okay, now for the motion to amend the Agenda to put
4 number two of the road names at the end of the Agenda, as well as the deferral of Case
5 No. 12-18 MA, 12-19 MA, and the withdrawal of Case No. 12-23 MA. Do we have a
6 motion?

7 MR. MANNING: Mr. Chairman, I'd like to make a motion that we move Item #2
8 under the proposed road names to the end of the Agenda, and that we also defer case
9 numbers 18, 19, and withdraw 12-23.

10 MR. GILCHRIST: Second, Mr. Chairman.

11 CHAIRMAN PALMER: We have a motion and a second. All those in favor please
12 say aye?

13 *[Approved: Westbrook, Tuttle, Palmer, Gilchrist, Manning; Absent: Cairns, McDaniel,*
14 *Van Dine, Brown]*

15 CHAIRMAN PALMER: Case No. 12-07 MA.

16 **CASE NO. 12-07 MA:**

17 MR. LEGER: Thank you, Mr. Chairman. The Applicant in this case is Terri
18 Darragh representing Richland County Landfill, Inc., which is not necessarily affiliated
19 with Richland County, they just utilize that Richland County name. The property is
20 located on Percival Road and Screaming Eagle Road and is about 230 acres in size.
21 It's currently zoned RU, which is our Rural District and they are requesting HI, Heavy
22 Industrial District. The RU District is the original zoning from 1977. In this case we have
23 Rural zoning surrounding the property on all sides, and to the north the uses are

1 residential and mineral extraction for a sand mine. To the south we've got a small waste
2 energy plant, which is affiliated with the landfill operation. The landfill operation is to the
3 east. And to the west we have undeveloped property and several residential uses. Our
4 Comprehensive Plan recommends Rural in this instance where industrial uses should
5 not be located near residential or commercial without adequate space to have buffering
6 and setbacks. We found that this site is relative near Interstate 20, Clemson Road,
7 Spears Creek Church Road, it's also located near other industrial uses such as the
8 landfill, sand mine and we felt like this site did have adequate space for buffering from
9 adjacent uses. The subject property is, one of them is, the western property is currently
10 vacant, undeveloped, wooded. The eastern property was previously used for a mine for
11 a particular type of clay. Otherwise the area is characterized by residential use and
12 those industrial uses that I mentioned. In accordance with state law we've contacted
13 the Ft. Jackson facility and got comments back from them. They were not opposed to
14 the request at this time. With those comments the Staff recommends approval of a
15 rezoning at this time from RU to HI, Heavy Industrial. If you have any questions we'll be
16 glad to try and answer them.

17 CHAIRMAN PALMER: Any questions for Staff? We have a couple of people
18 signed up to speak. And if you would when you come and speak if you would take the
19 podium and limit your comments to two minutes, and give your name and address for
20 the Record, we'd appreciate it. And I'm horrible at names so I'll just take a run at it. Terri
21 Darragh?

22 **TESTIMONY OF TERRI DARRAGH:**

1 MR. DARRAGH: Thanks Commission. I'm the Applicant on behalf of Richland
2 County Landfill and I'd like to take this opportunity to thank the Planning Commission for
3 considering our Application and Staff for their assistance. What we'd like to do is
4 present a brief overview of our concept that we have for the entire property, and I'd like
5 to provide a little history of how we got to where we are. First I'd like to have Walden
6 Jones speak to the plan layout and concept, he's with Sinclair & Associates. And Mr.
7 John Tilton, our district manager, is here to discuss some of his conversations he's had
8 with the community.

9 **TESTIMONY OF WALDEN JONES:**

10 MR. JONES: My name is Walden Jones with Sinclair & Associates, PO Box
11 1344, Duncan, South Carolina 29334. I work for Sinclair & Associates, we're the
12 engineer. We've been working with Richland County Landfill, Inc. for the last couple of
13 years. Specifically, the two parcels they've purchased over the few years and it's
14 roughly about 230 acres as previously mentioned, one thing that they want to do is
15 utilize the existing resources on the property to help service the landfill facility adjacent
16 to it. And with that they want to create a plan that will actually provide passive and
17 active recreation in the tune of about 15,000 linear feet of trails, wetlands observation
18 area, primitive camping and boat launch, also a recreational area. They plan to preserve
19 around 78 acres of existing wetlands and also upland buffers in this plan. They have
20 about a nine acre parcel, out parcel, as you can – it's gonna front Percival Road up
21 here, they plan to, they're in communications right now with the church, the church
22 across the street to possibly allow them to [inaudible]. Also we wanted to look about
23 doing, or Richland County Landfill, Inc. wants to consider doing a future citizens recycle

1 center that may be needed in the area as well. And also as you can tell, there's some
2 room possibly for some future industrial development as a residual property and maybe
3 create a little bit of economic impact and development within the area. The process, the
4 developer's plan, Richland County, of Richland Landfill, Inc. was involved in a meeting
5 with their citizens advisory committee, their neighbors, and also Richland County's
6 Planning Staff. We feel the proximity to Interstate 20 and the characteristics provided in
7 Staff's report for the proposed development will create an asset to the community. With
8 that, I'll let John Tilton give you a little brief overview of how everything was
9 communicate throughout.

10 MR. MANNING: Excuse me, Mr. Chairman? Question. WMA and Richland
11 County Landfill are basically one in the same or does that, I mean, [inaudible] same
12 ownership?

13 MR. JONES: Richland County Landfill is an entity owned by Waste
14 Management, the company.

15 MR. MANNING: And is this part of some remediation process for the landfill
16 adjoining it or is this something totally separate of that?

17 MR. JONES: No, sir, no, no remediation activity, it's just the, ultimately a project
18 that we'd like to do for that piece of property.

19 **TESTIMONY OF JOHN TILTON:**

20 MR. TILTON: My name's John Tilton and I'm the district manager there at
21 Richland County Landfill at 1047 Highway Church Road, that's Elgin, South Carolina
22 29045 is the zip code. First, I'd like to say thank you for this opportunity. Richland
23 County Landfill, to kind of give you a little bit of a background of how we reached this

1 point, we're always striving to be a good neighbor and reaching out to our citizens.
2 About 10 years ago we started what is known as the Citizens Advisory Committee and
3 that is comprised of neighbors, elected officials, law enforcement, and our regulatory
4 agency here in this area. And what we try to do is if there's issues or things like that
5 that they bring to us, we try to address those, be a good neighbor, step up and handle
6 any concerns that they may have. Through this relationship over the years we've
7 developed several things and they've asked for different things, such as the sheriff's
8 substation that's out there, to feel secure and feel safe. We donated that property for
9 them to come out. We have our gas to energy facility, which we power about 6,400
10 homes in a joint effort with Santee Cooper through Tri-County Electric down 601. About
11 three years ago we had these two parcels of property here and we went to them and
12 said, you know, we have some needs for this but what would you like to see in your
13 community? And through that is where we started getting their input and everything,
14 that they wanted a nature trail for exercise, they wanted a place for camping, they
15 wanted a recycling facility, they wanted nature areas for them to be able to come and
16 enjoy in the community. And this is, this is the plan that's came out of that through
17 many meetings with, like I said, neighbors, county officials and everything. We've even
18 presented this, we've had some neighbors since the sign came up, signs went out and
19 we took them as planned, we've had nobody say no to this, to this plan here. Richland
20 Landfill, we, we're involved in a lot of things in our community; everything from recycling
21 to roadside clean up and we want to be a good corporate neighbor, in doing so, and this
22 is further going in that direction. As long as we're safe and environmentally friendly,
23 that's the goal that we have. And I thank you for the time in front of you today.

1 CHAIRMAN PALMER: Thank you. Clayton Kramer? Do you want to say
2 anything? And Zane Ferris?

3 **TESTIMONY OF ZANE FERRIS:**

4 MR. FERRIS: Yes, sir. I don't have anything to say, but I just signed in case
5 anybody had any questions that needed addressing. I'm not sure of the protocol.

6 CHAIRMAN PALMER: Okay. That's all we've got signed up to speak.

7 MR. MANNING: I did have a question for somebody, I'm not exactly sure who
8 can best answer it, but the buildings that are shown on the, I guess that'd be the
9 western portion, are those the recycling – what, what are those buildings?

10 MR. JONES: Those are just some conceptual site plans showing what type of
11 building facility, the size wise, that could possibly be, you know, be lured to the area to
12 spark some economic growth.

13 MR. MANNING: And those would be industrial buildings owned by you or these
14 would be buildings sold to somebody else or?

15 MR. JONES: It could probably work in a different way. I think from Richland
16 County Landfill, Inc., they would prefer to probably help, partner with somebody to
17 install the infrastructure and let them actually own the property themselves [inaudible].

18 MR. MANNING: And under the HI designation, what kind of buffer are we
19 looking at between those buildings and the residential behind it?

20 MR. JONES: The residential? Actually that was one of the comments that came
21 out I think through Zane's conversation specifically with some neighbors and we've
22 actually increased it to 200', far, more substantial I think than the zoning regulation
23 would require.

1 MR. MANNING: Okay.

2 CHAIRMAN PALMER: I have a question. I'm not sure what the HI designation
3 need is if we're looking to create these walking trails and ponds and give back to the
4 community and so forth and so on. I mean, can that not be done in the RU zoning
5 classification that's out there now? I haven't seen a lot of recreational areas come in
6 and ask for an HI classification.

7 MR. DARRAGH: I think in order to develop the uses other than the recreation is
8 where the HI comes into play, with the industrial facilities, the potential for that, and the,
9 and the, you know, the –

10 CHAIRMAN PALMER: Yeah. And see, what we look at here is an overall
11 rezoning of the parcel. While these are all great and they look wonderful, I've been on
12 this Commission for nine years now and we've seen several times that somebody's
13 come in with a wonderful looking plan that looks great, the property is rezoned to
14 whatever it goes to, and then for whatever reason, economic downturn, we just got into
15 a crunch, we had to sell, this or that, there's now gonna be a single parcel out in this
16 area if this was to go forward that has an HI designation, which the people that are
17 requesting the HI designation don't know what they want to do with it, don't know what
18 the HI is needed for at this time, but we're gonna put a park on it for now, which is a
19 great selling tool to the community, but as far as demonstrating a need for HI on this
20 piece of property right now, I don't know that it's there. I mean, I, this, property gets
21 zoned to Heavy Industrial, it can turn hands to anybody. And you guys have a great
22 plan, you're great neighbors, you want to do something great for the community; we're
23 not tied to this plan, nobody's tied to this plan. This looks like it may be something for a

1 PDD of some sort if you've got some sites over in the corner that need to be HI, you've
2 got some parcels that maybe even could go to a TROS District and segment those out
3 so that you know that this whole site won't become HI. I don't know, I'm just thinking
4 out loud that, you know, I've just seen this occur many times in the past.

5 MR. DARRAGH: We, we, we've worked with Staff on a, looking at how to
6 ultimately address our needs for this property. One of the needs that we have is for
7 excavation where the lake will ultimately be, and as you look at our – this is an existing
8 body of water.

9 CHAIRMAN PALMER: Right.

10 ?: [Inaudible] this is actually an excavation [inaudible].

11 MR. DARRAGH: Correct, and with our current zoning it really wouldn't, we
12 couldn't figure out an avenue by which that would work without going to an HI
13 designation to allow us to do that over an extended period of time and ultimately kind of
14 evolve into this project as we looked forward. HI provided us the most flexibility for doing
15 that.

16 CHAIRMAN PALMER: Mr. Gilchrist?

17 MR. GILCHRIST: Mr. Chairman, I thought I saw Mr. Price heading up to the mic.
18 I would like to hear Mr. Price's explanation of this too.

19 MR. PRICE: [Inaudible – laughter] Everything they're stating to you, they came in
20 before with, with a park project but looking at the time it was in-between the park is
21 actually developed and, and their excavating of the, the dirt or the sand, it would
22 eventually create the lake. For a project such as this you only get seven years
23 essentially to do it. You get the two years for your permit validity and you can get your

1 extensions and you can five more extensions, one year extensions, so at the end of that
2 time within seven years it should be done. So just due to the time that it would take, it's
3 better to rezone it to HI and let them just do whatever's permitted in HI zoning
4 designation.

5 CHAIRMAN PALMER: Mr. Manning?

6 MR. MANNING: So what I'm hearing you say is that the reason for the HI is to
7 facilitate the mining of the dirt that's going, coming out of that pond?

8 MR. PRICE: Essentially, yes.

9 MR. MANNING: And is this a mining operation or are we just moving the dirt out
10 in order to facilitate the recreational piece?

11 MR. PRICE: That definitely would be a question for the Applicant to answer. As
12 stated before, what, during the discussions with them we understood what their project
13 was during the time, but [inaudible] Staff, but we just looked at it from the rezoning.

14 MR. MANNING: I'll ask them to - from the zoning standpoint there are no other
15 zoning classifications that would allow mining other than HI? I mean, it seems to me that
16 highway borrow pits are all over this state in rural areas, ponds were made to facilitate
17 the building of the roads. And we see that a lot.

18 MR. PRICE: One of the things we did look at was potentially doing this as a
19 special exception. However, the criteria found within Section 26-152 for a borrow pit
20 limits the acreage and that is something that the Board of Zoning Appeals could not
21 vary from, so - I think it's 10 acres was the maximum that you could do for a borrow pit
22 by special exception - and of course as you see it's 230 plus acres so that wouldn't
23 allow it.

1 MR. MANNING: So on the 10 acre limitation, anything beyond that has to go to
2 HI is what you're saying?

3 MR. PRICE: No, sir. Anything beyond that would not be allowed by special
4 exception. So the next option would be to rezone the property to HI. Which would make
5 it a permitted use outright.

6 MR. TUTTLE: I have a question for Mr. Price. Mr. Price, is, this concept, would it
7 qualify for the PDD? Is it mixed use?

8 MR. PRICE: Just looking at it, no see it's a park. I would just see it as a park and
9 just one use, so no, sir. Unless there –

10 MR. TUTTLE: Even with those out parcels being –

11 MR. PRICE: We would have to look at it as a whole, but I mean, you're looking at
12 a separate parcel. This would actually be done, you know, one – I don't know if a PDD
13 is necessarily the proper zoning for it. I think we could look at it a little bit more.

14 MR. TUTTLE: Well, for instance, the Applicant offered that, you know, they were
15 going to do an extraordinary buffer which may be appropriate, however, if granted the
16 outright zoning, that's not part of the outright zoning so I understand they're good
17 citizens and they would do that if they ultimately owned the property at that time, but
18 you know, they're not required to do that. Whereas a PDD, we could get some of those
19 things in concrete so we have more comfort.

20 MR. PRICE: You could, right. There would be a number of stipulations that you
21 could put on a project as a, well you could recommend certain stipulations under a PDD
22 that you wouldn't get from your standard zoning even though they would have to put in
23 a particular type of buffer because they would be abutting residential.

1 CHAIRMAN PALMER: You've got recreational uses, you've got an out parcel
2 with a possible church use, which churches can go in any zoning classification. But
3 you've got the industrial buildings over there as well with additional buffers. You may
4 have, you know, access issues with, you know, mining and so forth and so on with
5 hours of it and that sort of thing, which can all be tightened up in a PDD and give
6 everybody a whole lot more comfort that, you know, the current plan, the current owners
7 are gonna be the ones doing this no matter what occurs in the future, as opposed to
8 200 and some odd acres of Heavy Industrial land sitting out in the middle of our rural
9 community with, while yes it does have close proximity you've really got to get around to
10 get to I20 off Percival. It's not at an interchange of any kind or anything like that. You've
11 got to get back through residential areas to get to it.

12 MR. PRICE: Well not necessarily, but – you're going down Screaming Eagle and
13 you turn, and you'll pass some residential, you'll see that but you're back on Percival, I
14 think you can get on Spears Creek to get on 20 and that's not a residential area. You
15 know, as a Staff once again we, you know, we look at the, what the Applicant's
16 proposing but our final determination or recommendation to the Planning Commission is
17 based on the actual zoning request itself, so we were looking at HI overall and using the
18 Comprehensive Plan. And so our recommendation was for approval just based on the
19 Comprehensive Plan stating that, you know, if adequate buffers could be provided we
20 took a look at where the residential was, we took a look at the existing uses that were
21 out there. But we didn't really look at a park necessarily or anything such as that –

22 CHAIRMAN PALMER: Right.

23 MR. PRICE: - we just look at the HI zoning designation.

1 CHAIRMAN PALMER: I gotcha. Alright, any other comments or questions?

2 MR. DARRAGH: A couple of additional comments or clarifications. The, as we
3 said earlier the – excuse me – the, as we said earlier the, the lake will be a source of
4 material for the landfill facility and has certain types of material that we're interested,
5 that that progression of excavation will be over a number of years, up to in excess of 20
6 years, which provides a long-term project. As we looked at some of the initial thoughts
7 of using a RU designation there was a timeframe in there that didn't allow us to do that
8 activity over an extended period of time. And the other, you know, that plan is pretty
9 much representative of a fairly long-term process that it would evolve over 20 plus years
10 that, you know, those, the industrial and those activities will be [inaudible] that we're
11 looking for.

12 CHAIRMAN PALMER: I understand. I'm just nervous about over a 20 year
13 process, some 200 plus acres of HI land being in the middle of a rural area. That, that, I
14 mean, my crystal ball doesn't work anymore, I don't know what's gonna happen in 20
15 years so, you know, everything looks good and the neighborhood and the neighbors
16 have bought into what you want to do and it's a great plan, but who knows what's gonna
17 happen in 20 years.

18 MR. DARRAGH: Right. The, I guess in regard to the 230 a lot of it's gonna be in
19 that conservation area and wetlands, which means, Walden how many acres of actual
20 [inaudible]?

21 MR. JONES: Probably about 40, 50 acres of the actual industrial piece. That's
22 left, yeah if you take away the lakes and the ponds.

1 MR. TUTTLE: Mr. Price, I have one more question for you. Part of the wellness
2 program, trying to get you up and down as much as we can. [laughter] Seven minutes
3 down steps.

4 MR. PRICE: You're killing me, I'm telling you now.

5 MR. TUTTLE: Is there, under a PDD is there a time limitation as to the mining
6 aspect of that PDD? Or once a PDD's in place and activated they could do that in
7 perpetuity, couldn't they?

8 MR. PRICE: I'm thinking now from a time standpoint, can we establish a time?

9 CHAIRMAN PALMER: We have PDD's that come in all the time for people that
10 want to use the property. Yeah, people that want to use the property for something new
11 and know they've got a PDD that's in place from 10 years ago that –

12 MR. PRICE: No, when you're looking at it, I'm assuming your question is if this
13 was a PDD could you establish a time in which they would have to have it –

14 MR. TUTTLE: No, I'm actually looking at the opposite way. I'm trying to find a
15 way to make this vision right here work, because one of the things the Applicant said
16 was that there were limitations to the mining aspect that would expire potentially before
17 they were through with the excavation.

18 MR. PRICE: Correct

19 MR. TUTTLE: So I'm trying to figure out if the PDD places that restriction on the
20 property or does that –

21 MR. PRICE: No, I'm sorry. No, a PDD wouldn't.

22 MR. TUTTLE: So from your perspective this vision could be implemented as a
23 PDD.

1 MR. PRICE: I would like to look at it a little bit more, but potentially it could.

2 MS. LINDER: It has to be a variance of uses, a multitude of different kinds of
3 uses for a PDD.

4 MR. TUTTLE: Well, and I, that was my first question and that's what I was
5 looking for a ruling on because I, I personally certainly feel like if you have industrial
6 property and, you know, something for the church and you have mining activity and you
7 have a park, that's clearly multiple uses but I don't know what threshold the actual
8 ordinance requires.

9 MR. PRICE: And –

10 MS. LINDER: It potentially could be.

11 MR. PRICE: I guess before they could take the PDD route we would have to look
12 at kind of a timeframe when each of the uses would be implemented into the project
13 because, you know, we've had PDD's in the past where only a portion of it's been
14 developed. For example, residential and commercial where that commercial is nowhere
15 on the horizon but the residential's been there for years. So that would be something to
16 look at.

17 CHAIRMAN PALMER: Mr. Manning?

18 MR. MANNING: Playing off of what you were just talking about as far as a PDD,
19 couldn't you enter into a development agreement and get to the same place without
20 having to worry about all the different uses?

21 MR. PRICE: We do not, the county, just from my discussions with
22 administration/legal, we try not to push people into development agreements because
23 you kind of border into contractual zoning with someone. And typically a, typically it's

1 used for the Applicant to provide protection to themselves from actions of the county
2 more so – you can take a look at the Village of Sandhills is a good one, but that is
3 something that we don't suggest the Applicant do, you know, as a grounds for us to
4 grant approval.

5 MR. MANNING: Well, it just seems to me that there ought to be a mechanism,
6 obviously Waste Management is providing a service to the county, to the people of
7 Richland County, taking the garbage, we need to be able to cap it, fill it and do
8 whatever's necessary to operate. There ought to be a way to facilitate that without
9 having to jump through these kind of hoops. Now, I'm, I agree with the Chairman that
10 having 230 acres zoned Heavy Industrial without a clear definition of what's going to
11 happen, I know we may have industrial uses, recycling center, which is great; that would
12 be an added plus to the community, but having those totally undefined at this point I
13 have a problem with as well. And so it seems like we're going around this backwards
14 trying to get to, we've got to do something for the landfill, they want to do something
15 good for the community and the recreation, we need to find a way to do that.

16 MR. PRICE: This, this seems to be, I think we kind of go down this path just
17 about every time there is a mining operation, borrow pit, whichever term you prefer to
18 use, where they've had to come in and get a Heavy Industrial zoning to do a, if we did
19 this off of Monticello Road that's [inaudible] I can't remember the exact road. It's kind of
20 the same thing argument and that's gonna occur any time we introduce HI into an area.

21 MR. MANNING: We have the same problem with the [inaudible].

22 MR. PRICE: That's –

23 MR. MANNING: Large tracts of land –

1 MR. PRICE: They fall into that same category.

2 MR. MANNING: - and, and we have in fact, I think the last two times, approved
3 that zoning, the HI zoning for the quarries, but the use was determined, you knew where
4 the pit was going to be, you knew who was gonna be there. There's a little unknown in
5 this plan that I think needs to be -

6 CHAIRMAN PALMER: And the adjacent tracts were already HI.

7 MR. MANNING: Right.

8 CHAIRMAN PALMER: The neighborhood was already accustomed to having -

9 MR. MANNING: Correct.

10 CHAIRMAN PALMER: - an HI classification.

11 MR. PRICE: Not necessarily.

12 MR. TUTTLE: And I'm getting the feeling I'm only speaking for myself, but I think
13 we all want to figure out how to make this work.

14 MR. PRICE: Correct.

15 MR. TUTTLE: I think they're great corporate citizens, we want to figure it out, it's
16 just what's before us is just kind of tough to approve carte blanche.

17 CHAIRMAN PALMER: Is, is this issue a, I mean, if it's going to be a reoccurring
18 issue maybe something we need to address maybe at the end of the meeting is the
19 increase of the acreage limit that's available under special exception to the Board of
20 Zoning Appeals.

21 MR. PRICE: Correct.

22 CHAIRMAN PALMER: Obviously 10 acres of a borrow pit is not working out for
23 what we need in the county and maybe this whole issue, I mean, if the goal of this is

1 really to get the dirt out, move it, cap it, or whatever is necessary, I'm a whole lot more
2 comfortable with a special exception than I am with a rezoning of 200 plus acres to HI to
3 – it just seems like we, like Mr. Tuttle was saying, we just, we have to get around so
4 many hoops to get to what is actually needed when a rezoning of the parcel is like killing
5 a fly with a sledgehammer in order to get what's necessary. That's my thoughts. So any
6 other comments, thoughts, questions, motions?

7 MR. TUTTLE: Dang, I hate that we're put in this position but, Mr. Chairman, I'll
8 make a motion that Item # 12-07 MA be sent forward to Council with a recommendation
9 of denial.

10 MR. MANNING: Mr. Tuttle, before you make your motion, and I would agree with
11 what you're saying, would it be better to ask the Applicant is there something that y'all,
12 they would rather do? Is there some process that you'd rather go through than having
13 us vote on something? I don't know what would be in your interest at this point, or Mr.
14 Chairman, you might want to –

15 CHAIRMAN PALMER: You know, we can make a motion to defer this matter and
16 see if we can perhaps come up with something in the next 30 days for our next Agenda
17 meeting. If –

18 MR. PRICE: I think you can vote to defer this matter, but it seems like if that's the
19 case then we would ask them to come back in with a change, that's what it sounds like
20 to me. I think that if you vote on the denial of, as the motion was, for the 230 plus acres,
21 and once again, they'll still have that option on whether to withdraw before they go to
22 County Council or, it's still on them, I don't think it really affects it whether you defer it or

1 to withdraw it. You know, deferral's just asking them to come back with something else.
2 But it seems to me that what you have before you is not what [inaudible].

3 CHAIRMAN PALMER: Yeah, if we move forward, Mr. Manning, that gives them
4 the option of what to do with the case, not us. If we defer it then they're stuck for the
5 next 30 days. [Inaudible] going to Council. So if we move forward with a
6 recommendation up or down they can, they can always take it off the Agenda, come
7 back, do something else. And I think we do need to put something on the Agenda
8 perhaps and get Staff to maybe bring us something back next month with an increase in
9 the size limits for special exception for Board of Zoning Appeals.

10 MR. PRICE: I think more than just – and that's another subject, but more just
11 than just the size, I think we also –

12 CHAIRMAN PALMER: Right.

13 MR. PRICE: - have to look at the criteria overall.

14 CHAIRMAN PALMER: Yeah, readdress that whole issue for next month on our
15 Agenda.

16 MR. PRICE: For what is actually a borrow pit versus actually just a mining
17 operation –

18 CHAIRMAN PALMER: Right, right, let's see if we can address that next month on
19 our Agenda. Okay?

20 MR. DARRAGH: May I [inaudible]? It seems like one of the questions that, that
21 we, that you have that we've been trying to work through is the current special
22 exceptions that are allowed in our current zoning that really are precluding us from
23 being able to do exactly what we want to do with time and, and acreages that, it's my

1 understanding that those can't be varied I believe, but I think there was a question about
2 is that a possibility, you know, we'd like to probably work with Staff and see if that's
3 possible through some PDD or other type of development agreement or some
4 mechanism that -

5 CHAIRMAN PALMER: Are you -

6 MR. DARRAGH: - that's kind of where we are.

7 CHAIRMAN PALMER: Are you on a tight timeframe with this?

8 MR. DARRAGH: I, I think we, we could deal with 30 days with no problem.

9 CHAIRMAN PALMER: If you'd like to request a deferral we can certainly
10 entertain that, and I think we, we're gonna give Staff instruction to bring us back
11 something fairly quickly as far as changing the regulations that the Board of Zoning
12 Appeals goes under for special exception for this issue. See if they can bring us
13 something back next month and see if we can start working on that through Council.

14 MR. PRICE: [Inaudible] if we bring it before you in July, I guess we can take it to
15 County Council the end of July, still looking at Council not meeting in August, so we're
16 getting down into October before the Minutes are approved for the actual amendment to
17 the text. And I'm sure County Council will also have some questions so you run into
18 some potential deferrals there too.

19 CHAIRMAN PALMER: Right. You know -

20 MR. TUTTLE: Mr. Chairman, I'm kind of at a loss cause I don't know what's best
21 for the Applicant, whether a deferral or a, you know, a vote. They certainly have -

1 MR. PRICE: Once again, I just question – you ask for a deferral, what are you
2 asking them to come back with? Cause it seems like there's more information needed,
3 what are you looking at to change?

4 CHAIRMAN PALMER: I would like to see more information on the special
5 exception, what that option would look like and what the process is to streamline that
6 process before we go rezoning 230 acres to HI to try to get around an issue for a small
7 special exception that's where this route really needs to go.

8 MR. PRICE: If you take a vote on this by the time we get the language prepared,
9 the Applicant could make the choice if they prefer to go before Council, they can
10 withdraw it at that level, or they can, you know, they have some options in-between. But
11 I think as you stated earlier if you defer it, they're kind of just stuck in limbo and we don't
12 know what the outcome on the text amendment would be.

13 CHAIRMAN PALMER: Right.

14 MR. TUTTLE: Yeah, Mr. Chairman, I thought it was, the Applicant had the most
15 options if, if they received a vote today as opposed to deferral.

16 CHAIRMAN PALMER: I think they do, I'm just a little nervous about moving
17 forward without that information available to the Applicant and to us. I would love to
18 have that option available to both prior to starting the chain reaction moving. But what
19 always happens during the summer is Council takes August off, which throws quite a
20 kink in the chain for everybody.

21 MS. HEGLER: [Inaudible]

22 CHAIRMAN PALMER: But if we move forward today it'd be, they could take
23 action prior.

1 MS. HEGLER: [Inaudible]

2 MR. TUTTLE: If the matter is deferred today they have no option to go to
3 Council.

4 CHAIRMAN PALMER: Okay.

5 MR. FERRIS: Okay, so – Zane Ferris, 1047 Highway Church Road. So if we
6 elect to defer could you please just clarify the difference between us deferring and it
7 being recommended for denial? I mean, cause we're okay with time, time wise.

8 CHAIRMAN PALMER: Right, right.

9 MR. FERRIS: We really, you know, if the answer is, if the answer is to rezone a
10 smaller portion of this property in order to achieve what we want to achieve, all of those
11 things that we presented in front of you, they're, I understand where you're coming from,
12 they're true, they're real, that's really what we want to do. We've worked on this for over
13 three years. We've deferred this a couple of times, we have enough time, we can still
14 deal with what we need to deal with and defer again. The, the problem we're having is
15 that it sounds like you understand our need and we also understand the community's
16 need and we also understand what our need is.

17 CHAIRMAN PALMER: Right.

18 MR. FERRIS: We can't seem to figure out, through many meetings with Staff and
19 through, what the right answer is. So, I mean, if the right answer is that you defer it and
20 we come back to you and we narrow the zoning down from 230 acres to however big
21 that, that lake is and still do all that other stuff, we're okay with doing that. If the answer
22 is something else, we're just looking for the right guidance in order to accomplish what

1 we want to accomplish for both Waste Management, for Richland County, as well as the
2 community, all three.

3 MR. GILCHRIST: They need a recommendation.

4 CHAIRMAN PALMER: Well, I understand and I think we're trying to get there,
5 and it's, it's up to you guys at this point. I think you understand where we are, we
6 understand where you are. If you would like to take a shot at Council at the rezoning of
7 the whole parcel, that's, that's certainly up to you guys. We are simply a recommending
8 Body to County Council.

9 MR. FERRIS: Understood.

10 CHAIRMAN PALMER: They have the final say in what happens here. What's
11 gonna occur is if, if we decide to defer it, we'll be sitting back here again next month and
12 hopefully within the next 30 days we can get some pretty good indications, some pretty
13 good feedback and I would make myself available to those meetings with you guys and
14 Staff to see if we can figure out a way to, if, if we're having this problem county-wide
15 and this is not a specific issue to you guys but it's come up other places, obviously it's
16 something that we need to change in our Code that we can make a Code change to
17 allow the Board of Zoning Appeals more leverage to be able to either grant or not grant,
18 you know, perhaps a special exception in this area. Right now that's not even an option
19 because of the acreage category.

20 MR. FERRIS: Right.

21 CHAIRMAN PALMER: But if we can do something to, to change that or, you
22 know, to your point either make a smaller portion of the property HI, whatever is
23 needed, you know, we can do that. And I'm not sure if you guys have taken a look at the

1 total implications of perhaps what will occur if you completely rezone this parcel to HI.
2 I'm not sure how that'll affect the tax value or anything else that goes on with the parcel.

3 MR. FERRIS: We understand that and, I mean, we're – yeah.

4 MR. GILCHRIST: And those changes that you were just suggesting can only be
5 made if they withdraw, or if we vote it up or down for Council?

6 CHAIRMAN PALMER: No, they can move forward as is.

7 MR. GILCHRIST: No, I'm talking about if they're wanting to make some
8 adjustments to the current plan, that can only be done if we vote up or down today, is
9 that what you're saying?

10 CHAIRMAN PALMER: If we vote down on it, what's the timeframe for them to
11 come back to us with the same zoning classification? It's one year? If Council says no,
12 it's one year, right? Right.

13 MR. MANNING: They could come back with a different configuration.

14 MR. GILCHRIST: Right, that's what I'm asking.

15 CHAIRMAN PALMER: But no, they can't. If they come back with HI in their
16 zoning classification, then they can't –

17 MR. MANNING: With one acre or 230 acres, it doesn't make any difference.

18 CHAIRMAN PALMER: It doesn't make a difference. So if Council says no then
19 it's a one year timeframe.

20 MR. MANNING: Okay, I wouldn't do that then.

21 MS. LINDER: They could ask for a different zoning classification.

22 CHAIRMAN PALMER: But obviously HI is the only thing that gets them to where
23 they need to go.

1 MS. LINDER: Or a PDD.

2 MR. GILCHRIST: Well, that's – yeah, Mr. Price indicated that a PDD may be an
3 option as well. So that's –

4 MR. TUTTLE: And we're giving a lot of advice here and maybe we shouldn't, but
5 to be fair to the Applicant, one of the proposals on the table is that we're gonna amend
6 the Code in which case even if we amend the Code it would be up to a different body to
7 determine whether the special –

8 CHAIRMAN PALMER: Whether the special exception was granted.

9 MR. TUTTLE: - exception was granted or not based on the circumstances. So by
10 no means, even if it went down this path and the Code was changed, etc., could this
11 Body, you know, give you any insight as to what the other body may choose to do. So I
12 just, I don't want to – we're trying to help here and we just –

13 MR. FERRIS: I understand, I understand. If you defer do we have the option to
14 withdraw and then reapply?

15 CHAIRMAN PALMER: If we defer we won't readdress this again until next
16 month and we can either vote up or down at that point or you can withdraw, just
17 withdraw it or whatever you want to do.

18 MR. FERRIS: And is there a timeframe for me to be able to come back if we
19 withdraw it? We can come back the next meeting, right?

20 CHAIRMAN PALMER: Withdrawal is three months, right? Sixty days.

21 MR. FERRIS: Okay.

1 MR. PRICE: Withdrawal, according to the Rules of Procedure for the Planning
2 Commission is 60 days from the date of the withdrawal. However, because they are
3 your rules you do have the right to waive them at your discretion.

4 MR. TUTTLE: And, I mean, from the Applicant's standpoint there's really no
5 difference between a withdrawal and a deferral on our end. They actually have more
6 rights under, if rights is the appropriate term, under a deferral than they would
7 withdrawal.

8 MR. PRICE: I think they more, my opinion is –

9 MR. TUTTLE: Flexibility may be a better –

10 MR. PRICE: - yeah, they have more flexibility under a, if you would vote for
11 denial.

12 CHAIRMAN PALMER: And then they can also - well, they can also, before this
13 gets to Council they can defer the Council meeting as well for 30 days. They can
14 decide to pull it before Council in 30 days, which will get them out past the August
15 meeting anyhow. Well, I can, I can tell you personally from my standpoint, and we do
16 have a motion on the table, I don't think we have a second yet, but as the request
17 stands I'm gonna be in favor of sending it forward to Council with a recommendation of
18 denial whether it's today or 30 days from now on an HI zoning classification for the
19 whole tract without a plan. So I'm not sure that a deferral would help or hurt anything
20 other than a, you know, perhaps the Applicant rethinking their submittal application and
21 applying for something different. But as, to date I can't see a reason to rezone 230
22 some odd acres to HI. So I'm not sure that'll play into really moving forward with Council

1 under the current, you know, zoning classification that's proposed to us. I mean, the
2 proposal's not going to change.

3 MR. MANNING: I'd like to, you know, ask –

4 CHAIRMAN PALMER: See what I'm saying?

5 MR. MANNING: - for the Staff to come back with a recommendation on how to
6 get something different than what we've got. [Inaudible] it would be helpful not only for
7 us but for the Council if they wanted to take this to the next step.

8 CHAIRMAN PALMER: Yeah, and I think for the Applicant as well, but I think
9 after –

10 MR. MANNING: And I agree with you on the 230.

11 CHAIRMAN PALMER: - after talking the issue out I think the Applicant is going to
12 have more options if we move forward with a vote, and if they monitor the situation,
13 maybe stay in touch and see if they want to, if they want to pull their application before
14 they go to Council, they can certainly do that and they can wait another 30 days before
15 the case gets in front of Council. I know it's a confusing situation. But –

16 MR. DARRAGH: May I – go ahead, I'm sorry.

17 CHAIRMAN PALMER: I'm just saying as the application sits it doesn't matter to
18 me if, I don't think anything's gonna change in the next 30 days as to how I would vote
19 on a Rural to HI zoning classification and I think that, my opinion is you guys can stay in
20 touch with Staff and I can certainly help you guys with that as well. You know, I mean, I
21 understand what you're trying to do. I live close out that way, I travel out there all the
22 time. I understand what you're trying to do and I want to try to help you do that, but I
23 don't think my vote will change from Rural to HI whether it's this month or next month.

1 MR. FERRIS: Even with a different design?

2 CHAIRMAN PALMER: The design doesn't matter because –

3 MR. FERRIS: I mean, parcel size and all that stuff?

4 CHAIRMAN PALMER: Parcel size is, you know, may play in. It very well may,
5 but to do 232 acres – so – would not, so I see where you're coming from there. If
6 perhaps a different parcel may work.

7 MR. FERRIS: And that is an option.

8 [Inaudible discussion]

9 MR. JONES: [Inaudible] and this is a steep slope that comes from the back side
10 of this, that's the energy plant, almost a two in one slope down to the toe of those
11 wetlands. There's really nothing that can be done on that piece [inaudible] 80, 90
12 acres?

13 MR. FERRIS: It's about 87 acres.

14 MR. JONES: So all of our work [inaudible].

15 CHAIRMAN PALMER: So really there's no need to rezone the other parcels?

16 MR. FERRIS: We, we don't have to.

17 CHAIRMAN PALMER: Okay.

18 MR. FERRIS: We don't have to. We were, we were trying to –

19 CHAIRMAN PALMER: I tell you what –

20 MR. FERRIS: - and the way that came about is that we were trying to have an
21 all-encompassing project basically, to try and do the whole thing and make the whole
22 thing tie together as one big project.

23 CHAIRMAN PALMER: Ms. Linder?

1 MS. LINDER: The Zoning Administrator would like you to move this item to the
2 end of the Agenda to give him a chance to talk to the Applicants and not take action at
3 this time, but just take it at the end of the Agenda if you would be willing to do that.

4 MR. TUTTLE: Okay, Mr. Chairman, I'll do two things; I'll withdraw my motion and
5 I'll make a subsequent motion that we move this to the end of the Agenda.

6 CHAIRMAN PALMER: Is there a second?

7 MR. MANNING: Second.

8 CHAIRMAN PALMER: We have a motion and a second to move this case
9 number to the end of the Agenda. All those in favor please say aye.

10 *[Approved: Westbrook, Tuttle, Palmer, Gilchrist, Manning; Absent: Cairns, McDaniel,*
11 *Van Dine, Brown]*

12 CHAIRMAN PALMER: Alright.

13 *[Inaudible conversation]*

14 CHAIRMAN PALMER: No, no, that's what we're here for, we try to figure out a
15 path. It sounds like it's more work. So all we have then is Case No. 12-22 MA. Is that
16 correct?

17 **CASE NO. 12-22 MA:**

18 MR. LEGER: The Applicant is Mr. Jonathan Giles representing the property
19 owner who is Robert Giles. It is located at 1157 and 1159 Olympia Avenue, both of
20 which contain single-family residential uses. The property is about a third of an acre in
21 size, currently zoned RM-HD, residential, high density. The Applicant is requesting NC,
22 Neighborhood Commercial. The RM-HD is the original zoning from 1977. One of the
23 properties has a double frontage on Olympia and Bluff Road, the other parcel has

1 frontage on Olympia Avenue only. The property owner does own the adjacent property
2 to the east, it's a triangular piece zoned NC there at the corner of Bluff and Olympia. In
3 the vicinity we have much of the property zoned RM-HD, multi-family, high density,
4 containing residences. To the south we have a landscaping company which is a legal
5 non-conforming commercial. And to the east is Neighborhood Commercial, it is vacant.
6 It was once the location of a laundry and a convenience store, it is no longer there. And
7 to the west we have a residential property. Our Comprehensive Plan recommends
8 urban in this site where commercial and office activity should be located along arterials
9 or at major traffic junctions. The Staff felt like this property was located on a major
10 thoroughfare and was located near commercial use and/or commercial use at one time.
11 The properties, like I said, contain residential use currently and we felt like with this
12 rezoning the property would provide commercial use for the neighborhood within
13 pedestrian and walking distance from the residents of the area, they could certainly use
14 some convenience commercial shopping. Based on the fact that we did not see any
15 negative impact on this, the property with the rezoning and the fact that it met the intent
16 of the NC, Neighborhood Commercial District and the Comprehensive Plan
17 recommendation, we recommended at this time. If you have any questions we'll be glad
18 to try and answer them.

19 CHAIRMAN PALMER: Any questions for Staff? Jonathan Giles?

20 **TESTIMONY OF JONATHAN GILES:**

21 MR. GILES: Thank you. Giles.

22 CHAIRMAN PALMER: Giles, sorry.

1 MR. GILES: That's alright. I appreciate your time. You may remember a
2 gentleman, I was here about a year ago, zoning this property on the corner and he
3 small triangle piece you're talking about, we went this year and tore both of those
4 buildings down and as we started to get our finances and all in line, it was then that we
5 actually noticed that I had made a mistake most likely on the application prior to not
6 include the other property. We've owned all these properties in our family for 60 years
7 and, matter of fact one of the, the most adjacent building to it right now used to be years
8 ago a flower shop, even before then it was an arts and crafts store, things like that. But
9 anyway, even when I presented – may I approach? When I presented these a year ago,
10 if you were to look close at the actual footage and all that's on there, it shows the entire
11 properties together, so our whole intent in the beginning was to have the entire
12 properties together and again, it was a, it was basically a mistake on our part, not
13 having the additional [inaudible]. So that's where we stand and just ask for your
14 consideration to move forward with this.

15 CHAIRMAN PALMER: Thank you. That's all we've got signed up to speak.

16 MR. MANNING: Mr. Chairman, given there's no opposition to this and Staff's
17 opinion this is good for the neighborhood, I would like to move that we, I'd like to make a
18 motion that we send this forward with a recommendation of approval.

19 MR. TUTTLE: Second.

20 CHAIRMAN PALMER: We have a motion and a second, any other comments?

21 All those in favor of the motion please say aye?

22 *[Approved: Westbrook, Tuttle, Palmer, Gilchrist, Manning; Absent: Cairns, McDaniel,*
23 *Van Dine, Brown]*

1 CHAIRMAN PALMER: There's none opposed. Okay, text amendments.

2 **TEXT AMENDMENT #1:**

3 MS. HEGLER: What you have before you is the amended version of the Text
4 Amendment for Chapter 26, Land Development Code, so as to foster more
5 environmentally sensitive sight development in Richland County. This was the results
6 of the roundtable, development roundtable's work where they had for several years
7 looked at some principles and drafted this language. You've reviewed I think at least
8 once that I'm aware of, had some comments back in May and we've taken your
9 comments and some edits and some – some of these other edits that you see are kind
10 of just a clean up that we took the opportunity to provide. We took this to the
11 roundtable's meeting in May and they were in consensus and agreement with the
12 changes that we made based on your recommendations. So this is, this is the
13 consensus document at this time.

14 MR. MANNING: Mr. Chairman, I've got just a couple of questions.

15 CHAIRMAN PALMER: Mr. Manning?

16 MR. MANNING: I sent in some comments regarding type of land use, parking
17 requirements for animal and crop production, and I think Ms. Linder tried to explain the
18 county's position on it, but I, I'm not clear. Are we saying that for animal and crop
19 production you've got to have so many parking spaces at the, on a barn? I mean, it
20 seems to me that's where animal and crop production takes place, are we requiring that
21 they have parking spaces?

1 MS. HEGLER: Not for crop production. Now, what we realized, I think something
2 that you had pointed out, we had not been very specific that there are also support
3 services to the production.

4 MR. MANNING: Right.

5 MS. HEGLER: And there's parking required for those support services. So we
6 attempted to clear that up, but maybe not.

7 MR. MANNING: Right. Can we go back to the definition, I don't have it with me,
8 the definition of crop production and animal and crop production.

9 MS. LINDER: [Inaudible] are you looking on page 47?

10 MR. MANNING: I'm looking at 47. And it says, agricultural uses, animal and crop
11 production, support services, and forestry support services. So are we just saying
12 support services are required or are we saying animal and crop production?

13 MS. LINDER: Support services.

14 MR. MANNING: Just support services.

15 MS. HEGLER: Correct.

16 MR. MANNING: Okay, cause I, I didn't know whether there was, we were
17 distinguishing between those, so.

18 MS. HEGLER: We are attempting to. Yes, the very first row is for the crop
19 production itself and then there is a use for the services, support services of the
20 production. And that was, you're correct, very unclear to begin with so that support
21 services for animal and crop production has been added. As well as support services for
22 forestry.

1 MR. MANNING: Okay. This is something that I just wanted to clarify and I may
2 just kind of ask Ms. Linder, but there were, in section 11-6 and 6 on page 97, there was
3 a, it was mentioned that certain things needed to be assessed by the DRT, and the DRT
4 is, you know, fully capable, has a wide diverse group of people on it, but I felt like there
5 needed to be a go-to person on certain things that may deal with just engineering or an
6 environmental question on slopes and so on, that, rather than having to go through the
7 process of the DRT and then whatever timeframe that led to, that an individual or
8 whoever could go directly to the expert, which would be, you know, saying the situation
9 is roads, the county engineer, rather than having to go through this process of the DRT.
10 Now I know that that is an all inclusive process, it's not to mean that it should be limited,
11 you know, or they're not versed to make good democratic decisions, but it would just
12 seem to me if you've got an engineering question, the engineer ought to be the person
13 who has the say so in that.

14 MS. HEGLER: Well yes, the DRT is initially staffed with a pretty well-rounded
15 group of folks with different disciplines and then at time of an application if there's a
16 need for pulling in that expertise that person is invited to be a part of the review team. Is
17 that correct?

18 MS. LINDER: Yes, and –

19 MS. HEGLER: And then we're pulling into that expertise from different
20 departments as it's needed per the application, so if there's an engineering question or
21 a slope question or say a floodplain question we've got the expertise that we pull in to
22 sit on that review.

1 MS. LINDER: Yes, we review your comments and it was Staff's determination
2 that the DRT was the appropriate wordage for this ordinance.

3 MR. MANNING: So, alright let's back up. The engineer or the environmentalist,
4 whoever is [inaudible] to make a wetlands decision, comes in and makes this case and
5 the DRT doesn't agree, what happens with that? I mean, I have seen before Staff has
6 one feeling about an issue and the county engineer may have a totally different view.

7 MS. HEGLER: Yeah, I mean, that doesn't make them a voting member if that's
8 what you mean.

9 MR. MANNING: So, I mean, the county engineer could be overruled on –

10 MS. HEGLER: Isn't there an engineer on the DRT? Yeah, I think it's a pretty well
11 staff, I mean, I think most of those situations are covered. From the –

12 MR. MANNING: I've seen the opposite as well. I mean, I've had Staff agree with
13 something and felt like it was a good idea, it would go to the county engineer and that
14 ain't gonna happen, so.

15 MS. HEGLER: So are you asking –

16 MR. MANNING: So it works both ways.

17 MS. HELGER: Right. So are you asking for a different make up or a slightly
18 different process, kind of a way to sort of get around the review? I'm not sure, I mean,
19 we did discuss this with the roundtable as well and they felt that just about every aspect
20 of the development was represented and that, even when we need additional advice
21 and, you know, concurrence, they're brought in. But I guess I'm not sure what you're
22 asking.

1 MS. LINDER: And even if you were to designate certain qualified people that
2 doesn't mean they're gonna agree with the applicant.

3 MR. MANNING: No, it doesn't. It doesn't, but you've got a go-to person who is
4 responsible for making that decision, that's, one is time and two, that is what he's hired
5 for, what she is hired for, to make those decisions, and I just, I feel like in some
6 situations it's more appropriate to have the person who is designated the expert in the
7 county to make that decision rather than going through the DRT process. But that's just
8 my opinion and I wanted to clear up my comment to Ms. Linder though. It wasn't to
9 ever imply Staff's not qualified.

10 MS. HEGLER: No, we didn't take that, correct.

11 MR. MANNING: That wasn't it at all.

12 MS. HEGLER: No, we understood that. But I don't know that we looked at it from
13 the perspective that you just described.

14 MR. MANNING: That's it for me.

15 CHAIRMAN PALMER: Okay.

16 MS. HEGLER: And thank you for your comments. We did, we did attempt to
17 address them.

18 CHAIRMAN PALMER: I have a couple of questions and, and I know it goes to
19 the – you know, I keep getting back to the roundtable and the make up of it and the
20 people that are on it and perhaps overreaching what their expertise may be, dealing
21 with a broader range of issues than what they were originally put in place for, which was
22 a storm water management plan. Now their responsibilities seem to have grown to quite
23 a bit more than that and taking on somewhat of what the Planning Commission used to

1 do, now they're, they're doing some of that work and then making recommendations to
2 Planning Commission, which is just another level of recommendations to recommend to
3 somebody else, to recommend something. But what they send forward seems to have
4 a great deal of weight to it, because for some reason it's a body that can come to
5 consensus, but I don't think that there's enough representation on that body to
6 represent the county as a whole as to what's needed. One of those things that I see as
7 a glaring problem with it is this, the maximum number of parking spaces that are
8 allowed being significantly reduced, especially in the commercial area of, of, you know,
9 the shopping centers that are out there. No vendor wants to have more parking than
10 what they need. They don't get paid for parking spaces. Nobody wants, nobody's in the
11 business huge parking lots for fun, they want to have more building square footage that
12 they can have in order to make more money as a retailer and they make the parking as
13 small as they possibly think they can in order to facilitate their customers. If we go
14 making the maximum number of parking spaces so restrictive that, number one, the
15 clientele can't come here, number two, if we have people parking in places that are not
16 designated as parking spots, people are gonna find a place to park. Now if we offer
17 them parking spaces, that's one thing. If they don't have parking spaces they're going to
18 park in the street, they're gonna in people's yards, they're gonna park different places,
19 not legal but that's what's gonna occur. And I see us getting down to 250, one per 250
20 as an extremely dangerous thing for shopping centers. I don't see a lot of people sitting
21 out there reaching and saying, let me build you a bigger parking lot and make your
22 square footage of your building smaller on purpose, if it's not needed. The parking
23 spaces that are required by tenants are done through a lot of national research and

1 national studies to know what amount of parking they need, and it may only be needed
2 several times a year but when it's needed, it's there for the community as a safety issue,
3 if nothing else to keep people in parking spaces and not have them parking on the
4 streets. I just see that as a, and I understand that, you know, perhaps we need to make
5 it, you know, pervious surfaces or, or something like that, that you know, that's just
6 something else as to where this area gets going and so forth and so on, but to at least
7 have the ability to build those parking spaces if required, I see as an issue for the
8 commercial sector moving forward in the county.

9 MR. TUTTLE: Mr. Chairman, one of the – if memory serves, I think several
10 months ago we passed something that allowed parking in green spaces as overflow as
11 part of this. Does anybody else remember that? So if a shopping center had, you know,
12 a field that could be designated as overflow parking. I think that was one of the genesis
13 behind the thought of reduction, other than the day after Thanksgiving and the other big
14 shopping day a year you didn't have all this pervious pavement, which was the goal, I'm
15 sorry, impervious pavement, which was the goal so, you know, if there's a way to
16 handle that overflow gracefully without it being asphalt, I think that's what people were
17 after. Now whether they've achieved that or not is before us today, but –

18 CHAIRMAN PALMER: I think what you've got here is anything over, for
19 example, for a shopping center for mixed use, anything over one per 312.5 you've got to
20 then go above and beyond, just a paved parking lot. If you've got one per 375 you can
21 do a paved parking lot, anything above that you've got to go to the pervious surface and
22 other, you know, storm water issues that, you know – but you can in no way have more
23 than one per 250.

1 MR. MANNING: [Inaudible]?

2 CHAIRMAN PALMER: One fifty. Which in some instances has been tight
3 already. But I don't, and that's just one of the instances where I see there's, the
4 representation from the, the make up of the body is making decisions on things that no
5 one on the body has experience doing. It's just my thought on it. Which I understand the
6 reason for the roundtable when it dealt with storm water issues, and that's the make up
7 of the roundtable. But, it's to deal with the storm water issue. That's who was on the
8 roundtable was those people with the interested parties with the storm water
9 management process. Now it's getting out into other issues and taking on other issues
10 other than storm water, and I don't know that the make up of the body is such that it
11 should handle that.

12 MS. HEGLER: Well, there is a development community contingent on the
13 roundtable. I don't know if you're referencing a time where there might not have been

14 CHAIRMAN PALMER: [Inaudible] they are engineers, they are civil engineers on
15 there. I don't know of any commercial developers that are on there.

16 MS. HEGLER: They're representing the development community.

17 CHAIRMAN PALMER: They're just civil engineers. Which is fine, but you know,
18 a civil engineers is, the engineering community also has desires for its industry that may
19 not be in the same realm as what the commercial developer may want or need in
20 knowing what's going on.

21 MS. HEGLER: Well, that's a good point, the commercial versus the residential
22 component of this. I think that that, you might be bringing up a point that, that is kind of
23 still outstanding, exactly what this gets applied to. And I think it's easier to apply it to the

1 residential community but I think there's probably some more work that needs to be
2 done. There are several principles left to be addressed by the roundtable, incentives,
3 open space, what to do with protection of the natural resources and, and I think its
4 application and its implementation is still a pretty big outstanding issue for, for the
5 roundtable. And that's an issue that could be easily brought up, how this is applied on
6 the commercial level and are these appropriate –

7 CHAIRMAN PALMER: Well, I –

8 MS. HEGLER: - merits for it.

9 CHAIRMAN PALMER: Yeah, I mean, I can tell you right now how the parking's
10 gonna be applied, I mean, you just are able to build less parking, which either means
11 you can or cannot get the tenant that's gonna tell you that, what they require for their
12 shopping center, for their space. Ms. Linder?

13 MS. LINDER: I would just like to reemphasize what Ms. Hegler said about this
14 being a roundtable. We felt it was a balanced approach, but that's all it is. It was a way
15 of creating this document. It's now before you and if there's anything you want to
16 change, we'll make those notes and take that to Council with your recommendation.

17 CHAIRMAN PALMER: See, that's the problem I have, is that the roundtable it
18 seems has the same authority as Staff does. When the roundtable sends us a
19 document, we then get to make memos to their document as if they have the ability to
20 make changes to the ordinance. They're not a body that –

21 MS. LINDER: This was a, this was a Council directed roundtable though.

1 CHAIRMAN PALMER: Well, I understand that but Staff or Planning Commission
2 or Council have the ability to make changes, proposed changes to the ordinance,
3 correct?

4 MS. LINDER: That is correct.

5 CHAIRMAN PALMER: So what occurs here that the roundtable comes up with
6 changes to the ordinance, they then become the Staff's changes to the ordinance
7 because the roundtable cannot propose changes to the ordinance. So these are now
8 Staff's proposed changes to the ordinance of which the Planning Commission is able to
9 make a memo notation to the Staff's recommendation. That carries a whole lot more
10 credence than a group of concerned citizens getting together and making
11 recommendations. These are the Staff's recommendations, and the Planning
12 Commission gets to make memos to it but is not part of crafting these. This is as if the
13 Staff got together and crafted these. These are y'all's recommendations. But yet
14 somehow the roundtable's name gets put into it, but technically these are your
15 recommendations, which are very weighted and rightfully so. But I'm not sure that
16 having someone else do the work, not the work for the Staff but in conjunction with the
17 Staff cause Staff is part of the roundtable, and putting your name on it is what's going
18 on here.

19 MS. LINDER: Well, if the Planning Commission has strong feelings that certain
20 language should be added or deleted, that memo will go to Council and no matter what
21 Staff or the Planning Commission recommends, it's going to be a County Council
22 decision.

1 CHAIRMAN PALMER: Correct, but I just don't understand how the process
2 works. And I'm just concerned that the roundtable is taking on much more of a role than
3 was originally intended, and if that role is going to be expanded, the make up of the
4 roundtable needs to be expanded, it needs to be advertised, it needs to be put out to
5 the public that this is what's going on that this body is making recommendations, the
6 Staff is then adopting those recommendations and is presenting those as their
7 recommendations, is what's occurring. So, that's just my thought process on it.

8 MR. MANNING: I hear what you're saying, Mr. Chairman, but I also do think that
9 we could've had a top down recommendation, Staff to Council, without the input of
10 citizens. Now, I understand that the Planning Commission's not preempting this
11 discussion, we were asked to comment on it, which philosophically I think [inaudible].
12 You know, some of this work is good that, that's come out. I don't necessarily agree
13 with all of it.

14 CHAIRMAN PALMER: I agree.

15 MR. MANNING: And I think that I would rather have a document that came out
16 like this than a Staff document to show up with no discussion, because we could've
17 gotten one of those as well.

18 CHAIRMAN PALMER: Right. And I don't have a problem with the roundtable as
19 it started out. If the roundtable is going to continue with this role as being, you know,
20 something that vets issues before it gets to the Planning Commission, then the Planning
21 Commission takes a look at it and puts its memo attached to it, that's completely up to
22 Council if they want to do that. I just, my personal opinion is, is the roundtable needs to
23 be a more rounded body of the people that are on it if it's gonna be a roundtable. If it's

1 going to address issues that are outside of residential issues, storm water issues, those
2 kind of things that the environmental community has a seat at the table, the residential
3 community has a seat at the table, civil engineers have a seat at the table, and that's
4 pretty much the make up of, and the Staff, that's pretty much the make up of the
5 roundtable. But it's addressing issues that are outside of the purview of those people
6 that are on the committee, that's all I'm saying, is what it seems like to me. And it seem
7 like the issue's growing, not getting smaller.

8 MR. TUTTLE: Mr. Chairman, I understand your concern. If you look back at the
9 original purview of the roundtable as sent down by Council, these are all things that
10 were originally that, that original request for the roundtable to be formed. They haven't
11 taken up any new issues that weren't under the original issues originally described. As
12 it turns out storm water was the most politically hot at the time, that's the one that came
13 before this Body first, but all of these issues were all under that original document for
14 the roundtable to take care of. Notwithstanding your concerns, I'm just trying to –
15 nobody's added anything to their purview since the beginning.

16 CHAIRMAN PALMER: Okay. I would recommend, if we were to send this
17 document forward, that the parking maximum's for all items be unchanged from the
18 previous document. And I don't know that any of the other ones are changed other than
19 for commercial uses.

20 MS. LINDER: You're saying the minimum or the maximum?

21 CHAIRMAN PALMER: The maximum. I mean, the only thing that's changed in
22 here are the commercial applications. Offices, medical, shopping centers.

1 MS. LINDER: So you just want the maximums left alone, but the minimums can
2 change?

3 CHAIRMAN PALMER: Sure.

4 MR. MANNING: Mr. Chairman, I, you know, I don't have the expertise in
5 commercial retail parking requirements, and I hope some of that was discussed. I, I
6 would feel more comfortable myself deferring those items and having further discussion
7 with them than just changing them outright.

8 CHAIRMAN PALMER: No, I was, what I was – I don't know that we can defer
9 just single items out of this. I think this is a document that's presented to us from Staff
10 as their recommendation. It's either gonna go forward with a recommendation of
11 approval or denial, and if it's a denial – or if it's an approval, it can be with certain
12 amendments.

13 MR. MANNING: I don't know why certain parts of it couldn't be extracted and
14 voted on later with the other items on, that the roundtable will take up. I just, personally I
15 don't feel comfortable with the limits or the ability to have so many. I do know this, I see
16 a lot of empty parking spaces a lot of the year, you know, that might be economically
17 driven not the retail establishment, but to cover up property we don't need to cover up
18 for one day a year, I got a problem with. I mean, I think we've got to address it a
19 different way.

20 CHAIRMAN PALMER: Right. I think there are definitely certain – and maybe
21 this is a discussion that we need to have, but there are definitely parts of town where
22 you can't find a parking space. You go try to park in Trenholm Plaza now.

23 MR. MANNING: Well, that's not gonna change.

1 CHAIRMAN PALMER: Well, that's what I'm saying. But if, but if –

2 MR. MANNING: And that's a good thing. I mean, that's synergy, that's a vibrant
3 community.

4 CHAIRMAN PALMER: Right, I understand but if you put in there that those are
5 the parking requirements that are gonna be needed for shopping center is that you can't
6 have but that much parking and make the parking lots smaller for everyone, you're
7 gonna end up with those shopping centers most places.

8 MR. MANNING: Well, I mean, [inaudible] Walmart has been required in certain
9 communities to adapt those restrictions, like on big boxes.

10 CHAIRMAN PALMER: Yeah.

11 MR. MANNING: Did they go? Some cases they didn't, some cases they did.
12 And you know, rather than totally being dictated to by the big boxes, I think we ought to
13 have a say in that. And I don't know that it's necessary to have –

14 MR. TUTTLE: So Mr. Chairman, am I to take the next logical step and infer that
15 Trenholm Plaza's having trouble recruiting tenants?

16 CHAIRMAN PALMER: No, I think that if you talk to the citizens though that they
17 will tell you that Trenholm Plaza's a nightmare parking. I think they are doing a fantastic
18 job of recruiting tenants. And I think if you talk to tenants that are in there they're having
19 a problem parking.

20 MR. MANNING: But they still go.

21 MR. TUTTLE: They still go.

22 CHAIRMAN PALMER: They still go, but –

23 MR. TUTTLE: And they pay more than other spots.

1 CHAIRMAN PALMER: - they still go and they, their tenants, their customers
2 sometimes park across the street and walk across Trenholm Road to get to the
3 shopping center, which is what nobody wants.

4 MR. TUTTLE: I understand.

5 MS. HEGLER: Well, I think we have to find a, obviously a mix, and you've
6 mentioned this before, the direction of the roundtable is to reduce pervious pavement
7 and not have those massive parking lots. You have to find the right mix and I, and I
8 know that Staff looked for lots of comparable examples when they created these
9 numbers and we could do that, we could do some more research to find that mix. Or
10 am I hearing you suggest we go back to what was originally proposed?

11 CHAIRMAN PALMER: I'm okay with making anything over the minimum, leaving
12 the maximums as they are and leaving everything as it is, as, going back to the old
13 numbers, for example, the 150, the one per 150 on the shopping centers, but if you're
14 gonna do the one per 150, it's got to be pervious. I mean, that's what they did out at
15 Killian Road at the Walmart Shadow space. And you can't tell any difference. Now,
16 does Walmart use all their space out there? No, but I've been to the Walmart on Two
17 Notch Road plenty of times and parked in the last rows. It's just according to when the
18 market builds up and like you said, I mean, we're in an economic downturn. I mean, if
19 you see some full parking lots right now they're doing a fantastic job. Trenholm Plaza
20 for instance.

21 MR. TUTTLE: Mr. Chairman, how would be the best way to convey the concerns,
22 procedurally defer this or how do we further the discussion with the appropriate parties?

1 CHAIRMAN PALMER: And that's a question for Amelia is that, can we pull
2 parcels out of this and vote on certain parcels but – my understanding is since this is a
3 proposal from Staff, this is Staff's recommendation, this whole document goes forward
4 up or down or with memos from the Planning Commission.

5 MS. LINDER: My understanding is that we need a vote or, from you, a
6 recommendation either to approve or to deny, and if it's to approve it's approved as
7 amended.

8 CHAIRMAN PALMER: Right.

9 MS. LINDER: And then tell me what your amendments are.

10 MR. TUTTLE: Ms. Linder, may I make a suggestion? Would it be possible for us
11 to defer this and ask the appropriate people from the roundtable to come and give us,
12 along with Staff, a presentation as to how they arrived at the commercial parking
13 numbers and their justification for those numbers prior to us having to make, send this
14 forward? I mean, we weren't in the room, we weren't privy to the back and forth, so I
15 think it might shed some light and see that the numbers weren't pulled out of the air.

16 MR. MANNING: I think it's – we've been asked to take this on blind faith and, you
17 know, we wouldn't do that with the public on a rezoning, so I think it makes totally good
18 sense to have an explanation made to the Planning Commission if we're gonna be
19 asked to vote on it.

20 MS. HEGLER: Geo has more history with it, that's the reason I've asked him
21 [inaudible] is there anything you can maybe shed on that particular, this one here?

22 MR. PRICE: Yeah, I was just, I think if you would want Members of the Planning,
23 excuse me, the roundtable to come and discuss how they came up with some of these

1 numbers, are you looking at one of your regularly scheduled Planning Commission
2 meetings or are you looking at more of work session where it can be just more open
3 dialogue?

4 MR. TUTTLE: It suits me either way. I think it's probably a 15, 20 minute thing
5 just to show the rationale behind how they arrived at this, these numbers.

6 MR. PRICE: So was parking the only concern?

7 MR. TUTTLE: I have one small concern but, other than that. You want me to
8 bring up the other concern real quick?

9 MR. PRICE: I'm just kind of, you know, just kind of the format that we're in right
10 now, you may have members of the roundtable, but are they gonna come up one at a
11 time to try to answer or do you have like a spokesman or do you just prefer everybody
12 sitting around to discuss this?

13 MR. TUTTLE: I mean, my vision certainly wasn't an interrogation of every
14 member of the roundtable. I thought there could be certain representatives. I would
15 assume that the members that are from the engineering community probably weighed in
16 heavily on this and had some thoughts and rationale and maybe things they had seen in
17 other markets that might add comfort to their conclusions or, or not.

18 MR. PRICE: Well, maybe – I think we've done this before, we could have, let's
19 say a work session maybe 30 minutes prior to your normally scheduled or regularly
20 scheduled meeting and then from there, after you get your information then we could go
21 to the public meeting to take action on it.

22 MR. TUTTLE: That would suit me. Is this on such a fast track that it, it can be
23 deferred for 30 days?

1 MS. HEGLER: I don't think it is, it's just been looming for a long time. And for
2 clarity I thought you could get a background on the shopping center number, not the
3 process thinking. I know everybody's kind of eager to kind of move on with it, but I
4 don't, I would propose if you could that maybe we get a work session in-between, that
5 way we could stay on schedule, but that's up to your discretion.

6 CHAIRMAN PALMER: We find it very difficult to get attendance at work sessions
7 between, as you can from the actual scheduled meeting, the attendance that we have.

8 MS. HEGLER: So this would go back early in July and it could be on, you know,
9 the end of July for the Council meeting. I just put that out there as a separate workshop
10 as an option.

11 MR. TUTTLE: I'm gonna make a motion relative to that, but I do want to bring up
12 one other thing so we might be prepared to discuss it then or now if I could. Page 58 of
13 the original package under, I don't even know where I am, it's planning specifications,
14 little d and then number 1 under that. We've inserted basically there's best management
15 practices for tree planting, etc. So now the developer's not only warranting the trees but
16 he's having to install them per textbook. Number one, I'm not sure how that's even
17 enforceable. I can't imagine that our county inspectors are gonna have time to come
18 out there and watch the place where you're planting 100 trees to see that each tree is
19 installed per a certain code. That seems a little overreaching. I'd be interested to other's
20 comments.

21 CHAIRMAN PALMER: Yeah, and, I mean, I agree and, I mean, we're talking
22 about changing the, the definition of a grand tree from 29" down to 24". I understand
23 there may be rationale there, but why is a grand tree several years ago when we wrote

1 this agreed to be 29” and now for some reason we think trees are getting smaller in
2 stature so we need them to be 24” are now grand trees? I mean, what’s their reason for
3 changing this?

4 MS. LINDER: To protect more trees.

5 MS. HEGLER: Yeah, protect more trees. Looking at other standards. I know
6 that there was a lot of research in other areas. But, okay.

7 MR. TUTTLE: Mr. Chairman, if I could go back to the question I posed to the
8 group before we get on something else. Does anybody else have any heartburn with the
9 planting standard?

10 CHAIRMAN PALMER: No, I think we’re throwing out things we want them to
11 come back to us –

12 MR. TUTTLE: Right, right. Just because I’m curious about it I don’t want
13 somebody to have to talk to it if the consensus of this group isn’t that they have a
14 concern or question.

15 CHAIRMAN PALMER: I agree with you. I think the answer is going to be that
16 we’re not gonna have somebody monitor it but we’re putting in the Code the standards
17 by which you do it, that if it’s not done that way then, you know, this is the way we want
18 it done, we’re not gonna monitor it, but I mean, that’s what I’ve heard over the past
19 years is that, no we’re not gonna police it but these are the standards we want you to do
20 it by, and if for some reason you’re not then we’ve got something to fall back on in the
21 Code that says you should’ve done it this way.

22 MR. TUTTLE: Okay, so that is, this group feels like that’s something we’d like to
23 talk about too?

1 CHAIRMAN PALMER: Yes, sure.

2 MR. TUTTLE: Thank you.

3 CHAIRMAN PALMER: I would, I would just like to see what the rationale is
4 behind 29, now we think grand trees are 24, I mean, what's next, 18? I mean, there's
5 no rationale behind it, it's just, yeah we just, now we want to grab more trees that are – I
6 mean, I'm all for protecting trees but if we're gonna say a grand tree is something else
7 and people get, you know, we have standards, they have to have a reason for changing
8 it. Anything else for anybody?

9 MR. MANNING: So we need a motion to –

10 CHAIRMAN PALME: Motion to defer with -

11 MR. MANNING: Mr. Chairman, I'd like make a motion that we defer this
12 document with the roundtable's recommendation until we've had a chance to get a
13 briefing from the roundtable members at our next meeting, is that what we – before the
14 meeting or after the meeting?

15 CHAIRMAN PALMER: During a work session 30 minutes prior to our next
16 meeting.

17 MR. MANNING: Okay, during a work session 30 minutes prior.

18 MR. PRICE: Thirty minutes will be enough time?

19 CHAIRMAN PALMER: I think so if we're just looking for, I mean, it's not a banter
20 it's just an explanation why and either we can accept the explanation or not for what it
21 is. Do you know what I mean? I mean, I'm not asking for the spokesperson to argue on
22 behalf of anything, just explain.

23 MR. PRICE: [Inaudible]

1 CHAIRMAN PALMER: Yeah, I understand.

2 MR. PRICE: - should it be 12:00 or 12:30, you know, just give everybody a
3 chance to discuss it.

4 CHAIRMAN PALMER: Probably 12:00 and then wrap up and – yeah, probably
5 12:00.

6 MR. PRICE: So it'll be 12:00 and then –

7 CHAIRMAN PALMER: Give us a 10 minute break or something, 15.

8 MS. HEGLER: Yeah, they can do a full background or they can focus on these
9 few points that I mentioned, wrote down for them.

10 MR. TUTTLE: Thank you.

11 CHAIRMAN PALMER: Okay.

12 MR. GILCHRIST: Thank you.

13 CHAIRMAN PALMER: Okay, so we got a motion to defer, did we get a second?

14 MR. TUTTLE: Second.

15 CHAIRMAN PALMER: All those in favor of the motion please say aye. Any
16 opposed?

17 *[Approved: Westbrook, Tuttle, Palmer, Gilchrist, Manning; Absent: Cairns, McDaniel,*
18 *Van Dine, Brown]*

19 CHAIRMAN PALMER: Discussion regarding approval of the Minutes. I brought
20 this forward just so everybody knows. And just taking a look at our Agendas I know you
21 guys have noticed that we've revamped our Agenda some and tried to put more pointed
22 information in them, tried to get more detail and that kind of stuff, and in reviewing all of
23 our processes and all that kind of stuff, I've noticed that our Body for some reason, the

1 whole time I've been on this Body, has been asked to approve word for word the
2 Minutes of every meeting. It's unlike any other body I've ever been on to ask someone
3 to vote month to month and say, this is exactly what Mr. Tuttle said, this is exactly what
4 Mr. Westbrook said. And that's what we're doing every month by voting on the Minutes
5 is saying, this is exactly what these people said. And looking back at *Robert's Rules of*
6 *Order*, it's just not even proper to do it that way. So I asked the Staff to come up with
7 something more in line and more in fashion with what other bodies that are in similar
8 situations do, and what it is, it's a basic recap of what occurred at the meeting. The
9 transcripts will still be available for those who want to read them and, and presented to
10 Council as well, but as you guys have seen here, it's kind of a proposal of what I
11 thought maybe moving forward the Minutes that we vote on will look like; with the
12 motions, who voted for, who voted against and, you know, perhaps a quick summary of
13 what was there as opposed to being asked every month to say, this is exactly what
14 these guys said. And that's just my thoughts on it, I don't really have a dog in the fight
15 either way, I'm just going by what *Robert's Rules* say, that a word for word Minutes is
16 not really what's called for.

17 MR. TUTTLE: So, Mr. Chairman, under that is it your desire that the "verbatim"
18 Minutes not be recorded? Cause I think those have value sometimes for Council to see
19 the discussion that took place on certain issues, or in theory it does.

20 CHAIRMAN PALMER: I'm not saying for them not to be recorded at all.

21 MS. LINDER: For clarification, the Minutes would still be recorded.

22 CHAIRMAN PALMER: Right, and transcribed.

1 MS. LINDER: But the verbatim transcript would still be conveyed to Staff. And
2 this is just a proposal, and then Staff would abbreviate the verbatim.

3 CHAIRMAN PALMER: Right. And the Minutes, and the word for word will be –

4 MS. LINDER: And then the abbreviated would come to you for approval.

5 CHAIRMAN PALMER: - available to Council as well.

6 MR. TUTTLE: Okay.

7 MS. SWORD: So I'm not being fired, correct? [laughter]

8 CHAIRMAN PALMER: I would in no way propose that.

9 MR. MANNING: So, Mr. Chairman, and I like the idea but if we're not approving
10 the verbatim Minutes –

11 CHAIRMAN PALMER: Right.

12 MR. MANNING: - is there any reason to have – I mean, I know that you, they're
13 good for future reference and that kind of thing, but from a legal standpoint, what do you
14 need? I mean – I'm sure you –

15 MS. LINDER: To do the abbreviated Minutes I either need to listen to a tape or I
16 need to see what's written. And –

17 MR. MANNING: So we're not asked to approve the verbatim.

18 MS. LINDER: Correct, correct, that's just an internal procedure.

19 MR. MANNING: So if somebody requested a Freedom of Information document
20 from you and the Minutes were, and we hadn't approved them, what, they have no
21 weight.

22 MS. LINDER: Correct, other than that they would be available under an FOI
23 request. You would be approving abbreviated Minutes, which would be your Minutes.

1 CHAIRMAN PALMER: Right.

2 MS. LINDER: Internally, we'd be drafting them, we'd be working with Stephanie
3 here to get Minutes to you but they would be in an abbreviated form. But if you prefer
4 the verbatim then that's what would be presented to you.

5 CHAIRMAN PALMER: I don't have any problem with presenting us the verbatim
6 Minutes. That's great. Some people want to read those, I know some Councilmembers
7 want to read those and that's fine. But what I would like to take a vote on is the
8 abbreviated Minutes of what occurred at the meeting and me not putting my stamp of
9 approval on trying to remember that Deas said three different words during the meeting.

10 MR. MANNING: I understand that.

11 MR. WESTBROOK: Mr. Chairman, when we approve Minutes, we're approving
12 Minutes that we, we read, and I disagree with the abbreviated form. What has taken
13 place in the meeting is what we have heard.

14 CHAIRMAN PALMER: But what you're voting for is you're saying that that's
15 exactly what Deas said in –

16 MR. WESTBROOK: No, I'm –

17 CHAIRMAN PALMER: - after an hour and a half into the meeting.

18 MR. WESTBROOK: - I'm voting on what I read today.

19 CHAIRMAN PALMER: No, you're attesting to the fact that that's what Deas said
20 or that I said or that anybody said. When you're voting on these Minutes, you're voting
21 that halfway through the meeting Chairman Palmer said, thank you.

22 MR. WESTBROOK: Well, okay then if Palmer didn't say thank you then he
23 should indicate that.

1 CHAIRMAN PALMER: Well, I understand that and we're all agreeing that this is
2 exactly what we said when we said it. And I don't have that kind of memory to
3 remember that, but yet I'm attesting to it every month. You see what I'm saying?

4 MR. WESTBROOK: One of the biggest problems is that we may be saying too
5 much to make the Minutes this large. I think we should – minutes are minutes and if
6 that's the minutes then we should vote on the minutes.

7 CHAIRMAN PALMER: I'm just, I'm just personally not, haven't been and, and
8 still am not comfortable with putting my stamp of approval on something that I can't
9 remember after I get the Minutes three weeks later who said what when.

10 MR. WESTBROOK: Well, I can't appreciate the fact to vote on the abbreviated
11 form, not exactly what I would want to vote on.

12 CHAIRMAN PALMER: Well, this is exactly what the, what has occurred at the
13 meeting, the votes that occurred, who made the motions, who voted what way and what
14 was passed and what wasn't passed.

15 MR. WESTBROOK: Right.

16 MR. TUTTLE: Mr. Chairman, let's see where we are.

17 CHAIRMAN PALMER: Okay.

18 MR. TUTTLE: I'll make a motion to approve the new format of the Minutes of the
19 meeting.

20 MR. GILCHRIST: Mr. Tuttle, before we vote on that, we have – Ms. Linder?

21 MS. LINDER: I would just like to throw out a suggestion since we're missing four
22 Members of the Planning Commission today that we defer this to get more input on
23 what the other Members feel.

1 MR. GILCHRIST: That would be my recommendation.

2 CHAIRMAN PALMER: I understand that to a certain point, but the Planning
3 Commission Members who showed up to the meeting today, you know, we've deferred
4 and deferred and deferred a lot of things, this is a simple matter. If the Planning
5 Commission is not able to move forward on a simple matter like this and we have to
6 defer this matter, I think we're heading in the wrong direction. The Planning Commission
7 Members that show up to the meeting and take part in the discussion, if you don't show
8 up to the meeting things can't be deferred on your behalf. That's my belief of it.

9 MR. TUTTLE: Mr. Chairman, respectfully I have a motion on the table.

10 CHAIRMAN PALMER: Do we have a second for the motion?

11 MR. GILCHRIST: Mr. Tuttle, could you repeat your motion, please?

12 MR. TUTTLE: I just want to get some, I just want to get this voted on. I made a
13 motion that we approve the new Minutes of the meeting format.

14 CHAIRMAN PALMER: Is there a second?

15 MR. MANNING: We have a motion and a second. All those in favor please
16 signify by raising your hand. All those opposed?

17 *[Approved: Palmer, Manning; Opposed: Westbrook, Tuttle, Gilchrist; Absent: Cairns,*
18 *McDaniel, Van Dine, Brown]*

19 CHAIRMAN PALMER: You made the motion and you're opposed to it?

20 MR. TUTTLE: Absolutely. I don't know how else to get it on the table. I mean,
21 you're either for it or you're against it. The discussion for 15 minutes, I don't see any
22 benefit.

1 CHAIRMAN PALMER: Okay. Next on the Agenda is the Road Name Approvals,
2 which Mr. Tuttle has already –

3 MS. LINDER: Are you interpreting the failure of that motion that you're remaining
4 with the verbatim or are you deferring?

5 CHAIRMAN PALMER: No, we're remaining with the verbatim.

6 MS. LINDER: You want them to remain verbatim.

7 CHAIRMAN PALMER: Well, that's the – there's no change.

8 MR. GILCHRIST: No change, yeah.

9 CHAIRMAN PALMER: Next is the Road Name Approvals. And Mr. Tuttle has
10 recused himself from those. And we still can't vote on them. Okay.

11 MR. TUTTLE: Ms. Linder, do I need to leave the room?

12 MS. LINDER: If Ms. Tindal is gonna talk about Item #2 then yes you would have
13 to recuse yourself.

14 MR. TINDAL: Well, I just wanted you to be aware – I'm Alfreida Tindal,
15 Addressing Coordinator – I just wanted you to be advised that the deferment of the
16 street name for #2, Channel Court, would render in the addressing, in the 21 day review
17 process, as a denial based upon State Code 6-29-1200, that it is unlawful for a person
18 in laying out a new street or road to name the street or road on a plat by marking or in
19 deed or instrument without first getting the approval of the Planning Commission. So I
20 wanted to make sure the Applicant will be aware that when I, part of the review process
21 in the addressing component of it, it will render a denial until it's been submitted to the
22 Planning Commission for approval.

23 CHAIRMAN PALMER: Okay.

1 MS. LINDER: Mr. Chairman, I'm looking at your Rules and it talks about you
2 have the majority to take action and it says there should be, all actions requiring a vote
3 shall require a majority vote but no less than four of the quorum present. You've got a
4 quorum so this is the quorum present. So I believe you do have four members here that
5 can vote on this.

6 CHAIRMAN PALMER: Let's take a vote on, if somebody wants to challenge it,
7 challenge it. Do we have a motion on –

8 MR. MANNING: Mr. Chairman, I'd like to make a motion we send Item #2
9 forward with a recommendation of approval.

10 CHAIRMAN PALMER: Actually, it's just for approval.

11 MR. MANNING: [Inaudible]

12 CHAIRMAN PALMER: It's just for approval.

13 MR. GILCHRIST: Second, Mr. Chairman.

14 CHAIRMAN PALMER: All those in favor please say aye?

15 *[Approved: Westbrook, Palmer, Gilchrist, Manning; Recused: Tuttle; Absent: Cairns,*
16 *McDaniel, Van Dine, Brown]*

17 CHAIRMAN PALMER: None opposed. Can you grab Mr. Tuttle? Okay, Case
18 No. 12-07 MA.

19 **CASE NO. 12-07 MA (cont'd.):**

20 MR. DARRAGH: Mr. Chairman, Commission, at this point I think that we would
21 like to request a deferral, however, Mr. Bob Peeler would like to make some comments
22 if that's acceptable.

23 CHAIRMAN PALMER: Sure.

1 **TESTIMONY OF BOB PEELER:**

2 MR. PEELER: Thank you. I'm Bob Peeler and I'm not the technical person in
3 this group, I went from milk to politics to waste, I'm not sure that's a natural progression
4 or not. I am the manager of community relations for Waste Management and trust is
5 very important to us as we do our jobs, and I certainly appreciate the job that you have
6 to do. And I would respectfully ask if you would consider a deferral.

7 CHAIRMAN PALMER: Thank you. Any motions?

8 MR. MANNING: Mr. Chairman, I'd like to make recommend that we defer Case
9 12-07 MA until next month's meeting, and I assume you're gonna make a
10 recommendation or request to Staff to bring back some other information [inaudible] try
11 to get to the end game on this issue that we know is out there.

12 MR. GILCHRIST: Second, Mr. Chairman.

13 CHAIRMAN PALMER: We have a motion and a second to defer the case till next
14 month. All those in favor please say aye?

15 *[Approved: Westbrook, Tuttle, Palmer, Gilchrist, Manning; Absent: Cairns, McDaniel,*
16 *Van Dine, Brown]*

17 CHAIRMAN PALMER: There's none opposed. And Staff, if you would, for our
18 next meeting bring us back some recommendations as it concerns the borrow pits with
19 the special exception requirements. If there's any changes that you'd recommend us
20 make to the ordinance as far as increasing the acreage size or any other regulations
21 you may see fit so we don't – or if you don't see any necessary, any change necessary
22 or something for us to take a look at.

1 MR. MANNING: Mr. Chairman, also are there any requirements that a mining act
2 or DHEC or whoever, who has multiple jurisdiction, or may have some multiple
3 jurisdiction [inaudible].

4 MR. PRICE: Okay. This is, I think we've been through this a couple of times
5 where the Planning Commission sees something that they want changed, which you
6 kind of, you're asking Staff to really come up with some numbers and I think even as we
7 stated before with the parking requirements, really we're looking at, you know, just
8 some arbitrary numbers regarding what acreage should –

9 CHAIRMAN PALMER: How about –

10 MR. PRICE: - they come in, I mean –

11 CHAIRMAN PALMER: - how about if we even need an acreage for the special
12 exception? If they're gonna vote on it every time, what's the reason for an acreage
13 period? It's just an arbitrary number.

14 MR. PRICE: Okay. Cause, you know, once again, some of the text amendment
15 changes that I know that the Planning Commission looks at, that is something that if the
16 Planning Commission, we would be happy as a Staff –

17 CHAIRMAN PALMER: Right.

18 MR. PRICE: - we would be happy to do it. But the Planning Commission could
19 easily take this up during your meeting and go through it also.

20 CHAIRMAN PALMER: Right. Yeah, we see how the Planning Commission
21 changes go, it usually goes better if the Staff makes the recommendation for a change
22 than the Planning Commission. So I would take a look at maybe even if there's even a
23 need for an acreage, what, what surrounding communities in our type of setting with the

1 rural and, you know, urban setting that we have, if they even have acreage
2 requirements or not.

3 MR. PRICE: We'll look at some of the surrounding counties and municipalities.

4 CHAIRMAN PALMER: Anything else on that case? And the Council Report of
5 Action is just for our information, correct?

6 MS. LINDER: You also have, on your Amended Agenda, I believe you have an
7 item called August meeting.

8 MR. GILCHRIST: Yes.

9 MS. HAYNES: Do y'all want to meet in August? [Inaudible]

10 CHAIRMAN PALMER: Let's not do – I would make a motion, or not make a
11 motion, I'd recommend we don't do zoning public hearings but be available if there's
12 anything that comes up that, you know, needs to be acted on, maybe roundtable wise or
13 anything else. I mean, for a shortened Agenda, anything that needs to be done outside
14 of the zoning/planning.

15 MR. TUTTLE: And just so I'm clear, the rationale behind that is that anything we
16 would do in August can't move forward because Council's not meeting? So you're not
17 really holding anybody back.

18 CHAIRMAN PALMER: No. But if there's anything that Staff wants to clean up,
19 it's a good opportunity to try and put some of that stuff forward.

20 MR. PRICE: This would include text amendments also.

21 CHAIRMAN PALMER: Text amendments also.

22 MR. MANNING: Are you recommending we meet in August if they want to meet
23 in August?

1 CHAIRMAN PALMER: If there's something that's pertinent, yeah. But not to, but
2 the public doesn't need to make application, let them know that the zoning public
3 hearings won't occur, because there's no need for them to, because they won't go to
4 Council anyhow. I guess they can if they want to.

5 MR. MANNING: What different would it make? I mean, if we're gonna be here,
6 why not –

7 CHAIRMAN PALMER: Yeah, they can if they want to. But I was gonna say
8 though, if the Staff doesn't see any need for it then we wouldn't meet in August. But
9 whatever y'all want to do is fine. I'll meet or not meet.

10 MR. GILCHRIST: I think we should make a decision, Mr. Chairman [inaudible].

11 CHAIRMAN PALMER: Well, what do y'all want to do?

12 MR. MANNING: And there's no pending cases to be heard or otherwise?

13 MR. PRICE: No, sir. I mean, you deferred one case until July, I think we'll have a
14 resolution to that by July. We don't know what cases are, you know, will be in by the
15 end of this month [inaudible] scheduled for August. But we have a number of people
16 coming in so we just want to be able to guide them.

17 MR. MANNING: Well, let's just say that we took your information, we wanted to
18 make a recommendation on changing, you know, if we defer and don't meet in August,
19 it's gonna be September or October before they can this finalized. I mean, it is gonna
20 impact [inaudible].

21 MR. PRICE: But if you take it up in August you will forward it to County Council –

22 MR. MANNING: Right.

1 MR. PRICE: - in September, it's the same thing as if we had the meeting in
2 September.

3 MS. LINDER: Yes, there will be no zoning public hearing in August. So your
4 recommendation would go to the end of September.

5 CHAIRMAN PALMER: Alright, so does anyone want to make a motion on it?

6 MR. GILCHRIST: Mr. Chairman, I make a motion that we do not meet in August.

7 MR. WESTBROOK: Yeah, I'll second.

8 CHAIRMAN PALMER: We have a motion and a second to not meet in August.

9 All those in favor please say aye. All those opposed?

10 *[Approved: Westbrook, Tuttle, Palmer, Gilchrist; Opposed: Manning; Absent: Cairns,*
11 *McDaniel, Van Dine, Brown]*

12 CHAIRMAN PALMER: Alright, we're gonna, we're not gonna meet in August.
13 Do we have a motion to adjourn?

14 MR. GILCHRIST: So moved.

15

16 *[Meeting adjourned at 2:50 pm]*