

BOARD OF ZONING APPEALS

April 6, 2005

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5 *[Members Present: Branham, Dorsey, Young, Brown, Tolbert; Absent: Perkins]*

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7 Called to Order: 1:06 p.m.

8 CHAIRMAN BROWN: We can go ahead and get started with Mr. Farrar.

9 MR. FARRAR: [Inaudible] it takes evidence in testimony and renders a decision.

10 The order of presentation, the applicant, the person trying to get the special exception
11 or variance, which are the cases we have to today, has up to 15 minutes to present his
12 or her case. You can really do it however you want to, that's appropriate to get the
13 information to the Board. The, anyone in opposition has up to three minutes each.
14 Since we don't have a large crowd that shouldn't really be a problem today and then the
15 applicant has five minutes, up to five minutes for rebuttal. And if you notice the order of
16 presentation, it goes applicant, opposition and the applicant gets to speak at the end.
17 Why does the applicant get two shots at it? Well, it goes back to the court like nature, of
18 the Board and bearing the burden of proof. The applicant does have the burden of
19 showing why he or she should get the special exception or variance, so it's a burden of
20 proof type situation. The Board will take, obviously, your sworn testimony, it will also
21 take documents that you've offered for exhibits, if you've offered them prior to today
22 they should be included in the agenda packet, if you have any last minute submissions
23 you can offer those as well. They'll take, give greater weight, obviously, to sworn
24 testimony than to unsworn testimony, greater weight to things like affidavits and sworn
25 documents than to, for example, a petition or unsworn statements. But they'll look at
26 those things and evaluate them and render a decision. Unlike a Court, sometimes you

1 have to wait a while to get a decision. You'll have a decision by the Board, in open
2 session here today. The effect of a decision is something I want to take about for a
3 moment. If the Board approves or denies a case today, it's what I call a conditional
4 approval, or a conditional denial. What's the condition? It pertains to the rules and
5 bylaws. Under the Board's bylaws and rules, a case is not final until the minutes from
6 which that case was decided have been approved. So, for example, a case here today
7 in the April meeting, almost very likely the minutes of today's proceeding will be
8 available during the May meeting of the Board. The Board meets every month, first
9 Wednesday of the month. So decisions from today's hearings should be final or
10 approved by the minutes, or denied in the minutes, but the minutes will be approved,
11 should be about a month from today. At that time you would have a final decision of the
12 Board. The reason I mention that is, if you have a decision, for example, I'll use an
13 example of maybe somebody wants to put a carport in, it's going to impact or go over
14 maybe by a foot into a side yard setback and nobody appears in opposition, it's pretty
15 straightforward and the Board decides to grant a variance, for example, for a foot and
16 after that, for instance, maybe the neighbor, whose yard this is going to kind of come
17 closer to was not available to come for the hearing. They could've been out of town,
18 they could've had some obligation. Well, if they come up and say, "Well, gee, if I'd of
19 known about this I would've come in and I would've offered my opposition to this;" that
20 could be some new evidence that the Board might want to consider, so they could
21 reopen the case or reconsider it, because the minutes have not been approved at this
22 point. The reason I mention this, if you go out and if you're the person who's getting the
23 carport put in, you call the contractor, pour some concrete, you may spend some money

1 and you really don't have a final decision, so I just mention that just for food for thought.
2 But just once that, the minutes have been approved you do have a final decision of the
3 Board and that's it as far as the County process is concerned. Now, there is another
4 process you need to be aware of under State law. Anybody who is aggrieved by a
5 decision of the Board, under Title 6 of the *South Carolina Code*, may file an appeal with
6 the Circuit Court and evidentially you'd get a hearing and it would be in front of one
7 Circuit Court judge, but the judge will be sitting as really in an appellate body at that
8 point, there wouldn't be any new evidence or testimony, you wouldn't call witnesses;
9 you come in and you talk about what happened at the proceeding, at today's
10 proceeding [inaudible]; say weather the Board, as a matter of law got the case right.
11 That's the appellate process. Now a person does not have an indefinite period of time
12 to file an appeal. You have 30 days from the date the decision of the Board is mailed.
13 So, once your minutes have been approved and the 30 days have run from the day the
14 Order was mailed, you've got a final decision, it's not something that you need to worry
15 about months and years from now, it's something in the short term. And you're also
16 going to be able to handicap this pretty well by getting a sense of whether or not there's
17 opposition of what you're trying to do and if there's somebody who might appeal. So it's
18 something you that you have a pretty good feel on. I do want to make sure
19 everybody's, is everybody clear on the minutes process and the appeal process? If not
20 I can answer questions later, but - you know, and at that time you do have the final
21 decision of the Board. Now I mentioned getting a decision in open session, the only
22 time, and we're in open session now, the only time the Board would not, the only times
23 the Board would not be sitting where they are at this moment would be if we take a

1 recess or if the Board wants to go into an Executive Session. Executive Sessions are
2 something that are provided for under the Freedom of Information Act and the only
3 really context the Board would want to go into an Executive Session would be to
4 discuss a legal matter. They might want to talk with me, their attorney, or some Staff
5 members and get the legal question resolved. This is done in private, there's no
6 decisions taken in Executive Session, you can't take a straw pole and say, "Well gee
7 how are you going to vote, how are you going to vote?" You can't do that behind closed
8 doors, you've got to come in open session and take the vote and that's what they would
9 do. We don't always have those but every once in a while an Executive Session comes
10 up. I get the question sometimes, "Well, gee, do I have to sit here if my case is way
11 down on list, do I have to sit here through all the others?" This is a public session,
12 you're free to come and goes as you like, we just ask that you please do it without
13 disrupting the proceedings, just - but that's fine to leave as you need to, just make sure
14 that you're here, we can't guarantee when your case is going to be called, so you're
15 kind of doing that at your own risk there. I would also mention, if you have a cell phone
16 or pager, if you can turn that to off or vibrate so we don't pick it up on the recording
17 system we would appreciate that as well. In a moment I will swear everyone in as a
18 group, we do this in one shot so we don't have to individually do the witness, your
19 testimony will be under oath, just keep that in mind, so it's a sworn proceeding. The
20 Board is a seven member Board, we only have five here today, that is enough to
21 conduct business. Four members would be a quorum to conduct business and we have
22 five. If you would like to wait or defer your case until you have a full panel, you
23 obviously can make that request when you come up and the Board will entertain that at

1 that time and that's fine to make that request. The effect of a tie vote, this may not
2 come up since we have an odd number, but for example, if you had a tie vote, I'll
3 explain a little bit more about this, but it's a little bit different process in the Richland
4 County Code of Ordinances, essentially if the case ends in a tie, another vote for a tie,
5 for example, somebody moves to approve and then somebody moves to deny and
6 those both end in a tie, the case would be carried over until the next meeting, take
7 another shot at it. It's a little bit different, normal parliamentary procedure, if something
8 fails for lack of a majority, but that's, it's what's in the Code, so I'll brief a little bit more if
9 that comes up but not very likely with an odd number like I stated. Any questions about
10 anything that I covered? I believe that's the highlights. If not, if you are going to speak
11 on a case you need to be on the sign-up sheet for that case; if you haven't done that yet
12 that's fine we can still get you on a sheet, but whether you have signed up or not, if you
13 are going to come to the podium and speak on a case if you would please stand at this
14 time, raise your right hand, I'll swear you in as a group. It's a relatively painless oath I'm
15 going to do here, if you are going to be a witness please stand, yeah. Okay, do you
16 swear or affirm the testimony you shall give shall be the truth, the whole truth and
17 nothing but the truth so help you God? Please be seated. Thank you very much; if
18 anybody said anything other than I do, let me know, otherwise we'll consider to be sworn
19 and I'll turn it back to the Chairman at this time, thank you.

20 CHAIRMAN BROWN: Thank you, Mr. Farrar. I have two cases here that no one
21 has signed in for. Nathaniel Brown on Abbott Road, is there anyone here for - would
22 you come up and sign in please? And also, Jim Judy on Sunbelt Boulevard, I don't see
23 him or a representative here. Members of the Board, on our agenda under Other

1 Business is a discussion of cell towers, which I think is going to be presented by Mr.
2 Yates, if I'm not mistaken, if you want to hear it. What's the pleasure of the Board? Do
3 you want to stay for that presentation or would you rather delay it? Whatever your, what
4 is the consensus of the Board, just so Mr. Yates can plan his afternoon.

5 **TESTIMONY OF JONATHAN YATES:**

6 MR. YATES: Thank you, very much Mr. Chairman. What we'd like to do, and I
7 have with me today, Brad O'Dell of Cingular and William Robinson. We appeared
8 before you, as you know, a lot last year.

9 CHAIRMAN BROWN: Well, wait Mr. Yates, we're going to do that under Other
10 Business.

11 MR. YATES: Oh, I'm sorry, I misheard.

12 CHAIRMAN BROWN: We're going to go through the cases first and then, I just
13 wanted to make sure, for you to know, you know, whether it was going to be necessary
14 for you to stay around or not. Mr. Price, first case please.

15 **CASE 05-49 SE:**

16 MR. PRICE: The first item, Item A, case 05-49 Special Exception, the applicant
17 is Jonathan Yates. The address is on Lower Richland Boulevard. The zoning is rural.
18 The applicant is requesting the Board of Zoning Appeals to grant a special exception to
19 permit the construction of a communication tower in an RU district. Currently the
20 property is undeveloped and heavily wooded. The Applicant proposes to erect a 190'
21 monopole tower within a 10,000 square foot leased area. The subject property is
22 amongst a community of residential structures, undeveloped parcels, commercial and
23 institutional uses; some of the commercials are non-conforming. That's it.

1 CHAIRMAN BROWN: Alright, Mr. Yates, you're the first one on the list.

2 **TESTIMONY OF JONATHAN YATES:**

3 MR YATES: Thank you Mr. Chairman, Members of the Board. A brief
4 background on this one and then we'll be very quickly through the presentation, but a
5 brief background. This site is about two years in development for us. We initially had
6 another site that was first going to appear before this Board in October of '03 actually.
7 This - we've been looking for a site for several years to cover some problems we have
8 along Lower Richland, connecting up to 76 and then on to 26 and also to complete our
9 coverage in the town of Hopkins. We had a site selected on a property of a member of
10 the Hopkins family. Unfortunately it turned out the site he offered us was fairly near the
11 family cemetery; so we killed that site, we had it ready to come before this Board in
12 October '03 when we heard - and we had a clean SCHPO, but when we heard the
13 reaction of other Hopkins family members we decided to withdraw that site and go back
14 to work so we would not be visible from the cemetery. What we came across that
15 worked for us almost as well as the Hopkins site was Mr. and Mrs. Phillip Stewart, who
16 are with us today; they have a 44 acre tract on Lower Richland Boulevard, it's about
17 400' from the intersection of Lower Richland and Higby Road. They presently, they
18 reside on that tract, other than their residence it's completely wooded. In years past,
19 Mr. Stewart had run some cows on the property, but with all the development out there
20 he had quit that and so we began developing on this site. This site began its life
21 identical to what we proposed on the other Hopkins site as about a 250' lattice-style
22 tower. We, again, heard from the Hopkins family, the Stewart property and this has
23 been in Mr. Stewart's family for over 80 years, but they're ringed almost all the way

1 around by other members of the Hopkins family; lead by the closest neighbor, Mr. David
2 Hopkins, who I believe you have a letter from today. Mr. Hopkins contacted us, he had
3 a problem, three problems with the site, the height, the type of tower and the lighting.
4 We went back to work and by 'we' I mean William Robinson, here our Chief Design on
5 the RF side, as this is an infill site that's connecting to existing sites we saw, impressed
6 upon William to see if he could do anything to make this site better; that's why this
7 application was originally going to be before you in February and it's been held off two
8 months. The reason we've held it off, William has completely redesigned the site, not
9 the location of the site, but what we've ended up with is we've first got down from 250 to
10 2 ¼ and then William, in a final move, was able to take this site down to 195. The
11 significance of the 195 is we're under the magic 200 number, no lights and with a move
12 under 200, structurally we were able to employ a monopole. So, briefly and then we'll
13 get into the site, this site which was going to be, when first envisioned by William
14 Robinson, was a 225' lattice with lights, is now a monopole at 195' and no lights. Just
15 to give you a feel, this is our 44 acre tract, here is Lower Richland, Higby will come in
16 about here, pretty much surrounded by Hopkins family, lead by David Hopkins, who
17 again, Geo, I think, got a letter from them this morning saying that they approved our
18 compromise on this. A little triangular piece was taken out, years ago, owned by the
19 Hayes family out of Ohio. They now lease it to some folks living in mobile homes there.
20 So, we have talked really, have not really had any communications with the tenants
21 here, but have had communication with all the other property owners around there and
22 we worked with them to get to this compromise. Brad, we're going to quickly show, first
23 things first, show the approvals we got and then we'll get into the ordinance. Just to

1 give you a feel, at under 200' and this will be more important for our next site, which is
2 also under 200', you do not, FAA does not regulate under 200'. We do have an FAA
3 [inaudible] because this began life at 250' and it was approved by the FAA at that higher
4 height. Once we go under 200, it's outside their jurisdiction, but just to show you, they
5 did, even at the higher height, they had no problem with it. In addition, as is our
6 practice, we had this submitted to the USF&W and we received approval from the
7 United States Fish and Wildlife. In addition, as is our practice, and I think Ms. Bush will
8 touch on that, she has noticed, as part of this process, it's a good time to quickly tell you
9 about this process, we submit every site we have to the State Archives Department to
10 get what we call a SCHPO letter, which is a South Carolina Historic Preservation Office
11 letter of approval, we have been given approval by SCHPO. Ms. Bush, I think in her
12 presentation, she noticed in the paper, one of the things before SCHPO is going to give
13 you this approval, public notice is given in The State Newspaper, because if anyone in
14 the public knows something about a historic property that may or may not be on the
15 register, The State seeks that information. All that process was followed, Mr.
16 Sidebottom, who is now our Preservation Officer for the State of South Carolina, gave
17 us his approval. In addition, and I know this seems silly to some, but it has to be done,
18 we had this reviewed and approved by the Catawba Indian Nation. The Catawba Indian
19 Nation, at one point, these are considered former tribal lands and what we have to do is
20 we go to their THPO, which is the Tribal Historic Preservation Office, and before we
21 move forward, under Cingular's regulatory requirements, we get approval for any Indian
22 Nation that can show any rights in this land at any point in time, so it was also approved
23 by what we call THPO, or the Tribal Historic Preservation Officer for the Catawba's.

1 Brad we'll now go to the boards, again, if I move to quickly stop me, if I move to slow tell
2 me to speed up. Number one, did we have anything else? Absolutely not and I can
3 assure you on this one, if there was an alternative I sure would have done it last year
4 when we hit our first speed bump on this site. We've talked about a lot of sites but in
5 terms of sites I presented to you in the last 24 months, this is the last one that actually
6 we began life with us in '02, we began our work on this site in '02, because of what we
7 found there and just to show you what Cingular does when we hit opposition from folks
8 that have been in an area for a long time, we try to deal with it. We made the first move
9 from the cemetery and then we were able to reduce this height based on additional
10 concerns for the Hopkin family; Hopkins, excuse me, not Hopkin. If there was anything
11 else we would've used it. This site requires a setback of 195' from any property line.
12 We greatly exceed that in pretty much every case. We originally had designed our
13 setbacks to work for 250, so we're almost 350' off Lower Richland and in one case, I
14 think, we meet the requirement by like six - a factor of 65. So, we had 44 acres to deal
15 with and it worked out quite nicely for us. Number three is illumination, in this case
16 there will be no lights; this is approved for no lighting. Number four, 7' high fence, we
17 will do our standard 7' high fence. We go ahead and put an extra foot of barbwire as an
18 anti-climbing device above that and we'll enclosed an area of 40 by 60. What we will
19 do, if you look and if you see the photos, this is really what the property looks like. It's
20 that heavy, heavy tree cover. You really see very little other than the residential area.
21 You see very little evidence of the former operation with the cows. We're going to
22 actually have to go in and take out vegetation to create our site. However, in order to
23 over comply with Article 5, along the fence line, we'll come back in on the 40 x 60 and

1 put in Leland Cypress; we don't buy the small ones, we're going to buy 6', at time of
2 planting. We'll plant them 5' off center and you can see in the climate of Richland
3 County, within a year or so, they'll have some decent height and cover, but either way
4 on this, they will be surrounded by existing vegetation. We will not allow any signage.
5 Your ordinance requires that we cannot exceed 300' in height, we're coming in at 195,
6 so we're almost a third inside your standard. The last requirement, to take it down, in
7 my application I submitted a separate cover, as South Carolina counsel for Cingular
8 Wireless and in fact we would remove it if it goes into disuse and we would ask that if
9 you deem this appropriate for approval we would have it as a condition of our approval
10 that it has to be removed. Those were the general tower requirements. We now go into
11 26-94(A)(9), which are the specific special exception requirements for towers in
12 Richland County. Number one, will we endanger health and safety? Absolutely not.
13 Again we're going with the monopole design, just to, and we hadn't done a monopole in
14 a while. Just to bring it back to your memory, a monopole is just a pylon, much like
15 you'd see in front of a Wal-Mart or a Hardee's, but instead of their signage, we'll have
16 our equipment. The beauty of the monopole is a great deal of the monopole is actually
17 below grade, so it has the highest structural integrity of anything we do. The likelihood
18 of it failing are extraordinary remote. Anything that could take that down would take out
19 the surrounding area. Number two, are we in an area where we'll not substantially
20 detract from aesthetics of neighborhood character? This is the issue that we've been
21 working on for a couple of years, because we are into a very old and historic part of
22 Richland County. What Mr. Stewart offered us, 44 acres, not only 44 acres, he offered
23 us a decent placement of the 44 acres and he offered us a piece of property with heavy,

1 heavy trees. In addition to what we're putting on, or what we normally do is very
2 innocuous in terms of height, design of pole and the lack of lighting. Number three, is
3 this necessary to provide a service that's beneficial? We feel very much it is. While it's
4 easy for use to feel, we feel that we can back this up with good numbers across the
5 country, in terms of 911. The other thing too, since I've seen you, we've had two
6 watersheds have happened in my industry since we talked last. We got the data late in
7 February, but in January '05, for the first time in the United States, this is a goal that's
8 been achieved around the world previously to us, but for the first time in the United
9 States, in January '05, there were more minutes used in this country of wireless versus
10 wire line. So, that is a watershed this industry has been looking for and we see the
11 decline of the wire line is going to go much quicker after that. In addition, we went over
12 the 185 million mark, in terms of number of citizens of the U.S. that actually have
13 wireless phones. It is projected that by May or June will be at 200,000,000. We have
14 never in this country had 200,000,000 wire line phones, so wireless is not only here to
15 stay but it's here in everyone's hands and what it can do for safety has been seen
16 throughout the country. Next question, do we meet the underlying setbacks? Yes, we
17 do. We're, again, in the RU district, which we normally find ourselves in. RU provides
18 for 40 front foot setback, 50 rear and 20 sides. We're at 350 on the front and in each
19 case that's our closest setback, 350 off the front, so we make that by about a factor of
20 eight. The rear setback we're over 1,200, 1,300 feet, excuse me, so we meet that by a
21 factor of 65; so we greatly, not only meet but actually exceed by incredible factors your
22 required setbacks. Number 6 is the co-location request, which comes in two parts; did
23 we attempt to co-locate? Absolutely, particularly last year when we had our initial

1 setback, William went to look and there was absolutely nothing, in this area of Hopkins
2 that he could use because we, William has had this coverage void. This being a
3 tougher site for William, in that what we are doing here is we're infilling to existing sites,
4 so the problem we have for Cingular is their phone will work on Lower Richland to this
5 point, then it will quit working and that's when we have our most irate customers.
6 Unfortunately, William has had to put up with this for two years because we could not
7 find anything that he could go on that was existing. The final thing we need to show you
8 today and this was required for all special exception of any sort for Richland County, is I
9 have to answer these five questions. The first one being traffic impact; we've discussed
10 this before, this tower, like our others, will require a build out period of about 30 days
11 where we will have activity on the Stewart's property. After that our average time on
12 site is eight to 10 visits a year and those visits are measured in one to two hours and
13 those visits come in the form of small trucks just tinkering with our equipment. So, we
14 do not create any really additional traffic flow. Vehicle and pedestrian safety, we've seen
15 clearly through the U.S. and we have testimonials in from law enforcement, we actually
16 enhance vehicle and pedestrian safety. Number three, is there potential for any offsite
17 noise, odor, fumes, light? In this case we do not produce any noise from our
18 equipment, there is no odor emanating from our equipment and most importantly we will
19 have no lighting on this particular equipment, so anything we do will be contained inside
20 of our compound, in the 44 acre parcel. Number four is a repeat from a question we've
21 answered before, but just to hit it again, this asks under the general criteria, are we
22 going to adversely impact the surrounding area? We do not feel that we do. We had
23 the area thoroughly reviewed by South Carolina SCHPO, we found a 44 acre tract. We

1 worked hard on this because we did have family members out there, in terms of the
2 Hopkins family, that have been there a long time, they've owned this property a long
3 time and for the past two years we've worked with them to come up with a site that they
4 were willing to allow in - adjacent to their family owned property. Number five is not that
5 applicable to us but I will address it; it is orientation and spacing of buildings. We don't
6 have buildings, *per se*, we will simply have the facility surrounded by some cabinetry.
7 The good news is all of that will be contained in our compound, the tower center is
8 about 350' off the road and there you have it. We're here to answer any questions.
9 Again this one has been the longest one I've had in development in Richland County
10 because we encountered some neighborhood concerns and it took us awhile to address
11 them and you should have in your package the letter from Mr. David Hopkins, who is
12 most recently who we've been working with in terms of the Hopkins family to make this
13 work. My thanks on this one to William. William had to go to the drawing board, he
14 started with Plan A and I think he's at Plan T now, he had to keep redesigning this one
15 where to get it to where it's palatable to the surrounding community. We're here for any
16 questions.

17 CHAIRMAN BROWN: Any questions by Members of the Board of Mr. Yates?

18 MR. TOLBERT: Yes, Mr. Yates?

19 MR. YATES: Yes, Mr. Tolbert.

20 MR. TOLBERT: I would like to know if, given that you had to lower the height of
21 the tower, will this require you to need an additional tower in that area?

22 MR. YATES: I'm going to have William - and I understand that's a good
23 question, yeah it's a fair question because it did start life at 250. I'm going to let William

1 address that because he is the guy who designs and in this case redesigned and
2 redesigned. For the Board, William Robinson who is a Senior RF Engineer with
3 Cingular Wireless.

4 **TESTIMONY OF MR. WILLIAM ROBINSON:**

5 MR. ROBINSON: I'm William Robinson, 312 Saint Andrews Road, Columbia,
6 South Carolina, 29210. As Mr. Yates already talked about, we've had to redesign this
7 tower on several occasions. We started at 250', being that this was a very rural area,
8 my intentions were that with the higher height I can cover more area, in case the
9 Hopkins area was to ever to expand or to grow. Right now, at 195' I have decreased
10 my foot print. I am covering my main objective, which is Lower Richland Boulevard,
11 which is the main road going through Hopkins. However, if there is additional growth to
12 the east of Lower Richland there may be a need of an additional tower but at this point
13 in time with our design plans, we don't have that and that's one of the things we're
14 showing out, that was taken into consideration with our next presentation that we do at
15 the overview.

16 MR. TOLBERT: So I'm hearing you say the answer to my question is, that is a
17 possibility right?

18 MR. ROBINSON: It's a possibility if there is additional growth in the Hopkins
19 area to the east of Lower Richland Boulevard and south of Garners Ferry.

20 MS. DORSEY: Would the requirement be just another monopole to fill in or, for
21 the infill or would a -

1 MR. ROBINSON: Not looking at the design right now I would have to assume
2 so, yes. Because I've already used one monopole. I don't see a need for me to go at a
3 higher than what I'm already at.

4 CHAIRMAN BROWN: Any other questions of Mr. Yates? Okay, Mr. Yates, you
5 have three or four other people signed up, do any one of them wish to speak or are they
6 here simply to support?

7 MR. YATES: Mr. Chairman, they're just here to field any questions from the
8 Board or the public that might arise.

9 CHAIRMAN BROWN: Okay, thank you. I have one person signed up in
10 opposition, Mrs. Bush.

11 **TESTIMONY OF MRS. EVELYN BUSH:**

12 MRS. BUSH: My name is Evelyn Bush, 7309 Venus Road in Columbia and I'm
13 here, I hate to come up here so often, but it's the same thing keeps coming up, that we
14 rode up, over Easter we rode up to Aberdeen, North Carolina and back, and it just
15 seems to me that more and more towers are sprouting up and that the - I'm sure that
16 they need the phones for their people that - who subscribe to their service and I heard
17 Mr. Yates say that more people now are using the wireless phones than the land line
18 phones and this will increase. And that - what I am here, again this is a point that I've
19 been making, trying to make all the time, is the health and safety of the people who are
20 in the line of this electric, ER, electromagnetic radiation; that people don't know these
21 towers are there, there are no signs on the tower, if they do, if they could find them, if
22 that - when they want to, if they did want to call and ask any questions, most people
23 don't know what to do about that and if you would, if there would any harmful health

1 effects from these towers that people would not know it until way down the road when
2 they got, whatever happens to people when they get radiation. But the thing about it is,
3 I sort of hate to ask people how you're feeling or how, where's so and so, that I mean,
4 so many people to me seem to be getting cancer in South Carolina and I'm sure it
5 comes from other things, there's so many chemicals in the state and so forth and so on.
6 But I just want to say again, that I think when people look at the aesthetics of the, what
7 goes on in this county, is - that should come way down the line and the health and
8 safety of the citizens should be first.

9 CHAIRMAN BROWN: Thank you Ms. Bush, any questions of Ms. Bush by
10 Members of the Board? Thank you, ma'am.

11 MR. FARRAR: Mr. Chairman, there's an additional witness who apparently
12 would like to speak to this.

13 CHAIRMAN BROWN: On this case?

14 MR. FARRAR: Yes, sir.

15 CHAIRMAN BROWN: Okay come and sign in please. Mr. Farrar - if you will turn
16 around, Mr. Farrar will sign you, will swear you in.

17 **TESTIMONY OF MS. LILLY BATES:**

18 MS. BATES: Good evening everybody, I want to apologize, my name is Lilly
19 Bates and I'm from Hopkins and I want to apologize for getting here late but I do want to
20 say some things about the safety of, or the fact that it's not safe with the towers. I have
21 some research from the Internet and, a whole bunch of it, but from reputable
22 organizations and what have you, like the National Institute of Environmental Health and
23 Sciences, I don't know, just a whole bunch, so it's about, I don't know, maybe 30

1 something references. But, some of the things that they are saying that these towers
2 can cause, that's the radiation; they found a doubling of the rate of Lymphoma in mice
3 they've changes in tumor growth in rats and increase number of tumors in rats; more
4 childhood Leukemia, in children exposed to RF, neurological changes, decreased
5 memory, attention and slow reaction time in children. Retarded learning in rats was an
6 indication in one of the experiments and these are reports from the World Health
7 Organization, United States Food and Drug Administration, International Agency for
8 Research on Cancer, [inaudible] work, environmental fund, National Cancer Institute
9 and so forth and so on, that's part of it, and you know, there were plenty more. But, my
10 concern is, is that this tower is right next, maybe a block or two from the Hopkins
11 Elementary school and next to the Elementary school there is, of course, the
12 Magistrate's office, but also adjacent to the tower, it's a heavily populated area, that's a
13 housing development close to where this tower is going to go and it just, to me just to
14 populated and causes to much health concerns. So I was just here to speak in behalf of
15 the community and say that there is documented health risk to the safety of the
16 radiation and ask that you please not approve this and I have the research if you care to
17 look at this.

18 CHAIRMAN BROWN: Any questions by Members of the Board for Ms. Bates?
19 Okay, thank you, ma'am. That concludes the persons to speak on or in opposition of
20 this case. The Chairman will entertain discussion. Oh I'm sorry, yeah, I need to give
21 you an opportunity for rebuttal, Mr. Yates.

22 MR. YATES: Just a quick rebuttal and we've addressed this before, is a lot of
23 data available on the Internet and William can expound further, but the fact of the matter

1 is this industry is the most heavily regulated right now in the country. The health and
2 safety aspects have been thoroughly reviewed by the Federal Government and as Mr.
3 Farrar can mirror for me and we had a case that just was published opinion, that just
4 came out a week ago Tuesday, from the Supreme Court enforcing the Telecom Act of
5 1996, which provides a local government can not review these towers on health and
6 safety but to - that's the easy answer. The tougher answer, the effects that have been
7 studied by the FCC, there are no effects whatsoever, on humans and to keep in mind,
8 any effect whatsoever would be a prolonged exposure at the height of our antenna. So,
9 what you'd have to do to get any exposure would be a prolonged exposure directly in
10 front of our panel, which is 195' in the air, which you cannot physically do. Our panels
11 will be secured inside 100 x 100 leased area and at 195'. But if you want any further
12 background on that we can give it and it's certainly a question that's been asked
13 throughout the country and the federal government has been very clear, they have
14 found no health effect whatsoever from what we're doing and the fact the comparison
15 has been made with the EMF, who typical household items, just to give you a feel, if you
16 have a Nintendo set in your house it puts out 32,000 time the field, a microwave oven
17 puts out 3,200 times and a clock radio projects an EMF field 130 times what our panels
18 are doing and again, to get any effect from our panels, you would have to be adjacent to
19 them at height which is virtually impossible.

20 CHAIRMAN BROWN: Thank you, Mr. Yates. Any questions from Mr. Yates
21 based on his rebuttal information? Alright, now having had the rebuttal, the Chair will
22 entertain any discussion by Members of the Board.

1 MR. TOLBERT: My only concern was, given the fact that they had to reduce the
2 height of the tower, we get to see Mr. Yates again in the future. It's not normal practice
3 and that was my main concern, not a normal practice to put out enough to cover an
4 area, then you go back and retract it, usually brings up a question in my mind, it raises a
5 flag as to that something in the future is going to happen again.

6 CHAIRMAN BROWN: That was a legitimate question. I guess the answer is
7 they don't know until they see the pattern of development and growth in the area, so we
8 can't be assured that we won't see Mr. Yates again. Any further discussion by
9 Members of the Board? If not the Chair will entertain a motion.

10 MR. YOUNG: Mr. Chair I move that case number 05-49 Special Exception be
11 approved.

12 CHAIRMAN BROWN: Is there a second?

13 MS. DORSEY: Second.

14 CHAIRMAN BROWN: It's been moved and seconded that case 05-49 SE be
15 approved, all those in favor indicate by raising their hand, opposed?

16 *[Approved: Branham, Dorsey, Young, Brown, Tolbert; Absent: Perkins]*

17 CHAIRMAN BROWN: Mr. Yates, you have your Special Exception. Mr. Price
18 will be in touch with you. Mr. Price?

19 **CASE NO. 05-56 SE:**

20 MR. PRICE: Okay, the next case is, next item is Item B, 05-56 Special
21 Exception. The applicant is Jonathan Yates. The location is Forest Shealy Road. The
22 existing zoning is rural. The applicant is requesting the Board of Zoning Appeals to
23 grant a special exception to permit the construction of a communication tower in an RU

1 district. Once again, the existing status of the property is undeveloped and heavily
2 wooded. The applicant proposed to erect a 150' self support tower within a 10,000
3 square foot leased compound. The neighboring parcels are composed of wooded and
4 undeveloped lots, a mixture of single-family dwellings on large tracts, developing
5 subdivisions and elementary school.

6 CHAIRMAN BROWN: Thank you. Mr. Yates?

7 **TESTIMONY OF JONATHAN YATES:**

8 MR. YATES: Thank you very much. This is another facility that we've been
9 working on for quit some time and why the additional time for this one is, this will
10 actually hand off, William can expound on this, but this will hand-off to five existing
11 facilities. We were looking in the White Rock area of Richland County. We are, our
12 desire was to get coverage more complete in White Rock to cover Johnson Marina
13 Road, Forest Shealy Road, as it goes by Lake Murray Elementary and to connect back
14 up to Dutch Fork. In this regard, we've been working closely over the past many
15 months, with the Ballentine/Dutch Fork Association, Mr. Bert Castles, a local zoning
16 lawyer, who also lives in that area, and Mr. Stewart Mungo. Mr. Mungo is not only a
17 somewhat close neighbor of this facility, Mr. Mungo owns, or his company owns a great
18 deal of the property around it, with future plans for it. So, we did not change, we -
19 knowing who we were going to be working with, William's order on this one and as he
20 was connecting up to five existing, we said, "William what can you achieve here to make
21 your connections and, again I think the term he uses is an in-fill site. He has a great
22 deal of coverage surrounding it. He's trying to fit in that tiny little piece that will connect
23 to existing and the additional concerns here, also we had the lake to deal with. So we

1 put a lot of work into this site. We ended up with a nine acre piece, owned by Joe and
2 Dorothy Gosinski. They could not be here today. Joe, is unfortunately undergoing
3 chemotherapy, with Wednesday afternoons being his treatment afternoon. Mrs.
4 Gosinski is part of the Geise family, that at one time owned almost all of White Rock
5 and this is one of their old family tracts. To the left, excuse me, get my bearings right,
6 right here, down to the south of the property, you have the elementary school and then
7 we're surrounded, for the most part, by some Geise descendant, or a member of that
8 family. What we looked for in this site and the mandate we had, we had a nine acre
9 piece to work with, as you can see, it also enjoys some very nice tree cover. They
10 timbered it once but a long time ago. The Gosinski's have just simply let it be what it is;
11 they live nearby and their cousins, Mrs. Gosinski's cousins live around it. The mandate
12 we got was the local folks want us to, as much as possible, get as far off, this would be
13 Forest Shealy Road here, which takes you to Lake Murray Elementary. Off the map,
14 but coming around here is Johnson Marina Road and the word we got, give us the
15 shortest thing you can give us and get it as far off of those two roads as possible, to
16 bury it so to speak, in the back of the Gosinski property and we're going to come to that.
17 So, we were able to get 700', we took it 700' back off of Forest Shealy and with our
18 other mandate, was to get it as far back from Johnson Marina as possible, we were able
19 to tuck it into this corner and we will, again discuss later, and something Brad and I've
20 always discussed and we discussed two meetings ago, a special exception in the
21 special exception. We are 150' from here, 150 to here, we're 662' going this way and
22 474. This represents an existing dirt trail on the property. Cingular, we have no
23 problem moving this, if we needed to, an additional, because we have the old question

1 as to the ordinance, whether we measure from tower center or lease area center. We
2 do not mind moving it here, right here, because that's, you know, obviously 50' and we
3 would meet even the Hicks, what we call the Hicks exception in the exception. The
4 reason why we took the rule, the reading of the ordinance that allows for from the tower
5 center is the indication we're getting, got, is they want us to get it as far back as you
6 can, both from Shealy Forest (sic) and Johnson Marina. So, that is where it is. Again a
7 nice piece of property, nine acres. This pole is even shorter, William had a little more
8 latitude here, in the William hooking up to five existing, William was able to get this
9 down to 150. If I'm not mistaken, this will be our shortest in the unincorporated area of
10 Richland County and perhaps our shortest, including our City of Columbia facilities, so
11 this is really the shortest pole we've done. What gave William the latitude, it was a true
12 in-fill so he was able to get smaller, just to give you a feel for the overall area, as you
13 see this is treed out. This is my nine acre piece, these structures, this is an abandoned
14 structure still on the property; various members of the Geise family live around, live in
15 here, and here's Lake Elementary, Lake Murray Elementary and the lake itself would
16 come up off the map. We'll go through the regulatory review. Again on this one,
17 USF&W, we have a clean USF&W letter. At 150', the FAA does not review, there is no
18 FAA review at 150' because we're under their 200' statutory limit. Again, we went to the
19 SCHPO, South Carolina Archives and we got their "No Effect" letter. In addition, this
20 one, as cause it could have been at one time, lands of the Catawba, this was also
21 present to the Tribal Historic Preservation Office, up in Rock Hill and Winoa Hair(?), the
22 THPO Officer, signed off as to the Catawba Indian Nation. Brad we'll now take a look at
23 the ordinance. And I know we've heard this once today and many months before, so I'll

1 try to move it quickly. Alternatives, there were none. William had, out there in that area
2 you have the school, you have housing developments but we didn't have anything of
3 height that William could have used. We then get into our site plan question, as you
4 know under your ordinance you have, we have to be height of the tower, which is 150',
5 from any adjoining property that is either zoned residential or has an inhabited
6 residential structure. In this case, we are 150' from the center of the tower, which is
7 always how we've read the ordinance. Later last year, which we debated, we all
8 discussed, I'm not sure what the ordinance is clear on; was the question do we have to
9 be from the lease line? We can certainly move it to 50', however we prefer the location
10 we're in because that met the requirements, that it got us further off of Forest Shealy
11 and it got it further off of Johnson Marina, which is what we're trying to do. The land is
12 there. We really leave that to you. From working with the neighbors and Mr. Mungo,
13 the preferred location was to get as far as possible off those two roads to tuck it in the
14 back of the corner and quite clearly, the way we've been reading the ordinance for 10
15 years, is measured from tower height; so that's why we're at that. Illumination, there will
16 be none. We will do our standard 7' fence, the one strand of barbed wire. Again on the
17 Gosinski property, we will come in and clear. We're going to have clear to get this out
18 and one other factor on the 50', at its present location, there were one or two very good
19 size trees that we will not have to remove if we can stick to the traditional counting of
20 measuring from the tower center. If we move it, there were one or two good bit larger
21 trees that we would like to remain on the property, if possible, that's your decision.
22 Number six, there will be no signage. Number seven, we cannot exceed 300', we're
23 150', so we're only half. The last requirement is our agreement to remove, which I

1 contained in my application and we would make a condition as approval. We now have
2 the six special exception requirements for towers. Will we endanger health and safety?
3 Absolutely not, again we're a mono-pole, we are on a nine acre piece of property and
4 we're 700' off of one road and we're several thousand, almost half a mile, almost 2,000'
5 from Johnson Marina Road. In case of a catastrophic event, it is designed to buckle, in
6 worst case, but all be contained in our 100 x 100 lease area. Number two, this is one
7 we worked closely with, in fact on this, cause there were questions from
8 Ballentine/Dutch Fork, we went through the extra step last, Thursday morning, we
9 floated a balloon on the property, to the height, we floated a balloon to the 150' height,
10 we left it up as people drove to work, so Mr. Castle's, Mr. Mungo and all those folks in
11 that area could take a look and we got very positive feedback; because a lot of times
12 when we talk about communication facilities, you say 150', till I got into this I didn't know
13 what that meant and a lot of folks don't. The feedback from the balloon test was very
14 favorable, we were, there are only three vantage points where you could see the
15 balloon and we had people tracking around it all Thursday morning. There is a brief
16 break that you can see it from the intersection of Shealy Forest (sic) and Johnson
17 Marina, just a small break. You can see it from the parking lot of Lake Murray
18 Elementary and then at the intersection of Geise and Lowman Home Road, there was a
19 little break that you could see it, otherwise - and the area was scowered, particularly by
20 Mr. Mungo, who has a great deal of property there, I guess destined to be upscale
21 homes, they were happy with the results of our balloon test. Going on down, are we
22 necessary to provide a service? We feel that we absolutely are. As we discussed the
23 benefits of wireless and this is, William has this site very well surrounded, but William

1 does not have the coverage he needs in White Rock. In White Rock proper and for
2 your phone to work, if you're picking up a child from school or getting a communication
3 to the school to a wireless device, this will help us get the communication inside the
4 buildings of Lake Murray Elementary. And one thing to address to Mrs. Bush, we're
5 actually, not as much in South Carolina but where I work in North Carolina, we're on a
6 lot of school property because most of the ordinances in North Carolina, they actually,
7 we actually have to, as a requirement of most county ordinances in North Carolina, we
8 have to try to use Government owned properties first. That's actually a criteria of the
9 ordinance, where we have to show why we cannot own a public, cannot use a publicly-
10 owned property. So, particularly in North Carolina, I actually have a lot of facilities on
11 schools because that's a requirement, they'd rather you own, use government owned
12 property and we have not repercussions from our use of government owned property in
13 North Carolina. We also do it a lot in the state of Georgia, a lot of jurisdictions in
14 Georgia first say, "Before you can give us a site, we want you to tell us why you couldn't
15 use any government owned property." So we're actually on a lot of schools. We're
16 actually [inaudible] where we do a facility where our equipment can hang and the
17 SCETV equipment, they'll be beaming into the classrooms, can also hang, but not as
18 prevalent in South Carolina. The setbacks, again this also in the RU district, giving me
19 a 40 front feet, 50 rear, 20 sides, we greatly exceed all of those by and incredible factor.
20 We're 700' from the front against a 40' requirement, from one side we're over 660', for
21 the other side 150, so 20 times that, you know we're a factor of almost 25. All the
22 setbacks we greatly exceed all the setbacks, so we're well within compliance. Did
23 William attempt to co-locate? He sure did, there was nothing out there. We have

1 designed this tower, the second part of Number six is, are we going to allow co-
2 location? William has designed this facility to allow three of our competitors on it. In
3 addition we've reserved space if Richland County or any other local law enforcement or
4 public safety needs space, we will provide that space to them. And that sometimes
5 does come up in the context of schools where we are seeing emergency folks like to
6 have an extra repeater near where they might have some activity, where they would
7 want to be, have quick response. Finally, we have the general requirements for any
8 special exception in Richland County traffic impact. We discussed this before, 30 day
9 build-out, eight to 10 times a year, very little traffic impact that we will be putting onto
10 either Forest Shealy or Johnson Marina. We will enhance vehicle and pedestrian
11 safety. Impact off-site, there are not lights, there is no noise, no fumes or odors.
12 Adverse impact on the proposed use of the aesthetic character of environs, this is again
13 one where we worked with the folks who lived out there to come up with the best
14 location. They understood that we were coming and they were not opposed to our
15 coming, they wanted us to pick the best possible site and the best possible manner to
16 do work in White Rock and that's what we all feel, by committee, we've arrived at. The
17 final proof we had to deliver to this group was our balloon test last week, which met with
18 their approval. The results, the balloon test, met with their approval, the visibility was
19 going to be such not to, as to affect the surrounding area. Finally, the orientation,
20 spacing of the buildings, there is no building. We will simply have a 100 x 100 leased
21 area, we will fence 60 x 40, we will landscape with our traditional landscaping and it will
22 be setback 700' off Forest Shealy Road. We're here for any questions.

1 CHAIRMAN BROWN: Questions for Mr. Yates? Mr. Yates, again I noticed you
2 have several people signed up with you, do you wish any of them to add anything?

3 MR. YATES: No, sir. They're here for any questions of the Board or any
4 questions of the public as to this site.

5 CHAIRMAN BROWN: And I have Mrs. Bush signed up in opposition.

6 **TESTIMONY OF EVELYN BUSH:**

7 MS. BUSH: For the record, Evelyn Bush, 7309 Venus Road, Columbia. Mr.
8 Chairman and Members of the Board, we live in perilous times that we are caught in the
9 middle, we are caught in the middle of our world moving so fast that there's no slowing
10 down and with all the cell towers, all of the satellites and that with out nation being at
11 war, there is no hope, in my view, for just the ordinary people, just to sit back and take
12 what comes; that they're only hope is in a higher power. But I'm here just to, one
13 question I'd like to ask since there's a - I would like to know if the developers have to tell
14 the homebuyers, these upscale homebuyers, about these tucked away cell towers,
15 tucked away, what communication towers, whatever they're having that people cannot
16 see and there has been discussion about this, the stealth towers and when these are
17 done officially, to me that they amount to just about the same thing as stealth towers if
18 the people don't know about it and have no way of learning. And I won't take up
19 anymore of your time. I don't think it's going to do to much good, but I do want to tell
20 you that in The State Newspaper, in the legal advertising, that this, Mr. Yates told me
21 before, I talked to him before the meeting started, that these three towers are in
22 Columbia. So in addition to what we're getting out in the unincorporated section of the
23 county, that we are getting more in Columbia and that, I'll just repeat myself, because

1 I've done it before, it seems to me that they're just popping up like mushrooms all over
2 and I agree with Mr. Yates that in North Carolina you can see as many of them as you
3 can down here. So I mean we're just caught in the middle. Thank you very much.

4 CHAIRMAN BROWN: Thank you Ms. Yates, any questions for Ms. Yates?
5 Thank you, ma'am, Ms. Bush I mean, I'm sorry, not Ms. Yates. Mr. Yates, do you have
6 any rebuttal you care to present?

7 MR. YATES: No, sir, nothing to add but we're here for any questions that may
8 please the Board.

9 MS. DORSEY: Mr. Yates, he said it was going, that you were moving it further
10 from the road, what is it backing up closer to, moving it further?

11 MR. YATES: It would be backing up closer to other Geise property and it's -
12 we're only 50', they'd asked us for the, you know, get as close as we can and it's just
13 50' closer to a parking lot on the school property. And two things, what it, it gave us two
14 things we're that, to be honest, one thing that we were trying to accomplish, one thing
15 the neighborhood was trying to accomplish. They wanted it as far as possible off
16 Johnson Marina and Forest Shealy and in addition there were, when we did our site
17 survey, there were one or two pretty good sized old trees that would not have to be
18 cleared. So, from a Cingular perspective we can do the pleasure of the Board and,
19 again, this is, there's still a question as to how the ordinance is truly interpreted, but we
20 are prepared to do it either way. We presented it this way because that seemed to be
21 the pleasure of the surrounding area and also there were two trees we'd like to preserve
22 if possible. It's at the Boards discretion.

1 CHAIRMAN BROWN: Any additional question of Mr. Yates? If not, the Chair will
2 entertain discussion. I guess the question that we need to address within the overall
3 context is how the Board chooses to look at the setback requirement. Personally, in the
4 past, I've always been of the impression that it was from the tower itself rather than from
5 the property, but that's simply me. I've never heard the Board, at any time, express a
6 collective opinion as to which way it ought to be interpreted. I guess that's our
7 prerogative until somebody tells us it's wrong or challenges it or, that it's somehow
8 called into question. So maybe the discussion needs to begin with that question and
9 then ultimately get to the question of the overall question.

10 MS. DORSEY: I realize we overlooked it and perhaps we want to go back and
11 amend the first cell tower but I noticed that there was a recommendation of a condition
12 that I think applies to this question, about measuring it from the leased area and it's not
13 listed as a condition, or a recommendation for condition on this tower, I'm not sure why.

14 MR. PRICE: Just a second, I can tell you. Yeah, actually it should have been
15 taken out of, as a condition on the first tower, on just from discussions amongst Staff
16 and also with previous Zoning Administrators, whoever they may be. It was determined
17 that, you know, if that was the intent of the ordinance, to be, towers to be measured
18 from the center of the tower as opposed from the leased area. So, I apologize, but for
19 in the first case, that condition should not have been applied.

20 MS. DORSEY: So you are interpreting it as from the center of tower?

21 MR. PRICE: Correct.

22 MS. DORSEY: Okay, well as long as we can come to some sort of consistent -
23 that's good for me.

1 CHAIRMAN BROWN: I agree. There's needs to be consistency in it, right and
2 wrong, right or wrong it ought to be consistent. So is it, is the consensus of the Board
3 that it should be measured from the, from the footprint of the tower itself as opposed to
4 the lease line of the property?

5 MR. TOLBERT Yes

6 MS. DORSEY: Yes.

7 CHAIRMAN BROWN: Maybe we ought to vote on that, just to sort of make it a
8 matter of record. So is it your proposal then, Ms. Dorsey, that we measure it, or that we
9 consider it to be measured from the tower itself rather than from the line of the lease?

10 MS. DORSEY: Yes and then if, as cases come up, we determine that maybe we
11 need to measure it from the leased area, or have a condition that it be measured from
12 leased area, we can take that on. But as far as the ordinance goes, yes, I propose, or
13 move that we measure it from the footprint.

14 CHAIRMAN BROWN: Those in favor of Mrs. Dorsey's -

15 MR. YOUNG: I second it.

16 CHAIRMAN BROWN: Second it, okay. Those in favor of Mrs. Dorsey's
17 proposal, and seconded by Mr. Young, indicate by raising their hand.

18 *[Approved: Branham, Dorsey, Young, Brown, Tolbert; Absent: Perkins]*

19 CHAIRMAN BROWN: Okay that seems to be the consensus and that takes care
20 of that issue. And now we'll get to the bigger question of the special exception to the
21 construction of the tower itself. Is there any further discussion on that? If not, then I'll
22 entertain a motion with respect to the special exception.

1 MR. BRANHAM: Mr. Chairman, I will make the motion that special exception 05-
2 56 be approved.

3 CHAIRMAN BROWN: Is there a second?

4 MS. DORSEY: Second.

5 CHAIRMAN BROWN: It's been moved and seconded, that case 05-56 SE be
6 approved. All those in favor indicate by raising your hand. Opposed?

7 *[Approved: Branham, Dorsey, Young, Brown, Tolbert; Absent: Perkins]*

8 CHAIRMAN BROWN: Mr. Yates, you have your special exception. Mr. Price will
9 be in touch. We will ask you to revisit after we conclude the cases to, for a general
10 discussion on cell towers. Thank you.

11 MR. YATES: Thank you.

12 CHAIRMAN BROWN: Next case, Mr. Price.

13 **CASE NO. 05-58 SE:**

14 MR. PRICE: Mr. Brown, there's been a little trouble hearing you.

15 CHAIRMAN BROWN: I'm sorry.

16 MR. PRICE: We're having a little trouble hearing you.

17 CHAIRMAN BROWN: Oh, okay.

18 MR. PRICE: Okay, the next item is Item C, Case 05-58 Special Exception. The
19 applicant is Nathaniel Brown. The location is 1120 Abbott Road. The existing zoning is
20 RG-1, which is general residential. The applicant is requesting the Board to grant a
21 Special Exception to permit the establishment of a manufactured home on property
22 zoned RG-1. The surrounding areas are mixture of single-family dwellings and
23 manufactured mobile homes and undeveloped parcels.

1 CHAIRMAN BROWN: Okay, first person I have signed up is Mr. Brown,
2 Nathaniel Brown. If you'd come forward and tell the Board what it is you want to do.

3 MR. BROWN: [Inaudible]

4 CHAIRMAN BROWN: Okay. Alright sir.

5 **TESTIMONY OF MS. NADINE BROWN:**

6 MS. N. BROWN: Hello, my name is Nadine Brown. I want to speak on behalf of
7 my dad, Nathaniel Brown, Sr. There was a house there before but it burned and I'm
8 here to ask special permission to put a mobile home on the property for my dad.

9 CHAIRMAN BROWN: Your father's going to live in it?

10 MS. N. BROWN: Uh-huh (affirmative).

11 CHAIRMAN BROWN: And is this going to be a new mobile home?

12 MS. N. BROWN: A new mobile home.

13 CHAIRMAN BROWN: And what's the size of it going to be?

14 MS. N. BROWN: I think it's, 16 x 80.

15 CHAIRMAN BROWN: Okay. Mr. Spearman was there a special exception on
16 this property for a mobile home once before? Do you recall?

17 MR. SPEARMAN: There was on down the street, I don't think it was specifically
18 for this property.

19 CHAIRMAN BROWN: Alright. Any other questions of Ms. Brown by Members of
20 the Board?

21 MS. DORSEY: Do you live on the property?

22 MS. N. BROWN: Do I live on the property? No.

1 CHAIRMAN BROWN: No, I think she said her father was going to live on the
2 property.

3 MS. DORSEY: Yeah, I was wondering if she lived adjacent.

4 CHAIRMAN BROWN: He indicates she's from Blythewood. Any other questions
5 for Ms. Brown?

6 MR. BRANHAM: I've got one Mr. Chairman, if I may and it may be a county - it
7 may be something that our Administration Staff would answer. I noticed that the parcel
8 size is .10th of an acre. Is that permitted outright in Richland County for special
9 exception?

10 MR. PRICE: Mr. Branham, well, when I was preparing the agenda that kind of
11 caught my eye too, the size of the lot. You know, technically that is a non-conforming
12 lot. However, I did some research, just to make sure and it is a lot of record, according
13 to our Assessor's Office and also to our maps that this lot has been, you know, legally
14 subdivided. How and why I don't know at this time but it is a lot of record.

15 MR. BRANHAM: Thank you.

16 MS. DORSEY: Could it be that [inaudible] would a trailer home meet the setback
17 requirement?

18 MR. PRICE: Just based on the size that she stated just now, it should meet the
19 setbacks.

20 CHAIRMAN BROWN: Any additional questions? Thank you Ms. Brown.

21 MS. N. BROWN: Thank you.

1 CHAIRMAN BROWN: There's no one signed up in opposition, Chair will
2 entertain discussion pertaining this request for special exception. Any discussion by
3 any Member of the Board? Hearing none, the Chair will entertain a motion.

4 MS. DORSEY: I move that special exception 05-58 be approved.

5 MR. TOLBERT: Second.

6 CHAIRMAN BROWN: It's been moved and seconded that Case 05-58 SE be
7 approved. All in favor indicate by raising their hand. Opposed?

8 *[Approved: Branham, Dorsey, Young, Brown, Tolbert; Absent: Perkins]*

9 CHAIRMAN BROWN: Mr. Brown your request has been approved and Mr.
10 Price, the Zoning Administrator, will be in touch with you. Next case Mr. Price.

11 **CASE NO. 05-59 V:**

12 MR. PRICE: Okay, the next item is Item D, Case 05-59 Variance. The applicant
13 is Jim Judy. The location is 95B Sunbelt Boulevard, the existing zoning is M-1. The
14 applicant is requesting the Board to grant, this is a variance, to reduce the number of
15 required parking spaces in an M-1 zoned district. The subject property is undeveloped.
16 The applicant proposes to construct a 42,000 square foot building on - 2,000, which will
17 be for an office, 40,000 for a warehouse. The surrounding properties are dedicated to
18 industrial uses. This is, I think we get these almost once a month where you get the
19 warehouse and someone's coming in and asking for a reduction in parking.

20 CHAIRMAN BROWN: Mr. Price, this is a variance or is it a special exception?

21 MR. PRICE: This is a variance. You know, the Code really doesn't stipulate it
22 has to go one way or the other. Under the parking section you can do warehousing up
23 for, as a special exception, up to 75%, but nowhere in the Code does it state that it can't

1 be done as a variance. One of the things I noticed, once again as I was preparing the
2 agenda, and something I'm trying to work on, it was done as a variance on a -

3 CHAIRMAN BROWN: That's why I ask because if it's done as variance, he has
4 to indicate a, provide us with a hardship; whereas if it's done as a special exception he
5 doesn't do that.

6 MR. PRICE: Well, yeah, I'll read -

7 CHAIRMAN BROWN: [Inaudible]

8 MR. PRICE: I kind of reviewed all of that, Mr. Brown, and one of the things I
9 looked at by the time I would have gotten him in, resubmitted application, already been
10 advertised as a variance, I probably would have had to defer him. But, once again I
11 think, not to make the case for the applicant but I believe from previous requests that
12 have come, it's been kind of determined that the ordinance really doesn't address, you
13 know, the warehousing as it should, so I think that's how we've looked at it previously in
14 granting variances.

15 CHAIRMAN BROWN: I should make it a matter of record at the outset that I
16 know Mr. Judy and have dealt with him in the past in a professional capacity over the
17 years. That would no way influence how I would vote on this request.

18 MR. BRANHAM: Likewise here, Mr. Brown. I've done business with him too, but
19 I don't see where it would interfere, it would conflict with my vote this afternoon.

20 CHAIRMAN BROWN: Okay, Mr. Judy if you'd tell the Board what it is that you'd
21 like to do please.

22 **TESTIMONY OF MR. JIM JUDY:**

1 MR. JUDY: My name is Jim Judy and it was required 77 parking spots for this
2 office warehouse and I have now got a proposed tenant to go in it that has 20
3 employees, so they only need 20 parking spots and I think, according to the special
4 exception, we're supposed to be going to 30 -

5 CHAIRMAN BROWN: Two.

6 MR. JUDY: Two.

7 CHAIRMAN BROWN: Alright, and because this is framed as a variance, Mr.
8 Judy you need to articulate, for the Board, a hardship that requires that you reduce the
9 number of parking.

10 MR. JUDY: Other than that it would be under special exception?

11 CHAIRMAN BROWN: Pardon?

12 MR. JUDY: You said under special exceptions?

13 CHAIRMAN BROWN: Under a special exception you wouldn't need that but
14 that's not what you requested. So now that you've made your bed you're going to have
15 to lie in it and it is necessary to come up with a hardship.

16 MR. JUDY: The hardship would be having to put in all these extra islands and
17 extra trees for the tree groupings that's required for the extra parking spots.

18 CHAIRMAN BROWN: Any questions of Mr. Judy? There is no one else signed
19 up either in favor of or in opposition. Okay, thank you Mr. Judy. Inasmuch as there are
20 no other witnesses, the Chair will entertain any discussion. Seemed to me that we'd
21 get, as Mr. Price said, we get at least one of these a month almost, current state of
22 automation and robotics and everything else. The number of employees keeps

1 dropping off regardless of the size of the facility and [inaudible] and equipment. If there
2 is no discussion, the Chair will entertain a motion.

3 MR. TOLBERT: Mr. Chair, I move that 05-59 V, Variance, be approved with the
4 hardship stated and the applicant's presentation.

5 CHAIRMAN BROWN: Okay, second?

6 MR. BRANHAM: I'll second.

7 CHAIRMAN BROWN: It's been moved and seconded that Case 05-59 V be
8 approved. All those in favor signify by raising their right hand. Opposed?

9 *[Approved: Branham, Dorsey, Young, Brown, Tolbert; Absent: Perkins]*

10 CHAIRMAN BROWN: Mr. Judy you have your requested variance, Mr. Price will
11 be in touch with you. Next case, 05-60 has been deferred. Mr. Price, next case please.

12 **CASE NO. 05-61 SE:**

13 MR. PRICE: Alright, the next item is Item F, Case 05-61 Special Exception. The
14 applicant is Brenda Evans. The address is 10 Ambrose Circle. The existing zoning is
15 RS-2. The applicant is requesting the Board of Zoning Appeals to grant a special
16 exception to permit the establishment of a family daycare on property zoned RS-2. The
17 subject property has an existing two story single-family residential structure, which is
18 located within a cul-de-sac. An unimproved single car driveway leads into the property.
19 Actually I think that kind of becomes more of a double driveway, from further review of
20 it. A fence encloses a portion of the property. The applicant proposes to establish a
21 family daycare for a maximum of six children. The ages of the children will range from
22 newborn to six years of age. The proposed hours of operation are 6:00 a.m. to 6:00

1 p.m. The subject property is located within a community of single-family residential
2 structures. That's in the Pine Valley Community.

3 CHAIRMAN BROWN: Mrs. Evans, come forward and explain to the Board what
4 it is you would like to do please.

5 **TESTIMONY OF MS. BRENDA EVANS:**

6 MS. EVANS: Yes, I am Brenda Evans at 10 Ambrose Circle. I presented to y'all
7 some letters on behalf of my neighbors and parents that are desiring me to care for their
8 kids. I have been in business, as I stated, for 16 years and due to the circumstance of
9 the person, they're not want to sell or do the [inaudible] to maintain the faith and welfare
10 by DHEC and Department of Social Service to care for the children, to care for the
11 children. I had to in turn move because all this stuff, previously that would normally
12 passed failed. The squirrels did a lot of damage into the wiring and all, so everything
13 needed to be redone at the Code and neighbor, the lady did not want to, Ms. Clark did
14 not want to furnish and do all the upkeep she needed to do. So my purpose was, like I
15 say, just come, provide care, peace of mind to the parents and to continue providing
16 peace of mind to the parents in caring for their children. I care for three articulate (sic)
17 kids and, you know, giving them a chance where they can fit in with other children. I
18 have raised, mother of one, raised nine and out of the nine children I have raised were
19 articulate (sic) and to this day you would not know, know that they had articulate (sic)
20 ability. And I just, you know, feel that I have that qualification and would like to continue
21 providing those needs and, like I say, providing parents with peace of mind, in that
22 knowing and insuring that they're child will be in care.

23 CHAIRMAN BROWN: Questions by Members of the Board?

1 MR. TOLBERT: Mr. Brown, I looked at – Mike, can you turn it to the back, the
2 porch on the back, right there.

3 MS. EVANS: Yes.

4 MR. TOLBERT: Is that any kind of protection or will the kids be coming that
5 way?

6 MS. EVANS: No, they won't come that way at all, it just, they'll come at the front;
7 it's two little, it's one step down and right around we have a fenced in play area, there's
8 sand and everything and it is fenced in for the children.

9 MR. TOLBERT: And how will they get to the play area, they gotta come that
10 way?

11 MS. EVANS: No, they don't have to come that way, they come at the front, that
12 the fenced in play area. They'll come at the front, in other words they don't have to
13 come down those steps at all. That will not be used at all for the children to exit from.

14 MR. TOLBERT: You mean they're exiting out the front door to get to the
15 backyard?

16 MS. EVANS: Yes, sir, I have two double front doors and I have a front, where
17 the double door there's one step down, then I have the front where I can actually come
18 up my front center door. Two ways to come out where they can come out to and we
19 just come around to that play area. I don't have to use that part at all that is the dining
20 area, the kitchen and dining area.

21 MS. DORSEY: You don't really have an enclosed, completely enclosed yard
22 then?

1 MS. EVANS: My yard is completely enclosed from the back where they can,
2 where the child can, that play area right there has a gate. It's not up there, but it has a
3 gate that hinges and stuff, that opens and close, that they'll be enclosed right in that
4 area and thing and then we'll come out and we'll go back to reenter into the house
5 through those double doors. But my yard being, my yard is enclosed where the children
6 can't get out.

7 MR. PRICE: Yeah, I think she's referring to that particular section right there, it's
8 not -

9 MS. DORSEY: It's not fenced.

10 MS. EVANS: Well, I mean, I can provide a fence there.

11 CHAIRMAN BROWN: [Inaudible] show that off.

12 MS. EVANS: I can provide a, put a gate there cause I have; it's a long gate, then
13 all I have to do is just put an open gate, but I did it like that, we have an accent fence
14 and we left it because we have that enclosed and my concern was, I mean, I'm
15 concerned for the safety of the kids, but my concern was, we have a wooded area, all
16 that part is fenced in, the danger parts and stuff towards the back along the fence. But,
17 I can put a gate, I mean, if I have to put a gate there, you know, have a gate put there,
18 you know, that would go from that end and would tie into the next gate.

19 MR. TOLBERT: Well, I'm just going to express my concern that you're bringing
20 them out the front door.

21 MS. DORSEY: The double doors.

22 MR. TOLBERT: Around to the back.

23 MS. DORSEY: Are you bringing them out the double doors?

1 MS. EVANS: I have two front doors. I have a door over here that's double and I
2 have the one front door, I can use either door. I mean, I'm just saying I have either way,
3 I have two exits that, where the children can come out on my front. We're not using the
4 back. Like I said, the back is my, that's my dining room and all and everything, so we
5 don't come through there at all. They enter and exit through the front.

6 CHAIRMAN BROWN: Ms. Evans, are you living in this home?

7 MS. EVANS: Yes, sir.

8 CHAIRMAN BROWN: Are you, I get the impression, from some of these letters
9 that you're currently caring for children there, is that so?

10 MS. EVANS: I have my grandbaby that I care for everyday. I hadn't started, I
11 have my girlfriend, my church member, I keep her child, I'm just, until, she's was on
12 spring break. The school was down here, her family was and I was keeping her child,
13 but right now I just have my grandbaby and I'm watching her child, that's a church
14 member Lila.

15 CHAIRMAN BROWN: One of the requirements is that you be able to provide
16 loading and unloading of these children off the public right-of-way.

17 MS. EVANS: Yes, sir.

18 CHAIRMAN BROWN: And it's indicated in the discussion in the case that
19 nothing has been shown, up to now at least, as to how you're going to meet that
20 requirement.

21 MS. EVANS: What I did with my driveway, I thought he had a picture, I didn't
22 bring, I don't have a picture with me, but on my driveway, we already have a cut-out and
23 we're, right there, it's going to be widened and the, when you come in the circle, you'll

1 come around, I had a drawing, but you'll come around and you'll, it'll be paved where
2 you just come right up in front of the mailbox and you'll be out of the circle, the whole
3 care will fit back up in there. It'll only be two vehicles in the yard and that'll be the van
4 and my husband's truck that he drives and so when you come into the circle, cause I
5 was out there and I had a drawing, but my drawing that I had - when you come into the
6 circle, you'll come in, the house sits here and the way the driveway is now, right in front
7 of the mailbox, that's where you'll come up and you'll come in, then you'll curve right
8 back out.

9 CHAIRMAN BROWN: So you're going to put a circular drive in?

10 MS. EVANS: Yes, sir, that's why it's all broke up and torn, we just, I was waiting
11 just to get here so I can get everything approved before we go that particular route in
12 doing it. But that's how it's going to be done.

13 CHAIRMAN BROWN: Alright.

14 MS. EVANS: The mailbox will move to the other side and, like I said, they'll pull
15 up and come around.

16 CHAIRMAN BROWN: Additional questions for Ms. Evans?

17 MS. DORSEY: Going back to the fencing, it's in the ordinance that fencing shall
18 be prescribed by DSS, but in no case less than 4' in height, cyclone-type or equivalent.
19 And I interpret that as, there's a, there's an entirely enclosed area.

20 MS. EVANS: The play area? It has to be entirely, that, where the child plays has
21 to be totally fenced in.

22 MS. DORSEY: So that's your entire play area and you're going to put a fence
23 over it?

1 MS. EVANS: Yes, ma'am, yes ma'am, that's the entire play area that's fenced
2 in, with the proper measurements for the toys and for the children that will be playing
3 out there.

4 MS. DORSEY: You've got six children?

5 MS. EVANS: Out of six children there's only four that's able to go out and play,
6 the other one, she's, like I say, small and articulate (sic) and he'll be, if he's out, when
7 he's out there he'll be in a, he has to be in a, one of those special made car seats, it's a
8 chair, and then he has a special swing, it's a special little swing that he be braced in and
9 everything. So it's actually like five children that will physically, you know, move around.
10 And it's myself and my husband, you know, that do this daily.

11 CHAIRMAN BROWN: Any additional questions for Mrs. Evans? Alright, thank
12 you ma'am. I also have a Shirley McCrimmon signed up, do you wish to speak ma'am?

13 MS. MCCRIMMON: [Inaudible]

14 CHAIRMAN BROWN: Alright, thank you. There's no one signed up either for or
15 in opposition of this request. The Chair will entertain discussion by Members of the
16 Board. I'm a little - this is in Pine Valley, I'm surprised that we didn't hear from the Pine
17 Valley Homeowner's Association. They're usually pretty active.

18 MR. PRICE: Normally, whenever there's a case in Pine Valley, I usually contact
19 Mr. Whitmire.

20 CHAIRMAN BROWN: Right.

21 MR. PRICE: I left a message on his phone, haven't heard anything from him or
22 neither has our division heard any, had any questions with him, so.

1 CHAIRMAN BROWN: There's no further discussion by Members of the Board,
2 the Chair will entertain a motion.

3 MR. TOLBERT: Mr. Chair I make a motion that 05, I think it's, 61 SE be
4 approved with the stipulations, all requirements by DHEC and the requirements of
5 fencing and circular driveway be approved with a time limit of 90 days.

6 MR. PRICE: You mean DSS, for the requirement you said DHEC, DSS?

7 MR. TOLBERT: DSS, I'm sorry.

8 CHAIRMAN BROWN: And the circular driveway.

9 MR. TOLBERT: And the circular driveway, within a 90 day time period.

10 CHAIRMAN BROWN: It's been moved that 05-61 SE be approved, subject to
11 the meeting requirements of DSS and completion of a circular drive. Is there a second?

12 MR. BRANHAM: I will second if he will agree to say and proof of that be
13 submitted to Richland County, proof of the circular driveway be submitted to Richland
14 County.

15 MR. TOLBERT: Okay, in 90 days?

16 MR. BRANHAM: In 90 days. Yeah, I will second.

17 CHAIRMAN BROWN: Moved and seconded that 05-61 SE be approved with the
18 stipulations as stated. All those in favor indicate by raising the right hand. Opposed?
19 *[Approved: Branham, Young, Brown, Tolbert; Opposed: Dorsey; Absent: Perkins]*

20 CHAIRMAN BROWN: Ms. Evans you have your request. Mr. Price, the Zoning
21 Administrator, will be in touch.

22 **CASE NO. 05-62 SE:**

1 MR. PRICE: The next item is Item G, Case 05-62 Special Exception. The
2 applicant is Shirley McCrimmon. The address is 94 Johnny Lorick Road. The existing
3 zoning is RS-2. The applicant is requesting the Board of Zoning Appeals to grant a
4 special exception to permit the establishment of a family daycare on property zoned RS-
5 2. The subject property has an existing single-family residential structure. A driveway
6 leads to a garage. The rear of the property, well at the time I was writing the agenda,
7 the rear of the property was not enclosed by a fence. However, as of yesterday, I
8 believe the rear yard was, probably about 90% completed with the fencing. The
9 applicant proposes to establish a family day care for a maximum of six children. The
10 ages would range from two to four years of age. The proposed hours of operation are
11 7:00 a.m. to 6:00 p.m. The subject property is located within a subdivision of single-
12 family residential structures. This is the Carson Hills subdivision.

13 CHAIRMAN BROWN: Alright, the first person I have signed up is Shirley
14 McCrimmon. If you'd like to tell the Board what it is you propose to do, ma'am.

15 **TESTIMONY OF MS. SHIRLEY MCCRIMMON:**

16 MS. MCCRIMMON: My name is Shirley McCrimmon and I wanted, I was in child
17 care for over eight years and I've decided to become self-employed, so I wanted to
18 continue to provide quality care to the children in an atmosphere where love and caring
19 is provided.

20 CHAIRMAN BROWN: What are your hours of operation going to be Ma'am?

21 MS. MCCRIMMON: From 7:00 to 6:00, 7:00 a.m. to 6:00 p.m.

22 CHAIRMAN BROWN: How many days a week?

23 MS. MCCRIMMON: Monday through Friday.

1 CHAIRMAN BROWN: One of the requirements, as I spoke with Mrs. Evans
2 about, has to do with the loading and unloading of children off of the right-of-way. How
3 do you intend to comply with that?

4 MS. MCCRIMMON: Mr. Chairman, as of 11:30 today, a.m., provision has been
5 made and I have photos of it.

6 CHAIRMAN BROWN: If we could see those please.

7 MS. MCCRIMMON: And the gate has been completed as well.

8 CHAIRMAN BROWN: Alright, thank you. Is there a Homeowner's Association in
9 Carson Hills?

10 MS. MCCRIMMON: Yes, it is.

11 CHAIRMAN BROWN: Have you spoken with them about your plans?

12 MS. MCCRIMMON: The owner of the property has spoken with them.

13 CHAIRMAN BROWN: And they had no problem with it?

14 MS. MCCRIMMON: No, sir.

15 MR. BRANHAM: You're renting the home that you are proposing to have the
16 daycare at?

17 MS. MCCRIMMON: Yes, sir.

18 MR. BRANHAM: How long have you rented it?

19 MS. MCCRIMMON: Well we just, we just moved in.

20 MR. BRANHAM: Okay.

21 CHAIRMAN BROWN: What's the term of the lease?

22 MS. MCCRIMMON: Lease to purchase.

23 MS. DORSEY: He asked the term of the lease.

1 MS. MCCRIMMON: It's a one year lease. It's a lease purchase.

2 CHAIRMAN BROWN: Any additional questions for Ms. McCrimmon?

3 MR. TOLBERT: Do y'all have any kids of your own?

4 MS. MCCRIMMON: We have one son that is 11 years old.

5 MS. DORSEY: He's not included in the group?

6 MS. MCCRIMMON: No, ma'am.

7 CHAIRMAN BROWN: Any additional questions for Ms. McCrimmon? Okay, Mr.
8 McCrimmon, did you want to say something? Were you sworn in?

9 **TESTIMONY OF MR. REGINALD MCCRIMMON:**

10 MR. MCCRIMMON: Good afternoon, my name is Reginald McCrimmon. I just
11 wanted to speak on behalf of my wife and the daycare, the family daycare. We are
12 people of integrity, we have been, as we are parents of one child, we are former foster
13 parents of three children. So we do understand the severity of being parents or
14 providing care for children. Safety is paramount for us and we do believe that we can
15 provide quality care in a safe environment for the children.

16 CHAIRMAN BROWN: Alright, thank you. Any other questions for either Mr. or
17 Mrs. McCrimmon? Thank you. Ms. Evans I see you're signed up on their behalf, do
18 you want to speak. Ma'am, if you're going to speak you need to come to the podium so
19 we can get it recorded.

20 **TESTIMONY OF MRS. BRENDA EVANS:**

21 MS. EVANS: Ms. Shirley, her too, speaking on her behalf, same as my situation,
22 like I say, providing quality care and safety, you know, everyday you're looking in the
23 newspaper, you're reading something going on. Like I say for, I been doing this

1 professionally out for 16 years and my degree and everything in it and, like I said, I'm
2 speaking on her behalf. We went through a lot of training, you know, keeping up
3 certification, being certified in all areas require, even maintaining several hours that we
4 have to maintain a year just as the teachers go out to special training as far as
5 education for any type of child that we deal with in special need area or just a normal
6 child going. So I was just, like I say, on her behalf, knowing and feeling we both in the
7 same line of business, you know, like I said, I told here I was all for her and stuff.

8 CHAIRMAN BROWN: Alright, thank you ma'am, any questions for Ms. Evans?
9 Thank you. There's no one else signed up either in favor of or in opposition of this
10 request. The Chair will entertain a discussion.

11 MS. DORSEY: My reservations about the previous case had to do with having to
12 pull the children from the front to the side and I didn't see, to me it wasn't secure. I
13 didn't see secure fencing or a way to get there. I don't have to reservations with this
14 case. The yard was large, a nice even area for play, totally enclosed by a tall fence and
15 I don't have reservations about the parking although, if I were a parent, I'd rather go on
16 the edge that you have, that's not even a defined driveway but is, to me there's enough
17 space to ensure safety beside the defined the driveway. But I feel much more secure
18 with this case. That's on the property, isn't it? I just ask that we add the condition that it
19 is recommended in our packets about the vacancy.

20 CHAIRMAN BROWN: Yeah, any further discussion? If not the Chair will
21 entertain a motion.

1 MS. DORSEY: I move that special exception 05-62 be approved with the
2 condition of vacancy, abandonment or discontinuance for any period of 12 months, as
3 verified by a business license, will void the special exception.

4 MR. TOLBERT: Second.

5 CHAIRMAN BROWN: It's been moved and seconded that Case 05-62 SE be
6 approved with a condition that vacancy or discontinuance for a 12 month period will void
7 the special exception. All those in favor of the motion indicate by raising the right hand.
8 Opposed?

9 *[Approved: Branham, Dorsey, Young, Brown, Tolbert; Absent: Perkins]*

10 CHAIRMAN BROWN: Mrs. McCrimmon's, you have your request. Mr. Price, the
11 Zoning Administrator, will be in touch with you. That concludes the cases. The next
12 item is approval of March minutes.

13 MR. TOLBERT: So moved.

14 MR. YOUNG: Second.

15 CHAIRMAN BROWN: It's been moved and seconded that the minutes for the 2
16 March meeting be approved. All in favor indicate by raising their hand.

17 *[Approved: Branham, Dorsey, Young, Brown, Tolbert; Absent: Perkins]*

18 CHAIRMAN BROWN: Alright, they are so approved. Next item is Other
19 Business and under that is, first item is a cell tower discussion by Mr. Yates, which I
20 assume will be brief.

21 MR. YATES: Thank you Mr. Chairman, it will be very brief. We appreciate this
22 opportunity, what I'm going to do first is, Brad O'Dell is going, we have a handout for the
23 Board. We met two months ago, by 'we' I mean Cingular Wireless. I had Mr. Brad

1 O'Dell with me, I had Mr. William Robinson and Mr. Muhammad Saheed. William and
2 Muhammad design our systems, from a radio frequency standpoint. Brad is the
3 person who actually implements the development of the systems. We appeared before
4 this Board many times, as you know, last year and what we wanted to do for the benefit
5 of the Board and the county is to not come and do you one at the time. We wanted to
6 tell you what we plan to do. A lot of this we've hit on in previous discussions. What we
7 are going through is completing our network. This has been a big, the past 12 months
8 have been very pivotal for Cingular Wireless. What we thought would happen in this
9 industry, 10 years ago in the United States throughout there were only two licensed
10 carriers in the each market. What that led to was we had very poor cell coverage in the
11 United States and we had very little competition between those two because they didn't
12 have to compete. The federal government intervened to try to get the United States to
13 move a lot closer to wireless. The other thing that held us back from wireless, no other
14 country in the world had the wire line phone system that did. Other countries jumped to
15 wireless a lot quicker cause their phones were not as effective and we did not have that.
16 Our phones worked and while we take that for granted in the U.S. that wasn't the case
17 in the rest of the world. The long and the short, the feds, to get us into wireless, they
18 licensed in each market an additional six carriers, or sold licenses. What this led to was
19 competition and better wireless products and better cost of those wireless products to
20 the consumer. About five years into it, those of us in the wireless industry realized it's
21 cannot be eight people in the each market, basically selling the same thing. At the end
22 of the day, wireless is pretty much the same thing. You might have our competitor
23 Nextel, with their push to talk function, Cingular might offer these features, Verizon

1 might offer these features; but at the end of the day we're selling the same thing. So in
2 the past year we've seen the consolidation and mergers that we all predicted. The first
3 major consolidation and merger was one we were involved in, Cingular Wireless
4 acquired, for \$42 billion dollars, we acquired AT&T Wireless. That did not mean
5 anything to us really in South Carolina, in that in South Carolina AT&T wireless had
6 basically licensed out their spectrum rights to an outfit called Trident UCS, which
7 markets locally under the name Suncom. What it meant to us though, for Cingular in
8 South Carolina, is the rest of the country had the merger of two giant networks and we
9 got the word in South Carolina that they wanted our coverage to be equivalent to what
10 we had in the rest of the country. Cingular Wireless, with the merger of AT&T, is now
11 the largest wireless provider in the United States. Interesting enough, we talk a lot
12 about what we've done to the wire line phone company, we're owned by two wire lined
13 phone companies. Cingular Wireless is owned 60% by SBC Corporation, which is the
14 former Southwest Bell. We're owned 40% by BellSouth Corporation, our local phone
15 provider. So while we're damaging the wire line phone we're actually owned by two
16 regional Bell operating companies. But what we wanted to do for you and we will be
17 brief, is Brad and William had put together, what you will see in the next 12 months or
18 so, so it's not unsurprising that we're here, we want you to look, tell you what we're
19 looking at, tell you where we're going and what we're doing. What we're really doing is -
20 and you saw two today - where we're going back and getting the areas with holes, so to
21 speak, and there are some areas that William will show where we don't have coverage,
22 but in a lot of cases we're filling in holes, whether it be White Rock or Hopkins, to
23 provide a Cingular consumer in Richland County, if they buy our phone, we want it to

1 work. Brad how did you want to do that? Do you want William to lead or do you want to
2 lead? We have a presentation before you and I hope they provided it to Staff and
3 William's just going to walk you around where we're going next and what you can
4 expect to see from us in the next 12 months.

5 MR. ROBINSON: Good afternoon. I put together, back in February, a
6 presentation that shows the Richland County design. Currently we have 37 on air sites
7 in Richland County. We've successfully zoned, in February it's five now it's seven, sites
8 in Richland County and we have a remainder now of five sites, that we have to cover.
9 [Inaudible] just come from. We have four plots that is before you right now. Plot one
10 shows Cingular's existing towers in Richland County. Plot two show the details of the
11 previously zoned county sites, minus the two that were approved today. Plot three
12 shows details of pending sites for Richland County. Plot four is a summary of all the
13 phases of, for the Richland County design. Plot one is basically there for your
14 reference. I didn't really give many details, as far as the 37 sites, really because I
15 couldn't think of a way to present it any other way. But it gives you an aerial view, aerial
16 view of where our sites are at this present time. If you look, we have a big hole right
17 where the Richland County is, that's Fort Jackson. You can also see 601 and the
18 Hopkins area has not been covered in this design. Richland County is everything that's
19 encompassed in the green. Plot two, this shows all the zoned sites as of February. We
20 have a 300' lattice tower in Peake, South Carolina, that was our site 091260. You have
21 091439 as a 300' lattice tower that's in the City, not City of Columbia, but in Columbia
22 South Carolina, Richland County. We have a, that's 091439. We have a 180'
23 monopole in Columbia, 091190, you zoned that back in September. 091292, we were

1 awaiting the minutes in February, I think we've got an approval on that now. It's a 295'
2 lattice, that's in Lugoff South Carolina, the address is Lugoff but it's still Richland
3 County. And then we also did a 170' monopole in Gadsden. That's a co-location, co-
4 location, 091385. We've already discussed today 091412, at that point in time, back in
5 February, it's 225', we've since lowered it down to 195, to, for meeting the requirements
6 of the neighborhood. Now we also discussed site 091259 in Chapin, it's a 150'
7 monopole in an RU district. The remaining sites that we have upcoming, for this year,
8 are 091438, that's on Monticello Road. I'm sorry -

9 MR. YATES: The Huffstettler/Gosinski/Stewart we've done in the past two
10 months, so just this part of the equation is out and what we're, where we're focusing is
11 on these next four.

12 MR. ROBINSON: Okay, I'm sorry. Let's go done to 091302, it's going to be a
13 180' monopole in a C-1 district. That site is intended to improve our coverage on I-20.
14 As you're leaving out of Columbia, right now, we have a big hole in our coverage where
15 people who are driving on I-20 are constantly dropping calls or they're having poor
16 quality on their cell phone calls, so we have designed that site to improve that. That
17 explains the 180', it's considered to be an infill site.

18 MR. YATES: [Inaudible]

19 MR. ROBINSON: Exactly. 091444, is scheduled to be a 215' monopole. That
20 site is covering State Route 268, 091444 is covering Route 268. That's a major road
21 coming off of I-20 and also it's going to give us some coverage into the Northern part of
22 Fort Jackson. Fort Jackson has approached us and asked us to provide coverage on
23 the military base and this is one of those sites that's going to do that. We all know with

1 the heightened security that our military bases now are at highest security as possible,
2 so they're trying to make sure that the areas where there troops are being trained have
3 coverage also. We have site 091052, it's in Eastover South Carolina. It's going to be a
4 co-location on American Towers. Cingular has always, as always has tried to find as
5 many co-locations as possible. We're not in the tower business. We're in the cell
6 phone business and we try and utilize co-location whenever possible. That's one of the
7 cases here and that site is going to be covering on Garners Ferry, between ourselves
8 and Sumter, right before you get onto 601. I don't know if anyone has Cingular's
9 coverage, or anyone's coverage, but in that area it's very bad, when you pass by
10 McEntire as far as having poor quality on your phone calls and dropping a phone call.
11 091452 is also another site that's on Garners Ferry Road. It's going to be covering the
12 McEntire Air Force Base. Similar to the situation with Fort Jackson, however, this one
13 has a two-fold objective. Number one, is to cover U.S. 76 or Garners Ferry Road to
14 improve the coverage and the quality on that road, and secondly is to provide coverage
15 onto the military base, that is actually going to be a 100' monopole, 150', I'm sorry, like I
16 said this presentation was done back in February and there was some changes, I
17 apologize as for not making the updates. But it's a 150' monopole. There we have
18 several issues, it's infill site first and foremost and secondly we also have FAA issues
19 because of the air force base being there. But I believe that's the last site. We have
20 four that's coming.

21 MR. YATES: These three would have been done in the past few months, to go
22 into this part of the county, four more [inaudible]. Co-location doesn't have to come
23 before the Board.

1 MR. TOLBERT: Mr. Yates, I think it's unfair for me to get a partial report here. I
2 cannot be objective with a partial report.

3 MR. YATES: We'll get you a good one. We got the new Chairman a complete
4 one I know. So yeah really and William has done a lot of work and again, initially we put
5 this presentation together before the approval of the Huffstettler property and before
6 today's approvals, so, we're initially, we're showing a total, you know, a total on the
7 boards of six, one being a co-location. We're now down to a total of four with, you
8 know, one being a co-location.

9 MS. DORSEY: I'm just curious; at what height does it go from being a monopole
10 to a lattice?

11 MR. YATES: Two twenty, 215 to 220 is structurally - the monopole, there are
12 some vendors now going a little bit higher, but traditionally for the structural integrity of
13 the monopole you very rarely see them over 220. Until very recently we didn't have the
14 monopoles over 200. We do have some new vendors that are taking it to 220. After
15 that you have to go to a lattice or a guy and the lattice or guys can be at any height,
16 they can be at any height. Sean, did you have a question?

17 MR. SEAN BUSBEE: Yes, the co-location would not have to come before the
18 Board.

19 MR. YATES: Right, yeah, the co-location, we just wanted to show them where
20 we were going. But yeah we will have to apply and we'll have to get approval from
21 Staff, but the tower, which oddly enough, I appeared before Mr. Branham to get that
22 approved some time ago, we actually had that, we had the American Tower approved
23 on VanBolken, which was originally done from - and this shows you how co-location

1 works, I worked with American Tower on that. Cingular was looking at it at the time, it
2 didn't end up in their bill plan. That year, American Tower went ahead and did it. Since
3 that time, I believe they've placed Trident PCS/SunCom on it and now we're back, it
4 does work in our bill plan. So this is one that was originally going to be a Cingular site,
5 years ago, got pulled off and now we're coming back to it.

6 MR. TOLBERT: It's an old hypothetical question.

7 MR. YATES: Uh oh, this scares me [laughter].

8 MR. TOLBERT: Given on one of the first case, second case you did today,
9 having to be objective or be, I don't know what the word I'm looking for, to try to please
10 people in the area, do you foresee any of those problems, having any your problems
11 here?

12 MR. YATES: Mr. Tolbert, you've asked great question. Yes, when we, we hope
13 not and William answered, I think, even more clearly on the Stewart property, which is
14 up in Hopkins, we hope not, but that is one of the perils we face as we move forward.
15 When we do reduce height, the problem that William had initially doesn't maybe go
16 away forever and so that is something for us to think about and you asked a very good
17 question, before, and I think William gave a good answer. When we do deal, or not deal
18 with, when we work with a neighborhood, a lot of times what they're interested in might
19 solve some immediate problems and give us what we need and gives them what they
20 need but yes sir, if William's height is reduced and the development patterns immerge,
21 the traffic patterns immerge, where folks start to live and work or travel, yes, yeah.
22 That's why as much as possible, William does like his 250' cause he knows when he
23 gets to 250, up to 300', William has covered a nice, you know, a nice block of territory.

1 And that is one of the trade-offs we wrestle with when working with a community, it's
2 easy to say, okay take it as low as you can go, but then the chance is out there that a
3 second site might have to come a long and that's what we deal with on a daily basis.
4 And when we're working with a neighborhood or folks like the Hopkins family, we're very
5 honest with them, saying William didn't just come up with 250 out of the air cause
6 William likes to go 250'. William came up with 250 initially; it's like, because that's really
7 his most desired. Now what William is under a mandate from Cingular, he can't cut a
8 deal that would hurt him but, as he said very clearly, if certain development happens to
9 the east of the Hopkins the site and he sees patterns, in the next year or so, William and
10 I could be and Brad and Muhammad, we could very well be back. If the track, if the
11 growth is not there, and that's another problem we have, when you have, particularly
12 we're find in Richland, Greenville and Charleston Counties, where all of them are
13 enjoying, if enjoying is the right word, incredible growth. We have a happy dilemma that
14 we do not have in say Lee County or most of Orangeburg County, that these three
15 counties are seeing a huge influx of folks. We have homebuilders fighting each other
16 for big tracts to build these homes, so in these counties, yeah, we have to track and see
17 where the growth is going to be and that will dictate the future, which again would not be
18 a situation I'd have in other counties of South Carolina but I am having in the big three
19 counties because all three Counties are going through a very good period of prosperity,
20 in terms of folks moving in and growth of neighborhoods.

21 CHAIRMAN BROWN: Mr. Yates is there a finite number of calls that a given
22 tower can handle before you have to augment it with another tower?

1 MR. YATES: Yes, sir, absolutely and where we see that more often, not as
2 much, Colonel, in the incorporated, unincorporated area, but particular in, traditionally
3 ordinances in the State of South Carolina and North Carolina worked where in the
4 incorporated areas, in the urban areas, we were generally restricted to lower heights
5 and they were hoping for most of the carry to be in the incorporated area, outside of the,
6 you know, incorporated townships and we are coming back, for instance, we're working
7 presently with the City of Columbia, Brad, William and I and Muhammad are working on
8 three sites where, for instance, we will be looking for place a facility off of Palm Lane,
9 near Columbia College, off of Rosewood and, not just two blocks away, near the two
10 colleges and where what is happened, where initially Cingular had a grid that worked
11 and a much of lower grid, the capacity is such I find, we have what we call infill or
12 capacity sites to handle that. That's - and but typically where we're seeing that
13 primarily, Colonel, is when you have the very big influx of all rooftops and a lot of travel.
14 But, yes that is, that is definitely part of the equation for us and our competitors and
15 we're wrestling with it in the City of Columbia. The City of Charleston, we've just gone
16 through that process of coming and doing sites in the urban area where we had existing
17 coverage but due to the influx of calls - and I'm presently also working for Cingular
18 Georgia, we're working with that in downtown Savannah, where we're having to come
19 back in, cause the other dilemma, to all Members of the Board, is a lot of the ordinances
20 were drafted 10 years ago and we were perceived and we saw ourselves as a mobile
21 communication. The company I used to work for called itself BellSouth Mobility. What
22 has happened and particularly what happened in January is what we all hoped would
23 happen, we've going from being a car, a mobile phone, or a car phone, to a phone to a

1 lot of folks used in their home, their office and, and what the dilemma that has done,
2 that has done to us, is the ordinances were all drafted requiring that we not be, have
3 facilities in a residential neighborhood, or as in your ordinance we have certain setbacks
4 from inhabited residential structure and the dilemma we have as an industry is now our
5 customer base and your client base, the citizens, we really, we basically, our customers
6 and your clients are one in the same, they're saying "I want my phone to work in the
7 house, I'm at a point where I think I would like to use my cell phone full time cause I
8 might discard my BellSouth phone", and that is a dilemma, not just in Columbia,
9 Richland County, we're facing, cause folks want to use their phones in the houses and
10 typically the ordinances, we had setbacks and we were banned from going in residential
11 and that's what we're wrestling with very heavily right now. The first city where I've
12 taken it head on has been Savannah and it's been a process because the Savannah
13 ordinance, as it stands now, we're banned in residential and we've been trying to find a
14 way to get in. The interesting thing for me as hearing lawyer, is my last hearing in
15 Savannah, the Alderman, they have Alderman vs. Councilmen there, the older term, my
16 biggest supporter was the Alderman from the Second District, where I was trying to
17 place the facility in the middle of Midtown, a very residential neighborhood, cause her
18 constituents we're saying, "We want our phones to work and home", and so we have
19 seen a little town, we've not seen it here in Richland County, where I've gotten support,
20 but for the first time, in my carrier of doing this 10 years, I literally have Councilmen
21 coming in, not to fight me but actually to support cause they're getting calls from their
22 clients saying, "I want our phone to work". But you're right, that is the next turn that is to
23 come, typically we see that first inside the cities with the higher concentration of

1 residential but, obviously it's a matter of time till we see that in the counties, cause
2 again, the trend is more and more folks will discontinue their wire line, go, try to go all
3 wireless and if we are not giving them good coverage in their house we have problems.
4 With the last bit to touch on, voice is just the first thing we were doing in this providing of
5 services. What is yet to come, in terms of the data and the video that will be coming
6 over phones, the ability, what these things will do in the future, there's going to be a lot
7 more than people just making phone calls, so we're seeing it. It's an interesting project
8 for me and it has been for 10 years and I thank you for putting up with me, cause being
9 a lawyer is a tough job anyway. A lot of my folks I practice law with, they represent
10 insurance company fighting over how much you pay someone who's in an accident.
11 What we are truly doing is we're building an infrastructure and it's a little more gratifying
12 to me that I can actually see that I did something with my life, cause much like the
13 people who put in the interstate highway system or road system, we're building a
14 wireless infrastructure. The road system didn't come in without fights, no infrastructure
15 comes in easy, particularly when the infrastructure comes in after development has
16 already occurred. And that's what we're doing, we're truly building a wireless
17 infrastructure that will hopefully get the United States competitive again with the rest of
18 the world in wireless, which 10 years ago when I started, we were way beyond the
19 curve in this country. Again, only because no other country could afford the investment
20 we put in the cooper lines that made up our phone system. Nobody else in the world
21 could do that, so we lagged behind wireless because we didn't have to take to it
22 because we had good phones, which we took for granted. Now wireless is finally
23 catching up, particularly with the watershed in January. But the good news is, we did a

1 lot of work with you guys last year and as you can see from our '05 plan, we will be
2 back, but really not that much. We only have a couple sites that will get us through '05,
3 what will happen in the next six months, we'll see where the phones are sold, where
4 those folks are living, where the developers are going to build houses for them, which
5 will dictate where we have to go next. We have to follow our customer base and so that
6 is simply what we're doing.

7 MR. TOLBERT: So that means you're going, making all this money, you're going
8 to buy, you're going have a satellite up after a while to take the towers down?

9 MR. YATES: If there was a satellite system that works, I can assure you my
10 employer would have done it a long time ago and that we will see. Cingular prides
11 itself, and if you look at the amount of cap X that we a lot to R&D, if, when it goes to
12 satellites, if it goes to satellites, I'm sure will be in the front of that position also. Keep in
13 mind too these towers, and William said it best, we want to sell air time. The whole
14 purpose of Cingular Wireless is to sell people minutes of time to use or phones. This is
15 the infrastructure that makes it work, but we want to do this in the most cost effective
16 way, so like in this situation where we had the situation with American Tower, that we'll
17 co-locate on, we love that. I don't have to come down here, Brad doesn't have to come
18 down here, William doesn't have to come down here and it's a heck of a lot easier
19 paying a monthly rent to American Tower than building a tower on our on. We do not,
20 Cingular, four years, excuse me, six years ago we actually sold the management rights
21 to all, our then existing towers, we do not really see the need, nor want to be long term
22 in the real estate business. We don't know, real estate is not our business, wireless
23 communication is our business. But by default we have to do a lot of real estate work.

1 CHAIRMAN BROWN: Alright, thank you very much.

2 MR. YATES: Thank you.

3 MR. PRICE: Mr. Brown, while Mr. Yates is here - you'll need to hold onto the
4 microphone - as you know, any applications that come in after April the 1st of this year,
5 will come under our new Land Development Code. As I was kind of reviewing this, I
6 don't really see that many changes in here, but there is one part, I guess I'm looking for
7 a little guidance from the Board on the information on how you would like this presented
8 to you. I don't know if y'all have you're new codes here, but it's on page 233, one of
9 the, part of the special requirements for a communications tower and it states here,
10 "The proposed user must show proof of an attempt to co-locate on existing
11 communication towers and must be willing to allow other users to co-locate on the
12 proposed tower in the future, subject to engineering capabilities of the structure.
13 Evidence of an attempt to co-locate must show that alternative towers, buildings and
14 other structures are not available . . .", and just goes on. My question is, when it says
15 here, "The proposed user must show proof of an attempt to co-locate . . .", what kind of
16 proof would be satisfactory to the Board?

17 MR. TOLBERT: What kind can he get?

18 MR. YATES: And what we've done, the present ordinance actually has a very,
19 almost identical provision and what we've typically done is just a statement that we
20 make and we're willing to make under oath that we have looked.

21 CHAIRMAN BROWN: Well, except this is worded a little more strongly.

22 MR. YATES: Documentary proof, yeah.

1 CHAIRMAN BROWN: Perhaps what's need some sort of a statement from their
2 Engineer, or something, that they've done a review and there is no tower available that
3 he does under his Engineer's seal to affirm that.

4 MR. YATES: Sure. We've seen that and what I've seen in other jurisdictions
5 too, it's just food for thought, is we actually identify and there's a database available to
6 us and to the county; we identify the actual closest tower and we say it's 4,000' away,
7 it's outside our search area.

8 CHAIRMAN BROWN: Well that might be part parcel of the same [inaudible]
9 statement.

10 MR. YATES: We do that, for instance in Berkeley County, to make almost that
11 identical provision, but in Berkeley County's ordinance they require us to identify what is
12 the closest one and if it's over, you know, 'X' number of feet away they know it's not
13 going to work for technical -

14 CHAIRMAN BROWN: That might be, that might work. Get a statement from
15 their Engineer, under his seal, that he has reviewed surrounding area, the closest tower
16 is 'X' or 'Y'.

17 MR. YOUNG: I think that's what it asks for too.

18 MS. DORSEY: Identification.

19 MR. YOUNG: "Evidence of an attempt to co-locate must show that alternative
20 towers, buildings or other structures are not available for use within the applicant's
21 tower site search area and not structurally capable of supporting the intended antenna
22 or meeting the applicant's necessary height criteria, or provided location free of
23 interference from other communication towers."

1 MR. PRICE: So we'd just like this as a sealed statement from -

2 MR. YATES: Sure, we will convert that into a sealed statement and we'll go
3 ahead, cause I think it's good knowledge for us, we'll identify the closest true
4 communications tower. Sometimes if a guy running a trucking company has a 60' for
5 this 800 mega hertz system, you know, we can't use that, but American Tower is two
6 miles away, we'll identify and show it's out of the search area.

7 CHAIRMAN BROWN: There's not real additional expense for you because
8 you're using your own Engineers to -

9 MR. YATES: Yes, sir. We'll provide for Geo just a separate statement to answer
10 that question with a seal.

11 CHAIRMAN BROWN: Does that answer your question?

12 MR. PRICE: Yes.

13 CHAIRMAN BROWN: Alright, thank you Mr. Yates.

14 MR YATES: Thank you for your time.

15 CHAIRMAN BROWN: Next order of business is approval of the By-Laws and the
16 Rules of Procedure.

17 MR. PRICE: Just, I was kind of discussing that with Brad and, of course, you
18 make the final decision on this, but I believe Ms. Perkins has some questions.

19 MR. TOLBERT: Y'all don't like me. I'm not getting any information. I don't have
20 a copy of the draft.

21 MR. PRICE: What draft, you didn't get an agenda?

22 MS. DORSEY: The mail?

23 MR. TOLBERT: It wasn't in mine; I looked.

1 MS. DORSEY: No it came in the mail.

2 MR. PRICE: No, it was mailed.

3 MR. TOLBERT: I got two packs, I looked in both of them.

4 MR. PRICE: No, it was mailed separately.

5 MR. YOUNG: A couple weeks before those.

6 CHAIRMAN BROWN: Yeah.

7 MR. TOLBERT: I didn't get it.

8 MR. PRICE: My fault, I guess that answers that question.

9 CHAIRMAN BROWN: Well in that event, let's defer that a month so that Mr.
10 Tolbert has a chance to see it also.

11 MR. PRICE: Okay.

12 [Inaudible conversation]

13 CHAIRMAN BROWN: So we'll hold off on those a month so that Mr. Tolbert can
14 get a set and have a chance to look them over before we take a final vote on it.

15 MR. PRICE: Okay, then the only thing is, I believe, that they have started
16 advertising for the vacant Board of Zoning Appeals position.

17 CHAIRMAN BROWN: Sorry?

18 MR. PRICE: They've started advertising for the vacant position on the Board.
19 So hopefully we'll get someone in here some time soon, you know, so we can a least
20 have seven.

21 CHAIRMAN BROWN: Let me ask you one question about this material that I
22 guess it was you gave us, particularly this teleconference training. Where's that going
23 to be held?

1 MR. PRICE: I believe at this time that, yeah well, if I'm correct I don't think that
2 they've scheduled a location. Normally when they have these teleconferences it's
3 normally at the SCETV building, but that hasn't been stated to the -

4 CHAIRMAN BROWN: And what happens if you can't go to one of them?

5 MR. PRICE: Well there are others to go to. I think, just from that first paragraph,
6 it just says that you're supposed to have certain training and a lot of those can be
7 received, whether it be conferences like this, SCAPA conferences and others that we
8 will be notifying you about over the next couple of months as they come.

9 CHAIRMAN BROWN: Okay, but you'll let us know, when you know, where this is
10 going to be?

11 MR. PRICE: Yes, sir. I'll send you out an e-mail and as it's stated here, there
12 are two of them, one in May and one in August so.

13 CHAIRMAN BROWN: Yeah but I think they're two different things, aren't they?

14 MR. PRICE: Yeah, okay. Well, you know, you can always catch the second
15 part. We'll let you know what happened in the first one.

16 CHAIRMAN BROWN: Okay, anything further by any Member of the Board? If
17 not I think that concludes our business and the March meeting of the Board is
18 adjourned.

19 MR. PRICE: April.

20 CHAIRMAN BROWN: April.

21
22 *[Adjournment at 3:15 p.m.]*