

RICHLAND COUNTY PLANNING COMMISSION
February 7, 2011

[Present: Heather Cairns, Olin Westbrook, Kathleen McDaniel, David Tuttle, Pat Palmer, Stephen Gilchrist, Deas Manning, Elizabeth Mattos-Ward, Wallace Brown, Sr.]

Called to order: 1:05pm

CHAIRMAN PALMER: We'll call the February meeting of the Planning Commission to order. I'm going to read into the Record. Pursuant to the Freedom of Information Act, a copy of the Agenda was sent to radio and TV stations, newspapers, and persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration building. We will defer the approval of January Minutes till next month.

MS. SWORD: There are no Minutes, the recorder malfunctioned last month.

CHAIRMAN PALMER: How do we do that, how do we approve the Minutes?

MS. ALMEIDA: We're going to have to get together and figure something out.

MR. MANNING: Should we have another meeting? [laughter]

MS. LINDER: Mr. Chairman my recommendation is that we, Staff can get together and, and do a very brief summary. It won't be as detailed as what we normally get but we can certainly summarize what happened at the Planning Commission level in January.

CHAIRMAN PALMER: Okay. Sounds good. Road name approvals, did everybody get those?

MR. BROWN: Move approval, Mr. Chairman.

MR. GILCHRIST: Second.

1 CHAIRMAN PALMER: A motion and a second. All those in favor signify by
2 raises your hand?

3 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Mattos-*
4 *Ward, Brown]*

5 CHAIRMAN PALMER: Agenda amendments?

6 MS. ALMEIDA: Mr. Chairman, case number 11-02 has been administratively
7 deferred.

8 CHAIRMAN PALMER: Think we'll see it next month?

9 MS. ALMEIDA: Most likely we will see it in April.

10 CHAIRMAN PALMER: Okay. Do we have a motion to -

11 MS. LINDER: No motion - well to accept the Agenda is amended, yes. I was
12 thinking no motion needs to be made as far as the deferral goes.

13 CHAIRMAN PALMER: Right.

14 MR. TUTTLE: Mr. Chairman, I would like to make a motion that we accept the
15 Agenda as amended.

16 MR. BROWN: Second.

17 CHAIRMAN PALMER: All those in favor signify by raising your hand.

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

20 CHAIRMAN PALMER: Okay, Text Amendments.

21 MS. ALMEIDA: Found on page 7 is a Text Amendment from Chapter 26 with
22 reference to the accessory structures in rural districts and Mr. Geonard Price is here to
23 answer any questions or concerns.

1 CHAIRMAN PALMER: Are there any questions for Mr. Price?

2 MR. MANNING: I did have one Mr. Chairman, regarding properties over two
3 acres in size and limiting the accessory structure to 50% of the primary structure. Does
4 that include structures like barns or sheds that are needed for agricultural purposes in a
5 rural area?

6 MR. PRICE: No, sir. I know that was an issue that came up at the last meeting of
7 how we would handle those, and we were still looking at that. This was just really would
8 just deal with the accessory structures for the primary use on the property, mostly
9 residential. We're going to look at the best way for those other uses such as mostly
10 agricultural type uses, how to tie in the accessory structures with those.

11 MR. MANNING: So you're going to revise a definition of accessory structure not
12 to include a -

13 MR. PRICE: We made, well there are a couple of ways to look at that. Let's say
14 getting into more of your agriculture type uses where we could tie it in with the matrix
15 under maybe special requirements or some language in there. But that was something
16 we were looking at, we wanted to get this one first and come back hopefully in March
17 with the additional language, horse barns and things of that sort.

18 MR. TUTTLE: I know the likelihood is very low, but what would you do in the
19 interim if somebody came in and had a request for a barn, would they be limited to -

20 MR. PRICE: Well, we would probably do as we've done before.

21 MR. MANNING: And next month we'll have the revised language?

22 MR. PRICE: Yes, sir.

1 MR. MANNING: Is it imperative that we adopt this ordinance without that
2 language, or?

3 MR. PRICE: No, sir. It isn't. Short answer, no sir. However, what we were
4 looking, the language that should be coming to you in March will be kind of separate
5 from - but it, it, the answer is no sir.

6 MR. MANNING: I'm kind of, I mean, if it's not something urgent, I kind of hate
7 piece-mealing and an ordinance together.

8 MR. PRICE: That's fine.

9 MR. MANNING: Mr. Chairman, would it be okay if we made motion to defer this
10 until we had the complete language?

11 CHAIRMAN PALMER: Absolutely.

12 MR. TUTTLE: Second.

13 CHAIRMAN PALMER: We have a motion and a second to defer the Text
14 Amendment pertaining to accessory structure in the rural district. Any other discussion?
15 All those in favor please signify by raising your hand.

16 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Mattos-*
17 *Ward, Brown]*

18 CHAIRMAN PALMER: None opposed. That's till next month's meeting. Next
19 Text Amendment?

20 MS. ALMEIDA: Mr. Chairman, found on page 9, this Text Amendment came and
21 was initiated by County Council. Staff has not tinkered with this wording. The request,
22 as you may know a couple months ago, probably two months ago, County Council
23 initiated an heir property ordinance that allowed heirs to subdivide property without

1 having to put in paved roads and other requirements that subdivisions under our Code
2 require for subdivisions. It was then further, that was approved, and last month it was
3 initiated by another Councilmember to request subdivisions to allow people who are
4 inheriting property, but the actual person that they're inheriting from does not actually
5 have to be dead. Staff has reviewed this and, and one of the reasons you see the
6 language in front of you, the way that it's written, that used to be in our old Code prior to
7 2005. We used to allow what we call family private road subdivisions, that allow
8 subdivisions to take place up to six to seven lots without actually paving a road. It was
9 changed in 2005 due to a policy that the county was having a lot of unpaved roads into
10 their county system. Hence we have this problem today where we have lots of county
11 roads that are not paved, they're concentrated in different areas of the county. The
12 county scrapes then once and literally they become nuisance because, and they
13 become problem for emergency personal to get to these homes. Staff did not tinker with
14 this language because we are not in favor of allowing subdivisions to take place,
15 whether they're heir or not, whether you're inheriting or not, only because it becomes an
16 enforcement issue. Staff, it's very difficult when someone would come to the counter for
17 a subdivision and say I'm inheriting this property, well what do you ask for, you know,
18 how do we know you're an inheriting this property, how do we know this - it becomes an
19 enforcement issue and clearly we don't want to be in that position to have to ask for
20 what document, how many documents. You know, it becomes cumbersome, it
21 becomes a problem. So what's before you is language that was in our Code prior to
22 2005, which allowed for anyone to subdivide property and not have to actually put in a
23 paved road. So the question is, whether we want to revert back to creating dirt road

1 subdivisions or whether we want to be firm in the policy moving forward and not allow
2 just subdivisions to take place without dirt roads. Now we do have the heirs property in
3 place and adopted that states that if you are, you have inherited property from someone
4 who has deceased that you can subdivided and you do not, you are not required to put
5 in sidewalks or a paved road. So I can answer any questions.

6 MR. MANNING: Mr. Chairman?

7 CHAIRMAN PALMER: Yes.

8 MR. MANNING: Anna, you're saying that there is a, an ordinance that allows for
9 the subdivision property for heirs and then you're asking us do we want to –

10 MS. ALMEIDA: That was a subsequent –

11 MR. MANNING: - create a new ordinance –

12 MS. ALMEIDA: Correct.

13 MR. MANNING: - that would allow anybody to do it. So explain to me the
14 differences between the existing ordinance I guess, and what you're proposing here.

15 MS. ALMEIDA: Well, currently our Code, currently now, aside from heir, if you're
16 subdividing property and you're not on a paved road you have to, if you're creating a
17 subdivision, okay, you have to pave a road in order to subdivide. If you are considered a
18 major subdivision, if you're putting in infrastructure you actually have to put in a
19 sidewalk. Okay, that's what required today and you have to meet ASHTA standards. In
20 this new ordinance before you, not the heir property, we have an heir property that has
21 been adopted I believe a month ago, or a month in a half ago, that if you inheriting
22 property from someone who has deceased, you can subdivide it and you do not have to
23 put in a paved road or put in walk. Okay, subsequent to that another County Council

1 person requested that, well we don't just want to limit it to someone who's inheriting
2 property from someone's who has deceased. So before you there are some changes
3 and I guess if everyone can go back to page, I guess it begins on page 9.

4 MR. TUTTLE: Can you give us a section? I think some of have the -

5 MS. ALMEIDA: It's section 26-224.

6 MS. LINDER: It should be the last ordinance in your package.

7 MS. ALMEIDA: Correct.

8 MS. LINDER: The strike through language is the heir property ordinance and if
9 we adopt a family, allowing subdivision to family members, then it no longer matters if
10 the person is deceased or not, so that's why the language is being proposed to be
11 struck through because we would no longer need the heir property ordinance.

12 MS. CAIRNS: It would then replace the thing that Council passed.

13 MS. ALMEIDA: It would. Correct. Yes.

14 MR. TUTTLE: So just to understand the ramification, how from a legal standpoint
15 how would the County justify allowing certain groups of related people to do something
16 that other groups can't do? Is there any case law, have you done any research to see if
17 this is enforceable?

18 MS. LINDER: In my opinion it would be enforceable. We, we designate, as long
19 as we treat everybody in the same group the same. We can create groups. We do that
20 by our zoning ,districts we create a group and we have certain regulations and we treat
21 everybody in that group the same. So I, I'm comfortable with that aspect of it.

22 MR. MANNING: When you say groups, you're meaning heirs as a group or
23 anybody who wants to -

1 MS. LINDER: Family members, family as a group. If we're treating your family,
2 my family, everybody's family the same I believe were okay.

3 CHAIRMAN PALMER: What happens if somebody's in the will and they
4 subdivide, then they're out of the will.

5 MS. LINDER: This has nothing to do with the will.

6 MS. ALMEIDA: We would be striking that language of heir.

7 MS. LINDER: If you look at the, for the purpose of this subdivision of property,
8 you would have to be a spouse, a parent, a grandparent, a great grandparent, a brother,
9 sister, children, grandchildren, or great grandchildren, or either the grantor or the
10 spouse of the grantor. This is for families.

11 CHAIRMAN PALMER: Who's leaving someone else land.

12 MS. LINDER: Who wants to convey.

13 CHAIRMAN PALMER: This has nothing to do with leaving land. This is basically
14 saying that if you're a relative of somebody they can subdivide out a piece of land to
15 give to you.

16 MS. LINDER: Correct.

17 MS. ALMEIDA: And what Staff, and I will put this to the table cause the Zoning
18 Administrator and I have talked about this in, at length, is that it is difficult to enforce
19 when someone let's say, would come to the counter and say, well I'm the great
20 grandchild of Mr. John Smith; well, what will we ask them to provide us, you know, a
21 document saying yes? I mean, from an enforceability becomes difficult and -

1 MR. MANNING: Well if this only applied to an heir and not the public at large, I
2 think you'd have to ask for, you know, some type of document whether it be the will, and
3 some probate that says this person is the true grandson of -

4 MS. ALMEIDA: Well, this is -

5 MS. LINDER: But this is not heir of property.

6 MS. ALMEIDA: No.

7 MS. LINDER: This is family. If I wanted to convey to my children this ordinance
8 would allow me to do that, without having to put a paved road in, it doesn't matter
9 whether they're in my will or not in my will.

10 MS. ALMEIDA: And without being dead.

11 MS. LINDER: Or whether I'm deceased or not.

12 MS. ALMEIDA: Right.

13 MR. TUTTLE: The way I understand it the heir of property is already in place,
14 that went outside the Planning Commission and Council approved it. What's before us
15 is they want to be able to transfer under those same rules and regulations, property
16 before someone is deceased. With heirs it would be clear to see who in the will certainly
17 was the heir, but now you're saying anybody in the family as defined in this document to
18 transfer land to another person and not have to put roads, sidewalks, etc. Is that what
19 you're saying?

20 MS. ALMEIDA: That is correct.

21 MS. LINDER: It's not the cousins, aunts and uncles, it's directly the lineal decent,
22 you know, backwards and forwards, grandparents and children.

23 MS. ALMEIDA: And this is just -

1 MS. CAIRNS: Well, didn't the [inaudible] the whole test of the heirs amendment
2 that passed –

3 MS. LINDER: It's the strike through language, that's in –

4 MS. CAIRNS: Well, but I don't think it's [inaudible], by chance, but I mean, it's
5 my recollection that it wasn't limited to heirs, it just simply said if there's dirt in probate it
6 can be subdivided without [inaudible]. There wasn't any, I don't think there was, there
7 was intent [inaudible], but I don't think it was [inaudible].

8 MS. LINDER: That language that got adopted is in your package and that's the
9 strike through language, that is what, the ordinance that got passed.

10 MS. CAIRNS: Yeah, but it's not [inaudible] –

11 [Inaudible discussion]

12 CHAIRMAN PALMER: I could somewhat understand in the heir situation that
13 somebody is getting a piece of land that they may or may not even want and they've got
14 to do something with it. I mean, I can understand that side of it. But to proactively
15 subdivide land, even just for family, just gets away from the whole area that the county's
16 been trying to go to, doing away with dirt road subdivisions, which I think is a good plan,
17 because of all the problems it causes and then grandson builds a house on a lot and
18 then he sells it to John Smith. John Smith then calls the county complaining about why
19 he's got pot holes and why they can't pave the road. There's nothing to say that that
20 relative has to keep the house. You know, and then we get into the same situation that
21 we're in all the time now that we have all these dirt roads out there and they're small
22 but, you know, they cause a lot of problems and people's expectation levels are no
23 different if they live on a dirt road than if they live on a paved road, and they expect

1 garbage service, the EMS, the fire, I mean, and everything else and I can see where
2 this can be a big problem. And I don't see why we would treat relatives any different
3 than anybody else just because your granddad has land and wants to give you a lot,
4 you know, you may not be able to do it on a dirt road. You can do it but you've just got
5 pave the road.

6 MR. MANNING: Let's don't throw the baby out of the bath water, I mean, aside
7 from family, if you're looking - go to Aiken County and look at the equestrian subdivision
8 down there on large lots, 10, 15, 20 acres, they got, you know, horse barns, a paddock,
9 and a dirt road, they don't want to pave it. And if they're done nicely they're done at
10 right-of-way widths that allow for safety issues to be addressed, the grading's
11 addressed, and then you know, if the only thing that's prohibiting all this from happening
12 is the county having to maintain it, there is a way to do that. I think, keep the county
13 from maintaining it and just have a deed restriction that says if you're going to do this
14 and not dedicate this to the county, and the country should say we're not coming down
15 here to scrape your roads, I mean.

16 CHAIRMAN PALMER: Yeah, what do you do about - I mean, we have those in
17 the, I mean, I've seen some nice equestrian, you know, off Syrup Mill and out by the
18 University Club and that kind of stuff, they got some of the same things out there but,
19 what do you then do about the EMS and the fire service?

20 MR. MANNING: Well, I would guess if you dedicate, I mean, if you lay the
21 subdivision out, sufficient right-of-way and you grade the roads properly, put the
22 drainage in where there's an open ditch subdivision or, you know, storm drain pipe,

1 whatever necessary, then I think those roads could be maintained and kept passable for
2 EMS services.

3 CHAIRMAN PALMER: I guess my question is, how do you guarantee they're
4 going to be maintained, because that's up to the private community to do that?

5 MR. MANNING: Well, you know, we've got associations in every community
6 Richland County subdivision just about to do certain things and maybe you require that
7 the association set up a fund to take care the dirt roads. But I think just to say you can't
8 have it because the county might have to step in, I think the county can clearly not
9 [inaudible].

10 CHAIRMAN PALMER: Maybe that's a question for a different section in the
11 ordinance to address dirt road subdivision if that's something we want to re-address.
12 But I have a problem personally singling out relatives, saying just because, what's
13 before us today is just because you're my grandson I can do it for you but, you know,
14 John Smith can't do it for [inaudible].

15 MR. MANNING: Well, I understand that delineation, but at the same time I would
16 say that the same thing should apply to a family member. And if you're living on farm
17 and got two or three children and they want to live there, they ought to be a way to allow
18 them to live on that farm without having to pave a road going into something that's not
19 necessary, they don't want it.

20 CHAIRMAN PALMER: You can let them live on your land, can't you, you just
21 can't subdivide a lot and deed it over to them, right?

22 MR. MANNING: How would you, you know, you're exactly right, so if I wanted to
23 give you five acres and you want to build a house on it and if you don't have access to a

1 paved road or can get that plat recorded at the county, how are you going to build a
2 house? I mean, if you got to go borrow money they're going to require that plat be
3 recorded, and if you can't get it recorded, you're not getting a mortgage.

4 MS. ALMEIDA: Or you can subdivide and provide an easement, a driveway to
5 that lot. It's when you're creating multiple lots, you know, when you're dividing the
6 property into three, five, seven lots, that creates a subdivision and requires, requires the
7 paved road.

8 MR. MANNING: Correct, I mean, if you extracted one lot, that's a subdivision.

9 MS. ALMEIDA: It's a lot split.

10 MR. MANNING: In the eyes of the county.

11 MS. ALMEIDA: As long, it's a lot split. As long as you provide the 50' right-of-
12 way, or give an easement to that, to that lot, to that flag lot, or whatever it is.

13 MR. MANNING: I think it's a, a shame if we truly want rural to remain rural that
14 we require paving to take place and all subdivisions. So I think we do need to address
15 this, whether it's today or some other time, I just think the way we've gone about it -

16 CHAIRMAN PALMER: I agree that dirt road subdivisions may have a part but I
17 agree with you completely that it needs to be up front, that, if you do develop this as a
18 dirt road subdivision, the county has, you know the expectation levels are much less for
19 county services on dirt road, people buying the houses and next time they're sold to
20 Aunt Lu-lu or whoever, that they understand that too, that it's in the deeds that, you
21 know, you don't get garbage pick up or whatever, you know, whatever it is, you can't get
22 trucks down there, I don't know.

1 MR. MANNING: Well, I mean, you know, in most rural areas, I mean, postal
2 service stops at paved roads, you walk out to get your mail and, or drive out there and
3 get it.

4 CHAIRMAN PALMER: Well, I'm sure we can, I'm sure we can pull language from
5 other counties that have dirt road subdivisions and how those things occur to be able to
6 see how we can maybe do it in the county, I don't know. I just don't think that this, in my
7 opinion, you know, a difference between relatives or anybody else is sufficient enough
8 to get special treatment just because you're relative. I can understand the heir issue
9 because you're getting something you may not even want, you got to do something with
10 it, you know, but that's just my opinion.

11 MS. CAIRNS: You know, the problems [inaudible] is that, you know, you start to
12 talk about rural subdivisions and dirt roads, three quarter lots aren't rural subdivisions.
13 By the book they are, but not by reality. I mean, that's the thing is if we're gonna, like if
14 we're gonna sit here and have this, you know, concept of, well you know, we're talking
15 about, you know, subdivision of rural land and you want to keep it rural then you have to
16 have five acre lots. At least.

17 MR. MANNING: I'm not debating the size with you, I mean, that's - I agree with
18 you. I agree with you, I think, you know, we definitely need the distinction between rural
19 and something else, whether it's agricultural or.

20 MS. ALMEIDA: And that is something that Staff will be bringing forth in the
21 coming months is, you know, case in point, a lot of those subdivisions that you have
22 mentioned, Mr. Manning, regarding horse farms and equestrian normally you're not

1 putting a horse on three quarters of an acre. You know, you're usually looking at three
2 or four acres with a horse and a, you know, a goat or something.

3 CHAIRMAN MANNING: Yeah. And maybe that makes sense to only allow dirt
4 road subdivisions in those kind of areas where they're bigger lots. I mean, you don't
5 want to make a dirt road subdivision on 20 acres and have 30 homes.

6 MS. CAIRNS: Well, but then the other thing, if you, you know, we're going to end
7 up not where the desire is, but I mean, if we start saying [inaudible] because we have
8 this idea that we put certain safeties into place, such as lots have to bigger and there
9 have to be maintenance agreements, well you know, what happens if the homeowners
10 just all collectively decided we're paying into that maintenance agreement and this and
11 that, my guess would be the county would have to require some type of a bond. At that
12 point then you've got the expense that everyone's trying to avoid. So that's the reality is
13 you can [inaudible] right now, we've got the possibility of three quarter acre lots on dirt
14 roads with no requirement that anybody ever [inaudible] another dollar to maintain that
15 road. What I don't know is like what happens when EMS or fire simply can't get down
16 the road? I mean, do we know what -

17 MS. ALMEIDA: Well, that's been a problem today with our dirt roads and the
18 county does go out and scrape once and we have our Public Works Director, because
19 we're required to, but it is, it is an issue, it becomes an issue.

20 MS. CAIRNS: I mean, if you ended up with [inaudible] and the Fire Department
21 couldn't get down there it's basically then uninsurable which means it's basically
22 [inaudible].

1 MR. MANNING: Heather, I agree with you. I understand and I fully agree with
2 what you're saying about the three quarter acre lots.

3 MS. CAIRNS: But I mean, to compare what, what we're sort of being asked to do
4 and what the county has already done with this, you know, notion of rural subdivisions
5 with horse people and this and that, those are apples and oranges.

6 MR. MANNING: Well, exactly.

7 MS. CAIRNS: You know, I don't, you know, I don't want the [inaudible] grand
8 illusion that we're going to create [inaudible].

9 MR. MANNING: I would like to bring something back at a future date to deal with
10 dirt road subdivisions and the safety issues, the size of the lots, not in this document. I
11 do think that if we're going to desire keep rural, Richland County rural, we don't need
12 pavement everywhere. And there are times that, that it works and can be beneficial, so.
13 Y'all bringing some language back on agriculture, different lot sizes?

14 MS. ALMEIDA: Well, we're looking at a rural agricultural, whether it's rural estate
15 or - which has a much larger lot size, you know. Staff doesn't agree that rural is three
16 quarters of an acre, I mean, just does not make sense.

17 MR. MANNING: Mr. Chairman, I'm not trying to advocate something to subdivide
18 land to get away from expense what we know is needed.

19 CHAIRMAN PALMER: No, I understand. I understand. I think this in front of us
20 has just spurred discussion on an issue that we need to address further. But as far as
21 this, what's in front of us today, you know, I think we just need to make a determination
22 on the language as it relates to relatives. I can definitely see that we do need to take a
23 look at dirt roads subdivisions closer [inaudible] rural county.

1 MS. MCDANIEL: What is the rationale for allowing relatives [inaudible]?

2 MS. ALMEIDA: I'm sorry?

3 MS. MCDANIEL: What is the rationale for allowing for this for relatives, and not
4 for people who aren't relatives? Because it is going to have to pass a rational basis test.

5 MS. ALMEIDA: Yes, it is. I really don't have an answer for you at this time.

6 MS. LINDER: Like Ms. Almeida said this was initiated by the County Council on
7 allowing the subdivision to family members and what we had in place prior to the most
8 recent Land Development Code going into effect in 2005, was this language now that's
9 before you. And as far as I know it was not challenged but I can't say that there were
10 not problems with the language in allowing this to happen.

11 MS. MCDANIEL: So the previous iteration of this ordinance was limited to family
12 members as well?

13 MS. LINDER: That's correct.

14 MS. ALMEIDA: That's correct, prior to 2005. And we will say, you know, they
15 were concentrated on the more rural areas of the county. It did become an issue, an
16 equity issue, it became - I mean, that's one of the reasons that when we redid the Code
17 we addressed that, to say, you know, we have so many roads in the system that are not
18 paved, had their one scraping and now they're in disrepair. Land was transferred
19 through the years to non-family members because people either moved away or
20 whatever the case may be. And then it becomes that issue where people come before
21 the county or to their Councilperson and want them to come into the system, and for
22 one reason or another they either came into the system as dirt roads or they weren't,
23 but, but that was kind of the premise behind when the new Code was written to

1 eliminate and not perpetuate that problem because we have so many now that we can't
2 even address in the next 30 years.

3 MS. MCDANIEL: I have to say I'm really conflicted because I am the person that
4 this ordinance would affect. I mean, my family farms, we have subdivided lots of
5 property, grandchildren get property. But I grew up on a dirt road that the fire truck
6 couldn't get down. So I see both sides of it. It seems like there must be a better way to, I
7 like the idea of adding deed restrictions or something that you can keep family property
8 intact and maintain safety for the people living there and ease the burden off the county
9 somehow. There's got to be a better way.

10 CHAIRMAN PALMER: I think when you address the expectation level up front
11 for any future buyers of those lots, for them to understand what they're getting into, it
12 certainly is a pitfall that, you know, buyers need to be aware that this kind of stuff is what
13 you're buying, you know. When you buy on a dirt road this is what your expectation on
14 level of services [inaudible]. But as far as I'm concerned with this, this doesn't, this
15 ordinance would cause more problems than it would solve, the way that it is now, as it
16 deals with simply relatives. [Inaudible] Any other thoughts on it?

17 MS. ALMEIDA: Well, one of the things that Staff can do is look at some other
18 ordinances in other jurisdictions and bring back a couple of examples of what the
19 differences might be. And of course revisiting that issue of what rural, what we can all
20 come up with as far as what rural really, the acreage, what it should be.

21 MS. CAIRNS: Well, I think the other thing I'd be curious about [inaudible] a
22 maintained dirt road [inaudible]. I mean, it would make sense to sort of [inaudible] more
23 than the annual expenses of an asphalt road, ignoring the fact that eventually you've got

1 to re-do it, you know, and then obviously that's a big expense. But, I mean, you know, if
2 you put down an asphalt road you can expect a fair number of years of virtual no cost,
3 whereas with a dirt road, I mean, you can probably expect [inaudible]. So I mean, that,
4 you know, I mean, is there some mechanism by which we can simply allow the
5 subdivision of dirt roads where there is a maintenance program and, you know, how it
6 gets funded is, you know, I mean, is it funded by a [inaudible]. Is it, we need something
7 that, or is it just, you know, I mean, I know there's not a big enough pot to do anything,
8 but, I mean, it's like if we want to sit here and say, we just ought to have rural dirt roads,
9 well then we need to have a way that keeps them maintained. And until you come up
10 with both [inaudible].

11 MR. TUTTLE: What is the distinguish between a, the monies allocated to
12 maintain a private paved road and the monies allocated to maintain a private dirt road?

13 MS. ALMEIDA: I have Don Chambly from our Public Works Department, the
14 director, and he may want, he might be better to answer that question.

15 MR. TUTTLE: Yeah, because I mean, we have private road subdivisions now
16 that if the home owners didn't pay into -

17 MS. CAIRNS: Well, but there's a maintenance agreement that, that can be
18 enforced.

19 MR. TUTTLE: Right, so I mean, my point is, I don't know why would be any
20 different on a dirt road, just the numbers would be different.

21 MS. CAIRNS: Well, I think when you've got, my concern is that the private rural
22 subdivisions [inaudible] have paved roads [inaudible] have high value property. Each
23 private road [inaudible] we're not talking high value property. We're not going to have

1 people [inaudible] homeowners association. Even if there's an agreement that says
2 [inaudible], what happens when none of them do that, [inaudible]?

3 CHAIRMAN PALMER: Then you have a lien on the property.

4 MS. CAIRNS: By who?

5 MR. MANNING: You know, why do we always need our government to take care
6 of us? I mean, if we got deed covenants and restrictions that say they're not, what's the
7 big issue? I mean, I can, I can have a - it should work that way, I don't need the
8 government taking care of me all the time. I've got a dirt road that's got three or four
9 people that's living at the end of it and I own that dirt road, you know, they get
10 emergency services if necessary, I mean, you know.

11 MS. CAIRNS: I mean all I know is we have this [inaudible] we have a problem
12 because of this. It's not like we [inaudible]. Well, there's a problem because people live
13 of these roads and the roads don't get maintained and they turn it to county and say
14 help and EMS says help and the Fire Department says help, and the reality is we have
15 elected officials who when their constituents say help, they help.

16 MR. TUTTLE: Yeah, but I think we're comparing apples and oranges. Do we
17 have a problem with the privately maintained dirt road, that there's an association that's
18 supposed to fund the maintenance of that road that they are not and the county's had to
19 take that road back over?

20 MR. CHAMBLY: There are situations where people have set up a private road, I
21 don't know whether there are actually deed restrictions that require the maintenance,
22 but they do clearly show that they're privately maintained and then the homeowners

1 don't get together as a group and maintain them. So there are examples of that out
2 there.

3 MR. TUTTLE: Okay, well shouldn't there, shouldn't there then, I mean, I'm not
4 trying get into all the - but shouldn't there be a, I know in a lot of our HOA's when
5 somebody doesn't comply and pay as they agree to then there are lien rights, you can
6 lien the property and then foreclose on the property to get the money to maintain the
7 road as a group. I mean, I'm just, I'm having trouble distinguishing why if we have a
8 private road that's paved and maintained we have a mechanism and that can all work,
9 and nobody questions it, and now we want to do the same thing on a dirt road and
10 somehow there's no mechanism and there's no possible way that it could ever work. I'm
11 just having trouble -

12 MS. ALMEIDA: Well, I mean, we have private roads that are paved that have not
13 been turned over to the HOA's and the people living in those subdivisions as a group
14 don't have the funds to come together to take the developer or, or the developer went
15 defunct, to take to court. So I mean, there's many scenarios like that, where the
16 homeowners don't have the funds in which to come together and pay for court fees and
17 attorney fees as we all know that can be in the thousands of dollars range.

18 MR. TUTTLE: But, but for instance, I mean, the ones I'm involved in, we set up a
19 sinking fund and everybody signs on up front and you have the anticipated maintenance
20 cost over the long haul and then the road has to be replaced at some bubble point in the
21 future and you collect monies today to pay for that bubble point of the future.

22 MS. ALMEIDA: We have so many HOA's, and not just in this county, that once
23 there even turned over they do not collect funds for road maintenance. Thousands of

1 them, thousands. And only when there's failure do the people come together and they
2 realize they haven't collected enough, or they haven't collect at all.

3 MR. TUTTLE: Okay, so then the county has a problem with paved private roads
4 as well.

5 MS. ALMEIDA: Oh, absolutely. Private, yeah. So an HOA, it's great, but we're
6 realizing now that it, it's a problem. In theory the HOA theory is great if there's money in
7 the pot and they have an entity that runs it, but when you have these small HOA's that
8 it's just the homeowners who are doing all the work, it becomes an issue 10 and 15
9 years down the road.

10 MR. MANNING: And it's also, you know, in theory it's great to think that our
11 government's going to take care of all these road problems, go out there and see how
12 many pot holes we got that they don't take care of. So I mean, we've got that same
13 issue on the government side.

14 MS. CAIRNS: I understand that, but I mean, that's the whole, yeah you get - I
15 mean, we don't have a problem with the wealthy subdivisions, whether they're dirt road
16 or paved road, what we have problems with is non-wealthy subdivisions. If they are non-
17 wealth subdivisions and they have private roads they've got to [inaudible] they just do.
18 And I mean, there's going to be day when they need to repave that road and they're not
19 going to have that money, and the collective group of people don't have enough money,
20 so what happens is we end up with a slum, because the neighborhood is going to tank,
21 because they can't repave the roads. And that's what we're trying to figure out, how do
22 we, you know, I mean, you'd rather, I mean, it's the pooling of resources for the
23 betterment of us all. That's where the [inaudible], I mean it's what it is and the ones on

1 the top don't like it cause [inaudible] resources are being used for people on the bottom.

2 And I'm not trying to [inaudible] -

3 MR. MANNING: That's a little [inaudible] there.

4 MS. CAIRNS: But I mean, it's, it is what it is.

5 MR. MANNING: Yeah, well I don't know.

6 MS. CAIRNS: You know, I mean, so to say, hey, you know, you've got a
7 homeowners association and you're fine, it's like that's great in theory, it's awesome in
8 theory. In practicality, it just fails.

9 MR. MANNING: Well, there's no perfect world out there Heather, I mean -

10 MS. CAIRNS: I know that.

11 MR. MANNING: - you've got the government, you've got HOA's. All I'm trying to
12 say is that if you've got a dirt road subdivision in a rural community and the people living
13 on that dirt are fully aware up front that there's going to be no cost associated or the
14 county's not going to take care of it, you know, that, that ought to be sufficient. I mean,
15 there's no reason the county should take of it.

16 MS. CAIRNS: So what we're saying is we are simply going to allow, without
17 question, the creation of what will always be poor areas.

18 MR. MANNING: How do you know that's going to be a poor area?

19 MS. CAIRNS: You're going to allow [inaudible] division on dirt roads, with no
20 mechanism for that thing to be maintained, how is it going to be quality housing?

21 MR. MANNING: You know, collectively the people who live there may want a 10
22 20 acre subdivision that they maintain they don't want somebody down there with a

1 motor grader, and you say a dirt roads only going to last year, I've lived on one that
2 there's never been a motor grader on it and people go in and out of it everyday.

3 MS. CAIRNS: I don't know how long they last.

4 MS. ALMEIDA: Mr. Chambly, how long does dirt road, I mean -

5 MR. CHAMBLY: Well, it would really depend on the quality that they build it to. If
6 they put down the right amount of base and actually engineer it and build it, and a lot of
7 times the incremental cost to build a road right and then put the pavement on it -

8 MS. ALMEIDA: Is costly.

9 MR. MANNING: We design roads now that we don't, don't want to pave.

10 MS. ALMEIDA: And how many dirt roads do we have now in our system,
11 roughly?

12 MR. CHAMBLY: I think it's like 500 roads.

13 MS. ALMEIDA: And were looking at how much in order to pave those roads now
14 that we don't have?

15 MR. CHAMBLY: Millions of dollars.

16 MS. ALMEIDA: Yeah.

17 MS. CAIRNS: Well, the other thing about dirt roads is it makes a big difference
18 what the underlying dirt is. I mean, sometimes you can put a dirt road down on
19 something and it will last forever [inaudible].

20 MS. ALMEIDA: And frankly it's, it's not those subdivisions that you see that are
21 carved out 5, 10, 15, 20 acres apiece. It's the little one's, it's, it's you know, those are
22 the ones that we have.

1 MR. TUTTLE: I'd like to see the math, because if I live on a paved road and I
2 pay my taxes, you're saying the county's got an obligation to maintain that road and
3 replace it every so often. Now I have scenario B where I live on a dirt road, I pay the
4 same taxes as though I lived on paved road.

5 MS. ALMEIDA: Correct.

6 MR. TUTTLE: Okay? So is the incremental cost to maintain and then replace a
7 paved road over a given period of time greater than maintaining the dirt road? But I'm
8 paying the same taxes.

9 MR. CHAMBLY: Typically a paved road's going to last longer, it maintains,
10 there's less maintenance to it because -

11 MR. TUTTLE: Is there a study as per year the, you know, cause you're going to
12 have big number one day 20, 30 years in the future when you have to replace the
13 asphalt.

14 MR. CHAMBLY: Right, but they do last longer. The grading of road is very
15 expensive, going out with a grader and, and grading the road is a definite cost that you
16 have every two to three months when you have a gravel road.

17 MR. TUTTLE: Is there a resource that we can pull and see what the, the average
18 cost per linear foot or mile of, of paved road is over a period of time, with the balloon
19 payment to replace it?

20 MS. ALMEIDA: I think we have that [inaudible]

21 MS. CAIRNS: Like a 50 year life cost of a dirt road versus a paved road.

22 MR. TUTTLE: Yeah, and maybe their astronomically different.

1 MR. CHAMBLY: Nationally this is an issue that goes on everywhere, and, and,
2 so I'm sure there's studies out there, that have addressed it.

3 MR. MANNING: Mr. Tuttle, I believe they prorate the roads on a 20 year life. And
4 the bonds that you'd require, doesn't it go back to the longevity of the road?

5 MR. CHAMBLY: When they originally build a road, they may bond - it's only
6 bonded for a year just to -

7 MR. MANNING: But the cost of the bond is based on replacement over a 20 year
8 period, wasn't that what you -

9 MR. CHAMBLY: When we, they build a road they just provide a bond to warranty
10 it for one year. But the design - then we go out and inspect it and make sure it does
11 comply with the design to make sure it does have that 30 year life that we're looking for.
12 But we do have an extensive maintenance problem just for gravel roads, you know, with
13 the graders and all that, but we don't - paved roads we don't nearly do that much
14 maintenance on them as far as patching pot holes, that's pretty insignificant. We
15 probably have three times the mileage in paved roads, so the gravel rates do cost us a
16 lot more on an annual basis.

17 MR. TUTTLE: But does that, I'm not trying to labor the point, but does that
18 include the replacement cost? You can't just look at it before you have the bubble and
19 you have to replace it, you have to include that.

20 MR. CHAMBLY: I'd have to look at a study and see what's out there, yeah.

21 MR. TUTTLE: Thank you.

22 MS. CAIRNS: Another thing that I've encountered in the last couple of weeks,
23 which I thought was interesting, was that the requirement of lenders to see the road

1 maintenance agreement [inaudible]. I hadn't seen that until the last couple of weeks, but
2 I've been getting lenders asking me to send them road maintenance agreements when
3 they're on private roads. And so that's something that if we're going to allow these
4 things, they're not going to [inaudible] I mean, okay, the words can be there but, I mean,
5 you know, the lenders are catching on to these things too.

6 MS. ALMEIDA: Yeah, we would require document.

7 MS. CAIRNS: [Inaudible] It's on roads, that there's no guarantee that the value of
8 that land is, you know, cause that road goes down, so that house goes down more in
9 value. I mean, that's a known, even if it's a paved road, if it falls apart that house is
10 [inaudible].

11 MS. ALMEIDA: We would require a restrictive covenant be signed and be filed
12 with the final plat.

13 CHAIRMAN PALMER: Yeah, well the lender will know that, you know, if we move
14 forward with dirt roads in the county that these are not going to be accepted by the
15 county.

16 MS. CAIRNS: Right, but I mean, what I'm worried about is that we're going to
17 have words at the courthouse that say there's road maintenance agreements and there
18 really isn't. There's going to be nobody, you know -

19 CHAIRMAN PALMER: Yeah, but you can't over analyze, you can't say that yeah
20 I've got an agreement but I don't believe in it, you can't -

21 MS. CAIRNS: I'm not over analyzing it, I'm just, I'm just [inaudible].

22 CHAIRMAN PALMER: I mean, the agreements are there in place and they work
23 mostly.

1 MS. CAIRNS: Right, and [inaudible] by each other [inaudible] which makes them
2 often [inaudible].

3 CHAIRMAN PALMER: Yeah, but that's our system.

4 MS. CAIRNS: Yeah, but how much worse do we, how much more strain do we
5 want to put on a system that we have seen not work every well?

6 CHAIRMAN PALMER: I don't know, you gotta change the system.

7 [Inaudible discussion]

8 CHAIRMAN PALMER: Alright, how do you guys want to act on what this
9 language is in front of us. I understand dirt roads is going to be an issue we need to
10 address it and move forward because it pertains to the whole county.

11 MS. ALMEIDA: Right, we, we have an ordinance and we pretty much know that
12 the County Council is looking for something from the Planning Commission or they will
13 pull it. So whatever the Commission desires, whether it's to approve or deny, but to, to
14 get your, your concerns on paper so that they are fully aware of what they are.

15 CHAIRMAN PALMER: My concerns personally are to the aspect of relative and
16 the enforcement of that and the concern that Staff has given, has raised that says the
17 enforcement of that is going to be an issue. And I would personally hate to put
18 something in our ordinance that we know going forward before we even put it in is going
19 to be an issue. That's my concern with what's in front of us here today. I'm not saying
20 that dirt roads don't have a place in the county, I think they do, I think we need to
21 address that separately and not do it simply for relatives. That's my opinion.

22 MS. ALMEIDA: Anything else?

23 CHAIRMAN PALMER: Anybody else?

1 MR. MANNING: I guess if this was being used to circumvent the subdivision
2 regulations outside of a family then I, then I would have some concern about it but the
3 difference between a son or daughter or a death or a gift really doesn't make sense. I
4 mean, so you're saying, okay, you know, once a will says you are the owner of this
5 property you can do a subdivision with a dirt road.

6 CHAIRMAN PALMER: But these don't have any, this doesn't have any kind
7 parameters in there that says that it, land or the lots have to stay in the family.

8 MR. MANNING: Well, I think that should. I mean, I think -

9 MS. CAIRNS: Well, you could only potentially do that on the initial transfer and at
10 that point you can't just [inaudible] because then you've got [inaudible].

11 MR. MANNING: But the deed convent or the restriction that would be attached to
12 that lot would remain, I know it would go out 20 years.

13 MS. CAIRNS: If it restricts to whom you can sell it, it would fail.

14 MR. MANNING: But the restriction that you could not have public maintenance
15 on that road, you know, those kind of restrictions would remain intact. But I guess
16 before or after death if that's what - I guess were they trying to do this from a legal
17 standpoint to, for family members before?

18 MS. CAIRNS: I think, I can offer that probably, the reason why I think there
19 would be an interest to say if you decided that it's okay upon death for family to leave
20 dirt to heirs then it ought to be okay during life. And part of that is just the fact that we
21 all live so long that generally your children needing land occurs decades before you die.
22 And so that's, that's -

23 MR. MANNING: Absolutely.

1 MS. CAIRNS: - so that's why I think they're trying to say we're going to let family
2 subdivide land without the owners having challenges of developers and whatnot,
3 [inaudible] before death because, to let, enforce [inaudible] you know, bypasses the
4 time for which [inaudible]. But there needs to be some mechanism by which, you know,
5 if, you know, I understand you guys saying I don't think it should be restricted to family, I
6 don't have any real heartburn with that because that's what the whole intent of this, is
7 try to respect the family, and I do think that it would survive the challenge to limit it to
8 [inaudible] family members. But there has to be some mechanism of enforcement as to
9 how you [inaudible] and that's tough because we have, birth certificates aren't enough.
10 We have birth certificates that are incomplete or inaccurate in this state all over the
11 place.

12 MR. GILCHRIST: I was just going to ask, is there a time line that Council wants -

13 MS. ALMEIDA: Well, exactly. Our concern is that Council will pull this before
14 your next meeting. And therefore Staff feels that it would be a really good idea to bring
15 every concern that you all would have; whether you deny, conditionally approve, and
16 put it on paper so all of Council can see that there are many issues, not just definition of
17 family or, you know, whether it's acreage size or whether it's, whatever it is.

18 MR. TUTTLE: Can I ask you, help me walk through hypothetical and see if I
19 understand the ordinance and how it might relate differently to heirs in a family? If I own
20 500 acres I could multiple times give property to my family member, which in turn they
21 could have access to parcels by, via dirt road. They could then in turn sell that dirt, the
22 property located on that dirt road to another person, and then I could then go back and
23 give them additional land from my 500 acres, in which we could have access by dirt

1 road to those properties as well. They could then in turn turn around and give those, sell
2 those in the market, so you could potentially end up with a significant sized subdivision
3 that was no longer owned by family members that had dirt roads.

4 MS. ALMEIDA: Ameila was saying that once the finally plat is recorded, that's it.
5 Okay, so your scenario of 500 acres you, you subdivide it to seven lots and you record
6 that final plat, that's it. But if you have 500 acres and you decide, you decide to only
7 carve out 250 acres into seven lots and you file that final plat, you can later on take the
8 remaining 250 acres and subdivide that, into seven lots.

9 MS. CAIRNS: I'm sure you could figure out a way to get -

10 MS. ALMEIDA: Yeah. You don't have to do -

11 MS. CAIRNS: It would take a little bit of work and some planning.

12 MS. ALMEIDA: You could potentially, depending on how much acreage you
13 have, you don't have to subdivide your entire property.

14 MR. MANNING: But as it stands now the requirement to record a plat -

15 MS. ALMEIDA: Would be final.

16 MR. MANNING: - you have to have x amount of road frontage on a public road.

17 MS. ALMEIDA: Yes, currently.

18 MR. MANNING: Okay. What if your 500 acres had 100' of frontage on a road?
19 How are you going to subdivide that property?

20 MR. TUTTLE: You don't have to be on a public road.

21 MR. MANNING: Oh, yeah.

22 MR. TUTTLE: No, you can do it on a private road. I think you're entitled to -

23 MR. MANNING: I don't think so.

1 MS. CAIRNS: Depends on how bad you [inaudible]. I mean, if you wanted to
2 [inaudible] over time, I think you'd have to have a lot of frontage, but I think if you had a
3 lot of frontage, you could do subdivisions that simply didn't trigger the need for a dirt
4 road because every parcel, you get 500 acres, you can get five 100 acre that all had
5 that frontage. And then when you went to subdivide [inaudible] that's when you
6 potentially [inaudible] until you needed [inaudible] you haven't even triggered anything
7 [inaudible] you can subdivide – I mean, and that's where all of this comes in [inaudible].

8 MR. MANNING: What, I would guess there's a scenario out there that's 500
9 acres on a private road.

10 MS. CAIRNS: Well, we've got lots of acres on those roads.

11 MR. MANNING: And so how do you subdivide that? You don't.

12 MS. CAIRNS: I mean, we have tons of acreage in this county that's not even on
13 roads.

14 MR. MANNING: So if you've got 500 acres on a, on a private road, private dirt
15 road, you think that nobody should be able to live on that property?

16 MS. CAIRNS: No, I'm just, no. We just have a huge, I mean, it's currently on a
17 dirt road that's got an easement, it may not, I'm just saying we have some tracts of land
18 that have no apparent means of access [inaudible].

19 MS. ALMEIDA: Right, land locked.

20 CHAIRMAN PALMER: Okay, so what are the issues with the language that's in
21 front of us? What are the issues that people have with what's in front of us? I mean, one
22 of the issues is the difference between relatives and non relatives, and the ability to
23 determine relatives.

1 MS. ALMEIDA: Right, you have an issue with section one. Number one, which is

2 -

3 CHAIRMAN PALMER: I have an issue with being able to determine who a
4 relative is. I mean, what's the, how do you do that?

5 MS. CAIRNS: Do you have an issue that they have to be a relative or that we
6 don't have a way to ascertain [inaudible]?

7 CHAIRMAN PALMER: I think the – well, I do have an issue with both, but the
8 biggest issue for me is what the Staff has raised and they see as a potential problem
9 out the gate is in the enforcement of the ordinance, and always have a problem with
10 that, when we draft stuff that we don't know how were going to enforce. What about the
11 lot sizes? Think three quarters of an acre is enough?

12 MS. LINDER: The proposed language is, is each lot would have to be one acre.

13 CHAIRMAN PALMER: One acre?

14 MS. LINDER: And this is not limited just to rural, it's any, any zoning district.

15 CHAIRMAN PALMER: That allows for residential, single-family residential.

16 MS. LINDER: Correct.

17 CHAIRMAN PALMER: Yes, no, good, bad, one acre is fine, nothing?

18 MR. GILCHRIST: I think that's fine.

19 CHAIRMAN PALMER: Alright.

20 MS. MCDANIEL: I think it should only be in he rural districts, but this could be
21 just any district.

22 MS. ALMEIDA: So it should be in a rural district?

23 MR. MANNING: I agree.

1 CHAIRMAN PALMER: You think that seven lots is enough? Not enough? More
2 than enough? I mean, what if you're the eighth grandkid?

3 MS. ALMEIDA: Well, no different than what they have to do now, they have to
4 buy each other out.

5 CHAIRMAN PALMER: Should have been born earlier?

6 MR. WESTBROOK: Should have made a better impression.

7 CHAIRMAN PALMER: Shouldn't have moved to California. Alright, I, I would
8 want to address the, the general public becoming an owner. You know, I leave a lot to
9 John Smith, that's my nephew and he sells it to his best friend. I mean, then we're
10 getting into, this gets out of the realm of being relative and it gets into the public.

11 MS. CAIRNS: [Inaudible] the only thing we can do to stop that would be to put in
12 there a [inaudible] you can't say you can't sell it outside of family. [Inaudible]

13 MS. ALMEIDA: The only provision that's in here is found on page 11, which
14 states that if the parcel is then further subdivided it then has to come into full
15 compliance. So if you have an acre and - well right now were not limiting it to rural, so
16 let's say it's RSMD, someone could come in and sell that lot, subdivide it further, into a
17 smaller lot, and then they would have to pave that road. Now if they just transfer title
18 from one to the other that's -

19 CHAIRMAN PALMER: How long does the chain go? I mean, [inaudible] dad
20 leaves me a lot, and I then subdivide to my children?

21 MS. ALMEIDA: Well, once you subdivide then you have to -

22 CHAIRMAN PALMER: Even if it's to my heirs, I would then fall under this same
23 category, right?

1 MS. CAIRNS: No, but it's saying that, it's saying that if you once use this
2 exception –

3 MR. TUTTLE: Yeah, multiple -

4 MS. ALMEIDA: That's it.

5 MS. CAIRNS: That's it, it locks in forever.

6 MR. TUTTLE: [Inaudible]

7 MS. CAIRNS: No, but they're saying it doesn't allow that.

8 MS. ALMEIDA: Right, it locks.

9 MS. CAIRNS: If you've avoided full compliance of subdivision regulations under
10 this Code section, then all the lots created under this Code section cannot ever again be
11 subdivided under this Code section.

12 MS. ALMEIDA: That's it.

13 MS. CAIRNS: [Inaudible]

14 MS. ALMEIDA: Correct.

15 MS. MCDANIEL: Under C, conditions for approval, is that what you're talking
16 about?

17 MS. ALMEIDA: Right.

18 MS. MCDANIEL: Well, if that's the way, the intent then that needs to be more
19 clearly stated because I could see how I could argue against that interpretation.

20 MS. ALMEIDA: Well, no, it's under C(1), yes.

21 MS. MCDANIEL: Yeah, I mean, I would, if you want that to be what, if you say
22 only one family, make that more clear, if that's going to be what you mean.

23 MS. ALMEIDA: And how should that wording -

1 MS. MCDANIEL: Well, I'm just saying that if, you know, that it says it has to be in
2 full compliance with all provisions of all land development regulations. I mean, isn't this
3 a land development regulation? I mean, and if I'm giving it to my family member, that's
4 in compliance with this land development regulation.

5 [Inaudible discussion]

6 MS. MCDANIEL: Yeah, I mean, if you want to limit it to one, you know, I would
7 say.

8 MS. CAIRNS: This [inaudible]

9 MS. ALMEIDA: How should we word it?

10 [Inaudible discussion - laughter]

11 MS. ALMEIDA: Yeah, I know.

12 CHAIRMAN PALMER: This section of Land Development Code can only apply to
13 a parcel of land one time.

14 [Inaudible discussion]

15 CHAIRMAN PALMER: Can we address something here that goes to the
16 standards that we were talking about earlier where Deas was talking about the postal
17 service stops at the paved road, you know, that kind of stuff?

18 MS. MCDANIEL: Sure.

19 MR. MANNING: I mean, the postal service is going to tell you whether they're
20 coming down there or not.

21 CHAIRMAN PALMER: Yeah, but I'm saying that, you know, the expectation
22 level, the garbage service, I mean, I understand people expect -

1 MR. MANNING: Well, I think that's fair, you know, you may or may not receive
2 other services including garbage, postal, I think there are number of them.

3 CHAIRMAN PALMER: You have a heart attack, your [inaudible] to wheel you out
4 to the paved road.

5 [Inaudible discussion]

6 MS. CAIRNS: I hate I have to break a little early from today's meeting but
7 [inaudible] keep in mind that [inaudible]. I feel that one of our charges is to, to be a
8 body that is open to improving the value of [inaudible] and to realize that some of these
9 things will [inaudible]. And I just think we exist for the betterment of the entire
10 community, [inaudible]. [Inaudible] I have to, I apologize but I do have to take off
11 [inaudible].

12 CHAIRMAN PALMER: Stirred this hornet's nest and now you're going to get out
13 of here? [laughter]

14 MS. CAIRNS: And that's unique? But I got to get back.

15 MR. MANNING: And I understand where you're coming from, Heather. I do think
16 sometimes we got to look at it -

17 MS. CAIRNS: When we start talking about, well you have a post office [inaudible]
18 and the fire trucks will quite going and EMS will quite going and the lenders will quit
19 lending, but it's okay.

20 MR. MANNING: Well, is the glass half empty or half full? You know, it's in the
21 eyes of the beholder and some people don't necessarily need or nor want that service.

22 CHAIRMAN PALMER: And they got a house now whereas before they didn't
23 have one.

1 *[Cairns out at 2:07pm]*

2 MS. ALMEIDA: But with no service. Okay.

3 CHAIRMAN PALMER: Alright, so what do we have on the list so far that needs to
4 be addressed in this, if we can move forward? I got enforcement, the rural district.

5 MS. ALMEIDA: Do we have an issue with lot size?

6 CHAIRMAN PALMER: I don't think so.

7 MS. ALMEIDA: Or the number of lots, limiting the number of lots to seven?

8 CHAIRMAN PALMER: I didn't hear any of the lot size or the number of lots.

9 MR. MANNING: One acre on lot size and the number of lots was seven. I think if
10 it's going to be consistent with what's already there and the heirs, I mean -

11 MS. ALMEIDA: No.

12 MS. LINDER: No, there's no -

13 MR. MANNING: There's not?

14 MS. LINDER: There's no number on heirs.

15 MS. ALMEIDA: No.

16 CHAIRMAN PALMER: I don't know why you have a lot number, period. If you're
17 going to do it, just do it. If you're not going to do it, don't do it.

18 MS. ALMEIDA: Okay, so no lot, no maximum number of lots.

19 MR. TUTTLE: So does that mean a family member could get 10 lots?

20 MS. ALMEIDA: Um-hum (affirmative). If you have 500 acres and you decide you
21 want to subdivide your property and give it to your great grandchildren, your brothers,
22 your sisters, your, you can -

1 CHAIRMAN PALMER: I guess what David is getting at is you get more than one
2 lot per person

3 MS. MCDANIEL: It's [inaudible] subdivision.

4 MS. ALMEIDA: Yeah.

5 CHAIRMAN PALMER: You get more than one lot per person.

6 MS. ALMEIDA: Yes, you can, absolutely.

7 MR. TUTTLE: You don't really need to give it to multiple people, you can give, I
8 can give Pat 500 lots, one acre lots.

9 MS. ALMEIDA: If he's your child, spouse of a grantor, if he meets I guess that
10 criteria.

11 MS. MCDANIEL: And then they could sell it to people outside the family.

12 MS. ALMEIDA: Sure, why not?

13 MR. MANNING: Well.

14 MS. MCDANIEL: [Inaudible] subdivision.

15 MR. MANNING: If that's the outcome then, you know, that's going against the
16 intent. I'm not in favor of that, but.

17 MS. MCDANIEL: Yeah.

18 MR. BROWN: Let me raise a question, Mr. Chairman.

19 CHAIRMAN PALMER: Yes, sir.

20 MR. BROWN: Enforceability based on blood relationship, is that enforceable?

21 MS. LINDER: Right now this ordinance requires that applicant to certify that it is
22 going to a family member, so there'd be a matter of trust and certification but I don't

1 know that we'd be able to follow up as far as whether that's a true statement or not,
2 even though the applicant is saying they are certifying it.

3 CHAIRMAN PALMER: What do you do, you just go by the piece of paper that
4 says this is my son, and get it notarized? Then you're good?

5 MS. ALMEIDA: That's correct.

6 MS. LINDER: That would be the essence of it, yes.

7 MS. ALMEIDA: Were not going to be going to the court and finding out.

8 MR. BROWN: But, the blood I'm talking about, not just, I'm talking about blood
9 relationship, is that what this is intended to do, or is it just married into the family, cousin
10 by reason of marriage or whatever?

11 MS. LINDER: It could be your spouse. It could go to the children of your spouse,
12 for example.

13 MS. ALMEIDA: Adoptive children.

14 MR. BROWN: Who may not be your biological children –

15 MS. LINDER: Which may not be your biological children. If you're in a second
16 marriage -

17 MR. BROWN: Which you haven't adopted, but they happen to be the children of
18 the -

19 MS. LINDER: Yes, if you're in second marriage and you're marrying someone
20 that has children then those children will also be able to receive the land.

21 MR. BROWN: I'm not quite sure what we doing here, Mr. Chairman. I think we're
22 creating a problem.

23 MR. GILCHRIST: Yeah, I agree with Mr. Brown. This makes no sense to me.

1 MR. BROWN: Me either.

2 MR. GILCHRIST: And, you know, I've listened to the arguments, I've tried to
3 rationale some portion of this, and it just absolutely makes no sense. Mr. Chairman, I
4 don't know what, what we can do to - I, you know, I kind of agree with Heather that I
5 don't think we should push ordinances through that can have some negative impact
6 down the road and some, I mean, this is just to me, and maybe we need to do some
7 more research on it, I heard some folk talk about maybe we can get some data from
8 other counties that have experienced some of this. But if, if, if our process will allow for
9 some way to defer this or just let Council know that there's some questions that we
10 have and we need to revisit this I think, I don't know what -

11 CHAIRMAN PALMER: We certainly can defer. This is one of those subjects
12 though, just like the heirs property, that's been, specific Council members want to act on
13 immediately and it will be an issue that if we don't send something back to them today
14 we won't see it again, unless we bring it up.

15 MS. ALMEIDA: At least with a list of concerns, whatever they are, you know, at
16 least we can put a memo together.

17 MR. GILCHRIST: But we don't have to say we approve this thing.

18 MR. MANNING: No, we don't.

19 MS. LINDER: What I, what I sort of hear you saying is that you're going to be
20 recommending denial based on these reasons, because of these concerns.

21 CHAIRMAN PALMER: I don't know yet. I don't know yet. I don't know which way
22 it's going to go, at all.

23 MR. BROWN: Mr. Chairman it seems to me that one great issue is enforceability.

1 CHAIRMAN PALMER: That's my main issue and the, and somebody can simply
2 say this is my son, type it out on a piece of paper and have a notary sign it, there's no
3 way to, checks and balance. You know, I can see people, this being an issue where
4 people will take advantage of. I know that you don't want to, just like Deas say, you
5 don't want to throw the baby out with the bath water just because people are going to
6 take advantage of it. People that want to do it legitimately I think we, you know, need to
7 find a way to address those concerns.

8 MR. MANNING: Mr. Chairman, I'm not advocating we adopt ordinance as written.
9 I mean, I think it does create a lot of confusion and there's a lot of question to it, and
10 obviously everybody's expressing concern about it and - but I do think that, I'm looking
11 at it from standpoint that I'd like to bring clarity to it and see if there is some way to push
12 something forward that would be beneficial to people in the circumstance –

13 CHAIRMAN PALMER: I agree.

14 MR. MANNING: - without being detrimental to the community at large.

15 MS. MCDANILE: So could we perhaps recommend denial for this and then
16 maybe come up with our own language to address –

17 CHAIRMAN PALMER: Absolutely.

18 MS. MCDANIEL: - this type of situation? I mean, I've grown up on a farm. I do
19 feel that that's, it would break my heart for my grandfather not being able leave me five
20 acres.

21 MR. MANNING: Break his heart.

22 MS. MCDANIEL: So, I think it does need to be addressed, but not in this
23 ordinance. And we could write our own ordinance.

1 MS. ALMEIDA: Correct.

2 MS. MCDANIEL: Have our own suggested language.

3 MS. ALMEIDA: Correct.

4 MR. MANNING: Well, you know, I guess going back to what the Chairman was
5 saying that the Council may take this out of our hands and if they do, if we do not take
6 action on it then I would like to suggest that we as a Body create our own ordinance and
7 send it forward as quickly as possible, even if they have taken it out, created a new
8 ordinance themselves.

9 MS. ALMEIDA: Well, if I may I would suggest that, at least have your list of major
10 concerns to this document because if it's deferred and nothing is transmitted to Council
11 they don't know what you all are thinking.

12 CHAIRMAN PALMER: I would recommend for this Body be that's the way we'd
13 like to do it that we recommend deferral, I mean, not deferral but denial based on these
14 issues for this ordinance, however we will be addressing the dirt road subdivision issue
15 very shortly out of this Body. That would be my recommendation. I wouldn't recommend
16 a deferral. It looks like we just don't want to address it.

17 MS. MCDANIEL: Well if we deferred it, we could send our comments forward.

18 MS. ALMEIDA: I mean, they would want to know. We could put a memo in there
19 and -

20 CHAIRMAN PALMER: I think if they want action on this issue, let's act on this
21 issue that's been put in front of us.

22 MR. GILCHRIST: Okay, what's the list?

23 MS. ALMEIDA: Well we have -

1 CHAIRMAN PALMER: Well, the two things I, that I've only been able to hear that
2 I think we're in agreement on are the enforcement issue and it needs to only be in a
3 rural district.

4 MS. MCDANIEL: And that it's not limited to a single transfer among family
5 members.

6 CHAIRMAN PALMER: Yep.

7 MR. MANNING: Say that again.

8 MS. MCDANIEL: It's not limited to a single transfer among family members.

9 CHAIRMAN PALMER: In other words, you can leave two lots to one kid or 500
10 lots to one kid.

11 MR. GILCHRIST: Not limited.

12 [Inaudible discussion]

13 MS. LINDER: Two of those three suggestions you've just made, we can change
14 the ordinance language. The question about enforceability I wouldn't know how to
15 amend the ordinance to address the enforceability issue.

16 MR. MANNING: Well can -

17 MR. BROWN: Excuse me, I'm sorry, I apologize. Mr. Chairman, the question is
18 what, from a legal standpoint in looking at what, either the states Supreme Court has
19 decided on some other legal jurisdiction, what have they found?

20 MS. LINDER: I'm not sure what you're looking for, the court finding, finding in
21 what regard.

22 MR. BROWN: With respect to the enforceability matter.

23 MS. LINDER: I don't know that there is any court issue on that. I don't -

1 MR. BROWN: It has not come up anywhere in the state of South Carolina other
2 than this county?

3 MS. LINDER: I don't know of any jurisdiction in the State of South Carolina that
4 has anything similar to what's being proposed here in Richland County.

5 MS. ALMEIDA: In other counties they don't limit it to – what we have found
6 preliminarily they don't limit it to family members, it's just allowed.

7 MS. LINDER: Other jurisdictions allow dirt roads.

8 MS. ALMEIDA: Anyone.

9 MR. TUTTLE: I think this is where Mr. Manning would like to see this have
10 something to enforce at some point in the future; just forget family, can we have dirt
11 roads, under what circumstances?

12 MR. MANNING: Well, I think that, you know, one we've got the family issue, but
13 the other is a rural, or a agricultural community, an equestrian community, if you can
14 bring those kinds of ordinances back for us to look at, I know Aiken County's got them,
15 Camden's probably got them.

16 MS. ALMEIDA: Well, if you can allow dirt road sub divisions the family issue
17 would go away.

18 MR. MANNING: Well, I'm not so sure you want to do it that way. You might want
19 to limit it to family and then look at another way to do a dirt road subdivision. You know,
20 it might be that you've got to have a 50 acre lot, you know, for an equestrian
21 subdivision. I don't know what those parameters should be, but I'd like to see some of
22 that language if you can get it. As far as the people that are able, I mean, this, this

1 reading a division of real property, heirs of a decedent. Can you define decedent for me,
2 how many people that could possibly be?

3 MS. LINDER: That would be your children and grandchildren and great children,
4 and great, great children, etc. that's descending.

5 MR. MANNING: I think there ought to be a limitation on that. Do you?

6 MS. MCDANIEL: A limitation on how far down your grandchildren can - I would
7 think that is biologically limited by dying.

8 MR. MANNING: Well, I mean, those persons, you know, the great, great
9 grandfather's gone.

10 MS. MCDANIEL: Yeah.

11 MR. MANNING: Alright, so were probably dealing with the grandparents or the
12 parents, and the children. I think it ought to be limited to, you know, that timeframe
13 rather than, you know, going back.

14 MS. LINDER: So you want to take out great grandchildren, and great
15 grandparents?

16 MR. MANNING: I think there should be a limitation to that. I mean, well

17 [Inaudible discussion]

18 CHAIRMAN PALMER: Yeah, I think as long as you're alive you're fine. [laughter]

19 MS. MCDANIEL: And I think beyond that, nobody I don't think anybody's got
20 great, great grandparents alive, to leave them land.

21 CHAIRMAN PALMER: People may have started having children early and
22 they're 60 years old and they have great grandchildren.

1 MS. MCDANIEL: Yeah, I mean, up until recently I had great grandparents. Are
2 we still talking about concerns?

3 CHAIRMAN PALMER: Yeah, we are. We've got three of them so far that I know
4 of.

5 MS. MCDANIEL: I do have some concern about it being limited just to family.
6 Even though, you know, personally I like the idea of land staying within family, when
7 you're talking about heirs property I can see why you would have this, this you know,
8 option, because you may inherit land that you didn't really want. I mean, somebody up
9 in New York City that inherited one three hundredth of a piece of land, you know,
10 somewhere down here and they need to be able to subdivide the property and sell it
11 later. But with this, this would be purely voluntary, you know, like there's no event that
12 triggers the need for this to happen. So I don't know what the reason for doing the
13 family different from the general public is, but.

14 CHAIRMAN PALMER: And if you're limiting it to seven lots, I mean, is the county
15 any better off or worse off if relatives are living on those seven lots or if these strangers
16 are living on these seven lots? The issues -

17 MS. MCDANIEL: It shouldn't matter to the -

18 CHAIRMAN PALMER: - the issues are still there.

19 MR. MANNING: Well, but the motive for the two different types of subdivision are
20 totally different. I mean, one's profit and one is, you know, trying to [inaudible] to your
21 family by giving them something. So I think, think too circumvent the existing ordinance
22 for profit would be wrong, you know.

1 CHAIRMAN PALMER: Do you have here that the, these lots can only be gifted
2 and not sold to the, not sold to the relatives?

3 MS. LINDER: There's no language about how, whether consideration is given or
4 not. It's just the subdividing of the land. Whether consideration is given or not given.

5 CHAIRMAN PALMER: So to, I mean, to your point, Deas, I mean, I'd go in under
6 the assumption the whole time too that it was a gift.

7 MR. MANNING: Yeah.

8 CHAIRMAN PALMER: I mean, you could sell these to your kids or your
9 grandkids?

10 MR. MANNING: Complicated.

11 CHAIRMAN PALMER: So we'll put that down as an issue then that is the reason
12 for either deferral or approval. But I mean, an issue is the profitability of the lot as far as
13 the transfer, is it a gift, I mean, is it only for gifts or is it so the family can make money?
14 Do you understand what I'm saying?

15 MS. ALMEIDA: Does it matter? I mean.

16 CHAIRMAN PALMER: I guess that goes to the difference between it being a
17 relative or to the public. It makes sense if it's to a relative because you're giving your
18 son a lot; that's the sentimental part of it and all that kind of stuff. But if you're selling to
19 your son it takes away the whole reason for, for that relative being there, you
20 understand what I'm saying?

21 MR. MANNING: Or if you're giving it somebody, the public to circumvent the
22 ordinance to put in a paved road that's what I would want to avoid.

23 CHAIRMAN PALMER: Right.

1 MS. ALMEIDA: Well, but what if you have no children and you want to give it to a
2 child who is like a son or like a daughter? You can't do that can you? I mean, so you're
3 limiting the fact that if I have no children I can't use this. It just mushrooms into so much
4 - I'm sorry.

5 CHAIRMAN PALMER: I think one of the issues is definitely relative versus the
6 public. I mean, I mean, that's, the fourth issue for me is this ordinance doesn't address
7 how clearly that is, or the need for that, for it being just relatives and not open to the
8 public. Justify why just your family needs it, and the public wouldn't need it as well.
9 Because the implications to the county are the same no matter if it's a relative or if it's
10 for the public, the responsibilities going to be the same with the county.

11 MR. GILCHRIST: Needs to be in a rural district.

12 CHAIRMAN PALMER: Number of lots that go to kids, I mean, why is it limited at
13 seven, what if you have kids?

14 MS. ALMEIDA: So should there be a lot limit?

15 CHAIRMAN PALMER: Should there be a lot limit? These are the issues that, if
16 we vote for or deny, these will go forward to Council as reasons for that.

17 MS. ALMEIDA: Right so.

18 CHAIRMAN PALMER: There's no rationale behind the number seven.

19 MS. ALMEIDA: Okay.

20 MR. GILCHRIST: What was the fourth thing, Mr. Chairman?

21 CHAIRMAN PALMER: The difference between why is this only going to relatives
22 and not to the public when the county has to bear the same about of burden no matter
23 who's there?

1 MS. ALMEIDA: Right.

2 CHAIRMAN PALMER: So if you're going to open it up to relatives why would you
3 not open it up to the public. Any other issues with it?

4 MR. BROWN: We did list enforceability, right?

5 CHAIRMAN PALMER: We got that first, number one. Do we have any motions to
6 that affect?

7 MR. GILCHRIST: Mr. Chairman, I'll recommend that article 10 section 26-224 be
8 forwarded on to Council with a recommendation of denial based upon those four issues.
9 Do I need to rename those issues?

10 MS. LINDER: No I think the issues have already been on the Record.

11 MR. GILCHRIST: Okay.

12 MR. TUTTLE: Second.

13 MR. MANNING: Mr. Chairman, was profit versus a gift part of that too?

14 MS. ALMEIDA: Yes.

15 CHAIRMAN PALMER: Yes. That's number 5.

16 MR. GILCHRIST: That's the 5th one.

17 MR. GILCHRIST: Do I need to restate the motion?

18 MS. ALMEIDA: The, the question of whether the profitability of transfer, gift
19 versus monetary distinction.

20 CHAIRMAN PALMER: We have a motion to second. All those in favor, signify by
21 raising your hand.

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

1 CHAIRMAN PALMER: None opposed. Alright.

2 MS. ALMEIDA: Mr. Chairman, I have an update by our Staff Member Holland
3 Leger on the neighborhood master plans. You had asked about an update regarding the
4 initiatives on the different master plans so Mr. Leger has put together a brief Power
5 Point.

6 MR. LEGER: Thank you Mr. Chairman, thank you Anna. First thing I've got here
7 for you here today is a mission statement of the neighborhood improvement plan and
8 the master planning process. I won't read through everything but the neighborhood
9 improvement program was designed to coordinate and fund neighborhood and
10 improvements and improvements to these areas, working with other divisions of county
11 government and local residents of each of these neighborhoods. Originally five or six
12 years ago the Council put together 10 neighborhoods for us to look at and prepare
13 master plans for. That list has been reduced to nine, the Lower Broad River and St.
14 Andrews was combined into the Broad River master plan. We've got nine areas left and
15 I won't read, you all have a hard copy of the presentation. Here's a map, probably a little
16 difficult to see so I can try and identify them. The blue area here is the Hopkins, Red is
17 the Southeast Richland, down on Garners Ferry. I think a number of them are probably
18 going to be really difficult to see. Decker, is the orange there, Trenholm here,
19 Candlewood, Northeast, Crane Creek, Broad River Corridor, Spring Hill, and Broad
20 River neighborhoods is back down in here. Broad River Corridor is the first on the list
21 and they pretty much went alphabetically. That was approved just recently in December
22 by Council [inaudible] representatives of the Council are listed and our Staff is listed as
23 well, Ms. Tia Rutherford who is in the back of the room here today. There's a map of it

1 and I know that's a little difficult to see as well. Because it's a relatively recently
2 adopted plan, what we've begun to do is schedule meetings with Council to discuss how
3 we should move forward, some of the goals and objectives and beginning the
4 prioritization in this Broad River planning process. Next plan is the Broad River Heights
5 area and that is over off of Broad River Road near the River. [Inaudible] was a Staff
6 representative there, she is no longer with us and we're looking to fill that position and
7 hopefully we will have that done shortly. That plan was adopted in 2006 on October 19th
8 and there's a map of it [inaudible] I believe is down here. In this area we've set up a
9 neighborhood association. Some of the larger parcels have been annexed into kind of a
10 mixed use subdivision and we're also looking at gateway signage in this to identify and
11 brand this neighborhood. And we're, that is one of the things were doing in all of the
12 master planning areas is to try to brand and bring better recognition to each of the
13 neighborhoods and subdivisions, so you'll see this gateway signage proposed for pretty
14 much all of the master planning areas. Some of them have actually taken place and
15 we've had signage installed. Candlewood is one of those. This plan was adopted March
16 12, 2009, and Ms. Rutherford is working with that in Ms. Hutchison's district. There's a
17 map of the area. The recreation district is looking to do some park improvements in this
18 area, it's a vacant property. We've also been through a petition process where the Staff
19 went out, knocking on doors throughout the entire subdivision to try identify those folks
20 who would be interested in having street lights or newly installed street lights for better
21 lighting in the subdivision. We're still working through that. And again we're looking at
22 gateway signage in this master plan area to better identify the subdivision, and the
23 signage in this Candlewood has actually gone up, so if you ever go out there you can

1 see the signs that have recently been inspected. Crane Creek is another in the northern
2 part of the county. This plan was adopted in January of last year; Ms. Rutherford is
3 responsible for that plan as well in Ms. Kennedy's district. Primarily this is a residential
4 neighborhood, and adopted overlay zoning regulations in this area that govern the types
5 of mechanisms to [inaudible] and really enhance the gateway signage here as well.
6 Decker Boulevard or the Decker plan was adopted in 2007, again Ms. Hink represented
7 this district for about two years, again no longer with us. There's been a lot of activity in
8 the Decker area, and I'm going to guess that a reason for that is Mr., Councilman
9 Manning is very active in this neighborhood and is in constant contact with the Staff on
10 moving forward with improvements in the area. There's a long list of items that have
11 taken place in the Decker Boulevard area. Planned development regulations for both
12 residential and commercial areas, banners, business coalitions, festivals, things of that
13 nature. Some of the work in progress again we're looking at putting gateway signage
14 there. Other different strategies, we're looking at reclaiming land in the Jackson Creek
15 area, possibly purchasing some land for a conservation and recreation purposes. Next
16 area is Hopkins and that's in the Southeast part of the county. Ms. Latoya Grade is a
17 Staff representative there, she's new with us, began I think May of last year. Mr.
18 Washington and Mr. Jackson's district, we're looking at preparing a master plan for this
19 area very soon. An RFP and a RFQ have been submitted to our Procurement
20 Department so were looking to get a consultant in to do these plans for the Hopkins
21 area. And it's a very large area in the Southeastern part of the county. [Inaudible]
22 request for obtaining a consultant have been proposed to the Procurement Department.
23 Next is the Southeast/Richland which is the red dot on the map. It's great we'll be

1 working with Southeast area. This plan was adopted in 2006 and that is that the
2 intersection of Lower Richland Boulevard and Garners Ferry. There were some land
3 development regulations submitted in 2007, it's my understanding that those have not
4 been adopted to [inaudible]. We're looking at putting in gateway signage down here to
5 better brand the neighborhood. Matter of fact I believe we have a meeting this
6 Thursday night down at the sheriffs office, substation down there to discuss the signage
7 for this area. Spring Hill, getting toward the end, is, is being represented by Ms. Grate in
8 Mr. Malinowski's district. In [inaudible] plans that have yet to be completed in the
9 Northwest part of the County, and again RFP and RFQ have gone to Procurement to try
10 to solicit a consultant to do the plan for them. Lastly is Trenholm Acres, Ms. Hink
11 represented that district and again we're looking to fill that position. It was adopted in
12 January of 2010, not far from the Decker Boulevard area. And we're proposing signage
13 in that area as well. Essentially that is my presentation, if you have any questions I'll be
14 glad to try and answer them.

15 MR. MANNING: Yes, sir. Obviously all of these neighborhoods have different
16 needs and are, you know, some are dealing with safety, some are dealing with identity,
17 some are dealing with infrastructure, but most every one of them has huge budgets that
18 they ultimately need to work those through and, you know, we're going back 2006 and
19 seeing communities that we're still dealing with signage and identity. In your opinion is
20 there, is there some mechanism to move this process forward? I know money is, is
21 hard to come by but is there, is there, you know, bond issues or, you know, Council
22 having to take upon themselves to designate this area and fund it, so that's gonna get
23 this one out the way to another one? I mean, it seems to me that this process will be a

1 life time. You know, we go back too the Southeastern plan, we spent hundreds of
2 thousands of dollars and spent years developing the plan only to I think eliminate it. You
3 know, I don't know where we are, we got to the design standard to adopt that for the
4 community and then, I think became very hot politically and people didn't really want
5 that. And we kind of advocated that that might be a problem going forward but it, it
6 went, took on a life of its own. How do you reinvent that? I mean, how do we get these
7 things further down the road, because my concern is, and I've said this before, is people
8 become disillusioned and angry that, that they took place, took part in a process that
9 really is not going anywhere. Do you, do you get that sense from the constituency out
10 there, that, that it's not moving fast enough or we're not doing enough, or?

11 MR. LEGER: Not an easy question to answer. I think in part some of the
12 feedback that we have gotten, probably from outside sources, is, is that maybe we
13 should've looked at one or two or three areas at a time and began to implement in
14 smaller pieces as opposed to looking at eight, nine, or 10 plans, preparing all the plans
15 and then sometime at a later date trying to fulfill the needs of those plans. Again we've
16 got limited funding, I think the Administration's effort currently is to begin some of this
17 branding, try to show that we are making progress in the neighborhoods by installing
18 signage and then move from there. And again money is limited to go out and actually do
19 a lot of the work that really needs to be done, installation of sidewalks, road
20 improvements, those types of things we just, the penny sales tax failed, so there's not a
21 whole lot money out there to do much more than we're doing.

22 MS. ALMEIDA: Well to add too Mr. Leger comments, about a year ago we met
23 with each Councilmember in their districts on the approved plans that we had before us

1 and went through a prioritization. What is the priority in that master planned area? A lot
2 of it had to do with safety, hence that's why for instance in the Decker Boulevard area
3 we are now with some of our grants and monies and funds with NIP installing and
4 assisting the community, after a five, seven year period with lighting for the area. So
5 we're trying to do little things that can boost the area. The branding of course the
6 monuments signs of course that's being done throughout all the master plan areas that
7 have been approved, so that we're getting with the community, finding those areas that
8 we can acquire easements, and that's a task, but at least using those funds to brand
9 and identify the areas. So yes, each master planned area has a grand laundry list of
10 things that if we had unlimited funds, what we could do, but we did meet and trying to
11 scale that down to do things that we can do with the funds that are available. And they
12 are on a prioritized needs, so we are looking and doing things with the funds we have.

13 MR. MANNING: I guess the process, you know, we learn from all of this and, you
14 know, I guess one of things when we took the Southeastern plan on, I mean, that was a
15 big commitment for the County at the time, you know, are we looking at the new plans
16 coming along a little differently? I mean, could we rather then spend so much money on
17 consultants coming up with this big vision, I know we've got to establish the
18 neighborhood area to be able to apply for grants but couldn't we take some of that
19 money and do the signage, or deal with the safety issues, do -

20 MS. ALMEIDA: Well, we are we are allocating certain funds to certain things.

21 MR. MANNING: Reprioritize to where it really affects the people living there
22 rather than a plan that it's going to take years to implement.

1 MR. LEGER: It's my understanding that, that the Administration is in the process
2 of scheduling meetings, additional meetings with Council members and we're going to
3 go back through the list and try to prioritize some very important topics or some
4 important issues for each of the Council districts in the neighborhood master plan areas
5 and try to target those, those issues so that we can show that we're making some
6 additional progress.

7 MS. ALMEIDA: Because understand we were, also there were some, many
8 improvements that were linked to the penny sales tax, so we now have to go back and
9 revisit that and literally scale back on what we were going to do, and literally master
10 planned area by master planned area and say okay, these are the basic allocated
11 funds, let's, let's go back and see what is priority number 2, you know, 1, 2,3,4 and try
12 to meet those on a year by year basis. And certain areas are moving quicker. You
13 know, with all do respect the Southeast really there's not a lot of movement at this point
14 because development is, has completely come to a halt because we do have a lot of
15 roof tops that have been approved down in the Southeast area. Our concern or at least
16 we've seen some movement in our more blighted areas, you know, and it has been
17 Decker and some other areas, Broad River Road as the secondary, that are going to
18 see a little more movement because there is revitalization going on, there's a lot of
19 grants out there that we can acquire for blighted areas. We are working with the
20 Community Development Corporation, we are doing those things, so we're pulling
21 monies together and trying to make some difference.

1 MR. TUTTLE: Has there been any serious thought in any of the district to, you
2 know, a special tax district to help create a revenue stream to bond, to make some of
3 this stuff happen sooner, is there any willingness in the community to, to look at that?

4 MR. LEGER: It's my understanding that there have been discussions of that
5 nature. I don't think they got very far.

6 MS. ALMEDIA: It's, it's, you know, funds are tight and we're - not yet.

7 MR. GILCHRIST: Let me ask another question while Tia's coming.

8 MS. RUTHERFORD: Hey, Tia Rutherford neighborhood planner. Just to answer
9 your question. TIFF has been recommended in several of the master plans as a
10 financing mechanism for implementation, however it's the will of Council to go into those
11 kinds of agreements and at this point, to my understanding, it has been explored and
12 information has been presented to Council members concerning TIFF. We've not heard
13 word as to where we are with it.

14 MR. TUTTLE: Have you explored anything other than a TIFF?

15 MS. RUTHERFORD: For instance the latest master plan approved, Broad River,
16 does come up with other financing tools, but TIFF is one those, the largest financing
17 mechanism that would be eligible for Broad River and for Decker Boulevard.

18 MR. TUTTLE: Thank you.

19 CHAIRMAN PALMER: Alright, any other questions? Thank you. Anything else,
20 Anna?

21 MS. ALMEIDA: That's it.

22 CHAIRMAN PALMER: Do we want to start seeing some, ask Anna and the Staff
23 to put some language together addressing some of the concerns that we brought up

1 with dirt road subdivisions and start getting some draft language, working, that the
2 Planning Commission will generate, send up to Council where it's dealing with dirt road
3 subdivisions?

4 MR. GILCHRIST: Yes.

5 CHAIRMAN PALMER: Sounds good. Motion to adjourn.

6 MS. MCDANIEL: Second.

7 CHAIRMAN PALMER: So moved.

8

9

[Meeting Adjourned at 2:50pm]