

**RICHLAND COUNTY PLANNING COMMISSION**  
**March 5, 2018**

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*[Members Present: Prentiss McLaurin, Beverly Frierson, Heather Cairns, Stephen Gilchrist, Mettauwer Carlisle, Ed Greenleaf [in at 3:04]; Absent: Karen Yip, David Tuttle, Wallace Brown, Sr.]*

Called to order: 3:01 pm

CHAIRMAN GILCHRIST: I'd like to call the March 5<sup>th</sup> Planning Commission to order. Please allow me to read into the Record: In accordance with the Freedom of Information Act a copy of the Agenda was sent to radio, TV stations, newspapers, and persons requesting notification, and posted on the bulletin board located in the County Administration office. First item we have on the Agenda is the Election of Officers.

MR. PRICE: I believe y'all have already done that.

CHAIRMAN GILCHRIST: We've already done that? No, we haven't done that yet.

MR. PRICE: Y'all haven't done that?

CHAIRMAN GILCHRIST: Hum-um.

MR. PRICE: And we're in March.

CHAIRMAN GILCHRIST: We were supposed to have done it last month, but we didn't do it last month.

MR. PRICE: And we didn't do it in February? Okay.

CHAIRMAN GILCHRIST: Yeah, so we need to elect officers. So the Chair will entertain any motions at this point.

MS. CAIRNS: I'll make a motion to nominate Mr. Gilchrist as Chair for the Planning Commission.

MS. FRIERSON: I'll second that motion.

1 CHAIRMAN GILCHRIST: Do we do them all at one time or just - vote on that one  
2 and then go to the next one?

3 MS. HEGLER: It's your pleasure.

4 CHAIRMAN GILCHRIST: Alright, let's just vote on this one. It's been moved and  
5 properly seconded that Stephen Gilchrist be nominated as Chairman again. All in favor  
6 signify by raising your hand? All opposed?

7 *[Approved: McLaurin, Frierson, Cairns, Gilchrist, Carlisle; Absent for vote: Greenleaf;*  
8 *Absent: Yip, Tuttle, Brown]*

9 CHAIRMAN GILCHRIST: I just want to thank the Commission again for allowing  
10 me to serve one more year as your Chair. You guys have done a lot to support me and  
11 what we've been trying to accomplish and I can't do it without any of you on this dais so  
12 thank you all for your support. Next we have to –

13 MS. CAIRNS: Yeah, just the Vice-Chair. The secretary's done by Staff.

14 CHAIRMAN GILCHRIST: Yeah. Motions on the floor for Vice-Chair?

15 MR. MCLAURIN: I'd like to nominate Heather Cairns again.

16 MS. FRIERSON: I'd like to second that nomination.

17 CHAIRMAN GILCHRIST: It's been moved and properly seconded that Ms.  
18 Cairns will be our Vice-Chairman for the following year. All in favor signify by raising  
19 your hand? All opposed?

20 *[Approved: McLaurin, Frierson, Cairns, Gilchrist, Carlisle; Absent for vote: Greenleaf;*  
21 *Absent: Yip, Tuttle, Brown]*

1 CHAIRMAN GILCHRIST: And thank you, Ms. Cairns for agreeing to serve as my  
2 right hand again, so thank you all for your continued support for this Planning  
3 Commission. Item No. IV Consent Agenda.

4 MS. CAIRNS: Mr. Chairman, I'd like to make a motion that in terms of pulling off  
5 the Consent Agenda such that there will be discussion as it will be pulled off, the  
6 Minutes for approval from last month and Map Amendment Nos. 1, 3, 4, 5, and 6. So  
7 basically all the Map Amendments excepting Case 2, and unless any Commission  
8 Member needs to discuss.

9 MR. PRICE: Excuse me. We wanna make one correction to the Agenda, one  
10 amendment to the Agenda. Case No. 6, which is 18-008 MA for 1045 Marina Road, has  
11 been administratively deferred until your April 2<sup>nd</sup> Planning Commission meeting.

12 MS. CAIRNS: So unless any Commission Members would like to hear Case NO.  
13 2 discussed, I believe that we will be pulling all of the cases, namely 1, 3, 4, and 5, as  
14 has been offered by staff Case 6 has been administratively deferred.

15 *[Greenleaf in 3:04]*

16 CHAIRMAN GILCHRIST: Okay. Everybody's good with that? Do we have a  
17 motion to accept the Consent Agenda?

18 MS. CAIRNS: I'll make a motion to accept the Consent Agenda as amended.

19 CHAIRMAN GILCHRIST: Second?

20 MR. MCLAURIN: Second.

21 CHAIRMAN GILCHRIST: Okay, it's been moved and properly seconded that we  
22 accept the Consent Agenda as amended. All in favor signify by raising your hand? All  
23 opposed?

1 [Approved: McLaurin, Frierson, Cairns, Gilchrist, Carlisle, Greenleaf; Absent: Yip, Tuttle,  
2 Brown]

3 CHAIRMAN GILCHRIST: Okay. And presentation of the Minutes.

4 MS. FRIERSON: Mr. Chairperson, before we go to the adoption of the Minutes?

5 CHAIRMAN GILCHRIST: Yes, ma'am.

6 MS. FRIERSON: I just have a concern [inaudible]. And I was looking over it trying  
7 to find the exact page, in one portion of the Minutes we did the discussion about  
8 whether or not Mr. Tuttle could vote because of someone being late. But I know that's a  
9 mistake, it wasn't Mr. Tuttle that was late.

10 CHAIRMAN GILCHRIST: It was Mr. Greenleaf.

11 MS. FRIERSON: It was my friend Mr. Greenleaf. And I don't remember what  
12 page it's on.

13 CHAIRMAN GILCHRIST: Yes.

14 MR. GREENLEAF: Here, I have the other page, Mr. Chairman. Right here, you  
15 look at page, hold on a minute.

16 CHAIRMAN GILCHRIST: I recall reading that as well in the Minutes.

17 MR. GREENLEAF: Yes, sir. Here you go.

18 MS. FRIERSON: I lost the page number.

19 MR. GREENLEAF: Page number 10 I recall, 10 or 11. Eleven.

20 CHAIRMAN GILCHRIST: Eleven?

21 MR. GREENLEAF: Is where there's -

22 CHAIRMAN GILCHRIST: "Mr. Chairman, do I participate in the vote or not?"

23 MR. GREENLEAF: Yes, sir.

1 CHAIRMAN GILCHRIST: Number, item number 22 on page 11.

2 MR. GREENLEAF: Correct. And then there's also another place.

3 CHAIRMAN GILCHRIST: That should be Mr. Greenleaf.

4 MR. GREENLEAF: Greenleaf. Yes.

5 CHAIRMAN GILCHRIST: Okay.

6 MR. GREENLEAF: And then on page 14, at line 10 and 11, it should say abstain  
7 or unable to vote or whatever, something, some kind of language around that.

8 CHAIRMAN GILCHRIST: Where are we talking about, Mr. Greenleaf?

9 MR. GREENLEAF: Ten or 11, what the vote totals were. Cause I was present,  
10 but there's no vote for me, so it should note that I'm here but I abstained or.

11 CHAIRMAN GILCHRIST: Oh, yeah. Okay, got it.

12 MR. GREENLEAF: Something of that sort.

13 CHAIRMAN GILCHRIST: So let the Minutes reflect then that Mr. Greenleaf was  
14 here but abstained from the voting. Is that, I mean, is that, from Staff is that a proper  
15 designation for that?

16 MS. CAIRNS: I mean, my suggestion would be is that he should be noted as  
17 absent for the vote.

18 MS. HEGLER: Right, cause if you abstain there has to be reasons for why you  
19 abstain.

20 CHAIRMAN GILCHRIST: That's right, yeah. Exactly.

21 MR. GREENLEAF: Whatever, just to reflect that –

22 CHAIRMAN GILCHRIST: So we'll just make sure that that's noted.

23 [Inaudible discussion]

1 MS. CAIRNS: Page 11, line 22, that's to be adjusted to offer that that was Mr.  
2 Greenleaf?

3 CHAIRMAN GILCHRIST: That's correct.

4 MS. CAIRNS: And then on page 14, line, I guess 11, will be added that Mr.  
5 Greenleaf was absent as per the vote.

6 MS. HEGLER: Gotcha.

7 MS. FRIERSON: And Mr. Chairperson, there's one other concern.

8 CHAIRMAN GILCHRIST: Yes.

9 MS. FRIERSON: And you're gonna have to help with the page numbers. I think it  
10 begins at about page, the bottom of 12 and then it goes on to 13, but this is what  
11 happened in essence: Mr. Tuttle made a motion and it was in support of something that  
12 Staff recommended and it did not have a second, so it died for lack of a second. Then  
13 subsequently there was some conversation. I made another motion and it was opposed  
14 to Staff's recommendation. My recommendation or motion also died for lack of a  
15 second. But what happened next was there was a little bit more conversation and then  
16 Commissioner Yip said something to the effect to the Chair, if it's not too late I'd like to  
17 go back and second Mr. Tuttle's motion. And I personally feel bad about that because  
18 when it happened my antenna went up and I said to myself, that's not right, that's not  
19 according to parliamentary procedure. So I got in touch with Staff, tried to get in touch  
20 with you Tracy but you were out of town so I got in touch with Geo, and this is not  
21 against the Chair because I respect you greatly, it's just that because we are a Body  
22 entrusted with the business of the County we've got to make sure all our i's are dotted  
23 and our t's are crossed. And Geo and I had a conversation and maybe my recollection

1 is incorrect because he told me that you the Chair said we have to go back and get  
2 another motion, and maybe you said that.

3 CHAIRMAN GILCHRIST: Well yeah, I mean, it's reflective in the Minutes but I  
4 also remember when that situation occurred where I suggested that we needed to go  
5 back and entertain your motion first before we were able to go back and entertain Mr.  
6 Tuttle's motion. Yes, ma'am, Ms. Cairns.

7 MS. FRIERSON: Okay, but my point is simply this, I'm almost finished Heather.  
8 Even if it was corrected technically it just didn't come across too well and, you know, we  
9 received a letter with reference to that situation. And even if we had not received the  
10 letter sometimes, and parliamentary procedure can be difficult and I know you are far  
11 better at it than I, but Geo and I were talking and there probably ways whereby in the  
12 future we can take actions whereby our proceedings are not clouded. Because we don't  
13 want the public nor anyone else to have the impression that we're being unfair, biased,  
14 or inappropriate, or taking our duties lightly.

15 CHAIRMAN GILCHRIST: Absolutely.

16 MS. FRIERSON: So I'm gonna be quiet for a minute and I'm gonna request that  
17 Geo assist me here because he mentioned something that might help us in the future  
18 as we move forward.

19 CHAIRMAN GILCHRIST: Okay, before we do that. Ms. Cairns?

20 MS. CAIRNS: Just one thing I'd like to note, I guess I sorta have the benefit of  
21 having not been here for this meeting and I see exactly what Ms. Frierson is speaking  
22 to, but if you flip onto page 14, Mr. Tuttle makes a clear motion to move the case  
23 forward with a recommendation and Ms. Yip seconds that. So I think with respect to that

1 particular action, while granted page 13 has a muddled set of motions and seconds, I  
2 think on page 14 any potential issues were resolved.

3 MS. FRIERSON: And you are probably correct, Heather, cause Geo and I talked  
4 about that. But still, with respect, Geo mentioned something to me that might help us in  
5 the future to even avoid the muddleness. And Geo, if you don't mind would share that  
6 because we talked about it?

7 MR. PRICE: Okay, I think one of the – and I thought this would be something we  
8 could also take up when we were looking at your Rules of Procedure – make sure I  
9 include Tommy in this one, we were doing some, just some research on the rural overall  
10 and looking at *Robert's Rules*, and I think one of the things that happens, I wouldn't say  
11 quite a bit but it does happen with the Planning Commission, when a motion is made to  
12 vote a lotta times instead of just going to just vote on what was brought before you,  
13 because it would seem, according to *Robert's Rules*, once you call for the vote all  
14 discussion has ended. But there seems to be a lot of discussion as to which direction  
15 that you're looking to vote during that time, and I think it just may be, you know, a little  
16 clearer if y'all would, once you call for the vote, you know, in some form or fashion, that  
17 that would end all discussion and just take the matter up that's before you.

18 MS. CAIRNS: I think that's a great idea and I think that, you know, the one thing  
19 we have to still make sure we do is that if, if our motion is to agree with Staff's  
20 recommendation, we can simply make that motion. If our motion is to go against Staff  
21 recommendation, then we have to offer the rationale for the Record, so we have to  
22 make sure that we offer that rationale before the motion. And I can offer I'm usually  
23 probably one of the folks who's really good at saying, I make a motion against and

1 here's why, so I guess I need to make sure I reverse myself on that. But just offer, you  
2 then renew your motion at the end, but that's a good change that we should incorporate  
3 from Ms. Frierson.

4 MS. FRIERSON: And the other thing is to make sure that if a motion is made we  
5 get that second or if we don't get it, when we say it is dead, it's dead. Because to go  
6 back and say, may I pick it up again, even if you clarify, it doesn't smell right in my  
7 opinion.

8 CHAIRMAN GILCHRIST: Thank you, Ms. Frierson. No, I thank you for bringing  
9 those clarifications to the Commission. And these are certainly things that I have on my  
10 agenda when we get into the rules this afternoon to bring up and to discuss, because I  
11 think there are some things that the Staff can do to help us with that and there's some  
12 things that the Commission can take in consideration when we're trying to address  
13 some of these items. So thank you all, Mr. Greenleaf as well for, Ms. Cairns, all of you,  
14 for chiming in on that. Good discussion on that.

15 MS. HEGLER: And if I might actually just add a little personal point here, that it's  
16 nice to have verbatim minutes. Verbatim minutes help you with these discussions as  
17 well.

18 CHAIRMAN GILCHRIST: Oh, yeah. No, it does.

19 MS. HEGLER: There's a lot of controversy and discussion sometimes about  
20 whether we should do summary or verbatim, and I stand by verbatim minutes.

21 CHAIRMAN GILCHRIST: Verbatim is good. Absolutely.

22 MS. HEGLER: Thank you, Stephanie.

1 MS. CAIRNS: And I offer that I will not vote on the approval of the Minutes as I  
2 was not at the meeting last month.

3 CHAIRMAN GILCHRIST: Okay. Is there a motion to approve the Minutes as  
4 adjusted per Ms. Frierson and Mr. Greenleaf?

5 MS. FRIERSON: So moved.

6 MR. GREENLEAF: I'll second that.

7 CHAIRMAN GILCHRIST: Okay, all in favor signify by raising your hand? All  
8 opposed?

9 *[Approved: McLaurin, Frierson, Gilchrist, Carlisle, Greenleaf; Abstained: Cairns: Absent:*  
10 *Yip, Tuttle, Brown]*

11 CHAIRMAN GILCHRIST: Alrighty. First Map Amendment.

12 **CASE NO. 18-003 MA:**

13 MR. PRICE: The first item is Case 18-003 MA. The Applicant is Mustafa Zahran,  
14 hopefully I'm saying that correctly. The request is to go from RM-HD which is  
15 residential, multi-family, high density, to General Commercial. The location is 1722  
16 Bluebird Lane. Staff has recommended disapproval for this particular request. As stated  
17 in the conclusion within our Staff Report we didn't feel that this was consistent with the  
18 objectives of the Comprehensive Plan. Looking at this area, even though the Comp  
19 Plan does call for, you know, levels of commercial, we were looking at the commercial  
20 in this case being more along the Two Notch Road area and as you go away from Two  
21 Notch Road it kinda transitions from that heavy type commercial to more, whatever it's  
22 deemed to be, more transitional; whether it be a lotta commercial or maybe even a  
23 multi-family residential. So for that Staff recommended denial for this case.

1 CHAIRMAN GILCHRIST: Okay, are there any questions for Staff? Alright, we do  
2 have a couple of persons signed up to speak, and when we call your name please  
3 come to the podium, give us your name and your address for the Record. The  
4 Applicant, is that Mustafa Zahran?

5 **TESTIMONY OF MUSTAFA ZAHRAN:**

6 MR. ZAHRAN: I'm Mustafa Zahran, 1722 Bluebird Lane. And I share the fence  
7 with the property right next door to me, which is a commercial property. And that was,  
8 you know, a motivation for me to see if that would be, you know, a reason for the place  
9 to be rezoned.

10 CHAIRMAN GILCHRIST: Any questions for the Applicant? Thank you, sir.

11 MR. ZAHRAN: Thank you.

12 CHAIRMAN GILCHRIST: Habib Adley?

13 **TESTIMONY OF HABIB ADLEY:**

14 MR. ADLEY: Habib Adley, 5447 Two Notch Road, and I previously rented 4011  
15 Bluebird, and just came to speak in, in, on behalf of rezoning. The, you know, the  
16 thought of rezoning, like he said all the, a lotta the property along this road here is  
17 commercial. This was just recently a 15,000 square foot storage warehouse, it was  
18 recently erected within the last few years that's directly adjacent to this property. So the  
19 only residential down at the bottom of this property is mobile homes, which is basically  
20 being phased out as they break down or demolished, they're not even allowed to be  
21 reestablished, so. This is a dead end road, it's heavy-duty commercial on the properties  
22 leading up to this road as well as adjacent to the property line. And this is not, the

1 business that we're seeking to put here is not something that's gonna, you know,  
2 increase traffic flow dramatic or anything like this, it's just, you know, a small business.

3 CHAIRMAN GILCHRIST: Thank you, sir. Larry Pyle?

4 MR. PRICE: Excuse me, Mr. Chair, just for a correction. There are provisions in  
5 our Code that do allow for the replacement of manufactured homes so just the fact that  
6 they're removed it doesn't mean that they cannot be replaced.

7 CHAIRMAN GILCHRIST: Thank you, Mr. Price.

8 **TESTIMONY OF LARRY P YLE:**

9 MR. PYLE: Ladies and gentlemen of the council, thank you for the opportunity to  
10 speak against this proposal. I own the left side of Bluebird Lane. My name is Larry Pyle  
11 and my address is 1715 Fonte Vista. But my property also fronts on Bluebird Lane, I  
12 own Bluebird Drive, about 90% of it, it is privately owned. And I've had the misfortune of  
13 having tires dumped on that road for the past 10 or 15 years that I've had personally to  
14 clean up myself. And I've had problems with trash on Bluebird Lane for 30 years and I  
15 currently pay a church group \$40 every month to pick up the trash on Bluebird Lane. My  
16 property is across the street from the yellow box, the left side. I have 30 acres in there  
17 that everybody knows looks like a city park. It is a lotta work, I can tell you that, it's a  
18 lotta work. But the problem we had with the car repair shop at the end of the road was  
19 one, we couldn't determine if they had a business license so when we called the  
20 Ombudsman they did determine that they did not have a license to do a junk yard or a  
21 car repair shop at the end of that road. And zoning got involved and they sent Code  
22 Enforcement out and had them remove, they had them remove everything that was  
23 related to the car business at that site. And today when I went down there to take

1 pictures again, the building is still totally surrounded by junk automotive parts. It is, it's  
2 just a continual junk yard there. They evidently buy cars from junk yards or sales or  
3 places where you get damaged cars, they pull them to the shop and they leave them  
4 parked in the road –

5 CHAIRMAN GILCHRIST: Mr. Pyle, I'll have to ask you to kind of wrap it up. Your  
6 two minutes is up, so.

7 MR. PYLE: Okay. The junk yard idea is totally inappropriate for that area. That  
8 property is zoned appropriately, RM-HD as is the property around it. The warehouse  
9 that was built was grandfathered in other zoning, that's why it got built there. The road is  
10 very narrow, it's in need of repair, has many, many potholes in it. There's a group of  
11 ladies trying to build some nice little houses on that road –

12 CHAIRMAN GILCHRIST: Yes, sir, we get it.

13 MR. PYLE: And, and the cats and the rats in –

14 CHAIRMAN GILCHRIST: I understand.

15 MR. PYLE: - that flood zone area get worse every time it rains. We finally got rid  
16 of them when they moved out.

17 CHAIRMAN GILCHRIST: I appreciate it, Mr. Pyle.

18 MR. PYLE: Okay.

19 CHAIRMAN GILCHRIST: No doubt. Thank you.

20 MR. PYLE: Okay, thank you.

21 CHAIRMAN GILCHRIST: That's all we have signed up to speak. Any questions  
22 or comments for Staff? Motions?

1 MR. GREENLEAF: I make a motion to support Staff recommendation for  
2 disapproval.

3 MS. FRIERSON: Second.

4 CHAIRMAN GILCHRIST: Second, okay. Discussion? Okay, it's been moved and  
5 properly seconded that we send Case No. 18-003 MA forward to Council with a  
6 recommendation of disapproval. All in favor signify by raising your hand? All opposed?  
7 *[Approved: McLaurin, Frierson, Cairns, Gilchrist, Carlisle, Greenleaf; Absent: Yip, Tuttle,*  
8 *Brown]*

9 CHAIRMAN GILCHRIST: And we are a recommending Body to County Council.  
10 They will meet back in these Chambers on March the 27<sup>th</sup>, so feel free to come back at  
11 that time to meet with Council. Thank you. Next case?

12 **CASE NO. 18-005 MA:**

13 MR. PRICE: The next item is Case 18-005 MA. The Applicant is Salman  
14 Muhammad. The location is on 10500 Farrow Road. The Applicant is requesting to  
15 rezone from HI to LI. Staff has reviewed this request, we feel that it's in compliance with  
16 the Comprehensive Plan, and as such we have recommended approval.

17 CHAIRMAN GILCHRIST: Any questions for the Staff? The Applicant? Salman  
18 Muhammad?

19 **TESTIMONY OF SALMAN MUHAMMAD:**

20 MR. MUHAMMAD: Good afternoon. My name is Salman Muhammad and I'm  
21 here on property 10500 –

22 CHAIRMAN GILCHRIST: Could you give us your address as well, sir?

23 MR. MUHAMMAD: 10500 Farrow Road.

1 CHAIRMAN GILCHRIST: Okay.

2 MR. MUHAMMAD: And I would like to go from High Industrial to Low Industrial  
3 rezoning.

4 CHAIRMAN GILCHRIST: Okay, are there any questions for the Applicant? Okay,  
5 thank you, sir.

6 MR. MUHAMMAD: Thank you.

7 CHAIRMAN GILCHRIST: Anthony Cloud?

8 **TESTIMONY OF ANTHONY CLOUD:**

9 MR. CLOUD: Good afternoon, everyone. My name is Anthony Cloud, 746  
10 Deverton Road, Columbia, South Carolina. I own the property adjacent to that, the piece  
11 of property that has been rezoned. My interest is what is going to be put there? And  
12 how will they access this piece of property?

13 MS. CAIRNS: I mean, it appears from the, in terms of the issue of access it  
14 appears by all accounts that this parcel fronts on Farrow Road so it has access to a  
15 public road.

16 MR. CLOUD: Through my property?

17 MS. CAIRNS: No, this property does, I mean, the parcel that we're looking at, I  
18 think you can see it. I mean, it shows frontage on Farrow Road.

19 MR. CLOUD: That's a high hill, that's why I was wondering. And what will be built  
20 there? Because there is a creek.

21 MS. CAIRNS: Yeah, we can see the wetland. Just to offer you that in terms of the  
22 specific items built, that's not something that we have any say over. What we have say  
23 over is what it should be zoned as and then within any given zoning classification

1 there's a variety of uses and building sizes that are allowed. So right now it's zoned  
2 Heavy Industrial which allows, you know, large buildings and significant industrial uses.  
3 The Applicant is requesting that it go to Light Industrial which has less intense industrial  
4 uses allowed. I mean, to try to enumerate them would - Mr. Price is much better at it,  
5 but I mean, it's, there's a variety of uses and so we don't take into consideration the  
6 specific use because we don't control that. The Applicant, you know, for whatever their  
7 reasons are, is saying instead of Heavy Industrial I'd rather this be zoned Light  
8 Industrial. We look at it and say, within the allowable uses within Light Industrial, is this  
9 a parcel, based on its location and its area that we feel would be better suited to be  
10 zoned Light Industrial. In terms of issues of the creek and the actual construction, that  
11 gets controlled by a completely different department. Anybody before they could build  
12 anything would have to have building plans and go through the plan approval process  
13 which would include things like making sure that there wasn't unnecessary or potentially  
14 any damage to creeks and waterways and things like that.

15 MR. CLOUD: Okay, so the creek and the waterway will still be protected?

16 MS. CAIRNS: Yeah, under our storm water code, Land Development Code, we  
17 have storm water management which the goal is to protect waterways.

18 MR. CLOUD: Okay.

19 MS. CAIRNS: Staff, did I misstate anything from Staff? Can you check me?

20 MR. PRICE: No, you're correct. I mean, the second time this has come up in the  
21 past couple of cases where you're charged with looking at the appropriateness of the  
22 zoning district, not as much as how it's gonna be developed or what would be  
23 developed there. But just to ensure the gentleman that there are a number of

1 development standards that have to be met once plans are submitted and we have a  
2 better idea of what may be coming. So we will be looking at the creek, we will be looking  
3 at access, so all of those things will be taken into account. We're just looking at zoning  
4 today.

5 CHAIRMAN GILCHRIST: Okay, any additional questions for Staff? Yes, sir, Mr.  
6 Greenleaf?

7 MR. GREENLEAF: Mr. Chairman, I just want a point of clarification. Moving from  
8 Heavy Industrial to lighter industrial classification would better protect the wetlands  
9 anyhow, correct? No?

10 MR. PRICE: Again, it really just depends on the use that's gonna be placed  
11 there.

12 MS. HEGLER: But I think what you could say is it's a less intense –

13 CHAIRMAN GILCHRIST: Less intensive.

14 MS. HEGLER: - zoning district.

15 MS. CAIRNS: Right, but yeah, I mean, it's funny cause you could have in a  
16 Heavy Industrial use that would maybe be a very small footprint and very self-contained,  
17 although typically we think of Heavy Industrial as having noxious effect on neighbors  
18 which is why we classify it. But you never really, you know, yeah it would be so site  
19 specific.

20 MR. GREENLEAF: Well, with that clarification I'd like to make a motion to accept  
21 Staff's recommendation for approval.

22 CHAIRMAN GILCHRIST: Okay, is there a second?

23 MS. CAIRNS: Second.

1 CHAIRMAN GILCHRIST: Any discussion? All in favor of sending Case No. 18-  
2 005 MA forward to Council with a recommendation of approval signify by raising your  
3 hand. All opposed?

4 *[Approved: McLaurin, Frierson, Cairns, Gilchrist, Carlisle, Greenleaf; Absent: Yip, Tuttle,*  
5 *Brown]*

6 CHAIRMAN GILCHRIST: We are again a recommending Body to County Council  
7 and they will meet back in these chambers on March the 27<sup>th</sup>. Okay? Thank you guys.

8 MR. GREENLEAF: I'd like to offer a comment there for the guests that  
9 sometimes the county reverses our, or Council reverses our decision, so don't take it as  
10 seriously, but try again, keep on going.

11 CHAIRMAN GILCHRIST: Make sure you come. Okay, next case, moving right  
12 along.

13 MR. PRICE: Next item is Case 18-006 MA. The Applicant is Royce Wayne  
14 Richmond Jr. The location is 209 Summer Haven Drive. The Applicant is requesting to  
15 rezone a 1 acre tract from Rural to RS-LD. Staff, just based strictly on the  
16 Comprehensive Plan, recommended disapproval. It just, it's not consistent with that.  
17 However, one of the things we did point out is that if you look at the overall development  
18 of that area that what is being requested would be in character with the existing  
19 residential development pattern that is currently along Summer Haven Drive and off of  
20 Johnson Marina.

21 CHAIRMAN GILCHRIST: Okay. Any questions for the Staff? Yes, sir, Mr.  
22 Greenleaf?

1 MR. GREENLEAF: Mr. Chairman, in the existing zoning remind me what the  
2 calculation of the number of homes that can go in the rural designation. I counted that  
3 it's three allowed per the RS-LD designation.

4 MR. PRICE: Under the current zoning of Rural and they have a one acre tract  
5 they would be allowed to place one home on that parcel.

6 MR. GREENLEAF: Versus?

7 MR. PRICE: Versus if they rezone the parcel to RS-LD, they would be allowed  
8 three dwelling units.

9 MR. GREENLEAF: Thank you very much.

10 CHAIRMAN GILCHRIST: Okay. Any additional questions for the Staff? We have  
11 the Applicant signed up to speak, Mr. Royce Wayne Richmond. Please give us your  
12 name and your address for the Record.

13 **TESTIMONY OF ROYCE WAYNE RICHMOND JR.:**

14 MR. RICHMOND: Sure. My name is Wayne Richmond. I am the owner and  
15 resident at 209 Summer Haven. And really I appreciate the time to come down here. I  
16 was a little bit surprised to see the recommendation of disapproval. My goal is to build a  
17 single-family home on that property, my issue there is that with a Rural zoning the side  
18 setbacks are such that my home would have to be [laughter] it would be crazy small. It's  
19 only 88 to 90' across the property with 20' setbacks on each side it pushes you down to  
20 a 50' wide house, which is not in keeping with what's there at Summer Haven and my  
21 neighbors' homes around the area and around that part of the lake. So I respectfully  
22 request that the Commission approve the, the rezoning from Rural over to Residential  
23 Low-Density.

1 CHAIRMAN GILCHRIST: Thank you, sir. That's all we have signed up to speak.

2 MR. GREENLEAF: Mr. Chairman, I propose that we disapprove the – no,  
3 approve – how do I say this? I don't agree with the disapproval of the Staff. I would like  
4 to see this approved, the rezoning. How do we –

5 CHAIRMAN GILCHRIST: And what is your –

6 MR. GREENLEAF: My recommendation is to approve it from RU to RS-LD as the  
7 Applicant has requested. I supported the candidate.

8 CHAIRMAN GILCHRIST: If we're gonna go against Staff's recommendation we  
9 have to –

10 MR. GREENLEAF: Reason why?

11 CHAIRMAN GILCHRIST: Okay.

12 MR. GREENLEAF: Reason why there, sir, is because it's not in, even though it is  
13 in character with the neighborhood, it's not in character. It is in character.

14 MS. FRIERSON: I second his motion.

15 CHAIRMAN GILCHRIST: Okay, is there discussion?

16 MR. GREENLEAF: Ms. Cairns, does she have any recommendations on the  
17 language? Of the motion?

18 CHAIRMAN GILCHRIST: Okay well, it's been moved and properly seconded that  
19 we send Case No. 18-006 MA forward to Council with a recommendation of approval  
20 based upon Mr. Greenleaf's recommendation. All in favor signify by raising your hand?  
21 All opposed?

22 *[Approved: McLaurin, Frierson, Gilchrist, Carlisle, Greenleaf; Opposed: Cairns; Absent:*  
23 *Yip, Tuttle, Brown]*

1 MS. CAIRNS: I mean, I'm casting an opposed vote, I think mostly based on the  
2 sort of – I hate to say it, but sort of the quality of the rationale. You know, we get a lotta  
3 requests in this area for some of these types of issues, I mean, the Lake Murray  
4 properties are often sort of miss-zoned in terms of the lot sizes, the lot configuration, the  
5 structure. So I mean, I just, I think I fundamentally support the idea of this getting  
6 rezoned because I think it would make the zoning classification fit the actual lot better. It  
7 would expose it to subdivision, so I just, in terms of the quality of the rationale I wasn't, I  
8 didn't feel there was a particularly strong rationale, so that's just my after-vote comment.

9 CHAIRMAN GILCHRIST: Yeah, that's fine. This is another – we'll talk about that  
10 a little bit later, but anyway. We are recommending Body to County Council and they  
11 will meet back in these Chambers again on the 27<sup>th</sup>, okay? Thank you. Next case?

12 MR. PRICE: That was it.

13 CHAIRMAN GILCHRIST: That was it?

14 MR. PRICE: Those last cases –

15 MS. CAIRNS: I know those [inaudible] administratively deferred.

16 CHAIRMAN GILCHRIST: Alrighty.

17 MR. PRICE: The final two cases, Case 5 which is -

18 MS. CAIRNS: Okay, 5 and 6.

19 MR. PRICE: Yeah, both of them were deferred.

20 MS. CAIRNS: Okay.

21 CHAIRMAN GILCHRIST: Okay, got it. Alright. Alright, very good. Land  
22 Development Code rewrite action.

23 MS. HEGLER: I have no action for you today, or an update, Chairman.

1 CHAIRMAN GILCHRIST: Okay.

2 MS. HEGLER: Inactive.

3 MS. CAIRNS: I miss last month's and that's it?

4 MS. HEGLER: Yeah, you missed a lot last month. We were busy last month,  
5 we're taking a breather.

6 CHAIRMAN GILCHRIST: Rules and Procedures.

7 MR. PRICE: Excuse me, Mr. Chair and Planning Commission. As we start to go  
8 over your Rules of Procedure we actually have a representative from the Richland  
9 County Legal Department, Brad Farrar, who has on occasion served, you served with  
10 the Planning Commission, correct, assisted the Planning Commission meetings, and  
11 also the Board of Zoning Appeals. So if you have any questions you feel that should be  
12 directed toward legal feel free to, and also he's very good about offering good  
13 suggestions.

14 CHAIRMAN GILCHRIST: Glad to have you hear with us.

15 MR. FARRAR: Thank you.

16 MS. FRIERSON: And what was his name again?

17 MR. PRICE: Brad Farrar.

18 CHAIRMAN GILCHRIST: Alright, so we have been talking about this for quite  
19 some time, and thank you Staff for getting this out to all of us so that we can begin to  
20 review this. And I hope that – we had asked at our last Planning Commission if those of  
21 you who had recommendations to send them to the Staff so that we could at least have  
22 a conversation about some of those recommendations, so I hope that some of you did.  
23 So what I'd like to try to do, I guess we, we can start by some of the Staff

1 recommendations on the Rules and then begin to entertain some of the Commission's  
2 recommendation as well.

3 MR. PRICE: Mr. Chair, again I don't wanna take credit for this necessarily, I know  
4 we've talked about this for a while, but I will say probably around 2013 during the  
5 previous Planning Commission, a lot of these, they were looking to do the same thing,  
6 look to update their Rules of Procedure, and I happened to come across a copy of those  
7 proposed changes; for some reason or the other it just never went forward. But a lot of  
8 these were initiated by the previous Planning Commission around 2013.

9 CHAIRMAN GILCHRIST: Okay.

10 MS. CAIRNS: I'm confused because are you offering that the amendments in  
11 essence in red or burgundy or something were not adopted?

12 MR. PRICE: No.

13 MS. CAIRNS: No they were not adopted or no I'm wrong? [Laughter]

14 MR. PRICE: How about both? I don't know [laughter]. No, what you have here,  
15 what you see in red, the writing that's in red is what was, we were going to input that  
16 into, you know, that was new language to interject into the Rules of Procedure. What's  
17 in blue, and it should have lines through it, was what we were going to take out.

18 MS. CAIRNS: So down here at the bottom where it says, "adopted" and then has  
19 dates, none of this was adopted.

20 MR. PRICE: No.

21 MS. CAIRNS: So these are all just proposed changes over the past eight years  
22 or so?

23 MR. PRICE: Yeah, five, yes.

1 MS. CAIRNS: Okay. Cause I would imagine that it was in 2010 that the decision,  
2 the discussion was made to strike some elements.

3 MR. PRICE: '13.

4 MS. CAIRNS: Well so in '10 –

5 MR. PRICE: These were the same rules that were carried over from 2010, but it  
6 was in 2013 that we started looking at this.

7 MS. CAIRNS: In '13 we were talking about striking things and adding things.

8 MR. PRICE: Yes.

9 MS. CAIRNS: Okay. None of what was – so what's blue is currently our rules.

10 MR. PRICE: Yes.

11 MS. CAIRNS: And what's red is nothing.

12 MR. PRICE: Correct.

13 MS. CAIRNS: Just thoughts.

14 MR. PRICE: Yes.

15 MS. CAIRNS: Not nothing, but. Okay. That helps. Thank you.

16 CHAIRMAN GILCHRIST: That certainly helps.

17 MS. CAIRNS: I mean, I would offer that I did not review this with that as the  
18 starting point. I think that with that knowledge now I would like time more than what  
19 would be afforded at this meeting to review. I would ask of Staff and/or Legal if there's  
20 anything that you've either heard us say or do or something that you think we should  
21 consider looking at as amendments.

22 MS. FRIERSON: I think [inaudible] I'd like more time to look at this. And also we  
23 had mentioned at a couple of our previous meetings that we might want to make a

1 change; I think that Tracy first brought it to our attention and I'll try to summarize this  
2 well: sometimes when the public is in, I don't wanna say consultation, but when they're  
3 presenting information to us some information we receive, and I'm not referring to the  
4 people here today, some information that we receive can take a turn toward  
5 vindictiveness and sometimes information we receive has a personal bias. And  
6 unfortunately because of our current Rules with reference to the timeframe, the person,  
7 say the developer does not get an opportunity to rebut or to correct, and I'll give you a  
8 quick example that happened today. A gentleman brought some information to our  
9 attention and I'm sure he meant no harm, it had to do with mobile homes, and Staff  
10 person Geo Price very politely and professionally corrected that statement indicating  
11 that once a mobile home is perhaps removed it does not mean that it cannot be  
12 replaced. Anyway, the long and short of it is we wanted to have a process whereby the  
13 Applicant would have an opportunity to rebut if necessary. So as we consider these  
14 Rules I wanted to have the opportunity to formalize my recommendation, even though I  
15 mentioned it in the past. So I concur with Heather that we have a little bit more time to  
16 deal with our Rules.

17 CHAIRMAN GILCHRIST: I would like – you finished that Ms. Frierson? Ms.  
18 Frierson, you good on that? You're okay with -

19 MS. FRIERSON: [Nods yes]

20 CHAIRMAN GILCHRIST: - that? Okay. I think that was one of my suggestions as  
21 well. I would like to ask the attorney something regarding executive session though. In  
22 the old Rules which are the governing rules that we're operating under now, we have a  
23 section identified for executive session. In the new Rules, I guess that was –

1 MS. CAIRNS: Proposed Rules.

2 CHAIRMAN GILCHRIST: - yeah, the proposed Rules, that was stricken. So I  
3 guess my question would be, I mean, should we – obviously there can be situations  
4 where we would have to address some items that could potentially be legal and if that  
5 be the case that would certainly require us, I would think, to have some form of  
6 executive session. So I'd love for you to speak to that if you may.

7 MR. FARRAR: Sure, yeah. Thank you. So yeah, executive session is provided  
8 for under state law in Title 30 and is for any public body, so you can go into executive  
9 session for any purpose stated in the state law. So when you're looking at adopting  
10 rules you really don't need a whole lot other than to say, you know, the public body can  
11 go in as provided for under state law for executive session so you can have kind of a  
12 one line there. But when you do go in you need to announce the specific purpose. Now  
13 for a body like the Planning Commission you probably wouldn't have, you can go back  
14 there for employment reasons, contractual reasons, receipt of legal advice; probably  
15 receipt of legal advice is about the only thing you're gonna look at, and that's if a  
16 question comes up that, you know, is a legal issue, could be procedural, could be  
17 substantive, probably something you're gonna wanna talk to the attorney about if you  
18 need to bring that person in. But I wouldn't hamstring yourself in the Rules by limiting  
19 when you can go in executive session. I would just say, pursuant to 30-, I don't know,  
20 410 or whatever it is, we can put it in the rules, take the executive session. And that also  
21 goes back to previous comment about, you know, when you look at these things, I  
22 would just keep a running total of things that aren't working in the meeting. If there's  
23 anything like, hey we weren't counting on that situation arising, maybe we'd like to have

1 opportunity for rebuttal, and just keep a little tally going. Because these need to be  
2 servicing your needs, I mean, you know, sometimes you see, you know, and Council  
3 will do this, Council will give themselves deadlines that the state law doesn't require and  
4 I say, well you can do that, but you're kinda putting yourself at a disadvantage. So I talk  
5 about things you should aspire to versus things that you locked yourself into.

6 CHAIRMAN GILCHRIST: Right. So you would advise us not to strike the entire  
7 executive session.

8 MR. FARRAR: Let me see what –

9 CHAIRMAN GILCHRIST: And just make sure that we have some, a statement in  
10 there that allows us to do that, if needed.

11 MR. FARRAR: Yeah, and the thing is that given that this is – yeah, actually  
12 you've got a section on page 6, Commission, public body defined by 34-20(A) and shall  
13 conform to the requirements thereof, so that's probably in there to pertain to the posting  
14 of your meetings. But – I would just have, whether you have a section in there or not,  
15 you still can avail yourselves of the law of executive session, but just to make it clear I'd  
16 have a very short, executive sessions as provided for by state law.

17 CHAIRMAN GILCHRIST: Got it. Okay. Thank you, sir.

18 MR. FARRAR: Thank you.

19 MR. GREENLEAF: Mr. Chairman, are we accepting any comments or are we  
20 gonna wait till later?

21 CHAIRMAN GILCHRIST: I'm sorry?

22 MR. GREENLEAF: Are we accepting any comments now or are we gonna wait  
23 till later?

1 CHAIRMAN GILCHRIST: We can actually make any comments at this point.

2 MR. GREENLEAF: I would like to make one comment.

3 CHAIRMAN GILCHRIST: Well, Ms. Cairns had –

4 MR. GREENLEAF: I'm sorry. I'm so sorry, I didn't realize. I'm sorry.

5 MS. CAIRNS: No, it's fine. We may have been going to the same thing. I think  
6 that I'm just gonna sort of implore the Commission here that I think one of the things we  
7 should look at is that issue about, for those of us Commission Members that sometimes  
8 arrive in the middle of the meeting just because of work and life, is that it's clear when  
9 we can vote on a matter or not. Like what portion or what part of a presentation – and I  
10 would offer that I think it should be that if you're planning to vote on a particular item on  
11 the Agenda that you need to be present for the entire presentation of that item on the  
12 Agenda. So even just missing the beginning is enough that you are gonna have to sit  
13 out. So I think we need to make sure – I don't think there's anything clear about that in  
14 here but I think we should look at adding that so that it's very clear. And I also think that  
15 as, you know, the legal Brad has offered is that we should, you know, when you're  
16 looking at this and you see, like I sort of chuckled when I saw functions, duties and  
17 powers completely removed. I was like, cool we can do whatever. And it's like, no the  
18 key is as you see again, it's state law that says what we can and can't do. That's why  
19 we don't repeat what we can and can't do cause it's by state law. So as you're reading  
20 this Commission Members, realize there's this little thing called the South Carolina  
21 Code that backs up everything we do, so that, you know, what we need to have in here  
22 are things that are specific to us, otherwise we'll just reference the other Code.

1 MR. GREENLEAF: Mr. Chairman, I'd like to address – sometimes it gets very  
2 confusing where people just determine whether they are recusing themselves from a  
3 vote or not. I'm concerned that sometimes people who are voting in their own sort of  
4 self-interest rather than opposed to the public's interest.

5 MS. CAIRNS: Again, there's a, there is state law about the ethical requirement of  
6 when somebody needs to not vote on a matter. I think that, I would offer based on my  
7 understanding of it that it's a very broadly interpreted ethical requirement in terms of  
8 when one must recuse. You know, I would imagine that if we wanted we could offer a  
9 tighter ethical requirement, but I think that might be a pit into which we don't wanna go.  
10 So again, you know, I mean, like or dislike the state law it is what it is and we are under  
11 it. I mean, I will personally offer I think it's very toothless.

12 CHAIRMAN GILCHRIST: One of the sections that I would like the Commission  
13 Members to begin to give some thought to, and that is Staff Reports. We often hear so  
14 much about what we're not allowed to ask the public about, and more specifically then  
15 Council, they'll go to Council and Council will actually take in consideration what the  
16 public feels about the case that we were told we can't have any public input about, I  
17 mean any input about. So I think that conversation needs to, at some point within our  
18 Rules we need to take a look at that, because that is causing some remarkable conflict  
19 between what we do as a Commission and more specifically what Council has to  
20 consider when this information comes before them. So Staff if you wanna chime in on  
21 that you may, but I would love to be able to explore what we can do with the Reports  
22 that might help to minimize some of that.

1 MS. HEGLER: We both clearly have an opinion about this. I mean, I would offer  
2 that we as Staff have never told you as a Commission not to consider something, but  
3 that you have within your certain authorities or to hear things, you have to be careful  
4 about what you hear that you do have authority over and how you use that. It's more of  
5 a caution if you will about how that is used in your decision-making. And I think to the  
6 point you make about then Council goes and does it, well you know, I've always  
7 described this as an iterative process, that's why there's three of us making, two bodies  
8 make a recommendation and a third one votes on it. I mean, it is kind of a due process,  
9 all the sorts of things that you can consider and factor into a decision come at different  
10 levels, depending on where you are in that chain of information. But you know, we have  
11 to find a way and I agree, to at least give you the, I guess the proper wording if you will.  
12 You're referencing last month's meeting and we have heard a lot about that, and I think  
13 the point that was being made by the Commissioner wasn't articulated in a way that left  
14 it not open for misinterpretation. There's a lotta 'nots' in there but that's intentional. It  
15 was taken out of context. The reality is, and you guys discussed it today, and one of you  
16 said it very well, I don't even remember who, that there are things that happen at a  
17 different stage in a development's process. You're at stage 1. Stage 50 is where a lotta  
18 the concerns you hear from citizens, rightfully so, is way further down the road. And we  
19 have different rules in place that deal with those. You've already established those  
20 rules, you're not voiceless in that process, you've established those rules through the  
21 Code. In fact, you're rewriting those rules currently. So it's just giving you the right  
22 information and I think that maybe what you're asking for Mr. Gilchrist in our Report to  
23 say, you are simply being asked the following at phase 1 at this point and it's related to

1 the best use of the land. All of the things you're bringing up are very important, they  
2 make, you know, as citizens they make sense. We're not not considering them or just  
3 not caring about them. That's how it came across last month.

4 CHAIRMAN GILCHRIST: Well, I was gonna say that's how it definitely comes  
5 across [laughter].

6 MS. HEGLER: You know, it's not that you don't care about that or that even that  
7 you're not the right body to hear it, that's not entirely true either. You have set the Code  
8 in place. You were the, you know, you were the recommending Body for what Council  
9 adopted. And so yeah, we do need to give you a little more information to that effect.  
10 But I hope that we never tell you not to hear anything or to consider it but, cause I can't  
11 get out of your head, I mean, when you hear something you're gonna do something with  
12 that in your mind.

13 MR. PRICE: Just to kind of chime in a little bit. I think one of the things that's  
14 happened over the years is we have gone from a, the actual request, the zoning request  
15 to what the proposed use is. And I think that's the one thing that we've always tried to  
16 kinda stay clear of, of approving a use that we feel, oh that'll be a great use there as  
17 opposed to looking at the zoning as a whole. So that, I think that's when we would say,  
18 be careful.

19 MS. CAIRNS: I just think that as Commission Members what we have to caution  
20 against is asking the question that elicits information that's outside our realm of  
21 consideration.

22 CHAIRMAN GILCHRIST: Our purview, yeah.

1 MS. CAIRNS: Just like, you know, for us to ask an applicant, well what are you  
2 gonna build there, it just doesn't do us any good and it makes us sort of look foolish  
3 because we can't take that into account. What we could ask is, you know, so you know,  
4 this – like the Light Industrial/Heavy Industrial, I think it would've been perfectly  
5 appropriate to offer, ask the applicant, you know, what do you feel about this parcel that  
6 lends itself better to a Light Industrial use? Or something, you know, things along that.  
7 Like sometimes when we get into some of the really funky ones, and it's like I wait for  
8 the applicant to show up who says, you know, I know this is currently zoned X and Staff  
9 has recommended against it, but let me offer to you what the neighborhood is like,  
10 what's going on, why this parcel based on its size or its shape or its location really will  
11 be better for the overall community to be zoned this way. You know, that it might make it  
12 economically feasible or something like that. So I think, you know, that's the kinda thing,  
13 so to ask the applicant why this parcel should be rezoned, how does that help the  
14 overall community, that's appropriate. Not, what are you gonna build there.

15 MS. HEGLER: And I think we do try to advise applicants to do that. Like when  
16 you stand before – we do give them advice – when you stand before the Commission  
17 explain why this is the proper use for that property or why it's not out of conflict or out of  
18 character. I agree with you, it'd be nice to see a little more of that. Typically we get  
19 these folks because they come in for a business license or they're trying to do  
20 something, and then they learn they can't do it on that site. So it's a, we're trying to back  
21 in to a situation that they already want to do.

22 MS. CAIRNS: Which is funny cause I think a lotta times the reason they've  
23 picked this location for that particular use is because it looks like it's the right thing to do.

1 I mean, we get some where it's not. But I think a lotta times it – to the applicant it's like,  
2 well it makes sense, it's what everyone else is doing or something, you know.

3 MR. PRICE: And you'd be surprised how the applicants probably do a better job  
4 explaining that when they want to argue with Staff. Once they see Staff, if we  
5 recommend disapproval, how they come in and just as you're saying, they'll go into the  
6 full gamut of what's out there, they'll tell you what's next door or what's down the street,  
7 what they see, you should come out there, so everything that you're asking they  
8 typically do that with us. But they don't do it with you. And I'm not sure if they, maybe  
9 they're a little intimidated about being there, I don't know if it's a time issue or what it is,  
10 but that's, you know, they do actually, they can articulate that, they just don't do it with  
11 you.

12 CHAIRMAN GILCHRIST: Well, and I also think that when we have people  
13 coming before us who would say things like, well we've had a lotta children that's been  
14 hit by school buses and all kinds of stuff, that has no reference to our decision-making  
15 about land use. But yet when they go before Council and they say, five kids have been  
16 hit by a school bus, well that has meaning in some ways that gets deferred back to us  
17 as why didn't the Commission take some of those things into consideration? So I think  
18 that it would be helpful when we are, when they do, when you guys hear some of these  
19 complaints from citizens about certain properties being rezoned or whatever that if  
20 some of that information could be even in our report to say, hey you know, we just  
21 wanna make you aware that these things are of concern to a group that you may have  
22 heard, you may not have heard, but if you happen to see that as a red flag I think it  
23 helps us to manage that better when we're here on this side of the aisle.

1 MR. PRICE: Yeah, if someone comes to, to Staff prior to the meeting or maybe  
2 they call in or something to that effect, we will try to address those questions with them.  
3 And I don't know if we necessarily put that in the Staff Report, maybe just kinda getting  
4 the information to you when it's appropriate. But I would also like, you know, will say,  
5 you know, we've talked about this, there are a lot of things that are said to you, you  
6 know, that somebody kind of throws out. And I'm sure you could offer the applicant to  
7 make a rebuttal. But I do believe if somebody's gonna bring up some stats or they're  
8 gonna bring up some specific occurrences that are occurring in an area, I do believe  
9 that as the Planning Commission you could ask them where's that information coming  
10 from or how, you know, what are they using to back that up? Because a lot of things are  
11 said to you that, you know, you kind of, like I live out in that area, I'm not sure that really  
12 happened, but I think you can kind of put some of that onus on others, probably as you  
13 would the developer, I mean, excuse me, the applicant, with those questions.

14 CHAIRMAN GILCHRIST: I think you're right. I mean, there's a way we can  
15 certainly do that without getting confrontational with people, which is always the other  
16 side of the equation on that. But, so anyway, I mean, I didn't want to get into a long  
17 debate about, or conversation about this today but certainly wanted to just begin to think  
18 about whether or not within the Reports if there's something that we can do. And  
19 Commissioners, please also, cause I know some of you shared that with me as well,  
20 that if we could begin to think through that, and y'all can help us figure it out, what that  
21 should look like and what it means. Alright, so we have – any other comments about the  
22 Rules?

23 MS. HEGLER: Chairman, can I offer one more –

1 CHAIRMAN GILCHRIST: Yeah.

2 MS. HEGLER: - something that I've heard recently from Council as well and  
3 maybe you can address it here is what happens in a tie vote. Your current Rules say it  
4 goes forward to Council without a recommendation and that has become increasingly  
5 frustrating for them.

6 CHAIRMAN GILCHRIST: Yeah, it is.

7 MS. HEGLER: Because, you know, they'll get the Staff recommendation and not  
8 one from the Planning Commission, and that's happened ironically on the more  
9 controversial cases that go forward so it's just that much more highlighted. And maybe  
10 Mr. Farrar can speak to what would work there. I believe *Robert's Rules* would say in a  
11 tie the motion would fail, is that correct?

12 MR. FARRAR: Yeah, so there's a lotta ways to approach this one. Is this the full  
13 Commission or do you have, you have seven?

14 MS. HEGLER: There are nine.

15 MR. FARRAR: You have nine, okay you have nine. Yeah, to kinda start with that,  
16 it's really good to have an odd number for this very reason so you don't have the tie  
17 vote situation. But, so as Ms. Hegler's talking about, you know, to have something  
18 approved it takes an affirmative vote for approval so something is not approved  
19 because it didn't get denied. Conversely, something can be denied because it didn't get  
20 approved, so for lack of a majority that particular item would consider to have not  
21 passed, to what, have failed. Now I've seen, you know, committees of Council forward  
22 things to the full Council without recommendation. They'll say, we'll forward it to the  
23 Council without recommendation. If what they're saying is, we want from the Planning

1 Commission a recommendation there's a way to kinda capture your vote to say, this  
2 was not approved because of the tie vote rather than say we recommend denial. So it  
3 may be, depends on how you say it, how you phrase it. And that's actually correct, it  
4 was not approved. You know, when you go to court and somebody's found not guilty  
5 that doesn't mean they're innocent, that means they're found not guilty. That's a  
6 specific, you know, legal finding. So in your situation under the Rules if something is a  
7 3/3, 2/3, whatever, it didn't pass. But it doesn't necessarily mean it's been denied.

8 MS. CAIRNS: No, but it, because of the nature of us being a recommending  
9 Body that doesn't really work, because you know, first of all Staff approval could be up  
10 or down and so if we do nothing to confirm or deny, we've really done nothing. I mean, I  
11 know what you're saying, the failure to pass, but it's like, you know, I guess – I mean, I  
12 can't, you know, I can't think of a way that we would break ties other than, you know,  
13 obviously we could open it up for more discussion, but I think in especially contentious  
14 tie votes, being that all the discussion as it ought to be is in front of the public, I think  
15 that the voices get less strong.

16 MR. FARRAR: There are some cases that hard. I mean, they just flat out are  
17 hard to decide and I've seen the evolution of this because it used to be that, maybe this  
18 was the Board of Zoning Appeals in particular, but they used to not wanna have a Staff  
19 recommendation cause they felt like their hands were tied – well if we're going against  
20 Staff on this – and so you could have someone on Council saying, well wait a second,  
21 the Planning Commission has recommended approval but I, now I'm going against a  
22 party and Staff. You know, so I've seen it both ways so I think you just have to get, what  
23 is the intent of Council? Do you want us, in this season of Council do you want us to be

1 a recommending Body or you just wanna see what the results of the vote, or do you  
2 want some, you know, I mean, it's hard to know what's gonna, you know, on each case  
3 be what they're looking for. But on the difficult cases when the room is packed there's  
4 not a lot you can really do that's gonna make that decision easy for Council.

5 MS. HEGLER: But they have mentioned though recently that the no  
6 recommendation is the frustrating action for them. Because that's almost, and it has  
7 been a room full, I mean, in that regard nobody's happy, nobody's come out with any  
8 sort of sense of where we're going for growth. And you know, if you think about your  
9 mission as guiding growth that looks like you don't have an opinion when it goes  
10 forward as no recommendation.

11 MS. CAIRNS: I mean, I almost wonder if what we do is, you know, if we come  
12 down to a tie vote and, you know, it's almost like to poll the jury, is that you almost have  
13 to, as a Commission Member, be prepared to offer, you know, the reason why you're  
14 either supporting or not supporting the particular motion. Cause again, it's one of these,  
15 you know, if Staff has recommended approval, we can have very little discussion.  
16 Somebody makes a motion, you know, Staff's recommended approval, someone votes  
17 to move the motion forward, and then it ties. Okay, well you could flip the motion and  
18 say deny but it's gonna tie. So you almost, you know, to just say, you know, like be  
19 prepared that if we end up with a tie vote because of our, you know, we sit here  
20 prepared to have a say, so you're gonna have to say, you know. And then maybe, you  
21 know, so basically what we've done is said, okay we're gonna open this back, you  
22 know, we have failed to pass the motion so we're gonna open this back up for  
23 discussion amongst the Commission Members, and just go down the row and we all

1 have to offer why it is we're either in support of Staff recommendation or against Staff  
2 recommendation, or the motion or however. You know, it's always these, like pluses  
3 and minus phenomenons. And then see if we can cast another vote, and if we're still  
4 tied we're tied. But I think at least we've done more to Council than just say, sorry didn't  
5 pass.

6 CHAIRMAN GILCHRIST: But, Mr. Attorney? So if, if, I mean, is it feasible to  
7 entertain – and you may have talked about this a minute ago – an idea or policy that  
8 says that if we have a tie vote then it's a vote that's, the vote fails completely.

9 MR. FARRAR: I mean, that's the effect of it that the item did not pass. Now, how  
10 that's reported to –

11 CHAIRMAN GILCHRIST: But I guess what I'm asking, and so what, could  
12 something trigger for us to have to vote again?

13 MR. FARRAR: At that particular meeting?

14 CHAIRMAN GILCHRIST: Yes.

15 MR. FARRAR: Well, see I think you run into an issue there. In Council's Rules, I  
16 don't know if this is addressed in your Rules, so if you make a motion to approve and  
17 that fails, then somebody can make a motion to deny and that's probably gonna result in  
18 the same tie. And so if you did that twice at Council stage they have rule that says, if  
19 something's been defeated twice within two meetings, in their situation it can't come up  
20 again for a year. So they basically say you're holding off on that motion, which that may  
21 not work in the case of a property, you know, issue.

22 MS. CAIRNS: And again, we're a recommending Body. That's, you know, we  
23 aren't making the final call. I mean, yeah with Council it's a totally different scenario

1 because their tie votes, then the thing failed, and it fails. But we're a recommending  
2 Body, you know, and Council is saying, you know, they wanna hear from us. They  
3 wanna know whether or not we support. So I think asking us to go back, and again  
4 cause we're a recommending Body, you know, we're here to offer suggestions and  
5 ideas, looking at this, you know, this is our only issue.

6 CHAIRMAN GILCHRIST: I hear you. I'm just trying to think through.

7 MR. FARRAR: Now do they, does Council get just the result of what you do or do  
8 they see a, kind of a transcript or a summary of the Minutes in your Agenda? Cause if  
9 you have the Minutes or – yeah, I hate to say transcript each time, but if you have the  
10 Minutes you could say, you know, Commissioner, you know, whoever, you know, this is  
11 kind of a rationale of why they voted the way they voted. It may give you some insight  
12 as opposed to just an up or down vote. But I think the conversation needs to be had  
13 with Council, too, because you know, if they, it is a recommending Body, you know, they  
14 couldn't really recommit the thing back to you and say, well take it up again when you  
15 have a different number of people, cause you get to that problem: well wait a second,  
16 you weren't here, the one person, when we started and the six of us were here. So you  
17 don't really have that problem so you're doing your due diligence by discussing the  
18 case, and if you got through it and said, you know what, we're deadlocked, which is why  
19 you need 11 people to take a vote. And Council has tie votes, I mean, you know, every  
20 once in a while they'll have a tie vote and that results in not approving whatever they  
21 voted on. So I mean, it may just be a matter of having a frank discussion with Council,  
22 look you know, you want a recommendation –

23 CHAIRMAN GILCHRIST: I totally agree with that.

1 MR. FARRAR: You know, you want a recommendation but some of these cases  
2 are, you know, as you can see if it's a 6/5 vote by your very vote it was a hard one for  
3 y'all to decide, so I mean.

4 CHAIRMAN GILCHRIST: Thank you, sir. I appreciate that. Any other questions  
5 for the attorney?

6 MR. GREENLEAF: I have a point of order, not a point of order –

7 CHAIRMAN GILCHRIST: Yes, sir.

8 MR. GREENLEAF: another comment, Mr. Chairman. Particularly, the Hugh  
9 Palmer case, 17-025 MA that we recently kind of went through a second time. I'm  
10 gonna tell you had I been here I would have abstained from voting. I didn't particularly  
11 want to come to that meeting because I had friends on both sides and I didn't want to  
12 have to take a public stance on either of them. They're both personal friends so I was  
13 going to abstain anyway.

14 MS. CAIRNS: That would not be a basis for abstaining actually. You have to  
15 have an economic interest in it.

16 MR. GREENLEAF: I have to –

17 MS. CAIRNS: I mean, it's interesting like the issues of recusal for judges is  
18 different, but I mean, in terms of our ethical when you have to recuse it's based on  
19 economic interest.

20 MR. GREENLEAF: Based on economic interest.

21 MS. CAIRNS: Yeah.

22 MR. GREENLEAF: That will be never.

1 MS. CAIRNS: I guess one question that I am curious about is, are the Minutes of  
2 our meetings transcribed before Council meets?

3 MS. HEGLER: So what typically happens is in those situations they'll ask us what  
4 happened and we'll go through and explain it to them. We don't necessarily provide  
5 them a copy of the Minutes with the Zoning Public Hearing Reports, correct?

6 MR. DELAGE: Correct.

7 MS. HEGLER: But in those cases that we're talking about, especially when they  
8 – well, almost any time they see a discrepancy, you know, we'll work one on one or with  
9 as many as they, as would like to, and certainly at the Zoning Public Hearing the  
10 question will come up, well why did you guys differ, and we'll – that's why we ask you  
11 for your reasons – and we will relay those to Council at that time. So it could be that  
12 you, you know, put in your Rules or just maybe in your Procedures that at the time, if  
13 there is a tie, like you know, Mr. Farrar said if you've gone through this process there  
14 are discussions, there are documented comments and points that you've each made.  
15 The point is to provide Council with some guidance on where you are going and your  
16 thought process that maybe, you know, you take some time, alright we've ended in a tie  
17 now let's just go through and make sure that we're providing a quality statement to  
18 Council as to why, and you know, work with Staff on doing something like that. I think  
19 that could be doable. But we have a lot of conversations with Council on all these  
20 rezoning cases so typically it comes out in conversations just not formally.

21 MS. FRIERSON: I have a question. So is it our policy that if we go against Staff  
22 recommendation we are to provide a reason? Or rationale?

23 MS. CAIRNS: That's in our Rules and Procedures.

1 CHAIRMAN GILCHRIST: It's in our Rules.

2 MS. CAIRNS: That's necessary.

3 MS. FRIERSON: Okay. Well then here's my question, we were talking about if  
4 we have a tie vote then are we saying that we have to then each go back and say pro or  
5 con why we voted the way we voted?

6 MS. CAIRNS: That's what I tossed out.

7 CHAIRMAN GILCHRIST: Yeah, that's not –

8 MS. CAIRNS: But that's not in our Rules.

9 CHAIRMAN GILCHRIST: - yeah, it's not a rule.

10 MS. FRIERSON: Okay, well I think that even as we're deliberating what we might  
11 do, that's a really, really, that would really open a can of worms cause we could be  
12 playing around with this thing forever and going back and forward. I think once we've  
13 taken a vote, whether it's a tie or not, it is what it is. And what we could do to clarify it is  
14 just say that it was a, the reason we are sending forth a recommendation of no  
15 recommendation is because there was a tie vote. Cause I mean, you have a problem if  
16 you go back and then say it was a tie so let's deliberate again and vote again, that  
17 would be a big mess. In my opinion.

18 MS. CAIRNS: I just think it's – right, I just think it's important that we remember  
19 our role as a recommending Body to Council. And that if our tie vote gives Council  
20 nothing to understand why then we haven't done our job.

21 MS. FRIERSON: I understand, but I don't think it would be appropriate for us to  
22 go back then and open discussion again and then vote again. You see what I mean?

23 MS. CAIRNS: Right, I mean, I –

1 MS. FRIERSON: You vote, you vote. You know?

2 CHAIRMAN GILCHRIST: Well, I mean, I think, you know, one of the things that I  
3 think would be helpful to get some clarity on, and I appreciate the attorney kind of  
4 mentioning this, and that is the distinct role of the Planning Commission's  
5 recommendation and the County Council's approval process. We don't approve these  
6 zoning requests to be, it's not a confirmation from us, it's just a recommendation. And I  
7 think, being a former County Administrator, I think that would be quite interesting to  
8 have that conversation with Council about what that, those lines of demarcation there  
9 between the Planning Commission, and let them give us some guidance about, well  
10 here's what we would like for you to consider. But at this point, I mean, we're sorta  
11 kinda operating the way we've, our Rules have indicated we do. So anyway, but I think  
12 we have an opportunity to really take the Rules and to really make them more  
13 operational for, not only for the Planning Commission and for the Staff, but also for the  
14 public and for Council. So please take these, if there're not any other comments on  
15 discussion, and review them. And I guess we can, we can plan to review these again in  
16 our April meeting?

17 MS. FRIERSON: Just one more comment. I guess the only way we're gonna get  
18 some clarity is instead of just wondering what they want and expressing our frustration  
19 sometimes here, we probably need to have a meeting with them and talk face to face.  
20 Because sometimes –

21 CHAIRMAN GILCHRIST: Meaning Council, Ms. Frierson?

1 MS. FRIERSON: Uh-huh, yes. Because see, sometimes we try to abide by the  
2 Rules but what's reported that happens at County Council is not necessarily an attempt  
3 to abide by Rules. I mean, that's just the long and short of it.

4 CHAIRMAN GILCHRIST: That's true.

5 MS. FRIERSON: And so unless we are open and honest about it, I mean, I'm  
6 serious. I mean, come on now. And how are you gonna correct a problem if you won't  
7 confront, well if you won't face it? So we may need to just sit down and have a little tête-  
8 à-tête with them in a nice, calm setting. No, I'm serious. Why are you laughing? I'm  
9 serious.

10 MS. CAIRNS: The thing is is that we, you know, we are charged with scope and  
11 authority and we have parameters under which we're recommending. Council as  
12 elected officials are charged with a completely different set of authorities. I mean, they  
13 aren't bound by –

14 MS. FRIERSON: I understand.

15 MS. CAIRNS: - the same stuff. So it's not that they get it wrong, I mean, they just,  
16 they have a different set of parameters under which they're allowed to review the things  
17 than we are.

18 MS. FRIERSON: But Heather, I'm not talking about necessarily getting it right or  
19 wrong, I'm trying to be discreet, but – I don't wanna say it out loud – but sometimes it's  
20 reported that some of the things that happen at County Council, I'll just say are  
21 inappropriate. And my point is unless we actually sit down and talk with each other, I  
22 understand we are only a recommending Body, but if we take our roles responsibly, I'm  
23 not saying we have to tell them how to take their roles, but unfortunately just as you

1 mentioned Ed, with the Rimer Pond issue, there is even a published statement in a  
2 newspaper whereby some of the County Council people have certain quotes that  
3 perhaps are inappropriate. And I'm not saying we would meet with them and say, you're  
4 wrong for saying that, but if we are being held to a high standard, rules, procedures and  
5 so forth, we can't tell them what to do but at least if we have a dialogue perhaps eyes  
6 will be opened and there might be a closer meeting of the minds. Did I say it well, Ed?

7 MR. GREENLEAF: I thought it was fantastic. Thank you, Ms. Frierson.

8 CHAIRMAN GILCHRIST: Well, and I'll just, my last comment on this and we'll  
9 kinda close. But I do think that when Council says that for what did they do, I mean, that  
10 certainly is a reference back to what they felt like we should have done. And so I just  
11 think that there has to be either a discussion or some form of identifying exactly what  
12 the Commission's role is to Council and Council's responsibility to the applicant at that  
13 point. And so I, and I don't know, again, whether our rules can speak to that or not I'm  
14 not sure, we'll have to explore that but, because what we don't want, you know, being in  
15 this business for a while one of the things that you don't wanna do is you don't really  
16 wanna put Council in – I mean, we're the recommending Body to Council, so you know,  
17 they're hoping that we come with a recommendation that at least they can begin to have  
18 some debate about and make a good and informed decision about from our debate. But  
19 sometimes that's not the case and when that's not the case then the questioning the  
20 role and responsibility of each body becomes front and center. And so I think this is a  
21 good conversation to have and one that we probably want to explore, particularly as we  
22 get into the – and I think some of the Code stuff will help, you know, rewriting the Code  
23 would help with some of that as well. Mr. Greenleaf?

1 MR. GREENLEAF: Mr. Chairman, I think we all need to remember how we got  
2 here. Most of us got here through appointment by a, a recommendation by a County  
3 Councilmember to represent some portion of the County or maybe indiscriminately  
4 where we are or live. And it seems to me we were all recommended through a process  
5 that went through an interview, typically support by a particular County Council or  
6 several County Councilmembers. My case in point, I was living in the County, in a  
7 different Councilperson's district, and I was moving toward town which would be the City  
8 of Columbia, and I wanted to serve, cause I wanna serve in one way or another. And I  
9 went to two Councilmen, one that represents, I'm representing his County, I mean, his  
10 District, excuse me, and it was interesting because I verified, what should I do? He said,  
11 speak to some Councilmembers and we'll make sure you get approved. You know, you  
12 can't campaign but you can call anybody, there was no rules around that. And so I got  
13 here by a political process and I feel like I'm responsible for, not always, what that  
14 Councilman feels is appropriate for the area in his District. I always wondered, you  
15 know, we gotta out for the public's interest primarily, not my own. It all seems like,  
16 seems like I have some sort of loyalty commitment to a Councilmember that I really  
17 don't have.

18 MS. HEGLER: Well, you are all here by Council's appointment.

19 MR. GREENLEAF: That's right. That's right.

20 MS. HEGLER: And you are not district-aligned cause there are some  
21 commissions that are. There's 11 commissioners. You are not, so you're not necessarily  
22 representing an area.

23 MR. GREENLEAF: Right.

1 MS. HEGLER: Yes, on your application form there's a place where you can have  
2 an endorsement of a Councilperson, but you are charged with the County as a whole in  
3 terms of growth. You're not representing a particular area to your point, but I mean, I get  
4 what you're saying. But you've all been acted on, I mean, you may not see that process  
5 or hear it but they, in a Council meeting, will make a recommendation for the placement  
6 of volunteers on our Boards and our Commissions that comes out of the Rules and  
7 Appointment Committee. And you are voted on that way. You just hear from us next,  
8 you don't necessarily hear from that.

9 MS. CAIRNS: I have a question just thinking about sort of some of the discussion  
10 about this tie vote issue is that, you know, so as we as Commission Members have had  
11 discussion about a matter and then it goes to a tie vote, would it be possible to ask Staff  
12 at that point whether you feel that you had enough of the reasons for the tie in terms of  
13 like what the maybe issues were that you could offer to Council that – I mean, like so  
14 here's my thought is, a motion is made to approve or to agree with the recommendation  
15 of Staff, and the motion breaks 4 and 4, at that point to ask Staff, do you need to hear  
16 anything more before you can offer to Council, and then you could say to us, yes or no.  
17 Do you think that that would be –

18 MS. HEGLER: It would just be an extension of the process we do when you go  
19 against our recommendation, and that does go into the Report and I may not have  
20 made that very clear earlier.

21 MS. CAIRNS: But I mean, I can imagine there might be times when you don't  
22 know why, what caused it. But I mean, so I just wonder if that's a way around it without  
23 trying to, to say that we have to reopen discussion as Commission Members, but to

1 simply ask the Staff, do you feel that you have a sufficient understanding of the, of why  
2 the motion failed to carry or not?

3 MS. HEGLER: We could, we could just try and summarize on the spot the way  
4 we do when your recommendation is different.

5 MS. CAIRNS: Okay.

6 MS. HEGLER: I think that's probably the best happy medium. I mean, it gets to  
7 what Mr. Farrar said, you're just trying to give them a record of what you discussed.  
8 They likely don't want the verbatim Minutes but we could summarize, there was a lotta  
9 conversation about this point and a lotta conversation about this point, and the two just  
10 never, or one never prevailed. Yeah, we just need to have a better process in place of  
11 doing that on the spot. As it happens.

12 MR. PRICE: Yeah, I think a good healthy discussion by the Members of the  
13 Planning Commission will give us that information. I mean, we don't need and what  
14 doesn't help, you know, if you raised your hand against but you didn't have any  
15 discussion as to, you know, why you were leaning that way. Just the more you discuss  
16 the issue the more information we'll have to relay to Council.

17 MR. MCLAURIN: I've got a question. I believe the Commissioner down there  
18 mentioned it, about the voting. If you know an individual that comes up for rezoning you  
19 have no personal interest, if you know that individual shouldn't you back off from voting  
20 on that?

21 MR. PRICE: I've actually seen some of the Members over the years, whether it  
22 be the Board of Zoning Appeals, the Planning Commission, state for the Record they  
23 know the individual but it doesn't influence their vote. But –

1 MR. FARRAR: Well, and that's the key is, the classic example of this, when you  
2 know, Strom Thurmond was a judge back in Edgefield County he knew everybody in the  
3 County so he'd have one party on one side and one on the other and he would say, well  
4 I know everybody but it's not gonna impact, you know, how I vote. And that's, that's fine  
5 to do that cause you've stated it for the Record that you're gonna, you know, impartial.  
6 If, however, say you had a family member come in, something like that or you did have,  
7 or you had a business partner come in on a situation, under the Ethics Act you'd have  
8 the business with which you're associated would be the definition and that would be a  
9 strict, yeah that could be actually a potentially criminal situation if somebody had a, you  
10 know, knowing relationship and voted, so you wouldn't wanna be anywhere near that.  
11 But if it's a personal relationship and you say, you know, I'm not going to be able to set  
12 that aside because of my feelings for that, maybe it's an immediate family member, that  
13 type of thing, you can recuse yourself in that situation. But usually it's an economic  
14 justification, but as Mr. Price has said, the best thing is to state on the record and then  
15 state that second piece, you know, I can put it aside and be impartial. Or if you can't  
16 then you're, you know, sitting out as a recusal on that, so in other words abstaining in  
17 that situation.

18 MR. MCLAURIN: Well I've seen that happen, not much here, that individuals  
19 come up and say, we have a – realtors, let's put it that way – and they say, well that  
20 realtor has a vested interest in that property and so that gets out in the general public,  
21 that the Planning Commission, you have realtors on there and that looks like they are  
22 favoring someone else than me. So I was just wondering how that should go.

1 MR. FARRAR: Yeah, I think if it definitely is their business situation that's gonna  
2 be a pretty bright line as far as, you know, I can't participate in this one because I have  
3 – and we had a Councilmember who worked at the State House and had a lot of  
4 lobbying situations and he disclosed it. He said at the beginning of the year he posted  
5 all his clients and he said, look I've done work with this person, I'm gonna sit this one  
6 out, and that's fine. People understand that one.

7 MR. PRICE: Yeah, over the years we've actually had a few Members on the  
8 Planning Commission that after a certain period of time they just resigned because what  
9 was happening was they had to recuse themselves so often because their company in  
10 some way was associated with the applicant. So. And we've had that happen a few  
11 times.

12 CHAIRMAN GILCHRIST: We brought this up at our planning retreat some time  
13 ago. When the ethics guy came he talked about what some of those relationships  
14 should be and could be and should not be. So anyway, I mean, but I hear you on that  
15 and we have to always take that into consideration. Any other comments? Good  
16 discussion everybody and I'm looking forward to really revising our Rules, our governing  
17 Rules. Alright, Chairman's Report. Is that right, Tracy, that's next on the Agenda?

18 MS. HEGLER: That's right, you're the Chairman.

19 CHAIRMAN GILCHRIST: I just – thanks for reminding me. I just want to go back  
20 and ask the Staff to follow up with Mr. Seals regarding the transparency thing that we've  
21 been discussing for quite some time. So as the Chairman I want, I ask you to try to meet  
22 with him and I think he had agreed to help this Planning Commission with trying to  
23 identify some ways that we could, not only keep the public engaged about what we're

1 doing but to find ways that our information could be – and Mr. Attorney you can weigh in  
2 on this too if you want – but one of the issues that we’ve sorta kinda struggled with is  
3 whether or not this Planning Commission should have our information so that the public  
4 who we’re supposed to working on behalf of, should have access to it. And so we’ve  
5 talked about that as a Body and we’ve said that, you know, what we don’t wanna give is  
6 the appearance of not being able to be accessible. And so we know Council has had  
7 some conversation about that as well, so I’d love for you to chime in on that if you want.

8 MR. FARRAR: So yeah, I think typically the Board and Commission Members,  
9 you know, there’ll be a listing of who those folks are and maybe even an address or  
10 something like that, but it’ll say who the members are. And the thing you need to be  
11 concerned about here is you’re kind of a *quasi*-judicial body and you’re gonna have  
12 cases in front of you, so you don’t want somebody coming up and say, hey you know,  
13 I’ve got that case coming up next week, you know, that type thing, you know, I hope it  
14 works out for me type thing. Cause if the other side’s not present that could be an *ex*  
15 *parte* communication. This is more of a concern with the Board of Zoning Appeals  
16 cause they have votes up or down that are appealed directly to circuit court. You’re a  
17 recommending Body, but you don’t wanna have that, you know, recommendation to  
18 where somebody has come in, so I mean, that’s a little bit different. As a Councilperson  
19 they have a county-wide, all issue-wide situation and that’s exactly who it should go to is  
20 your Councilperson for a concern about your District or the County and they’ll take that  
21 in. But if you’re coming in for a contested case, and to some extent this is a contested  
22 case with an up or down, unless it’s a tie, you know, in a case so, you know, I don’t  
23 know how, you know, you don’t wanna go in the witness protection program, by the

1 same token you don't wanna be so accessible that they're talking about specific cases.  
2 So it's kind of a fine line for y'all.

3 CHAIRMAN GILCHRIST: No, thank you. I appreciate that. As a matter of fact  
4 that's good information so that as we start to revisit our Rules you just said some things  
5 there that I think are pertinent to the fact that, gave me a little bit more clarity about what  
6 our role should be versus Council. So thank you for that. So I would like for us to at  
7 least begin to find out what Seals said he would be willing to consider doing for us.

8 MS. HEGLER: Well Chairman, if I may, I mean, I think I've presented this before.

9 CHAIRMAN GILCHRIST: Okay.

10 MS. HEGLER: You do have options that I think you want to take up. Do you want  
11 to provide your personal contact information, would you like the County to create  
12 something for you, but to do so would require equipment that we would purchase, you  
13 know, on your behalf because – for instance, to give you an rcgov email address we  
14 would have to provide you with a County phone or tablet or something that you would  
15 then communicate with so we can keep those things safe from the, you know, from a  
16 firewall perspective. Or, you know, the third option is what we've been doing which is  
17 you are listed online, everybody knows who the commissioners are, if you have any  
18 information you wanna get to them then you do it via Staff. So in terms of how you are  
19 reached I think those are your options and you can decide how you wanna proceed with  
20 that. And I have seen commissions do any or all of that, there are commissions that  
21 have their name, their address, their phone number and their email address up there.  
22 I've seen some that just use staff the way, you know, you have historically done that;  
23 Staff would get the information via our office and disseminate it to you. To create a

1 county email address for you, again you know, we'd have to supply you with something,  
2 and we're not, Administration is in favor of that if that's your choice. Just something we  
3 would need you guys to consider and act upon. It'd be another thing that you were  
4 keeping track of.

5 MS. CAIRNS: I always felt that we're sufficiently reachable. I mean, you know,  
6 I've been on this for a couple of years now and I just think that, you know, the members  
7 of the public that get information to you, I feel like you guys get it to us in a timely  
8 manner so that we can take it into account. And those members of the public that are  
9 determined to track me down have always been I think able to. I'm not that particularly  
10 hard to find. I don't know, you know, but I just, I don't think our need to be reached by  
11 the public is sufficiently handicapped with it just being our names. I mean, cause yeah, if  
12 they write to you, you get us the stuff. I think that works fine.

13 CHAIRMAN GILCHRIST: Any other comments on that? Well, let's continue to  
14 have that conversation. The biggest thing that we wanna make sure that we do is to just  
15 demonstrate to the public that we're not trying in any way to not be accessible if and  
16 when they want to reach out to a Commissioner. I had a reporter reach out to me not  
17 long ago, for example, and said, hey I've been trying to reach you, I can't – we didn't  
18 know when the Planning Commission meetings were. I said, well you can easily call the  
19 County, they can tell you when they were. But I, you know, he wanted to ask me about  
20 some case that we were doing, so I just think that any time we, we can demonstrate to  
21 the public that we're not, we're trying to be as transparent as we can is always a good  
22 thing. So anyway.

23 MS. CAIRNS: That *State Newspaper* used to track me down all the time.

1 CHAIRMAN GILCHRIST: Tell you what. I get, they know how to find me, too, on  
2 everything else except for the Planning Commission, isn't that interesting? [Laughter]  
3 But anyway, so that's all I have Tracy, for the Chairman's Report.

4 MS. HEGLER: Well yeah, I mean, you just, if you wanna give us direction on that  
5 let us know.

6 MS. CAIRNS: Is that it?

7 CHAIRMAN GILCHRIST: That's it. We're good. What did you say? I'm sorry, I  
8 didn't hear what you said.

9 MS. HEGLER: I just said if you, I mean, any direction you wanna give us on that  
10 let us know. But –

11 CHAIRMAN GILCHRIST: Okay, yeah.

12 MS. HEGLER: - I'll take a look at the website, too, I think there's maybe more we  
13 can do there to make it seem like, at least, you shouldn't be called and asked when a  
14 meeting is.

15 CHAIRMAN GILCHRIST: Yeah, exactly.

16 MS. HEGLER: That should be far more apparent.

17 MS. CAIRNS: See, that's a reporter not doing their job.

18 CHAIRMAN GILCHRIST: Sure, no doubt. Yeah.

19 MS. HEGLER: And so yeah, I mean, to the degree that we can make that more  
20 clear.

21 MS. CAIRNS: But I just think, yeah if it's, I would think that if on the website that  
22 offers the existence of us, the Planning Commission, and so if there's sufficient ways to  
23 make it clear to the public that an email to Staff or a phone call to Staff generates a

1 relay to all the Commission Members, then it makes it very clear that this is, this is, you  
2 know, we're just, we're lowly members of the public, we're just regular blokes. And that  
3 that's a perfectly fine way, that we'll get their comments. I just think yeah, as long as  
4 we're super clear on the website.

5 MS. HEGLER: Yeah, we'll take a look at that.

6 CHAIRMAN GILCHRIST: Sounds good.

7 MS. CAIRNS: Can I have a mouse? I wanna control my world.

8 CHAIRMAN GILCHRIST: Go ahead, Mr. Greenleaf.

9 MR. GREENLEAF: Mr. Chairman, in the Planning and Development Service  
10 Departments Planning Director Report of Council actions, at the February 27<sup>th</sup> meeting  
11 at 7:00pm, what we were talking about earlier, we have only one of those cases, well  
12 excuse me, several were – oh no, it's not that bad – we have two of the major ones,  
13 Case number, the item number one here which is Hugh Palmer, unanimously denied  
14 the request after much, you know, teeth gnashing in this group. I wanna know what  
15 happened. I wasn't there. I mean, is it just community input just convinced them to  
16 change that otherwise, or? I'm just curious.

17 MS. HEGLER: Yeah, so you know, Council met last week to take up those items  
18 at Zoning Public Hearing. And to that point I would encourage you all to attend those.  
19 They're quite lively. If you have had enough time with us during the month you can  
20 come that 4<sup>th</sup> Tuesday at 7:00. The conversation surrounding that was related to the, I  
21 guess the best character of growth for that area. They did not have a lotta conversation  
22 this last week but they've had plenty of conversations, it was a deferred case so they  
23 didn't have a second public hearing, they had the public hearing pre-Christmas. But

1 there was not a lotta conversation, just more in line with a lot of deference to the public  
2 comment and a lotta deference to the will of the public to not have certain uses in that  
3 location.

4 MR. GREENLEAF: Great. Thank you. And then the other case is this Jesse Bray,  
5 17045, I mean, it's approval, approval, and then I'm seeing denied. Same situation?

6 MS. HEGLER: On Johnson Marina Road another one that was highly contested

7 –

8 MR. GREENLEAF: Yes.

9 MS. HEGLER: This was some interesting conversation, I think it's something  
10 that's gonna come out in our Code rewrite, this concern over – and you guys talk about  
11 it, too – how much weight is placed on the impact to certain infrastructure pre-zoning.  
12 So that's another thing that we don't quite explain as well as we probably can, but the  
13 idea that these things would be taken up during the time of development did not appear  
14 sufficient for the conversation. Specifically there were concerns over schools and  
15 Lexington/Richland 5, that elementary school just quite adjacent to that property was no  
16 longer accepting students and they would be bused to other elementary schools. And  
17 so it was the decision of Council to weigh heavily on that consideration.

18 CHAIRMAN GILCHRIST: By the way I'm looking at the Planning Commission  
19 website. It needs to be updated.

20 MS. CAIRNS: I was gonna say, it's –

21 MS. HEGLER: Oh, your terms? Oh yeah, they're like way off.

22 MS. CAIRNS: But it also –

23 CHAIRMAN GILCHRIST: Pat Palmer's name needs to come off there.

1 MS. CAIRNS: - I mean, it shows Stephen and I both as expired. I think we're still  
2 here. But I mean, I think that not only do we have to maybe do a better job of keeping  
3 this up to date, but that the column noted dated should be term ends. But in terms of  
4 term because we don't have term limits anymore, it's really irrelevant when your term,  
5 what number term you're on.

6 MR. PRICE: Not so. And this kind of came as a, well it was a surprise to me that  
7 County, at one time County Council made one, they amended their Codes, or excuse  
8 me their ordinance to state that you have to be off one day. And then you can reapply.  
9 So essentially you can be on there as long as you wanted. However, now somewhere, I  
10 need to get the specific date, but that was amended to state that you have essentially  
11 two year terms.

12 MS. CAIRNS: No, this says four years terms but that there were two –

13 MR. PRICE: Well, I'm sorry, two terms, you're allowed to have two terms, excuse  
14 me. And then you would have to be off for a year.

15 MS. CAIRNS: Okay. Just because, I think as we all know, I've been here a while  
16 so, I'm fine, I mean, I serve at the pleasure of Council and Staff, you know.

17 MS. HEGLER: Well, this is something we just saw, we have to verify the action  
18 there cause it's a, it was stated to us that that ordinance had changed and – did you  
19 look it up?

20 MR. PRICE: Yes.

21 MS. CAIRNS: You know, but again it's this sort of, I mean, I have no problem  
22 with term limits and I think if there is a term limit I would totally support that it's a year  
23 off. I think that anything less than that just sort of makes a mockery of it.

1 MR. PRICE: That's the way it reads now.

2 MS. CAIRNS: And, you know, so that's, so I think right now that term, I mean, it's  
3 sorta funny that I'm listed as last, my last term being my first term. I don't even know  
4 what my last term was but it wasn't my first.

5 CHAIRMAN GILCHRIST: So has Council voted on that?

6 MR. PRICE: Yes.

7 CHAIRMAN GILCHRIST: And it's –

8 MR. FARRAR: Yeah, the, the ordinance that's being referred to has been  
9 changed, well it's in the process of being changed, they actually, the Rules and  
10 Appointments Committee has recommended that the ordinance be changed to read  
11 from one day to one year off, so two terms with a one year off. So if you have anybody  
12 who's getting ready to get reappointed or term end or something like that you, you  
13 might, you know, if you wanna do that you might get under the wire before they give it  
14 three readings. But that's what the ordinance is pending right now.

15 CHAIRMAN GILCHRIST: Okay. Thank you.

16 MS. CAIRNS: I'm just curious, do you know whether it, so once passed if you've  
17 done your two you then fall under it, so it's not two after the enactment of the ordinance.

18 MR. FARRAR: You know, that's actually, that's a good question. So yeah, it's not  
19 two new ones after, yeah you're right cause that, I could come in and say two and then  
20 off. You know, I don't know that they addressed that. I think you just –

21 MS. CAIRNS: Right, you know, and the other thing they should address because  
22 we've had it often in our Commission is that, cause this is how I first came on was take  
23 an unexpired term. Does that count, yes, no; does it matter how long an unexpired

1 term? And I just think again, cause I think, like we have four year terms, I think my first  
2 term was an unexpired three year.

3 MR. FARRAR: Yes. And I think that doesn't count, the unexpired term doesn't  
4 count.

5 MS. CAIRNS: It didn't. So yeah, I got 11 years on without hitting a term limit.

6 MR. FARRAR: So, yep.

7 MS. CAIRNS: And then they kept me on cause they used the one-day rule. So  
8 yeah, when I finish this I think I'll be 15 years on. And I don't even get a pen. [Laughter]

9 CHAIRMAN GILCHRIST: She's eligible, huh?

10 MR. FRIERSON: Mr. Chairperson?

11 CHAIRMAN GILCHRIST: Yes, ma'am?

12 MR. FRIERSON: I'd like some clarification also because I know when I first came  
13 on it was to take an unexpired term and then after that I reapplied and I was  
14 reappointed. But I'm still listed as first term, so when you take an unexpired term that  
15 doesn't count at all?

16 MR. PRICE: That's zero –

17 MR. FARRAR: It, it shouldn't because if you look at it right now actually I think  
18 the Governor got, you know, moved up after the former Governor got appointed to the  
19 UN, so he's got that period and then he's got potential for two other terms. So he could  
20 be Governor 10 years theoretically under that.

21 MS. FRIERSON: So you say the term now is how many years?

22 MS. CAIRNS: It's four years.

23 MS. FRIERSON: It's four?

1 MR. FARRAR: It's four years.

2 MR. FRIERSON: Okay, well then check on mine then cause I think mine might  
3 be incorrect.

4 MS. CAIRNS: You're in your first term. If you took over an unexpired that didn't  
5 count as a term. And so if you've been appointed once to a four year term you're on  
6 your first term.

7 MS. FRIERSON: Okay. Well let's just, you know, I understand. I wanna know  
8 when it ends. [Laughter] I don't mean it like that, but I mean, I don't wanna get into the, I  
9 don't wanna get into the [inaudible] of not knowing when to reapply so I can have so  
10 much fun with you all. [Laughter]

11 MR. GREENLEAF: I, I need the same information. I don't see my name listed on  
12 here. Oh, down at the bottom, imagine that. Wait a minute. Yeah, that's what I recall, I'm  
13 in my first term. My letter came in 2015.

14 MS. HEGLER: Yeah, these dates don't make sense.

15 MS. FRIERSON: So as stated on the website right now where it says date, that  
16 technically is supposed to indicate the start day of our term?

17 MS. HEGLER: End.

18 MS. FRIERSON: Oh, the end date?!

19 MS. HEGLER: It doesn't say that though.

20 MR. PRICE: No, it's the end date.

21 MS. FRIERSON: Oh. Okay, yeah let's get it clarified, yeah.

22 MS. HEGLER: That's good to see, we need to update that. But I think Mr. Price  
23 asked for it to come up to show you.

1 CHAIRMAN GILCHRIST: No, that's fine.

2 MS. CAIRNS: Yeah, I mean, I appreciate you bringing this up to make it clear,  
3 which was my comment which is any members of the public can, it's made it very clear  
4 that sending anything to Geo and your email and phone number and everything will  
5 reach the Commission Members. So that was why we brought this up. But anytime you  
6 put gravy in front of us we're gonna stir the pot.

7 MS. HEGLER: And we're gonna kick you off now.

8 [Laughter]

9 CHAIRMAN GILCHRIST: Okay. Let's see. Report of Council, we've already  
10 talked about that in our Planning Director's Report. Anything else on DRT Report?

11 MS. HEGLER: No, sir. I think there's a sheet at the end for your information.

12 CHAIRMAN GILCHRIST: Okay. Alright. Anything else to claim our attention?  
13 Motion to adjourn?

14 MS. CAIRNS: So moved.

15 CHAIRMAN GILCHRIST: Second?

16 MR. GREENLEAF: Second.

17 CHAIRMAN GILCHRIST: Alright, thank y'all. Thank you, Mr. Attorney.

18

19

*[Meeting adjourned at 4:45pm]*