

BOARD OF ZONING APPEALS
March 4, 2015

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3
4 *Present: Michael Spearman, William Smith, Joshua McDuffie, Susanne Cecere,*
5 *Christopher Sullivan; Absent: Frank Richardson]*

6
7 Called to order: 3:00 pm

8 CHAIRMAN MCDUFFIE: I'd like to call this meeting of the Richland County
9 Board of Zoning Appeals to order. Let's see, and recognize that we have a quorum
10 today. At this time Mr. Price are there any amendments from the posted Agenda or the
11 published Agenda?

12 MR. PRICE: No, sir.

13 CHAIRMAN MCDUFFIE: Okay. Then, in accordance with the Freedom of
14 Information Act – yes, sir, or yes, ma'am. What's that? Oh, okay. I'll, is there a motion to
15 approve the Agenda?

16 MR. SPEARMAN: Motion.

17 CHAIRMAN MCDUFFIE: Alright, the Chair recognizes that there has been a
18 motion seconded. All in favor?

19 *[Approved: Spearman, Smith, McDuffie, Cecere, Sullivan; Absent: Richardson]*

20 CHAIRMAN MCDUFFIE: Alright, the Agenda is adopted at this time. I'd like to
21 make note that, in accordance with the Freedom of Information Act a copy of the
22 Agenda was sent to radio and television stations, newspapers, persons requesting
23 notification, and posted on the bulletin board located in the lobby of this building, the
24 County Administration building. I'd now like to call upon the Board's attorney, Ms.
25 Amelia Linder, to present the Rules of Order.

1 MS. LINDER: Mr. Chairman, I believe we have Election of Officers before my
2 Rules of Order.

3 CHAIRMAN MCDUFFIE: Oh, you're correct. Alright, at this time we will move on
4 to the Election of Officers.

5 MR. PRICE: Up for nomination.

6 MR. SMITH: I nominate Joshua McDuffie for Chairman.

7 MR. SPEARMAN: Second.

8 CHAIRMAN MCDUFFIE: Are there any other nominations?

9 MR. PRICE: You can call for the vote.

10 CHAIRMAN MCDUFFIE: Hearing no other nominations I'll close the floor to
11 nominations and call for a vote. All in favor?

12 MR. PRICE: Those in favor: Spearman, Smith, McDuffie, Cecere, and Sullivan.

13 *[Approved: Spearman, Smith, McDuffie, Cecere, Sullivan; Absent: Richardson]*

14 CHAIRMAN MCDUFFIE: Alright, so I am elected Chairman again for one more
15 year. We also need to elect a Vice-Chair, and I'll open the floor for nominations for Vice-
16 Chair.

17 MR. SULLIVAN: I nominate Will.

18 CHAIRMAN MCDUFFIE: Alright, Mr. Smith has been nominated.

19 MR. SPEARMAN: Second.

20 CHAIRMAN MCDUFFIE: And seconded. Are there any other nominations for, for
21 Vice-Chair? Alright, hearing none I'll close the nominations and call a vote. All in favor?

22 MR. PRICE: Those in favor: Spearman, Smith, McDuffie, Cecere, Sullivan.

23 *[Approved: Spearman, Smith, McDuffie, Cecere, Sullivan; Absent: Richardson]*

1 CHAIRMAN MCDUFFIE: Alright, we don't believe we're electing a secretary
2 anymore.

3 MR. PRICE: No.

4 CHAIRMAN MCDUFFIE: Okay, so that, that will conclude the Election of
5 Officers. Alright, now at this time I will turn the meeting over to Ms. Amelia Linder, the
6 Board's attorney, to present the Rules of Order.

7 MS. LINDER: Good afternoon. My name is Amelia Linder and as the Chairman
8 said I am the attorney for the Board. If they have any legal questions or anything that
9 would be needed to be taken up in Executive Session we go in the back, but if not I'll be
10 sitting up there with the Board and helping them go through the process of the cases
11 today. The Board, as you may know, is a *quasi*-judicial body which means the decisions
12 they make today are going to be final, subject to taking an appeal to circuit court. We
13 normally would write and prepare and order and have that signed at the next meeting,
14 and then you'll get a copy of the order of the actions that happened today. The
15 Applicant will have up to 15 minutes to present their case. If there's opposition here they
16 may have up to three minutes to speak, and then the Applicant would have another five
17 minutes to rebut the opposition. We will be taking the cases up in the order that they are
18 on the Agenda. If you are planning to testify or present any evidence to the Board you
19 will be sworn in, we need your names and addresses on the signup sheet. You will be
20 addressing your remarks to the Board and not to members of the audience. You will be
21 under oath and you will be recorded. If you have any documents that you'd like to
22 submit you may do so. The Board will give appropriate weight to all the evidence that
23 they hear today and then they will make a decision whether to approve, approve with

1 conditions, or deny your request. [Inaudible] substantial interest in the decision made by
2 the Board may request reconsideration of the decision prior to the approval of the
3 Minutes next month. I would ask that if you have a cell phone that you turn it off or mute
4 it. After your case has been concluded you may leave if you so desire. If there's any
5 questions I'd be happy to answer those questions. If there are none I would ask you,
6 anybody that's planning to testify to stand at this time, raise your right hand. Do you
7 swear or affirm that the testimony you shall give shall be the truth, the whole truth, and
8 nothing but the truth so help you God?

9 AUDIENCE: [Inaudible]

10 MS. LINDER: Okay, two members took the oath and both answered in the
11 positive. Thank you.

12 CHAIRMAN MCDUFFIE: Thank you, Mrs. Linder. And at this time I would ask
13 Mr. Price to call our first case for the Public Hearing.

14 **CASE NO. 15-01 SE:**

15 MR. PRICE: [Inaudible] internet mapping to help out but unfortunately it's, it's not
16 working at this time. The first item is – excuse me one second –

17 CHAIRMAN MCDUFFIE: Mr. Price, hold on for one minute. We did neglect to
18 approve the Minutes as is next on the Agenda, I apologize. Are there any, at this time
19 are there any amendments, has everyone had an opportunity to review the Minutes?

20 MR. SPEARMAN: Just one item that may need to be cleaned up, I'm not quite
21 sure. Maybe – where it talks about the four Members that are present, including Mr.
22 Sullivan, and it also talks about three Members not present and lists Mr. Sullivan as
23 well. And Mr. Sullivan was the fourth person to give us a quorum last, at our last

1 meeting. Could we kinda clean that up just a little bit? That way there won't be any
2 confusion somewhere down the line. You know, wording to the effect of, you know, Mr.
3 Sullivan arrived at 3:22, which created a quorum and the meeting went forward, or
4 something to that, to that type wording, Mr. Chairman?

5 CHAIRMAN MCDUFFIE: We don't need to do that, I think just remove him from
6 line 5 of the Absent line. Yeah, move him, he already is on the present line so that's
7 fine. So are there any other –

8 MR. SPEARMAN: With that correction –

9 CHAIRMAN MCDUFFIE: - any other items? Okay. Alright.

10 MR. SPEARMAN: With that correction I move to approve the Minutes.

11 MR. SMITH: I second.

12 CHAIRMAN MCDUFFIE: Alright, all in favor?

13 MR. PRICE: Those in favor: Spearman, Smith, Sullivan.

14 *[Approved: Spearman, Smith, Sullivan; Abstained: McDuffie, Cecere; Absent:*
15 *Richardson]*

16 CHAIRMAN MCDUFFIE: And yeah, the other two of us were, were not here, so.
17 The Minutes from January 7, 2015 Board of Zoning Appeals meeting are hereby
18 adopted. And now we will try again to get to the Public Hearing portion. Mr. Price, if you
19 would call your first case.

20 MR. PRICE: The first case, the first item is 15, Case 15-01 Special Exception.
21 The Applicant is Highwood Towers II, LLC [inaudible]. The location is 3933 Broad River
22 Road, the parcel is a little more than an acre tract, and the parcel is currently occupied
23 by an automotive repair business. The Applicant is requesting a Special Exception to

1 permit the construction of a communication tower which would be 195' in height, within
2 a 10,000 square foot leased area. The character, the area where the tower is to be
3 erected is, is primarily comprised of a mixture of multi-family, commercial and
4 institutional uses. Within that 10,000 square foot leased area the tower will be placed
5 within a 3,600 square foot fenced area, so it'll be a fenced area within the leased area.
6 As for the tower, Staff reviewed the application and according to the provisions of
7 subsection 26-152(D)(22)(c)(iii) of the Richland County Land Development Code, it
8 requires that if a tower is abutting a non-residentially zoned parcel without a habitable
9 residential dwelling, they shall observe the setbacks for that district. And in this
10 particular case the setbacks are 25' front, the rear is 10, and the sides are 0. The
11 submitted site plan does indicate that all of those requirements will be met.

12 CHAIRMAN MCDUFFIE: Mr. Price, do we not typically get some sort of, you
13 know, certificate of agency or something like that from someone who's not the owner of
14 the parcel? Did I just miss that in the, in the packet? Was that not included?

15 MR. PRICE: You mean the letter of authorization?

16 CHAIRMAN MCDUFFIE: Sure.

17 MR. PRICE: Yes, sir. We do get those, I don't put that in here. We usually use
18 these for more information.

19 CHAIRMAN MCDUFFIE: Okay.

20 MR. PRICE: But that is something that –

21 CHAIRMAN MCDUFFIE: But that, that is something that, that you have in your –

22 MR. PRICE: Yes, sir.

23 CHAIRMAN MCDUFFIE: - your policy. Okay, thank you.

1 MR. PRICE: Okay, this is also in your package but [inaudible] ordinances here.
2 The tower is to be located at the rear of the property. This shows the, this is a large site
3 plan which shows it being located within the fenced in area. It's gonna be a monopole
4 tower [inaudible]. And one of the things I just, I just wanna I guess start including more
5 in the, during the presentation, the subject parcel is this, is this stripe, red/white stripe
6 area. The surround properties are as I stated are zoned commercial. Multi-family is the
7 darker purple, it's a residential, multi-family, medium density. Across the street in this
8 lighter purple, and I will have a legend for you next time, which is residential, high
9 density. But the surrounding properties are industrial, so it does meet all of the
10 setbacks. That will be it for that case.

11 CHAIRMAN MCDUFFIE: Thank you, Mr. Price. And we have Mr. Robert Fuller
12 signed up as the attorney for the Applicant. Mr. Fuller, yes, sir?

13 MR. SPEARMAN: Mr. Chairman?

14 CHAIRMAN MCDUFFIE: Yes, sir?

15 MR. SPEARMAN: I'd like to ask our attorney for an opinion on an exhibit in this
16 packet.

17 CHAIRMAN MCDUFFIE: Do we need to go into Executive Session or is this –

18 MR. SPEARMAN: I believe we can do it out here, sir.

19 CHAIRMAN MCDUFFIE: Okay. Alright, go ahead.

20 MR. SPEARMAN: Exhibit H? It is page 32. Are you ready Ms. Linder?

21 MS. LINDER: Yes, go ahead.

22 MR. SPEARMAN: Okay. The second paragraph it says, "Please accept this letter
23 as notice and confirmation of Highwood Tower II, LLC . . ." and the reason I stop right

1 there, if for some reason Hightower [sic], Highwood Tower II, LLC is sold or some, some
2 action of that take place in the future, would this paragraph commit any future owner of
3 this company the same liability that they're agreeing to?

4 MS. LINDER: I believe it would because the order that goes out would have that
5 language in it. All the orders, basically that's a requirement of our zoning ordinance, and
6 so that would be built into the order and that order is binding on the project.

7 MR. SPEARMAN: So would it be binding on, on any future –

8 MS. LINDER: Yes, it would.

9 MR. SPEARMAN: - successor and/or agent?

10 MS. LINDER: Yes, it would.

11 MR. SPEARMAN: Okay, thank you.

12 CHAIRMAN MCDUFFIE: Alright. Okay, at this time I'd like to recognize Mr.
13 Robert Fuller, the attorney for, for the Applicant. Please state your name and address
14 for the Record.

15 **TESTIMONY OF ROBERT FULLER:**

16 MR. FULLER: Thank you, Mr. Chairman. My name is Robert F. Fuller. I am an
17 attorney practicing in Columbia at 1728 Main Street. I am here today as representative
18 for Highwood Towers II, LLC, and my representation of the company as Applicant was
19 communicated earlier in, in January to the Department by email. And I think that all, at
20 that time the agency was already in place, so. I am here for the purpose of speaking in
21 behalf of Highwood Towers, LLC and Matt Allen who's name appears on the application
22 is also here as a principal with the company. First of all let me, I'm gonna make a couple
23 of introductory remarks if I may because there are two items on the Agenda, both of

1 them are applications of Highwood Towers, II, regarding cell towers for approval at this
2 meeting. There are two separate sites, therefore they are two separate items. I will be
3 making reference to a number of requirements that would be applicable to both; it will
4 be my intention to restate them for each, each parcel but simply to have you realize at
5 the outset there will be a great deal of similarity in the two proposals because the type
6 of cell tower being requested for permitting is the same tower and not the same, the
7 very same tower but the, prototypically the same tower in another location. So I'm
8 gonna go through this in, in a bifurcated fashion in that normally when you deal with a
9 Special Exception you are dealing with the ordinance requirements to consider five
10 specific criteria that must be shown applicable to the request for Special Exception by
11 the Applicant wanting to impose in a given zoning district the matters for exception.
12 Where you are dealing with a cell tower there is an additional ordinance that requires
13 that demonstration of compliance with another nine items that are unique and particular
14 to cell tower placements that has already been referenced by Mr. Price. So what I would
15 do is to call your attention to, as I go through these, that there will be first a, a brief
16 discussion of those cell tower requirements and a response to how they are met. Then
17 the Special Exception for land use and how the Applicant has addressed those matters.

18 CHAIRMAN MCDUFFIE: Thank you.

19 MR. FULLER: But this is with respect to the application relative to 3933 Broad
20 River Road. In the ordinance requirements for the approval of a cell tower, it must be
21 demonstrated that the zoning district in which the proposal or the subject property is
22 situate has a provision for cell towers to be admitted; that is the case here. This property
23 is zoned GC, which is one of the zoning district classifications in which a tower can be

1 constructed in Richland County. The height specification based on the Richland County
2 Code and the regulatory guidelines for the placement of cell towers essentially provides
3 that they cannot be in excess of 300' in height. There are specific requirements
4 regarding height with respect to location in specific places relative to residential
5 setbacks, etc. that do not apply in this particular location place because there are no
6 residences within the proscribed perimeters of the site location. The request is for a 195'
7 monopole type structure with a four foot lightening rod/antenna atop the structure of the
8 pole, which gives a total height of 199', which is under the 300' requirement limitation in
9 the ordinance and complies with the setbacks relative to the structures and property
10 lines on this site. The minimum setbacks based on height essentially are one foot to one
11 foot. You have a, have a tower that's gonna be 199' there is a setback requirement of
12 one to one ratio and the maximum setback requirement is 250', the setbacks I'll give
13 you in a few minutes here as Mr. Price has already done, and there is not any violation
14 of compliance with the setbacks in the GC zoning for this particular location as it has
15 been requested and, for placement. Part of the requirements are there must be an
16 affirmative attempt to find, to co-locate cell towers under request on existing locations.
17 Now that affirmative attempt has been made, the file has been documented to the fact
18 by engineering professional opinion that there is not a location that could be effectively
19 co-located for the request and therefore that requirement of investigation has been
20 deemed to have been met, and the matter has been accepted by Staff as compliant with
21 that request, that requirement as well. There is a requirement for illumination on any cell
22 tower essentially under 200'. There will not be any requirement for any, for any
23 illumination and will, in fact it will be prohibited. The, there is a statement from the FAA

1 in, in the file that has been filed with the application that verifies that the illumination
2 requirements have been met to satisfy both the federal and the state law regulations
3 and laws governing the placement of, of cell towers. The –

4 MR. SPEARMAN: Mr. Chair, I've got a question for Mr. Fuller if you don't mind.

5 CHAIRMAN MCDUFFIE: Go ahead.

6 MR. SPEARMAN: Mr. Fuller, are you referring to the letter from Ken Patterson
7 which is your Exhibit G on page 28?

8 MR. FULLER: That is a, a part of that filing, yes, that the, that the FAA reference
9 there – Mr. Allen may be able to address that –

10 MR. SPEARMAN: Yes, sir. I've got a question about that once we –

11 MR. FULLER: - with specific particularity –

12 MR. SPEARMAN: Yes, sir.

13 MR. FULLER: - that I am, I am not aware, and I think that is, that –

14 CHAIRMAN MCDUFFIE: Let's, let's wait until we get done with Mr. Fuller's –

15 MR. SPEARMAN: Okay, that's fine.

16 CHAIRMAN MCDUFFIE: - presentation [inaudible]. Thank you.

17 MR. FULLER: Suffice at this point to say that the, the representation of that has
18 been met in the file and I think Mr. Allen can address that for you with –

19 MR. SPEARMAN: Okay, I've just got a question about the document.

20 MR. FULLER: - with more particularity.

21 MR. SPEARMAN: Yes, sir.

22 MR. FULLER: Alright, sir. The, there is a requirement that the tower and its
23 related structures be within a minimum seven foot high security fence. The security

1 fence in this proposal is eight feet in height, is chain link, and meets the requirements
2 for the ordinance minimums, and exceeds them. The landscaping requirements are
3 indicated on the site plans and compliant with the requirements of §26-176 of the
4 Richland County Ordinances, and we submit that the, everything that is to be done
5 within the leasehold and the security or containment for the cell tower is in compliance
6 with those regulations and will be built in accordance with that. There is a provision in
7 the federal law and in the state laws that there be no signage on a cell tower; that is no
8 advertising, no sort of directional signs, no name identification, except in the instance of
9 very specific signage that deal with ID of the tower by number, warnings, safety
10 information, emergency contact numbers, and such. And all of that is set out and limited
11 under the state and federal regulations and has been complied with in determination of
12 what will be or will not be on this tower site. And there is a provision that the tower
13 owner must dismantle and remove within 120 days following any out of service date that
14 is, should occur in the future with respect to the, to the tower and that is a, a provision
15 that would run with the land, essentially. It runs with the installation of the property and
16 would be the responsibility of whoever is in control of the tower at the time it is taken out
17 of service. In addition to those criteria which are provided for by, by both federal, state
18 and county ordinance regulations, and have been reviewed by the Staff and found to be
19 compliant, there is the additional inquiry made for Special Exceptions under the
20 Richland County Ordinance. And those are the more familiar five item criteria that you
21 see on, in all normal Special Exception applications. There will be no traffic, adverse
22 traffic impact occasioned by the erection of this tower in the General Commercial
23 District. It is, it is permitted in the GC zone by Special Exception and in response to the,

1 the traffic impact, it is a closed facility, it has no visitation to it except the monthly or
2 perhaps semi-monthly maintenance by one truck and a technician to come to the site to
3 attend to anything that may need to be attended, or to review anything that is present on
4 the site on a regular basis, but it does not generate to its location as a destination any
5 traffic at all. There will be no impact or adverse effect on any pedestrian safety at this
6 location, because it will be totally fenced off, it is in a remote section of the property on
7 which it is situated, the 3,600 square feet of fenced area is an enclave within the 10,000
8 square foot leasehold that is completely gated, secured by the eight foot fence, locked,
9 and is under [inaudible] maintenance only for coming and going. So there is no
10 pedestrian traffic created or anything that occurs on the property that would impact
11 pedestrians. The, the provision (c), that there was no impact of noise, lights, fumes,
12 obstruction of air flow on adjoining property is accomplished because essentially there
13 is nothing going on on the property that would generate any of those things. The, as we
14 have already indicated there is, by reason of regulation, no lighting permitted on these
15 towers that could become offensive or illuminated to surrounding areas to adversely
16 impact them. The only lighting on the, on a tower is, is that which is required by law to
17 be there, and there is no excess or extra lighting on this tower or planned to be. There is
18 nothing about it that would be obstructive or could become obstructive to air flow
19 applicable to any adjacent properties. Impact of proposed use on the aesthetic
20 character of the environs to include possible need for screening from view. The tower
21 will be located itself in a fairly densely located wooded portion of the parcel that, that is
22 its host. There is a business on that property that is an automobile repair business, it will
23 not impact in any way the operation of the business that it shares occupancy with, and

1 the only thing that would be visible offsite would be the monopole. It does not have
2 anything that would otherwise be attached to it to cause any disturbance to view or
3 otherwise. The orientation and space of improvements or buildings on the property is
4 covered by the exhibit which is the site plan exhibit for the, for the location and simply
5 establishes within the fenced perimeter where the location of the pole will be sighted
6 and a, an initial maintenance shed or building on the site, and the landscaping that is
7 required and provided for on the site plan. And none of those things would be altered
8 once they are put in, in place. There is a provision on the plan for the possibility of an
9 additional small shed to also be added to the property if necessary for storage of
10 equipment or maintenance materials for the tower. But it is not a location which is itself
11 a business generating or traffic generating operational site that would have people
12 occasioned to come to it for any particular reason. I think that there is ample reason
13 under the details of the application to constitute compliance with all regulated
14 requirements and all of the objective and subjective requirements of a Special
15 Exception for placement in a general commercial zone in Richland County. And the
16 Staff did review all of those matters related to the placement and has recommended
17 approval to the Board, and we would solicit that approval here today. And unless you
18 have further questions of me, I would suggest that Mr. Allan can address the existing
19 question or I will be glad to remain and answer anything that may be directed
20 [inaudible].

21 CHAIRMAN MCDUFFIE: Are there any, any questions for Mr. Fuller from the
22 Board? Then at this time I'd like to call Mr. Matt Allan. Please state your name and
23 address for the Record.

1 **TESTIMONY OF MATT ALLAN:**

2 ? : [Inaudible].

3 CHAIRMAN MCDUFFIE: Thank you.

4 MR. ALLAN: Good afternoon, my name is Matt Allan. I'm the managing member
5 for Highwood Towers, II, LLC. My address is 5579 B Chamblee Dunwoody Road, #164,
6 Dunwoody, Georgia 30338. A couple of things I'd like to clarify on. First, there was a
7 question regarding in the package there was included something from one of our
8 aerospace consultants that showed that the tower located in the location we proposed
9 at 195' should not require lighting. Sometimes we request that from a consultant if, if we
10 have some question as to whether the tower might or might not require lighting at
11 different heights. So we've got that, you know, confirmation from the consultant that it
12 should not require it. And then later we, because it takes a little bit longer for the FAA to
13 process those requests we got a confirmation of that from the FAA, which I believe
14 you'll have passed around to you now, that the tower would not require lighting at 195'.

15 CHAIRMAN MCDUFFIE: Thank you.

16 MR. ALLAN: The second issue was the issue regarding –

17 CHAIRMAN MCDUFFIE: Mr. Spearman?

18 MR. SPEARMAN: We'll wait till he gets through.

19 MR. ALLAN: Okay. The second issue was the issue regarding setbacks and the,
20 the way the Code is written currently for Richland County is that if it abuts non-
21 residential property that does not have residential uses on it, that it goes with the district
22 setbacks, and we currently meet that, that setback where we're located currently.

23 CHAIRMAN MCDUFFIE: Mr. Spearman, I know you have a question.

1 MR. SPEARMAN: Just a question, Mr. Allan, this letter from Ken Patterson,
2 Aerospace Consulting, Inc., the page that we have is, is there multiple pages of this
3 letter or just one page to this letter?

4 MR. ALLAN: Typically there's only one page to the letter and then also there's
5 attached usually a map which they will color code if there are restrictive zones for the
6 height and aerospace in those areas.

7 MR. SPEARMAN: Do you know who the author of this letter was? It's not signed.

8 MR. ALLAN: It would've been Ken Patterson. He's a, he's a former FAA
9 employee.

10 MR. SPEARMAN: Yes, sir.

11 MR. ALLAN: Who has a one man consultancy now. So I apologize that it's not
12 signed, but it would've been Ken Patterson.

13 MR. SPEARMAN: Okay.

14 MR. ALLAN: We can definitely get a signed copy if that's –

15 MR. SPEARMAN: That would –

16 MR. ALLAN: - what's required.

17 MR. SPEARMAN: - this is official documentation for this, and anything that, you
18 know, that is submitted, you know, needs to be –

19 MR. ALLAN: I think I would say that more important though, it's superseded by
20 the actual approval by the FAA document, so I –

21 MR. SPEARMAN: Yeah we would, I was just given that and this is the first
22 opportunity I've seen that. It wasn't in the packet but, you know, since this was

1 submitted, you know, it would really, personally I would like to see his signature on this,
2 on this letter.

3 MR. ALLAN: We will get a signed copy.

4 MR. SPEARMAN: Okay.

5 CHAIRMAN MCDUFFIE: Mr. Spearman, I would, I would just like to add, have
6 this added to the, the letter from the FAA added to the, to the Record. Thank you.

7 MR. ALLAN: I can answer any other questions if there are any.

8 CHAIRMAN MCDUFFIE: Are there any other questions for, for the Applicant?

9 MR. ALLAN: Alright, thank you.

10 CHAIRMAN MCDUFFIE: Mr. Sullivan, would you care to go through the Findings
11 of Fact?

12 MR. SULLIVAN: Yes. The property is zoned –

13 CHAIRMAN MCDUFFIE: Commercial.

14 MR. SULLIVAN: - General Commercial, correct. Was notice of the public hearing
15 posted on the property for which this Special Exception is sought? Yes. Was notice
16 published in a newspaper of general circulation within the county no less than fifteen
17 (15) days prior to the public hearing on the matter? Yes. Will the proposed tower will
18 have a maximum height of less than 300'? No.

19 CHAIRMAN MCDUFFIE: Yes.

20 MR. SULLIVAN: Yes.

21 MS. LINDER: Yes, it would be less than 300'.

22 CHAIRMAN MCDUFFIE: I would be 195'.

1 MR. SULLIVAN: Oh! I misread it, I thought it said more than. Okay, is the base of
2 the proposed tower located at least one foot from a residential zoning district for each
3 foot of height of the tower? No.

4 MS. LINDER: I believe that that would be non-applicable.

5 CHAIRMAN MCDUFFIE: I don't believe that's –

6 MR. SULLIVAN: Non-appliable [sic] part itself. Has the Applicant shown proof of
7 an attempt to co-locate?

8 MS. LINDER: Look at [inaudible]. I think, I think the relevant case is 5(C), under
9 Findings of Fact?

10 CHAIRMAN MCDUFFIE: Yes. And that will be, is the base of the proposed tower
11 located at least the minimum setback provided by the zoning district from a non-
12 residential zoning district without a habitable dwelling? And the answer to that would be
13 yes.

14 MR. SULLIVAN: Okay.

15 MS. LINDER: Those two would be non-applicable.

16 CHAIRMAN MCDUFFIE: Non-applicable.

17 MR. SULLIVAN: Okay, so (c), yes. Do I have to read it out?

18 CHAIRMAN MCDUFFIE: Alright.

19 MR. SULLIVAN: Do I have to read 5(c)?

20 CHAIRMAN MCDUFFIE: No, you don't have to read it.

21 MR. SULLIVAN: Has the Applicant shown proof of an attempt to co-locate on
22 existing communication towers? Did the Applicant show that alternate towers, buildings
23 or other structures were not available for use within the Applicant's tower site search

1 area that was structurally capable of supporting antenna or meeting the Applicant's
2 necessary height criteria, or provide a location free of interference from other
3 communication towers? Yes. Is the Applicant willing to allow other users to co-locate on
4 the proposed tower in the future, subject to engineering capabilities of the structure?

5 [Inaudible discussion]

6 MR. SULLIVAN: Sir?

7 MR. SMITH: Yes.

8 CHAIRMAN MCDUFFIE: Yes. The answer is yes.

9 MR. SULLIVAN: Okay. Will the proposed tower meet the illumination
10 requirements of regulatory agencies such as Federal Communication Commission or
11 the Federal Aviation Administration? Yes. Was the Federal Communication
12 Commission?

13 CHAIRMAN MCDUFFIE: It's the FAA.

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

15 MR. SULLIVAN: Yeah, okay. And that's the letter that we saw?

16 CHAIRMAN MCDUFFIE: Um-hum (affirmative).

17 MR. SULLIVAN: Okay. Has the Applicant agreed to have no nighttime strobe
18 lights incorporated on the tower unless required by the Federal Communication
19 Commission and the Federal Aviation Administration or other regulatory agency? Yes.
20 Will the communication tower or associated buildings be enclosed within a fence at
21 least seven feet in height? Yes. Has the Applicant agreed to landscape the
22 communication tower site in accordance with requirements §26-176?

23 CHAIRMAN MCDUFFIE: Yes.

1 MR. SULLIVAN: Yes. Has the Applicant agreed to place no signage to any
2 portion of the communication tower unless the signage for the proposed, for the
3 purpose of identification, warning, emergency function or contact or other as required by
4 applicable federal rule, law or regulations? Yes. Has the Applicant agreed to dismantle
5 and remove the communication tower within 120 days of the date the tower is taken out
6 of service? Yes. Will traffic be impacted by this proposal? No. Will this proposal effect
7 vehicle and pedestrian safety? No. Is there a potential impact of noise, lights, fumes or
8 obstruction of air flow on adjoining properties? No. Does the proposed communication
9 tower have an adverse impact on the aesthetic character of the environs? No. Is the
10 orientation and spacing of improvements or buildings appropriate? Yes.

11 CHAIRMAN MCDUFFIE: Alright, we have the Finding of Fact. Is there a, is there
12 a motion? Would someone care to make a motion?

13 MR. SPEARMAN: A motion to approve with one condition, Mr. Chair.

14 CHAIRMAN MCDUFFIE: Please state the condition.

15 MR. SPEARMAN: In our packet, Exhibit G, page 28, the letter from Ken
16 Patterson, Aerospace Consulting, Inc., an original with his signature on this letter, that
17 would be the only condition.

18 CHAIRMAN MCDUFFIE: Alright, fair enough. We will, there's a motion to
19 approve, presuming the requirement of the original signed letter is met.

20 MR. SPEARMAN: That's correct.

21 CHAIRMAN MCDUFFIE: Okay.

22 MR. SMITH: Second.

23 CHAIRMAN MCDUFFIE: And it has been seconded. Alright, all in favor?

1 MR. DELAGE: Spearman, Smith, McDuffie, Cecere, and Sullivan, four.

2 *[Approved: Spearman, Smith, McDuffie, Cecere, Sullivan; Absent: Richardson]*

3 CHAIRMAN MCDUFFIE: Alright, Mr. Fuller and Mr. Allan, your request has been
4 approved and the, the Staff will be in touch. Mr. Price seems to have stepped out, so at
5 this time if you would please call the next case.

6 **CASE NO. 15-04 SE:**

7 MR. DELAGE: Yes, sir. Case 15-04 is a Special Exception, and the Applicant is
8 requesting a, the Board of Zoning Appeals to grant a Special Exception to permit the
9 construction of a communication tower in an M-1 or light industrially zoned district. The
10 Applicant is Matt Allan with Highwood Towers, II, LLC. The location is 1217 Wessinger
11 Road. The parcel size is 3.65 acres and the parcel is currently vacant. And [inaudible]
12 the Applicant is proposing to erect a 190' telecommunications tower with a 10,000
13 leased area. The abutting properties south and west of the site are industrially zoned
14 and vacant, and a residential neighborhood is located north of the subject parcel. And
15 within the, the 190' monopole telecommunication tower will be situated within a 3,600
16 square foot fenced area, and according to provisions of subsection 26-152(D)(22)(c)(i),
17 towers abutting residentially zoned parcels shall have a minimum setback of one foot for
18 each foot of height of the tower as measured from the base of the tower. In addition, the
19 provisions of subsection 26-152(D)(22)(c)(iii) require towers abutting a non-residentially
20 zoned parcel without a habitable residential dwelling shall observe the setbacks of the
21 district in which it is located. And the required setbacks for the M-1 District are 25' in the
22 front, 10' in the rear, and 0 for the sides. And the submitted site plan indicates that the
23 tower will meet the required setbacks.

1 CHAIRMAN MCDUFFIE: In this case since we have a residential neighborhood, I
2 guess across the street, which, which set of requirements would, setback requirements
3 would, would come into play here?

4 MR. DELAGE: Basically since the – and if the mapping is up we can take a look.

5 [Inaudible discussion]

6 CHAIRMAN MCDUFFIE: I believe it actually does have to meet the one to one
7 setback requirements given the, the residential parcels. But it does, I believe, meet
8 those so we'll continue on. Are there – go ahead.

9 MR. DELAGE: Yes, sir, I was just gonna basically that meeting the criteria for
10 the Special Exception in §26-152(D)(22)(c) may, indicate that the Applicant has taken
11 necessary measures to minimize the impact of a communication tower in the
12 surrounding area. Staff believes that this request will not impair the properties in the
13 immediate area surrounding the area, and Staff recommends approval of this request.

14 CHAIRMAN MCDUFFIE: Okay. Alright, thank you. And at this time are there any
15 questions for Staff?

16 MR. SPEARMAN: What is the zoning across the street where those structures
17 are? For the residences?

18 MR. DELAGE: I apologize, not being able to get that map is hindering me a little
19 bit, but. I believe, according to this without the legend from previous reports that I've
20 been involved with in the area, this area over here should be Rural with these down
21 here below being I believe HI, and then M-1, or M-1 and then HI.

22 CHAIRMAN MCDUFFIE: The abutting property south – according to the, to the
23 packet the abutting property south and west of the site are industrially zoned and

1 vacant. The residential neighborhood is located north of the subject parcel but doesn't
2 specify what the zoning is on, on that residential neighborhood north of the subject
3 parcel. Alright. Will Mr. Price be back, or?

4 MR. DELAGE: He should be, he was assisting at the counter.

5 CHAIRMAN MCDUFFIE: Okay. Alright, let's continue on and we will come back
6 to that, to that question. Alright, is there anything else from, from Staff or any other
7 questions for Staff?

8 MR. DELAGE: No, sir. Except I have gotten the mapping on.

9 CHAIRMAN MCDUFFIE: Okay. Alright, great.

10 MR. DELAGE: And it appears that the primary zoning for those residential lots
11 are RU, Rural District.

12 CHAIRMAN MCDUFFIE: Rural, okay. Alright. So in that case –

13 MR. SPEARMAN: And would you stipulate one more time the size of the
14 proposed, what'd you say 3.76 acres?

15 MR. SULLIVAN: 3.65.

16 MR. SPEARMAN: 3.65?

17 MR. DELAGE: That'd be the parcel size and then, of course, the, they are using
18 a 10,000 square foot leased area for the tower, the 190' tower.

19 CHAIRMAN MCDUFFIE: Alright, so at this time I'll once again call Mr. Fuller.
20 Please once again state your name and address for the Record.

21 **TESTIMONY OF ROBERT FULLER:**

22 MR. FULLER: Thank you, Mr. Chairman. I am Robert F. Fuller. I'm an attorney in
23 Columbia, and I'm here today as attorney and representative for Highwood Towers, II,

1 LLC, as Applicant for the Special Exception at 1217 Wessinger Road, Columbia 29203.
2 I either misunderstood what Mr. DeLage said or he inadvertently misstated the tower
3 height at 190', it is a 195' tower, pursuant to the application and the Staff Report and a
4 four foot lightening rod atop it. I may have simply miss –

5 MS. CECERE: I think he said originally 190 and then changed it later to the 195.

6 CHAIRMAN MCDUFFIE: I heard 190 as well, so.

7 MR. FULLER: In any event –

8 MS. CECERE: I think the second time he said –

9 MR. FULLER: - 195 is consistent with everything that has been filed and
10 reviewed, so that's not a change from the application in any event.

11 CHAIRMAN MCDUFFIE: Thank you.

12 MR. FULLER: Once again we, as we proceeded earlier this is a, the proposed
13 installation of a cell tower by use of a monopole construction that would reach to 195'
14 [inaudible] and a four foot lightening rod, so a 199' total height structure, which does fall
15 within the requirements of the ordinance at less than 300 total feet. The parcel on which
16 this property, this site is located is currently zoned M-1 under the county zoning
17 ordinance and land use code, which is a permitted location for a cell tower by Special
18 Exception. As indicated, the total height of the monopole is 199', which is in compliance
19 with the location site specification and does not exceed the maximum height allowable
20 in the Special Exception category. All the minimum setbacks have been observed
21 based on the one to one foot ratio of height to setback, and that has been confirmed by
22 the Staff Report relative to the site and the surrounding properties. There is evidence in
23 the file of an affirmative attempt to co-locate at this site, or in lieu of this site and that

1 has not been determined a feasible thing to do by professional engineering record that
2 is filed in the application package. The illumination requirements of the FCC and the
3 FAA have been met in that this structure will not be lighted with anything that will be
4 contrary to the requirements of the prohibited illumination or strobe lighting or otherwise
5 on the, on the structure that is under consideration for you today. Again, this tower will
6 be located within a fenced area inside the leasehold parcel. The perimeter fencing will
7 be eight feet of chain link fencing, locked and securable, within the, and the pole and all
8 of its pertinences will be inside that secured perimeter, which is incompliance with the
9 ordinance. The site plan and material filed with the application confirmed that the
10 improvement of the site will be within the parameters of the landscaping required by
11 §26-176 of the Richland County Code. There will be no signage on the tower as is
12 prohibited except that which is specifically permitted and required to give identification
13 and special safety instructions or contact information required by state, federal and local
14 regulations, and in accordance with industry standard practices. There is a provision
15 that the tower owner must dismantle and remove within 120 days following any taken
16 out of service date that would be applicable to this installation and as is the case with
17 the prior application, that would follow the ownership of the property and attach to the
18 installation itself and would bind any successor owner to that obligation for removal
19 under the same provisions. All of those provisions that are required requisite to meeting
20 the cell tower statutory limitations and restrictions have been reviewed by Staff and
21 found to be in compliance based on the filings that are attached to the application itself.
22 The property is also subject to the general Special Exception requirements of the Land
23 Development Code which itemize five criteria to be reviewed and found satisfactory

1 under the operation of the, of the county land code administration. The first being that
2 there will be no adverse traffic impact. Again, this is a similar location as the one we
3 previously looked at in that it will be an isolated pole location inside a fenced, secure
4 property with only a driveway access and will have no activity on the property that
5 would, would garner traffic. There will be nobody coming to this destination to do
6 anything except once or a twice a month a single pickup truck detail or a truck of some
7 sort to do whatever maintenance may be required about the property or the pole itself.
8 So there is no generation of traffic by reason that installation of the improvement on this
9 Special Exception. There will be no impact to pedestrian safety which is the second of
10 the criteria qualifications for granting a Special Exception, in that there is no activity on
11 the site that will require or even permit the presence of pedestrians. It is a fenced and
12 secured area, there is no sidewalk access in the vicinity that would result in pedestrians
13 to come to the site, but there is no provision for any, any pedestrian traffic in the vicinity
14 of this tower *per se* and so it will simply have no access for pedestrians to get within
15 close proximity, the power or anything within the fenced perimeter. The potential impact
16 of noise, lights, fumes, obstruction of air flow in all adjoining property. As Mr. DeLage
17 has informed you and as, as the site inspection revealed, this is essentially a three,
18 almost four acre piece of property that is vacant. There's not any activity presently on it,
19 the leasehold of 10,000 square feet inside that 3.76 [sic] acre perimeter will be fenced
20 and set off. There will be no disturbance of anything onsite because there's nothing else
21 onsite. There will be nothing that would be built on the site that would interfere with any
22 type of adjacent property because there are no lights or fumes created by any activity
23 that takes place on this site that would, would bleed offsite in any way, shape or form

1 that is not required by the law. Provision (D) is the adverse impact of the proposed use
2 on aesthetic character of the environs to include possible need for screening from view.
3 The pole itself will be visible from offsite, obviously. The site itself will be addressed in
4 compliance with the provisions of the South Carolina Landscaping, South Carolina
5 requirements and the landscaping requirements of the Richland County Code, §26-176,
6 and all of those landscaping features would be maintained by the owner/applicant of
7 the, of the facility. It is also located not on the periphery of the post parcel but inside the
8 perimeter of a larger piece of property that's currently undeveloped for any other use
9 also. So it's out of the way. Orientation and spacing of improvements or buildings, they
10 have shown on the Exhibit A(1) of the construction drawings, shows the placement of
11 the pole itself, the location of a maintenance shed with the prospect of an additional
12 small shed addition, location of the fencing perimeter and all of the compliant
13 improvement portions are shown on the drawings. We would submit that the review of
14 the submitted drawings and the material that constitutes part of the submittal application
15 has been reviewed and approved by Staff recommending approval of the site as
16 compliant with the requirements for the location of a monopole cell tower construction in
17 the M-1 zoning district in which it is situated when compliances may, when construction
18 compliance follows the requirements of the drawings. Under that arrangement if you
19 have any questions either I or Mr. Allan will be pleased to address them. Otherwise, we
20 would request that the submittal be found compliant with the requirements for a Special
21 Exception and it, that it be granted.

22 CHAIRMAN MCDUFFIE: Are there any questions for Mr. Fuller at this time?

23 MR. SPEARMAN: One, one thing we need to do, Mr. Chair.

1 CHAIRMAN MCDUFFIE: Yes.

2 MR. SPEARMAN: On the aerial that was submitted by Staff, it's got the correct –
3 yeah, references, you know, 15-04 SE, but it references Broad River Road instead of
4 Wessinger Road.

5 CHAIRMAN MCDUFFIE: Okay.

6 MR. SPEARMAN: If we could just amend that.

7 CHAIRMAN MCDUFFIE: It's on page 43.

8 MR. SPEARMAN: Page 43 of our -

9 CHAIRMAN MCDUFFIE: Update 3933 Broad River Road to what the proper
10 address of 1217 Wessinger Road.

11 MR. SPEARMAN: And also the proper tax map number and zip code, the whole
12 nine yards.

13 CHAIRMAN MCDUFFIE: Of course. Alright. Are there any other questions, or are
14 there any questions for the Applicants at this time? I have a question for Staff. This, this
15 parcel has met the more stringent requirements for locating, you know, on a parcel that
16 abuts a residentially zoned parcel, but for the purposes of, of, you know, our future
17 faces, the Rural parcels with a habitable dwelling would not be considered residentially
18 zoned parcels, correct?

19 MR. PRICE: Within the Richland County Land Development Code we identify
20 parcels, the zoning districts as being either residential, commercial or industrial.
21 However, there are a few other districts such as the, a PDD or Rural which really are left
22 up to the discretion of the Zoning Administrator to make a determination. So for
23 example, if there's a Rural parcel and let's say it was on, in this particular case, Fairfield

1 Road amongst other, amongst commercial uses and developments, I would determine
2 that that Rural piece is more commercial. And so that will, so if you were looking for
3 setbacks I would apply commercial abutting a commercial parcel without a habitable
4 dwelling on it. In this particular case where the Rural parcel is that's abutting this is part
5 of a, of the residential development, thus it is considered to be residential.

6 CHAIRMAN MCDUFFIE: That, that answers my question, thank you.

7 MS. CECERE: Mr. Price, on Wessinger Road are there, there are some other
8 already rezoned parcels, is that not correct? There are businesses on that road?

9 MR. PRICE: Wessinger?

10 MS. CECERE: Um-hum (affirmative).

11 MR. PRICE: There are some parcels that were, that were rezoned. I believe
12 there's something owned by Whitaker –

13 MS. CECERE: Yeah.

14 MR. PRICE: - [inaudible], that was rezoned and if I were just to take a guess, I'm
15 going back to early '80s, maybe late '70s, I had to do some research on that and that
16 was actually zoned HI. There've been a few parcels that have come in recently for a
17 rezoning along Wessinger Road, maybe five times over the last few years, but they've
18 all been denied.

19 MS. CECERE: And when you post the signs for this meeting, do you post them
20 on 321 or they get posted on Wessinger Road?

21 MR. PRICE: Wessinger Road.

22 MS. CECERE: Okay. Thank you.

1 CHAIRMAN MCDUFFIE: Any other questions for Staff or, or for the Applicant?
2 Alright, are we prepared to make a Finding of Fact or would the Board like to hear from
3 Mr. Allan?

4 MR. SPEARMAN: Does Mr. Allan have anything to offer?

5 CHAIRMAN MCDUFFIE: He is, he is signed up to speak. I guess I would, I would
6 offer him the opportunity. Please again state your name and address for the Record.

7 **TESTIMONY OF MATT ALLAN:**

8 MR. ALLAN: My name is Matt Allan, I am the managing member of Highwood
9 Towers, II, LLC. My address is 5579 B Chamblee Dunwoody Road, Dunwoody Georgia
10 30338. And the only thing I would add is that also on this site we also have the FAA
11 letter that has shown that no lighting will be required on this site.

12 CHAIRMAN MCDUFFIE: And that letter has been passed to the Board and I
13 would request again that it be entered into the, into the case file.

14 MR. ALLAN: If you have any other questions I'm, feel free to ask.

15 CHAIRMAN MCDUFFIE: Are there any other questions for Mr. Allan? Then at
16 this time, Mr. Spearman would you care to go through the Findings of Fact?

17 MR. SPEARMAN: Sure. This is for Special Exception 15-04, 1217 Wessinger
18 Road here in Richland County. The tax map number is 12007-03-17. The property is
19 zoned M-1 or Light Industrial. Notice of the public hearing was posted on the property.
20 Notice of, was published in a newspaper of general circulation within the county not less
21 than fifteen (15) days prior to the public hearing on this matter. Will the proposed tower
22 have a maximum height less than 300'? The Applicant has stated 195' for the proposed
23 height of the tower. Four (A) and 4(B) are non-applicable. Five (A), is the base of the

1 proposed tower located at least one foot from a residential district, residential zoning
2 district for each foot of height for the tower? It was yes, I believe Mr. Price stated that,
3 and correct me if I'm wrong Mr. Price, that the dwellings across the street, even though
4 it's zoned Rural you would look at that as, as residential property?

5 MR. PRICE: Yes, the parcels [inaudible] the subject site, they would be
6 residential.

7 MR. SPEARMAN: The Applicant has submitted us documentation that he will,
8 that his company will allow co-location on this tower once it is put in use. I believe I
9 heard testimony that there can be at least three more antennas on this tower, is that
10 correct Mr. Allan?

11 MR. ALLAN: Yes.

12 MR. SPEARMAN: Will the proposed tower meet the illumination requirements of
13 regulatory agencies such as the FCC and the FAA? There will be no illumination on the
14 tower at all because it's not required because of the documentation we have received.
15 Will the communications tower and associated buildings be enclosed within a fenced
16 area of at least seven feet in height? I believe the testimony was an eight foot fence, is
17 that correct Mr. Allan?

18 MR. ALLAN: Yes.

19 MR. SPEARMAN: Okay, thank you. Has the Applicant agreed to landscape the
20 communications tower site in accordance with the requirements of §26-176 of Richland
21 County Land Development Code? The Applicant answered in the affirmative that they
22 would do that. Has the Applicant agreed to place no signage to any portion of the
23 communications tower unless the sign is for the purpose of identification, warning,

1 emergency function, or contact or other as required by applicable state and federal rule,
2 law or regulations? No signage will be placed on the tower except for identification
3 purposes. Has the Applicant agreed to dismantle and remove the communications
4 tower within 120 days of the date the tower's taken out of service? The Applicant
5 agreed that they and any future successor would be responsible for, for number 11 as
6 far as removal of the communications tower. Will the traffic, will traffic be impacted by
7 the proposal? No. Will this proposal effect vehicle and pedestrian safety? No. Is there a
8 potential impact from noise, lights, fumes, or obstruction of air flow on the adjoining
9 properties? No. Does the proposed communications tower have an adverse impact on
10 the aesthetic character of the environs? No. Is the orientation and spacing of
11 improvements or buildings appropriate? Yes. And that is the Finding of the Fact for 15-
12 04 Special Exception, Mr. Chairman.

13 CHAIRMAN MCDUFFIE: Alright, would anyone care to make a motion based on
14 those Findings of Fact?

15 MR. SMITH: I make a motion to approve Special Exception 15-04 with the
16 amendment of change on the, the zoning map.

17 CHAIRMAN MCDUFFIE: Okay.

18 MR. SPEARMAN: On page –

19 MR. SMITH: Page 43.

20 MR. SPEARMAN: - page 43.

21 CHAIRMAN MCDUFFIE: Alright. So moved. Is there a second?

22 MS. CECERE: Second.

1 CHAIRMAN MCDUFFIE: Okay. We have a motion. It's been properly seconded.
2 All in favor?

3 MR. PRICE: Those in favor: Spearman, Smith, McDuffie, Cecere, and Sullivan.
4 *[Approved: Spearman, Smith, McDuffie, Cecere, Sullivan; Absent: Richardson]*

5 CHAIRMAN MCDUFFIE: And that's everyone. So Mr. Fuller and Mr. Allan, your
6 request for a Special Exception has been approved and Staff will be in touch. Thank
7 you very much.

8 MR. FULLER: Thank you.

9 CHAIRMAN MCDUFFIE: Alright, at this time we will conclude the public hearing
10 portion of today's meeting. Is there any other business?

11 MR. PRICE: I guess this can go now or, or not. Just, this came up today, you
12 know, Mr. Spearman was questioning about the dismantling of the tower. You know,
13 who does that apply to? That's just a provision of the Code, so regardless, and many of
14 these additional provisions, you know, whether the Applicant put it in writing or whether
15 the Applicant stated that this is what they would do, regardless, if that tower were found
16 to be not in operation for 120 days, whoever's the responsible party, whether it be the
17 owner of the tower or the property owner, would be required to take it down. And that
18 actually applies for many of the additional criteria that they, that you review during your
19 approval.

20 MR. SMITH: Okay.

21 CHAIRMAN MCDUFFIE: Alright, thank you. Anything else at this time? Is there a
22 motion to adjourn?

23 MR. SPEARMAN: So moved.

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CHAIRMAN MCDUFFIE: Adjourned.

[Meeting Adjourned at 4:21 pm]