

**BOARD OF ZONING APPEALS**  
**December 4, 2013**

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3  
4 *Present: Joshua McDuffie, Michael Spearman, Frank Richardson, William Smith,*  
5 *Susanne Cecere, Sheldon Cooke, Christopher Sullivan]*  
6

7 Called to order: 1:05 pm

8 CHAIRMAN MCDUFFIE: I'd like to call this meeting of the Richland County  
9 Board of Zoning Appeals to order. We, the Board has a quorum today and - In  
10 accordance with the Freedom of Information Act a copy of the Agenda was sent to radio  
11 and television stations, newspapers, persons requesting notification and posted on the  
12 bulletin board located in the lobby of the County Administration Building. At this point I'd  
13 like to turn the meeting over to Amelia Linder, the Board's attorney, and she'll present  
14 the Rules of Order for today.

15 MS. LINDER: Thank you, Mr. Chairman. Good afternoon. My name is Amelia  
16 Linder and I'm just gonna very briefly go over some procedural rules for us today. As  
17 you may know, this Board is *quasi-judicial*, which means they, their decision that they  
18 make in favor or against or with conditions or no conditions, it's at their discretion. If you  
19 are unhappy or any of your neighbors are unhappy with the decision you have a right to  
20 go to circuit court and appeal the decision. The Applicant has 15 minutes to come to the  
21 podium and present his or her case. And then if there's any opposition to what you are  
22 requesting the opposition has three minutes and then you again would have five  
23 minutes to rebut the opposition. We're going to take up the Agenda as its ordered. I  
24 believe we have three cases scheduled for today. If you are speaking to the Board you  
25 will be sworn in and you would come to the podium and address the Board, not  
26 members of the audience. You will be under oath and your testimony will be recorded.

1 The evidence that you present is not quite as formal as a court, but if you do have  
2 something you want the Board to look at you may submit that. The decisions that they  
3 make will be final after the Minutes from this meeting are approved, and that's normally  
4 at the next month's meeting. And then once those Minutes are approved we'll get the  
5 Board to sign the Order and you'll be getting an actual Order from the Board on what  
6 they ruled today. So up until you get that Order, if you're favorably I, I would just  
7 proceed cautiously because the Board would have an opportunity to reconsider their  
8 decision until those Minutes get approved. They doesn't happen very often, if at all, but I  
9 just caution you. I would ask at this time if you have a cell phone with you please mute it  
10 or turn it off. If you're planning to speak make sure your name and address is on the  
11 sign in sheet. If your case has been called and you're finished you may leave the room  
12 quietly. If the Board has any legal questions we may go into Executive Session and that  
13 would be private, behind closed doors. Are there any questions about these rules? If  
14 not, I would ask anybody that's planning to come to the podium to testify in any capacity  
15 if you would stand now please. If you would raise your right hand, please? Do you  
16 swear or affirm that the testimony you shall give shall be the truth, the whole truth and  
17 nothing but the truth, so help you God?

18 AUDIENCE: Affirmative.

19 MS. LINDER: Everyone answered in the affirmative. Thank you.

20 CHAIRMAN MCDUFFIE: At this time we'll move to the approval of Minutes from  
21 October 2013, and I'm understanding these Minutes were distributed last month rather  
22 than this Month. Hopefully, everybody had an opportunity to look at them. Are there any,  
23 any amendments to the Minutes? If so, is there a motion to, to accept the Minutes?

1 MR. SMITH: I make a motion to accept the Minutes for November's meeting.

2 CHAIRMAN MCDUFFIE: For October's meeting.

3 MR. SMITH: For October's meeting.

4 MR. SPEARMAN: I second the motion.

5 CHAIRMAN MCDUFFIE: Alright, we have a motion to accept the Minutes from  
6 the October 2013 meeting and it has been properly seconded. All in favor?

7 MR. PRICE: Those in favor: Spearman, Richardson, Smith, McDuffie, Cecere,  
8 Cooke and Sullivan.

9 *[Approved: Spearman, Richardson, Smith, McDuffie, Cecere, Cooke, Sullivan]*

10 CHAIRMAN MCDUFFIE: Alright, the –

11 MS. LINDER: Mr. Price, do you have an extra copy of the Agenda?

12 MR. PRICE: Somewhere.

13 MS. LINDER: I've misplaced mine. Thank you.

14 CHAIRMAN MCDUFFIE: Alright, the Minutes from October 2013 are approved.  
15 And at this time we'll move to the public hearing portion of today's Agenda. Mr. Price, I  
16 understand the first case is asking the Board for a deferral, is that correct?

17 MR. PRICE: Actually, the first case has been administratively deferred.

18 CHAIRMAN MCDUFFIE: Okay.

19 MR. PRICE: However, upon review of the, the Rules of Procedure for the Board  
20 of Zoning Appeals, if they, another deferral by them would either have to be done before  
21 you – I believe that – is it a withdrawal, Amelia, or they just need to come before the  
22 Board? Correct?

1 MS. LINDER: The, the current Rules of the Board say that the Administrator can  
2 defer two times. But if the Applicant is asking for a third deferral the Administrator  
3 cannot administratively defer, it has to the Board's decision.

4 MR. PRICE: Okay, so you will either hear the case or they will defer, I mean,  
5 excuse me, or withdraw by the next meeting.

6 MS. LINDER: And I believe this is his third time.

7 MR. PRICE: It will be March. The reason why we didn't do it is because we didn't  
8 provide that information to the Applicant previously, so we decided we would just kind of  
9 almost start it over.

10 CHAIRMAN MCDUFFIE: Um-hum (affirmative).

11 MR. PRICE: But I've been informed that they have asked for a deferral until  
12 March. So it would be March before you hear this.

13 MS. LINDER: We understood that the Applicant was out of town. Is that correct?

14 MR. PRICE: Yeah, they're out – they're the Florida people.

15 CHAIRMAN MCDUFFIE: Okay. So at this point it's up to the Board to decide  
16 whether or not to grant the deferral?

17 MR. PRICE: No, this case, I've done it. I've administratively deferred them.

18 CHAIRMAN MCDUFFIE: Alright.

19 MS. LINDER: I believe this is the third time, though, for a deferral, is it not?

20 MR. PRICE: But we –

21 MS. LINDER: You're not able to defer them.

22 MR. PRICE: - but we did not provide that information to the Applicant or else they  
23 would've known how to proceed. That's why I've chosen to administratively defer them.

1 Cause normally in any case we always provide the Rules to them to let them know, look  
2 if you defer this time the next time you won't have a choice. Because they could've  
3 easily said, well instead of the next month go ahead and put me, you know, a couple of  
4 months in advance. So since we did not provide that to them, I've deferred them. Now, if  
5 your counsel feels that y'all need to do it, you can vote on it and defer it now. Either way  
6 it'll be a deferral.

7 CHAIRMAN MCDUFFIE: Alright, I think just, just to cover our, just to cover our  
8 bases, I would like to, for the Board to take that up. Is there a motion to defer?

9 MR. SMITH: I'd like to make a motion to defer Case 13-07.

10 CHAIRMAN MCDUFFIE: Until?

11 MR. SMITH: Until a, until March, 2014.

12 CHAIRMAN MCDUFFIE: Alright, is there a second?

13 MR. RICHARDSON: Second the motion.

14 CHAIRMAN MCDUFFIE: Okay. All in favor?

15 MR. PRICE: Those in favor: Richardson, Smith, McDuffie, Cecere, Cooke,  
16 Sullivan.

17 CHAIRMAN MCDUFFIE: Alright, motion carries and 13-07 Variance will be, will  
18 be deferred.

19 MR. PRICE: Those against.

20 CHAIRMAN MCDUFFIE: Oh. And all against, or all opposed? Okay.

21 MR. PRICE: Spearman.

22 *[Approved: Richardson, Smith, McDuffie, Cecere, Cooke, Sullivan; Opposed:*  
23 *Spearman]*

1 CHAIRMAN MCDUFFIE: Alright. Alright, Mr. Price, will you call, call your next  
2 case?

3 **CASE NO. 13-08 SE:**

4 MR. PRICE: First case, 13-08 SE. It's a Special Exception. The Applicant is  
5 SCANA Communications. They're requesting a Special Exception for a communication  
6 tower on property zoned HI, and this is down off Highway 601. The Applicant will be  
7 Gary Pennington representing SCANA Communications. As stated the property, subject  
8 property's off of US Highway 601, it's a little over 1,000 acre tract and it's agriculturally  
9 developed based on what we've seen. The Applicant is proposing to erect a 300'  
10 telecommunications tower within a 10,000 square foot leased area. The immediate area  
11 consists of agricultural and industrially developed parcels. For this particular case, as  
12 you see in your discussion, as far as setbacks, the, the provisions of 26-  
13 152(D)(22)(c)(iii) would apply, and those towers abutting a non-residentially zoned  
14 parcel without a habitable residential dwelling shall observe the setbacks of the district  
15 in which it is located. And the setbacks for the HI District are 25 front, 10 rear, and the  
16 sides would be none. The tower as indicated on the plans is gonna be at least 230' from  
17 any property line, so will meet that requirement. Presentation, this kind of shows you the  
18 general area where it's gonna be located and you can see it kind of, it's right near where  
19 Bluff Road and 601 meet. This shows the proposed location of the tower. As I said it's at  
20 least 230' from any property line. The tower. And this shows you these, what will be  
21 located within the leased area.

22 CHAIRMAN MCDUFFIE: Alright. At time time I'd like to call the, the Applicant.

23 **TESTIMONY OF JENNA HENDRICKS:**

1 MS. HENDRICKS: Hi, I'm Jenna Hendricks with Pennington Law Firm. I'm here  
2 with Gary Pennington [inaudible] and SCANA Communications. And we'd like to  
3 respectfully request that the, that the application and its exhibits be made part of the  
4 Record. I think Mr. Price covered most of the basics, but it looks like – well, we're  
5 putting a tower on Highway 601 where it intersects with 48 or Bluff Road. And the  
6 tower's gonna be a 300' lattice tower, it's free-standing, there are no guide wires, and  
7 it'll be galvanized steel, so it'll be light gray in color. The tower will be made to  
8 accommodate up to four additional wireless carriers. The subject property is owned by  
9 South Carolina Electric & Gas and they also own the lots beside the subject property.  
10 So the area which the property is located in is very wooded and rural, there's heavy  
11 mature existing vegetation. I think Mr. Price already went over the setbacks but they're  
12 well over 230' from any property line, and it's over 800' from the back property line. The  
13 anchor tenant is AT&T and there aren't any structures within a three mile radius for  
14 AT&T to co-locate on. And the tower is needed to improve coverage on Highway 601,  
15 specifically at Bluff Road, McCord's Ferry Road, Joe Collins Road and Godspeed Road.  
16 The tower will also provide indoor and outdoor coverage for the Wateree area. So we  
17 meet all of the elements that the Ordinance requires for a Special Exception. Towers  
18 have a maximum height of 300' and our tower will be 300'. The setbacks are met and  
19 there are no structures to co-locate on. SCANA's agreed to allow third parties to co-  
20 locate on the proposed tower in the future. And the tower will be lit as the FAA and FCC  
21 requires, with medium intensity, dual z-non lighting system, which meets the illumination  
22 requirements, and there's no nighttime strobe lighting unless an agency requires it. The  
23 leased area will be secured by a locked, chain-link fence. It'll be 7' in height. The site

1 will be landscaped according to the Ordinance. There won't be any signs other than the  
2 two small signs that are required by the FCC. And SCANA's agreed to dismantle and  
3 remove the communications tower within 120 days if the tower's taken out of service.  
4 The tower has no impact on traffic. It will be unmanned so subsequent to the  
5 construction of the tower, which is short-term, there will be limited access to the tower  
6 by service personnel. Routine maintenance of the site may require two visits per month  
7 by a single vehicle. So the proposed tower will also have no impact on vehicle or  
8 pedestrian safety. It will be fenced with a security fence to limit the access to the tower.  
9 And there will be no impact on surrounding properties by noise, lights, fumes or  
10 obstruction of airflow. The tower won't generate noise or fumes, nor will it obstruct  
11 airflow. The lighting is designed to limit light on adjacent parcels. The proposed tower  
12 will not distract from the aesthetics or neighborhood character, or impair the use of  
13 neighboring properties. The properties in this area are very rural and densely vegetated  
14 and there's several high tension power lines supported by large structures surrounding  
15 the property that will blend in with those. And a heavily wooded buffer around the  
16 perimeter of the property makes the site suitable for a communications facility. And then  
17 the orientation and spacing of improvements around the building is appropriate. There  
18 aren't really improvements and building associated with the tower, it would just be the  
19 tower. And we respectfully request that you grant the Special Exception.

20 CHAIRMAN MCDUFFIE: Thank you very much. Does the Board have any  
21 questions for, for Ms. Hendricks at this time?

22 MR. SMITH: Ms. Hendricks, I had one quick questions.

23 MS. HENDRICKS: Yes.



1 MR. SMITH: You mentioned a tower being, was it three miles, the closest tower  
2 was three miles away from –

3 MS. HENDRICKS: Well, the way they do the search ring is they do a three mile  
4 radius and there aren't any within that three mile radius.

5 MR. SMITH: Not any within there. Are there any that are registered underneath a  
6 different company?

7 MS. HENDRICKS: Not within that three mile radius.

8 MR. SMITH: Not within the three mile radius. Okay, that's my question. Thank  
9 you.

10 MR. COOKE: I have a question for Staff. What is our normal radius that we  
11 normally use when we do the cell phone towers? I, I can't remember.

12 MR. PRICE: We don't. We don't, we, what we've found is that the applicants will  
13 make, during their testimony they'll show you what their needs are what the, if there are  
14 any towers in the area what kind of coverage they would provide. So it's up to the  
15 applicant.

16 MR. COOKE: And the Applicant did say she, they were willing to co-locate with  
17 other carriers.

18 MR. PRICE: Yes.

19 MR. COOKE: I think it was four. Yes, three others. But we don't have any  
20 stipulations on how the radius, or any type of radius.

21 MR. PRICE: No.

22 MR. COOKE: That's [inaudible] that.

1 CHAIRMAN MCDUFFIE: Ma'am, you had mentioned it would just be the tower,  
2 but there will also be some equipment sheds associated with this, correct?

3 MS. HENDRICKS: Right. On this site plan there are – Mr. Price, do you want to  
4 switch to the site plan? There are accessory structures. And the dotted lines are for  
5 future carriers.

6 CHAIRMAN MCDUFFIE: Okay. Thank you. Any other questions at this time?  
7 There are also two other individuals signed up to speak. Do – Mr. Pennington and Mr.  
8 Chambers, do either of you have anything to add at this time or?

9 MR. PENNINGTON: No, sir, we don't have anything to add. Thank you.

10 CHAIRMAN MCDUFFIE: Alright, thank you. Are there any questions at this point,  
11 either for Staff or for the Applicant? Okay. Mr. Spearman, would you care to go through  
12 the Findings of Fact?

13 MR. SPEARMAN: Sure. The property is zoned HI. Notice of the public hearing  
14 was posted. Notice was published in the newspaper of general circulation. Will the  
15 proposed tower have a maximum height of less than 300'? The, my understanding is  
16 the height is 300' for this proposed tower. 4(a) is not applicable, 4(b) is not applicable,  
17 5(a) is not applicable, (b) is not applicable, and 5(c) is yes. Has the Applicant shown  
18 proof of an attempt to co-locate on existing communications towers? The Applicant has  
19 done that. Is the Applicant willing to allow other users to co-locate on the proposed  
20 tower? The Applicant has agreed to do that. Will the proposed tower meet the  
21 illumination requirements of regulatory agencies such as the Federal Communications  
22 Commission and/or, or the Federal Aviation Administration. The answer is yes. Has the  
23 Applicant agreed to have no nighttime strobe lighting incorporated on the tower unless

1 required by the Federal Communications Commission, the Federal Aviation  
2 Administration or other regulatory agencies? The answer is yes. Will the tower, will the  
3 communications tower and associated buildings be enclosed within a fence at least 7' in  
4 height? The Applicant has testified yes to that. Has the Applicant agreed to landscape  
5 the communications tower site in accordance with the requirements of §26-176 of the  
6 Richland County Land Development Code? The Applicant has testified yes to that as  
7 well. Has the Applicant agreed to place no signage to any portion of the  
8 communications tower unless the sign is for the purpose of identification, warning,  
9 emergency function or contact or other as required by applicable state, federal rule, law  
10 or regulation? The Applicant testified yes to that as well. Has the Applicant agreed to  
11 dismantle and remove the tower, the communications tower within 120 days of the date  
12 the tower is taken out of service? The Applicant testified yes to that as well. Will there  
13 be traffic impact to this proposal? No. Will the proposal affect vehicle or pedestrian  
14 safety? It will not affect that at all, the answer is no. Is there, is there a potential impact  
15 of noise, lights, fumes, or obstruction of airflow on adjoining properties? No. Does the  
16 proposed communications tower have an adverse impact on the aesthetic character of  
17 the environs? No. Is the orientation and spacing of improvements or buildings  
18 appropriate? Yes. They have met the criteria in their testimony. I don't know if you're  
19 ready for a motion or not?

20 CHAIRMAN MCDUFFIE: Please, if you would like to go ahead.

21 MR. SPEARMAN: Okay. Move to approve 13-08 Special Exception.

22 CHAIRMAN MCDUFFIE: Alright, we have a motion to approve 13-08 Special  
23 Exception based on the Findings of Fact. Is there a second?

1 MR. SMITH: I second.

2 CHAIRMAN MCDUFFIE: We have a motion, it has been seconded. All in favor?

3 MR. PRICE: Those in favor: Spearman, Richardson, Smith, McDuffie, Cecere,  
4 Cooke and Sullivan.

5 *[Approved: Spearman, Richardson, Smith, McDuffie, Cecere, Cooke, Sullivan]*

6 CHAIRMAN MCDUFFIE: Alright, Ms. Hendricks, you have your Special  
7 Exception. Thank you very much. And Staff will be in touch.

8 MR. PENNINGTON: Thank you very much.

9 CHAIRMAN MCDUFFIE: Thank you.

10 MR. COOKE: I do have a question, though. We really need to discuss the proof  
11 of co-locating. And don't get me wrong, I, I, and that's –

12 MR. PRICE: Actually if you would like we can talk about that before you adjourn.

13 MR. COOKE: Yes, let's please do that.

14 MR. PRICE: And, because, and I can probably shed a little light on that for you.

15 CHAIRMAN MCDUFFIE: Yeah, we have, we have discussed this before and,  
16 and it may be time to discuss that again.

17 MR. PRICE: Yeah.

18 MR. COOKE: It is.

19 CHAIRMAN MCDUFFIE: Alright. At this time Mr. Price, if you would please,  
20 please call your next case.

21 **CASE NO. 13-09 V:**

22 MR. PRICE: Okay. The next case is 13-09 Variance. The Applicant is East  
23 Richland County Public Service District. The location is 4951 Quail Lane. The Applicant

1 is requesting a Variance to encroach into the rear yard setbacks on property zoned  
2 Residential Low-Density, which is RS-LD. I'm just gonna read from the discussion that  
3 you have that's in your package. That pretty much explains everything. The Applicant is  
4 proposing improvements to the Quail Lane pump station, which was established about  
5 1961. The improvements will consist of the addition of [inaudible] and bypass pumps to  
6 the rear of the existing pump station. The addition will encroach into the required 20'  
7 rear yard setback resulting in a 0' setback. So it'd be right on the line. Also, the  
8 proposed addition will cross the rear property line, which is not something that the  
9 Board really needs to look at, you're just looking at the fact that it'll go right to the  
10 property line, necessitating a Variance request before the City of Columbia Board of  
11 Zoning Appeals, which is scheduled for December. Staff has reviewed this, we've met  
12 with the Applicant as we tend to do for Variances, especially, to go over the criteria. We  
13 found that, as stated on page 28 of your Agenda, that it's Staff's opinion that the, that  
14 the criteria for a Variance have been met and it's spelled out for you. And we did  
15 recommend approval. What you have before you, this is the existing conditions of the,  
16 of the site. As you can see there's a little area that, where there are no improvements,  
17 and what they're proposing will cross over that property line and like I said, will go into  
18 an area that is located in the City of Columbia. We do have representatives from the  
19 City of Columbia, the Zoning Administrator, Brian Cook, he's here, you know, just in  
20 case there are any questions. But as I stated before this is something that they have  
21 scheduled for their Agenda. This shot just kind of shows you what the surrounding area  
22 is. Behind them is, I believe this is, is this common area for – what's the name of that  
23 subdivision? Yeah, for Gregg Park. And what happened was they actually have a lease

1 and the Applicant can expound upon this a little more, they actually have a lease from  
2 the Gregg Park, I guess, homeowners association to use this area. You know, there  
3 was some talk about potentially just, just combining the parcels and that way it would,  
4 then a need for a Variance would not have been required. However, that was not an  
5 option so in this case they just, they need the Variance request.

6 CHAIRMAN MCDUFFIE: Why is that not an option?

7 MR. PRICE: That's not – the Applicant can expound upon that some more. It just,  
8 there's nothing behind there. This is a picture of the site, this is, if you're standing on, I  
9 guess Quail Lane looking at the site, you'll see there's not much room for  
10 improvements. This is the driveway, there's the little buffering from the abutting parcel.  
11 And this is from the other side of the fence, there's a tennis court next to it, but more  
12 buffering. And this is the other side and you can see that there's – this is the creek that  
13 runs beside it. You know, unless there was any other questions that's the end of our  
14 presentation.

15 CHAIRMAN MCDUFFIE: Are there any questions for Mr. Price or Staff at this  
16 time? Alright, hearing none, I'd like to call the Applicant, Mr. Ed Schooler, is that  
17 correct? Schooler, thank you. Please state your name and address for the Record.

18 **TESTIMONY OF ED SCHOOLER:**

19 MR. SCHOOLER: Ed Schooler and I'm with East Richland County Public Service  
20 District. And with me today is Larry Brazell, our executive director and Scottie Elliott, our  
21 legal counsel. I'm deputy director at the, at the District. And we certainly appreciate y'all  
22 considering our request for a Variance to the rear property setback requirements.

23 CHAIRMAN MCDUFFIE: What's the address?

1 MR. SCHOOLER: 704 Ross Road, Columbia 29223.

2 CHAIRMAN MCDUFFIE: Okay. Alright, thank you.

3 MR. SCHOOLER: Um-hum (affirmative). And just to go over, we're ready to  
4 embark on an \$8M project which will improve our facilities at the Quail Lane pump  
5 station. It will also increase the reliability of our pump station. We have, Mr. Price, if you  
6 can, can you go back to the existing site plan? As you can see our, our pump station,  
7 which as Mr. Price said has been in operation since 1961 at 4951 Quail Lane, I mean,  
8 you can see the rear property line. When we started laying out the improvements, which  
9 includes permanent bypass pumps and a new bar string structure, we realized we  
10 needed additional property and – because we have to construct it in a linear  
11 progression from our gravity inceptor – our gravity inceptor from Forest Drive that runs  
12 down to this pump station, we have to be in line with it to maintain the gravity flow  
13 conditions. So in order to construct our improvement we had to get additional property  
14 and we met with the Gregg Park's Homeowner Association, the Board recommended  
15 that we could get a permanent easement as opposed to purchasing the property from  
16 them. It's just an easier process for them and it, and it met, certainly was fine with us.  
17 So we've got a permanent easement for that .6 acres just to the left of our property line  
18 there. So as Mr. Price indicated, our property's in, is in county, is county property, the  
19 permanent easement is city property, so the city folks here today will be meeting with  
20 their Board of Zoning Appeals next Tuesday the 10<sup>th</sup>, and going through this same  
21 process, requesting a setback, a Variance to the setback requirements. The, if you'll go  
22 to the, the improvements. As you can see, here are the improvements, what we're  
23 doing, we're demolishing the existing bar screen structure, but we're adding a structure

1 for the permanent bypass pumps, which is the one next to the pump station. And then  
2 the farthest structure from Quail Lane is the new bar screen structure. This is, the bar  
3 screen is, is a piece of equipment that protects our pumps, any large objects or rags or  
4 towels that, that conglomerate and make big balls by the time they get to the pump  
5 station, this bar screen will remove that, so that protects the operation of our pumps.  
6 The, the permanent bypass pumps, that's, that's primarily an extra layer of reliability for  
7 our pump station. Now, we meet regulatory requirements in that we have an emergency  
8 generator at our pump station, so if we lose power, the emergency generator will come  
9 on and our pumps will continue to operate. From this pump station we have two force  
10 mains that leave this site and the pumps pump to our treatment plant about five and a  
11 half miles away off of Bluff Road. And we're averaging now between nine and 10 million  
12 gallons per day and so every bit of the wastewater we generate in our service area goes  
13 to this pump station and is pumped to our treatment plant. So, so our permanent bypass  
14 pumps will provide another layer of reliability if for some reason, if we lose power and,  
15 you know, there's other components between the generator and the pump controls, like  
16 a transfer switch, it's a mechanical device and if for some reason it could go bad, and,  
17 and the generator not really be of service. Or lightning could hit our pump station and  
18 knock out the controls. The pumps will be fine but the controls are inoperable, which  
19 would not allow them to operate. So this, this gives us another level of reliability to make  
20 sure that we don't have a pump station down and, and up to nine to 10 million gallons  
21 per day to deal with before we can get them back into operation. The, the permanent  
22 bypass pumps will also provide us a, a level of maintenance for future maintenance for  
23 the pump station cause, in fact, the very first thing we're gonna do as part of this project,



1 but at the very last thing we're gonna do as part of this project is to use the bypass  
2 pump, permanent bypass pumps will have to be installed to bypass our pump station,  
3 install a new discharge manifold between our pumps and existing force mains. Right  
4 now if, if for some reason those, and that manifold was put in in 1961 with the original  
5 pump station, if we had a major leak we have no way of bypassing the pump station,  
6 and, and so it would really present a problem. Now we'll be able to replace that  
7 manifold. And in the future we know at some point in time we're gonna have to upgrade  
8 those pumps. With these bypass pumps we'll be able to bypass the station and do  
9 whatever work is needed on those, on those pumps to, to make them more reliable in  
10 the future. So this is, this is really an opportunity for us to improve our facilities and to, to  
11 make sure that we have the reliability that we need for our pump station. And as Mr.  
12 Price said, we're in the Lake Katherine neighborhood, we're right across the road from  
13 Lake Katherine, right parallel in Gills Creek, so any kind of overflow would be  
14 catastrophic in that area. And so we're, we're just trying to take this opportunity to do  
15 our best to make sure that that doesn't happen. The, the new structures, new structures  
16 are mostly underground. They're gonna end up being about 5' above the ground and  
17 they're that high in order to be above the flood elevation. We think the, the elevation of  
18 the top of the walls is about 163 to, flood elevation in that area is about 161, so we're  
19 gonna be above the flood elevation. We will have a privacy fence extended around the  
20 project so, and it's a 10' tall privacy fence so just standing on the ground at the tennis  
21 courts next door, it's not something that you would be able to see from back there.

22 CHAIRMAN MCDUFFIE: Is there a privacy fence currently around the –

23 MR. SCHOOLER: Yes, there is.

1 CHAIRMAN MCDUFFIE: Okay.

2 MR. SCHOOLER: Ten foot, and we're gonna match that.

3 CHAIRMAN MCDUFFIE: Okay.

4 MR. SCHOOLER: All the way around. So the, the structures in front, the  
5 generator structure, you can, you can see those cause those are taller than 10', but our  
6 new structures will be, like I say, will just be 5' tall, so. We, we just appreciate your  
7 consideration and, like I say, we'll, we're going to go through the same process with the  
8 city and this is because of the gravity flow conditions and the location, this, this is where  
9 we have to locate these structures. We really have no other options to do that.

10 CHAIRMAN MCDUFFIE: Are there any questions for the Applicant or for Staff at  
11 this time from the Board?

12 MR. COOKE: I'm assuming documentation of that permanent easement will be  
13 taken care of, Mr. Price?

14 MR. PRICE: I'm sorry, what was that?

15 MR. COOKE: The documentation for the permanent easement, that'll be taken  
16 care of?

17 MR. PRICE: Yes, sir. During our meetings with the Applicant he provided us with  
18 a copy.

19 CHAIRMAN MCDUFFIE: Are there any other questions for the Applicant at this  
20 time?

21 MR. SMITH: For Staff. Has this area been changed at all since, was it, 1961? In  
22 regards to the, any of the setbacks during that time?

23 MR. PRICE: You mean as far as the zoning goes?

1 MR. SMITH: As far as the zoning goes. It was 1961 when -

2 MR. PRICE: The station was built. Zoning didn't apply throughout Richland  
3 County until '78, well '79, so the station was there prior to zoning.

4 MR. SMITH: Okay.

5 CHAIRMAN MCDUFFIE: Realizing that there is an existing, you know, pump and  
6 generator structure there, will the, will the addition of the, the new pump, bypass,  
7 everything like that, will it create any additional noise or odors or anything like that for  
8 the area?

9 MR. SCHOOLER: We have, our existing bar screen, we have a, an odor control  
10 system set up where we have an air pipe that withdraws air from that structure to an  
11 odor control unit, which is located on the generator, on the emergency generator  
12 structure.

13 CHAIRMAN MCDUFFIE: Um-hum (affirmative).

14 MR. SCHOOLER: And so we'll have that same set up for our new bar screen so  
15 that it will go through an odor control filter. Cause that's really the only, the bar screen's  
16 really the only structure that is open to air.

17 CHAIRMAN MCDUFFIE: Okay.

18 MR. SCHOOLER: And, and potential – the noise, the permanent bypass pumps  
19 are diesel pumps, they, but we will have them enclosed. There will be some noise  
20 associated to that when they're running, something like a lawnmower that you may hear  
21 about three or four yards down in your neighborhood, something like that. But, but we,  
22 and we will require them to be exercised, you know, once a month or so for a few hours  
23 during the middle of the day, so, so that will be the only noise involved. And, of course,

1 if they have to be utilized that'd be noise; hopefully that won't be the case, but that, that  
2 would be a, that would be the only time, so.

3 MS. CECERE: There's a current noise level already, right?

4 CHAIRMAN MCDUFFIE: Are there any other questions at this time for the  
5 Applicant? Would someone care to go through the, to go through the Findings of Fact?

6 MR. COOKE: Sure, Mr. Chairman, I'll do that for you there. Alright, we'll start at –  
7 if it's okay with the Board we'll start at number four. Is that okay?

8 CHAIRMAN MCDUFFIE: Sure.

9 MR. COOKE: We'll just jump right in. Are there extraordinary and exceptional  
10 conditions pertaining to the particular piece of property? The answer to that, based on  
11 the testimony, would be yes - the extraordinary or exceptions and conditions. The area  
12 for improvement are limited for this particular property. And that, that is what is creating  
13 these extraordinary conditions because they are restricted from making the  
14 improvements anywhere else on this parcel. Okay? Do these conditions generally apply  
15 to other properties in the vicinity? No. Would applications of this Chapter to this  
16 particular piece of property effectively prohibit or unreasonably restrict the utilization of  
17 the property because of the aforesaid extraordinary and exceptional conditions? The  
18 answer is yes. Once again, as I, and I think as Staff has stated, that the, regarding the  
19 rear setbacks would restrict any ability to make substantial improvements to, to this  
20 particular structure. Alright. Moving on to number 7, if you turn your page. Will the  
21 granting of this Variance be of substantial detriment to adjacent properties or to the  
22 public good, or will it harm the character of the District? At this time I would like to say  
23 no. Okay?

1 CHAIRMAN MCDUFFIE: I'd like to discuss this for a minute. I guess I have an  
2 issue with the – if, if we apply the Ordinance, say strictly to this, to this piece of property,  
3 it's still going to be a, a pump station. Just, it may not be as safe of a pump station or as  
4 good of a pump station, but I'm not, but we're not restricting the ability to utilize this, this  
5 parcel as a pump station.

6 MR. PRICE: Correct.

7 CHAIRMAN MCDUFFIE: Yeah, so I guess I sort of have an issue with –

8 MR. COOKE: I, I would say, with the pump station being built back in 1961, and  
9 without the, the, what's the word, the improvements, I think the ability for the pump  
10 station, I mean, we can be proactive, they're trying to be proactive. I think the ability to  
11 use this, continue to use this as a pump station based on the history of the pump  
12 station, the improvements is trying, I think the improvements are trying to make the  
13 pump station operational.

14 CHAIRMAN MCDUFFIE: If, if the Applicant had come to us today just, for  
15 example, with – and they had a house that built in 1961 on a parcel that is –

16 MR. COOKE: Sure.

17 CHAIRMAN MCDUFFIE: - that is now too small to accommodate an addition, we  
18 might not be looking at it as favorably as, as we are looking at this, you know, given  
19 that, I think we all agree that these improvements seem like they are, are necessary to,  
20 you know, to, for public safety and for, for the good and welfare of the community. That,  
21 that being said I, I think that, you know, we're – I hate to say it, we're willing to give them  
22 leeway based on the, the perceived necessity of this, of this Variance, but you know, at  
23 the same time I want to, I want to, you know, try to look at this on the, on the merits.

1 MR. COOKE: And you make a great point, Mr. Chairman, and, and it has always  
2 been the conscious of the Board to create a harmonious community, and, and I'm pretty  
3 sure the vote will determine whether we agree that these improvements will, will help  
4 this pump station and, I don't know if we're actually making an, you know, and that's  
5 what the Variance is for.

6 CHAIRMAN MCDUFFIE: I guess I'd just like to see kind of what the other Board  
7 Members –

8 MR. SMITH: My question is, how has the planning of, the update of, of the pump  
9 station been restructured? Is the only way that it can be laid out on the property? You  
10 mentioned that but I want to kind of get an understanding about how, what type of  
11 process you went through for that. Because –

12 MR. SCHOOLER: I just, I got one handout.

13 MR. SMITH: If you do.

14 MR. COOKE: Yeah, I think that's when he went through the pictures and he was  
15 kind of showing –

16 MR. SCHOOLER: This red line – I just wanted to give you a visual – alright, the  
17 red line, we have a 54" and a 42" inceptor from Forest Drive down to our pump station.  
18 And this'll grab the inceptor, all [inaudible] square miles of service there is, minus this 54  
19 and 42". The 42" connects to the 54" right before the pump station. And so, and for us to  
20 make these improvements, we have to maintain, to be in line with that inceptor. And we  
21 have, we have less than a foot of fall between our new bar screen and our existing wet  
22 well. And our existing wet well elevation is set, so we're working back from that. And  
23 you have less than a foot, so if we do anything else, we're not gonna make it back to

1 our wet well, by gravity, which we have to do. And we have to maintain a certain slope  
2 in order to keep the solids floating in the water, otherwise it'll be stagnant, everything  
3 will settle out and present quite a bit of operational maintenance problems. So, so we  
4 really, we have to stay in line with that gravity line, that, that manhole B is, actually  
5 manhole E I believe it is, are, this one's 54" putting on a new manifold D and then  
6 straight into the new bar screen from there. And with all, and each time we put in a  
7 manhole we're losing just a little bit, you know, it takes a couple tenths across the  
8 manhole, so once we get it bar screened, we're then having a, a pipe go from the end of  
9 the bar screen all the way to our existing wet well. Cause it's not gonna go through the  
10 permanent bypass pump structure, it will only in emergency situations. Normal flow is  
11 from the new bar screen to the existing wet well and so for us to maintain gravity flow  
12 conditions, we have to have it, that structure there. And we cannot move any farther to  
13 the left on the property cause that, that easement to the left of our new bar screen,  
14 that's a drainage easement for the city, and we can't construct on it. And we can't  
15 construct anywhere beyond that, so we're, we're going just as far as we can, we're  
16 jamming it in just as much as we can and still be able to operate it and maintain it.

17 CHAIRMAN MCDUFFIE: So really those, those easements are, are putting a  
18 constraint on this parcel as, as well.

19 MR. SCHOOLER: Sure. Sure.

20 CHAIRMAN MCDUFFIE: Okay. Yes, sir.

21 MR. SPEARMAN: I've got a couple of questions. Did I understand you correctly  
22 to say that this was the last pump station before your Bluff Road facility?

23 MR. SCHOOLER: That's correct.

1 MR. SPEARMAN: Your service area is mostly in the northeast?

2 MR. SCHOOLER: From Forest Acres to Spring Valley High School.

3 MR. SPEARMAN: That area is still growing. What is your capacity, future  
4 capacity? Will this handle future capacity or?

5 MR. SCHOOLER: It will. In fact, it's another project; we have two force mains  
6 leaving this site, we'll soon be embarking on a project to replace one of those, the  
7 smaller force main with a larger force main to give us the, our build out capacity. We've  
8 looked at our service area, you know, we have a defined service area. We've looked at  
9 what remaining acreage is within our service area and tried to determine how much  
10 more flow we can reasonably expect. Like I say we're between nine and 10 mgd, and  
11 we could reasonably expect to get up to 12 and 13 mgd at some point in the future,  
12 somewhere down the road. That's why I was saying earlier –

13 CHAIRMAN MCDUFFIE: Mgd stands for million gallons daily or?

14 MR. SCHOOLER: Yeah, million gallons daily. And so, so we know that at some  
15 point we're going to have to upgrade our pumps. And we have three pumps, and that's  
16 another level of reliability, we have three pumps; two are required to pump our daily  
17 flow, one our low flow and then two to pump the peak flow during the day. So we have  
18 one pump that's standby all the time. So we know that they will have to be upgraded at  
19 some time, we know that we can use the existing pump frames and put in a new  
20 impaler, more horsepower motors in there and be able to get up to, once we do this  
21 work and the new force main this pump station will be rated at 32 mgd. Our treatment  
22 plant will be rated at 16 mgd and that represents the maximum flow from our service  
23 area.



1 MR. SPEARMAN: Do you ever foresee this location being expanded –

2 MR. SCHOOLER: No.

3 MR. SPEARMAN: - or in any way, shape or form or, or is it, this is gonna build it  
4 out?

5 MR. SCHOOLER: This is gonna be it. Other than work on our pump station, on  
6 our pumps, within our -

7 MR. SPEARMAN: At this current location.

8 MR. SCHOOLER: Yeah, within our existing pump station. There are no, should  
9 be no other structures or any improvements needed at this facility.

10 CHAIRMAN MCDUFFIE: How often do the – you mentioned you have these bar  
11 screening structures to protect the pumps?

12 MR. SCHOOLER: That's right.

13 CHAIRMAN MCDUFFIE: How often are those, do those need to be serviced or  
14 cleaned out or?

15 MR. SCHOOLER: Well they, they're mechanically cleaned.

16 CHAIRMAN MCDUFFIE: Okay.

17 MR. SCHOOLER: In fact, the existing bar screen is mechanically cleaned and,  
18 and dumps the screenings into a dumpster. Our new bar screen, in fact, we're gonna  
19 have dual bar screens, it's mechanically cleaned, goes into a compactor where  
20 everything is, is compacted to [inaudible] and then into an enclosed dumpster on site,  
21 which we go, which we'll remove and change out from time to time.

22 CHAIRMAN MCDUFFIE: How often are those changed?

1 MR. SCHOOLER: As needed, every couple days. Just, we, we get more when it  
2 rains, so it, it's sort of as needed basis.

3 CHAIRMAN MCDUFFIE: And this only is a sanitation, or this doesn't treat any  
4 storm water or anything like that?

5 MR. SCHOOLER: Just sanitary sewer. Well, no storm water by design.

6 CHAIRMAN MCDUFFIE: Sure. Any other questions for the Applicant? Alright.  
7 Does anyone wish to make a motion at this time?

8 MR. COOKE: Sure, Mr. Chairman, would like to move to approve Variance 13-  
9 09 based on the Facts of the Finding.

10 MR. SMITH: I'll second.

11 CHAIRMAN MCDUFFIE: Alright, we have a motion to approve 13-09 Variance  
12 based on the Findings of Fact. All in favor?

13 MR. PRICE: Those in favor: Spearman, Richardson, Smith, McDuffie, Cecere,  
14 Cooke and Sullivan.

15 *[Approved: Spearman, Richardson, Smith, McDuffie, Cecere, Cooke, Sullivan]*

16 CHAIRMAN MCDUFFIE: And that leaves none opposed, so you have your  
17 Variance and Staff will be in touch. Thank you very much.

18 MR. SCHOOLER: Thank you very much.

19 CHAIRMAN MCDUFFIE: Under, as we move to, to Other Business we can take  
20 up the discussion of, of proof of co-location.

21 MR. SPEARMAN: Mr. McDuffie, hadn't we always looked at that, haven't we  
22 always addressed that by the testimony of the Applicant? Because they're, they're

1 testifying under oath and if they're giving misleading or false information, then you  
2 know, and that's brought to our attention then, you know, we can –

3 CHAIRMAN MCDUFFIE: I'm, I believe that's been correct. We have had  
4 occasionally a letter, basically a letter submitted as part of the Record that says that  
5 there are no opportunities for co-location. You know, generally we're sort of reliant on  
6 the, on the testimony of their, the RF engineers. Ms. Linder, can you move the  
7 microphone?

8 MR. PRICE: We're talking about?

9 CHAIRMAN MCDUFFIE: We're talking about proof of co-location.

10 MR. PRICE: Okay, sorry. Yeah, just kind of going back, I think some of you have  
11 been around for a while regarding this, a few years ago, actually might've been a little  
12 longer than that, Richland County, with the help of our IT Department, really looked into  
13 essentially meaning for us to be able to establish the needs of communication towers in  
14 certain areas. And that was something that was, we went through it, we actually had  
15 solicited bids from other companies to come in, and essentially you would have one  
16 company looking and making the determination for Richland County whether a cell  
17 tower was needed there. There was a lot of issues with that and in particular you have  
18 one company telling you whether another company needs to have it there.

19 CHAIRMAN MCDUFFIE: Right.

20 MR. PRICE: That was a big issue. So what happened was it ended up just, we  
21 just kind of just dropped that cause we saw it was gonna potentially lead to some  
22 litigation. And so I think as y'all were stating earlier, one of the things that we have relied  
23 upon was the applicants coming in and their testimony. What we have found over the

1 years, at least what I have found talking to the applicants that have come in and others,  
2 is that they really don't like building towers. That is not like a preference that they go out  
3 and build towers. It's actually cheaper and easier for them to co-locate.

4 MR. COOKE: Yeah.

5 MR. PRICE: And so what you will actually see sometimes, it's not always one  
6 particular carrier coming in. You know, you don't, I don't, I don't think very often we  
7 have, like let's say Verizon comes in or AT&T, you know, maybe to represent some  
8 others. In this particular case you have a SCANA, they're doing theirs for their needs  
9 but they'll also allow co-locations. But you may actually also have some, really some  
10 independent contractors come in, they establish the tower and then they get people to  
11 co-locate –

12 CHAIRMAN MCDUFFIE: A spec tower, basically.

13 MR. PRICE: Right. So we have that coming in. Like I said, what we found it's just  
14 from a cost standpoint, really you just don't throw these tower up unless they know  
15 there's a service area that's needed.

16 MR. COOKE: Okay.

17 CHAIRMAN MCDUFFIE: Mr. Cooke, does that, does that satisfy your –

18 MR. SMITH: Well, my – I have a question.

19 MR. COOKE: Yes, that satisfies it.

20 MR. SMITH: We did, we did at one time receive, actually from one, let me think  
21 who it was, it was from one of our applicants that had, one of our applicants that  
22 provided a map that had all the actual towers in a specific area. Is it, I mean, I think for  
23 us, that really helped us that day to be able to make a decision.

1 MR. PRICE: From a Staff standpoint, and I think –

2 MR. SMITH: Just for accountability purposes.

3 MR. PRICE: - I'll just, I'll zoom out here for a second, and we do have that  
4 technology on our, with our IMS. It should pop up soon and it, and it shows the towers,  
5 so you can kind of have an area that will show. This may be taking a little bit to pop up  
6 because I'm sure the towers are right here – as you can see, here's one, here right  
7 there on Calendar Court. I think as we zoom out we'll start to see more, so we can show  
8 where some of the towers are. But one of the things, and I think, I think what where  
9 we're a little handicapped on this is, and you know, I think this is, for the Members of the  
10 Board who've been here quite a while, we've seen, there's a tower and really not that  
11 far from the other one, it may be, you know, less than half a mile –

12 MR. SMITH: Right.

13 MR. PRICE: - they come in and they put a tower, but it could be for various  
14 reasons; either due to size, you know, maybe they only need a 120' tower here, maybe  
15 they need a 200' there.

16 MR. SMITH: Right.

17 MR. PRICE: The co-location just doesn't work for those, so I mean, I think that's  
18 the issue that you kind of look at. Like, you have towers right near each other, why can't  
19 you just co-locate on there? But that's why we have to rely upon their expert testimony.  
20 And we do ask them, and I think you may have it in your package, to actually show us  
21 what coverage is currently there in that area, and show us where the holes are, and  
22 what the new tower would provide and that's really what we have until we can come up  
23 with something else.

1 CHAIRMAN MCDUFFIE: And I think we've had instances where, either due to  
2 the AWS system, the existing towers weren't tall enough to get the capability they need,  
3 the reach that they needed –

4 MR. PRICE: Um-hum (affirmative).

5 CHAIRMAN MCDUFFIE: - or where the existing towers weren't designed to, to  
6 accept additional equipment.

7 MR. PRICE: Right. Right and, you know, you go out there – and I think four might  
8 be the maximum that most of these towers have. As you ride by you'll see four and you  
9 look around you'll see some more.

10 CHAIRMAN MCDUFFIE: Any other, any other discussion on this or questions on  
11 this? Is there any other, any other business at this time?

12 MR. SPEARMAN: Yes. If we have cases in January we need to move the  
13 meeting up, past the 1<sup>st</sup>, either to the 8<sup>th</sup> of January, if we have cases.

14 MR. PRICE: Did you receive your calendar for 2014?

15 MR. SPEARMAN: No, sir.

16 MR. COOKE: No, sir, not at this time.

17 MR. PRICE: Could you go into a recess.

18 CHAIRMAN MCDUFFIE: The Board will take a brief recess to receive the  
19 calendar from Staff.

20 MR. SMITH: Can we email this?

21 CHAIRMAN MCDUFFIE: Wait, but Mr. Spearman made a legitimate point.

1 MR. PRICE: And the reason why, if you could just – it'll just take her a minute to  
2 get those, because we sat down as a Staff and we went over those dates, so the fact  
3 that, you know, the 1<sup>st</sup> is maybe occurring, I think, is it on New Year's Day or?

4 MR. SPEARMAN: Right.

5 MR. PRICE: Right, that we automatically move those dates so, and we did it with  
6 the Planning Commission also, when we saw there was a conflict, and I think normally  
7 our conflicts either occur New Year's, Fourth of July, Labor Day, not for so much with  
8 you, but with the Planning Commission, and –

9 MR. SPEARMAN: Well, if we don't have any cases it's a moot point anyway, so,  
10 in January, so.

11 MR. PRICE: We actually do have a case.

12 MR. SPEARMAN: Okay.

13 MR. PRICE: Potentially.

14 CHAIRMAN MCDUFFIE: But Staff has suggested to move the meeting to the 8<sup>th</sup>,  
15 is that, is that what's on the calendar right now?

16 MR. PRICE: I believe so.

17 MR. SPEARMAN: Well, normally we vote on the calendar.

18 CHAIRMAN MCDUFFIE: Typically we would.

19 MR. PRICE: And also, we also need to vote on Officers for 2014. Which we  
20 probably could've done while we're not in recess.

21 MR. SPEARMAN: Well, since we have a full Board that's a good time to do it.

22 CHAIRMAN MCDUFFIE: This would be a very good time to do that as a, since  
23 we do have a full Board.

1 MR. PRICE: Well, if you want to I can do this, even though I think it's beneath  
2 me. I will, I will keep track, you can come out of recess and go ahead and vote on the –

3 CHAIRMAN MCDUFFIE: Alright, let's come out of recess then.

4 MR. SMITH: Oh, we were in it?

5 CHAIRMAN MCDUFFIE: Well –

6 MR. PRICE: Maybe not.

7 CHAIRMAN MCDUFFIE: I didn't think we ever quite were, but.

8 MR. PRICE: The Board of Zoning Appeals is for January the 8<sup>th</sup>.

9 CHAIRMAN MCDUFFIE: Alright.

10 MR. PRICE: And right now we can just take nominations for Chair and then –

11 MR. SMITH: I nominate Josh McDuffie for Chair.

12 MR. COOKE: Yes, I second that nomination. Josh does a great job.

13 MR. PRICE: Is that it for the nominations?

14 CHAIRMAN MCDUFFIE: Are there any other nominations? Alright. Alright. All in  
15 favor?

16 MR. PRICE: Those in favor: Spearman, Richardson, Smith, McDuffie for himself,  
17 Cecere, Cooke and Sullivan.

18 *[Approved: Spearman, Richardson, Smith, McDuffie, Cecere, Cooke, Sullivan]*

19 CHAIRMAN MCDUFFIE: Alright, I shall continue my extraordinary run as  
20 Chairman.

21 MR. PRICE: And we need to do Vice-Chair.

22 CHAIRMAN MCDUFFIE: And nominations for, for Vice-Chair?

23 MR. COOKE: I nominate Willie Smith.



1 CHAIRMAN MCDUFFIE: Is there a second for Mr. Smith?

2 MS. CECERE: Second.

3 CHAIRMAN MCDUFFIE: Alright, it's been seconded. Are there any other  
4 nominations for Vice-Chair? Alright, going once, going twice. Hearing none, all in favor  
5 of Mr. Smith?

6 MR. PRICE: Those in favor: Spearman, Richardson, Smith, McDuffie, Cecere,  
7 Cooke and Sullivan.

8 *[Approved: Spearman, Richardson, Smith, McDuffie, Cecere, Cooke, Sullivan]*

9 CHAIRMAN MCDUFFIE: I don't believe Mr. Cooke voted in favor.

10 MR. COOKE: I, did. I did.

11 CHAIRMAN MCDUFFIE: And we don't, we don't vote on a Secretary anymore I  
12 don't believe.

13 MR. PRICE: No, we don't. Unfortunately, that's me. Really now that we know  
14 that the date is the 8<sup>th</sup> and that's on there, we could wait until January to approve this.

15 CHAIRMAN MCDUFFIE: Alright, so next month's meeting is scheduled for  
16 January the 8<sup>th</sup> and I will see everyone there. At this point, meeting adjourned.

17

18

*[Meeting Adjourned at 2:03 pm]*