

**RICHLAND COUNTY PLANNING COMMISSION**  
**November 7, 2011**

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*Present: Heather Cairns, Olin Westbrook, Kathleen McDaniel (in @ 1:07), David Tuttle, Stephen Gilchrist, Deas Manning, Howard Van Dine, III, Wallace Brown, Sr.; Absent: Patrick Palmer*

Called to order: 1:04 pm

VICE-CHAIRMAN GILCHRIST: We'll call the Planning Commission to order for the November meeting. I would like to read into the Record, "In accordance with the Freedom of Information Act, a copy of the Agenda was sent to radio and TV stations, newspapers, persons requesting notification and posted on the bulletin board located in the lobby of the County Administration building." Public notice announcement. I'm sorry, presentation of the Minutes is what I meant. Can I get a motion for approval?

MR. BROWN: So moved.

MR. WESTBROOK: Second.

VICE-CHAIRMAN GILCHRIST: It's been moved and properly seconded that the Minutes be accepted. All in favor?

*[Approved: Cairns, Westbrook, Tuttle, Manning, Brown; Abstained: Gilchrist, Van Dine; Absent for vote: McDaniel; Absent: Palmer]*

VICE-CHAIRMAN GILCHRIST: Please note that I will abstain from voting on the Minutes since I was not here at the October meeting.

MR. VAN DINE: Same here.

VICE-CHAIRMAN GILCHRIST: Road name approvals.

MR. TUTTLE: Mr. Chairman, I make a motion that we approve the road names as presented.

1 MR. BROWN: Second.

2 VICE-CHAIRMAN GILCHRIST: It's been moved and properly seconded. All in  
3 favor? Opposed?

4 *[Approved: Cairns, Westbrook, Tuttle, Gilchrist, Manning, Van Dine, Brown; Absent for*  
5 *vote: McDaniel; Absent: Palmer]*

6 VICE-CHAIRMAN GILCHRIST: Okay. Agenda amendments, do we have any  
7 amendments for the Agenda today?

8 MS. LINDER: Not from Staff, no.

9 VICE-CHAIRMAN GILCHRIST: Okay. Our first item on the Agenda, Text  
10 Amendment no. 1, Mr. Price.

11 *[McDaniel in at 1:07pm]*

12 **TEXT AMENDMENT NO. 1:**

13 MR. PRICE: Mr. Chair, Planning Commission. This is another one of the issues  
14 that has come before Staff. I think this comes about because I guess the adoption of  
15 our latest Land Development Code, you know, I hate to say latest but, in the current  
16 Land Development Code as of 2005, once again the number of uses that were  
17 previously permitted in the rural districts were eliminated. I think that, if you're kind of  
18 looking at our current Code we've really taken the rural district for mostly agricultural  
19 type uses, you know, with a little residential and that's pretty much it. And I think it's  
20 come before us, we look to see if this, maybe the Code should be amended to reflect  
21 some of the needs of the areas. Looking at our previous Code group homes and a  
22 number of other uses were allowed in the rural districts outright, they were just  
23 permitted uses. Of course, the rural district was mostly large acreage, they also had

1 residential in them, uses within that area. This case we had, what we're looking to do is  
2 introduce group homes which currently are allowed for 10 or more, group homes for 10  
3 or more are allowed in the rural district, excuse me, in the commercial districts by  
4 special exceptions. What you have before you would allow group homes for 10 or more  
5 in the rural district and the commercial districts by special requirements instead.

6 VICE-CHAIRMAN GILCHRIST: Questions? Yes, sir, Mr. Manning?

7 MR. MANNING: Mr. Price, what is the definition of a group home?

8 MR. PRICE: A group home would be a home for those mentally and physically  
9 handicapped that are normally under the umbrella of a state agency and the residents  
10 require 24 hour care and supervision. I think one of the typical group homes that we all  
11 think of like the Babcock Center where they try to, you know, allow people to live more  
12 in a normal residential arena rather than just an institutional use with some supervision.

13 MR. MANNING: These homes, are they administered through a licensed or  
14 certified –

15 MR. PRICE: Yes, they would have –

16 MR. MANNING: It's not something that just any ordinary person could go out and  
17 bring people into their home.

18 MR. PRICE: No, sir. Currently, and this is required by state code, if you're nine or  
19 fewer as a group home that you are required to give notification to the local government  
20 body. In this case you'd go through County Council, notify them of that, of your  
21 proposed use. However, for 10 or more you're not required to notify the local  
22 government body, however, you know, the way we currently had it it was just only in the  
23 commercial districts.

1 MR. MANNING: Are there restrictions or conditions placed on the dwelling to  
2 meet the certification process?

3 MR. PRICE: That is something that we could just add to the special requirements  
4 but it would be something that as a Staff we would ask, you know, we would ask those  
5 questions and get some type of information from them regarding either, you know,  
6 whose umbrella will you be under and also ask them to certify that it will have required  
7 24 hour care.

8 MR. MANNING: But, I mean, there's nothing in there like sprinkler systems or –

9 MR. PRICE: That would be taken care –

10 MS. CAIRNS: I think that would fall under DHEC.

11 MR. PRICE: - right, DHEC would take care of that.

12 MR. BROWN: Mr. Chairman? The affected communities, affected subdivisions,  
13 neighborhoods, what have you, are they notified and given an opportunity to say  
14 anything with respect to these community care homes being in their communities?

15 MR. PRICE: In this case, no sir. These would be allowed by special  
16 requirements, which means they're permitted but there are certain criteria and  
17 standards that have to be imposed on the uses prior to them actually being permitted.  
18 There's no public hearing involved or posting of the property or advertisement.

19 MR. BROWN: And so the neighborhoods, the communities, the subdivisions and  
20 so forth know nothing about it, it just happens because they meet these requirements.

21 MR. PRICE: Yes, sir. And I want to make sure that there is, there's a distinction  
22 between what you have before you because this is for 10 or more versus what you may

1 be thinking of which are allowed in your residential subdivisions that you may see for  
2 nine or fewer. But neither one of those require a public hearing.

3 MR. BROWN: But in the, many of the subdivisions we deal with they're basically  
4 rural. Am I wrong in that?

5 MR. PRICE: No, sir – well. You mean as far as for the group homes?

6 MR. BROWN: Yes.

7 MR. PRICE: Really, what we've found is a lot of the group homes are being  
8 located in residential areas, more your single family type districts rather than in the rural  
9 areas.

10 MR. BROWN: Okay. Thank you.

11 MS. MCDANIEL: And that would make sense with the purpose for a group home  
12 is to treat the people living there more as a family and not isolated from society but to  
13 help integrate back into society with some help, is that about right?

14 MR. PRICE: Yes, ma'am, that's the point of it, the treatment as a natural family.

15 MR. VAN DINE: Mr. Chairman?

16 VICE-CHAIRMAN GILCHRIST: Yes, sir.

17 MR. VAN DINE: Is there any reason why we cannot make it a special  
18 requirement that one of these, and frankly going back to group homes of nine or less as  
19 well, to be at least notification provided to the neighborhoods? I mean, it seems to me  
20 that if we're applying special requirements for both group homes of nine or less or 10 or  
21 more, then why not add a special requirement that says there must be notification  
22 provided to the surrounding neighborhoods of the impending placement of one of these  
23 homes?

1 MR. PRICE: Well, as far as for 10 or more, that – okay.

2 MS. LINDER: I was just going to ask what would be the purpose of, what would  
3 be accomplished by doing that? The neighborhood would be notified, they all object to  
4 it, and then what?

5 MR. VAN DINE: Well, I think my point being that, that it would be nice to at least  
6 have notification. There may not be anything that can be done specifically done  
7 underneath this, it may be permitted with special requirements. But I think at the very  
8 least as part of that placement there ought to be notification to the people around what's  
9 gonna be there. This is a different, entirely, especially when you're talking about group  
10 homes of nine or less, this is a different use than would be in normal residential low  
11 density or middle density or estate classification. So, I mean, it just seems to be that  
12 there ought to be some kind of notification provided to the surrounding property owners  
13 in areas.

14 MR. PRICE: Mr. Van Dine, maybe I can kind of address one of your questions.  
15 Regarding group homes nine or fewer, that's actually been an issue I would say that  
16 Staff has gone over probably since I've been here, because as stated under the state  
17 code the idea is for them to be treated as a natural family. And even we have some  
18 concerns, even as a Staff. Now we've spoken to different municipalities and we've  
19 spoken to different agencies regarding the criteria within the state code that requires  
20 them to give notice to the local government body, you know, how is that notice to be  
21 received, do we post the properties, do we advertise it or is it just we have the applicant  
22 – currently what we ask them to do is just to fill out a form and then appear before  
23 County Council. One of the concerns would be by posting the property and almost

1 making it like a public hearing, would it be that we didn't no longer treat them as a  
2 natural family and maybe violate some of their rights. And that's for nine or fewer.

3 MR. VAN DINE: It seems to me that, as with everything, I mean, we can imply  
4 stricter rules on things than state code requires and it just seems to me that it ought to  
5 be something that we consider is that notice to surrounding neighborhoods ought to be  
6 something that's provided.

7 MR. PRICE: As far as what you have before you for 10 or more, I don't  
8 necessarily object to it. You know, once again I will concur with Staff's attorney as to,  
9 you know, what would we accomplish? However, if that is something that you feel  
10 should be included as one of the criteria for establishing that, Staff is not opposed to  
11 adding that.

12 MS. CAIRNS: I just, I have problems with it because I think it's basically  
13 discriminatory. I mean, it's treating this population different than other populations and I  
14 think that they do, I know that they have protection under the Constitution to not have  
15 that kind of notice, they do have the right to build group homes in neighborhoods. I  
16 mean, they can't be stopped and so it's kind of like if it's a by right use and you just  
17 have special requirements for certain setbacks and whatnot, is, you know, well if  
18 somebody wanted to build an apartment complex are you gonna provide special notice  
19 that, by the way there's gonna be an apartment complex coming in soon? It's like, no  
20 we're only gonna do it for this population. So I think it's problematic and I think it does  
21 single out a certain population for discriminatory treatment and I would be opposed to  
22 that. I understand the reason for it but this is a protected population and I think it's  
23 problematic to do that. Cause it's –

1 MR. VAN DINE: I, I don't think you can equate this to an apartment complex  
2 cause an apartment complex is not required as an outright in some of the areas that  
3 we're talking about. So, I mean, I just, I think there ought to be something in common  
4 decency to the people around. I mean, frankly if somebody wants to move in my  
5 neighborhood next door I want to know about it. I don't want it just to happen.

6 MR. PRICE: And, you know, once again I think just from what I'm hearing from  
7 some of the Members of the Planning Commission, when you're talking about your  
8 neighborhood and, you know, delivering packages to each of your homes, I know where  
9 you live, so you look at more of a single family residential community. Ten or more  
10 would not be allowed where you currently reside.

11 MR. VAN DINE: But it is a rural – where the rural people will have the same  
12 issues as – I'm not so much worried about your commercials and your high density, I'm  
13 more worried, in particular on the groups homes of 10, it's the rural designation that  
14 creates for me the issue.

15 MR. BROWN: Let me also – excuse me, I'm sorry.

16 MR. MANNING: Mr. Price, so you said it couldn't be built or allowed in our  
17 neighborhoods and I don't know if that's true or not.

18 MR. PRICE: Ten or more is not allowed. Nine or fewer is protected by the state  
19 law.

20 MR. MANNING: But we see on a regular basis a rural two acre lot surrounded  
21 by, you know, multi-family or low density, so you know, if we're gonna let this be  
22 permitted outright, there's gonna be no notification so, you know, it could happen in our  
23 neighborhood. I mean, and I just think, going back to what Mr. Van Dine says, people

1 do need to know or should be able to know what's happening in and around them,  
2 especially if it's a difference in what's, whether it be an apartment or a group home or  
3 whatever you want to, that wasn't intended for that area. So I have a little bit of problem  
4 with that.

5 MR. BROWN: There's also another issue, Mr. Chairman, and that is if these are  
6 licensed facilities, these are not people who are building a residence for themselves,  
7 they are – it's a business that's basically going in because they're being reimbursed by  
8 the state or somebody to care for people who are there. And that's a little bit different  
9 than having, taking care of your own family member and so forth.

10 MS. MCDANIEL: I've done a little bit of research about this this weekend and  
11 there's an American Planning Association paper that addresses group homes  
12 specifically and what it says is that the idea – and having no experience with group  
13 homes I may be incorrect about this – but the idea is that it's not a business, that the  
14 family nature of it, the group living nature of it transcends the fact that someone may be  
15 getting reimbursed for that. And also I think that it's more of a family oriented set up  
16 rather than somebody just running a business and feeding people and turning them  
17 loose every day. And in addition, I don't see what purpose notice would serve because  
18 there would be no recourse for the neighborhood. If it's by special requirement they  
19 can't have any influence on whether the, whether it's allowed or not. And in addition, I  
20 think it would be a back door way for people to stop these from happening in their  
21 neighborhoods. Most of the, and I would be interested to know what the concern about  
22 it is, is having one of these in your neighborhood. I think there are a couple of group  
23 homes in my neighborhood and I don't see any ill-effects. There's no increase in traffic.

1 I don't see an increase in crime. And the studies that I read indicated those problems  
2 don't occur with group homes.

3 MR. BROWN: Well, let me just address part of what you're saying. First of all in  
4 my neighborhood, for example, there's more than two, okay? And we know that, that an  
5 elected official made that possible for that to occur. Okay? Without notification to the  
6 community, we know that as a fact. Secondly, I don't know any of those where the  
7 people are not being reimbursed to take care of those folks, to house them there, take  
8 care of them there and so forth. And so far as creating a problem within the community,  
9 you have a lot of folk who don't go out at night or very early in the morning as a result.  
10 And I know the Richland County Sheriff has had to step up patrols, it's just that simple.  
11 Okay, notification, letting people know what is going on means that you're not surprised,  
12 okay?

13 MS. CAIRNS: Well, I mean, what's interesting is I would offer that, that, you  
14 know, one wrinkle would be you simply require that the group home provide notification  
15 after they've opened. You know, cause what I hear you guys say is I have the right to  
16 know that this is here, and it's like okay because the notification doesn't give the  
17 neighborhood, I mean, if it's a by right use they have the right to build it. If they're able  
18 to pass all the special requirements then they're able to have their facility. To simply  
19 after they open say that they're required to let the neighborhood know that they're there,  
20 because to let them know beforehand is to give them the sense that they can stop the  
21 right, and I mean, I'll offer that I actually on a fairly frequent basis go to group homes to,  
22 to, on behalf of clients and so I serve this population, I go to group homes. I was in one  
23 just last week, it was a group home of more than 10 people, and it absolutely is run like

1 a home. I mean, the fact that there's money that goes back and forth, if we want to tell  
2 people they don't have the right to make a living, we're probably gonna not last very  
3 long, but yeah, I mean, is there – but I mean, a well run group home, it's, you walk in  
4 and there's a living room and there's a TV and then there's a kitchen and there's a table  
5 and everyone gathers and there's bedrooms and there's bathrooms and it's a home.  
6 It's just that they're people living there who don't have the ability to live on their own  
7 independently.

8 MR. BROWN: And Heather, I would agree with you in everything that you've said  
9 except for the fact that in fact folk are not doing it out of the goodness of their heart,  
10 they're doing it because it is a business, and they are being reimbursed.

11 MS. CAIRNS: I don't say that it's not a business, but I mean, if we're gonna  
12 shoot down somebody because they want to make a business and make some money,  
13 then we've got some problems. I mean, we're here all the time trying to protect people  
14 with their business interests. I know that people make money running group homes,  
15 but, and the ones who do a better job of it probably make more money because as we  
16 all know, if you run a quality business you'll make more money than if you cut corners  
17 and try to do it poorly, but we are always having people come to us because they want  
18 to basically do business and make money. So I just think that's a non-issue. Yes, they  
19 get compensated and it varies a lot. Sometimes the money is very tight and sometimes  
20 it's not, depends on the disability and who the third party payer is. But to me that's a  
21 non-issue. I'm not – but, you know, group homes and the individuals who live in group  
22 homes deserve respect and they have protection of the laws and, you know, the only  
23 thing that I question about, in terms of what's been proposed here is one, I'm surprised

1 why under 28(B)(1) it says minimum lot size to establish an orphanage, as opposed to a  
2 group home. I think that's maybe just a scrivener's error, that that should be –

3 MS. LINDER: That is a typo, I was gonna bring that to your attention.

4 MS. CAIRNS: And that, you know, whether, you know, if you're talking about a  
5 group home of 10 or more is one acre large enough? You know, it may be that we want  
6 to say, listen if you're gonna run that, cause the group home that I was in last week it  
7 was more than 10 people, disabled vets is what that group home's sort of population is,  
8 it was definitely more than an acre. So I mean, I just, I think that if you're gonna have a  
9 group home of 10 people, cause when you factor in the fact that you're gonna have  
10 some staff and visitors coming by, I think maybe what we want to say is these need to  
11 be like three acre parcels or something like that. You have to have, you're gonna have  
12 a home with that many people living there with support staff then maybe you do need to  
13 have more than an acre of land. And then also, you know – but I think that, you know,  
14 based on what you guys offer as to why I should have the right to know that I have this  
15 population now living in my neighborhood, then provide notice after the residents have  
16 moved in. But not beforehand because then all you're trying to do is single out this  
17 population for outrage and for cause to County Council to stop it, and they have the  
18 right to have these homes. And there are well run homes and poorly run homes, but  
19 that's gonna be true no matter what. And there's some population that's harder to have  
20 in the community and there's some populations that are not, but you know, we also  
21 don't have state beds. I mean, we just don't. It's horrible, but. So I just think we need  
22 to tweak this a little bit, but I'm done.

1 MR. MANNING: Mr. Price, could you explain what's the problem under the  
2 existing ordinance with it being a special exception, the problems that you face or the  
3 Staff faces in request to why there's a need for this change?

4 MR. PRICE: Well, we're going to, once again we're dealing with 10 or more.  
5 Currently the Code allows them by special exception in the RMHD district, the OI  
6 district, the NC district, the RC district and the GC district. By applying those as special  
7 exceptions, once again, special exceptions really aren't – they're a little easier to gain  
8 than let's say a variance in this case. I mean, cause all it is, it's really more just an  
9 oversight of the, almost like a site plan review. You know, you're looking at the parking,  
10 you're looking at the, you know, potential impact on the surrounding areas. And when  
11 you look at these being in a commercial area already, you know, what is the traffic  
12 impact gonna be, what should be the impact on the surrounding properties, you know, is  
13 there gonna be any noise, lights, fumes? Typically those just were not applicable to  
14 these particular uses. But, so the point is why take them through a special exception  
15 when the chances of them even being denied, you know, are minimum. We could just  
16 establish them as special requirements with the standards. Now as far as taking them  
17 to rural, I kind of go back to what we were saying, you know, we have this conversation,  
18 you know, I guess on a regular basis, you know, what is – the county has never  
19 established what is rural. You know, in our previous Code, and I'm going back before  
20 July 1<sup>st</sup>, 2005, rural was actually just larger, a larger residential area, also allowed some  
21 type of agricultural uses. Once we adopted our Code it seemed like rural became an  
22 agricultural area, it allowed you to have some homes there, but that was it. So what  
23 we're trying to do is, you know, until we establish what truly is rural or what does the

1 county want to define, you know, rural agricultural, rural residential, you know, try to find  
2 a medium in there, there are gonna be a number of uses that these districts could use.

3 MR. MANNING: Well, until we do that it's three quarters of an acre lot.

4 MR. PRICE: Yes, sir.

5 MR. MANNING: Basically.

6 MR. PRICE: Correct. And you know, once again, not to get off subject here but  
7 what this is is something that we've talked to some, you know, a couple of the  
8 Councilmembers about and hopefully this is something everyone will decide we need to  
9 look further into.

10 MR. MANNING: Mr. Chairman, my concern's really not, it's notification. I'm not  
11 not in favor of group homes, I'm just not sure I'm in favor of group homes being allowed  
12 in neighborhoods without having to go through a process that other uses would as well.  
13 So I, I just don't understand – there was clearly a reason for the special exception in  
14 rural.

15 MR. PRICE: These were previously not allowed in the rural district.

16 MR. MANNING: It wasn't special exception?

17 MR. PRICE: No, sir. They were previously not allowed in the rural district.

18 MR. VAN DINE: If I could – I've got, first of all I've got a problem expanding it  
19 into rural districts if we're not even sure that we know exactly what we're talking about  
20 half the time. The other thing is if these are businesses, and with all due respect to  
21 what the Code may say regarding whether or not they're families or not, they're not  
22 family cause they're unrelated people and this is 10 or more we're talking about which is  
23 getting more into the business end of things. I think there needs to be more

1 requirements relative to lighting, screening, they're gonna have dumpsters or things out  
2 in the back of the house. You know, if you get up to 25 people in one of these things  
3 they can't do it as a normal house. Ten or more takes you into the extreme. I mean,  
4 you can have whatever you want, within reason that DHEC's gonna allow you to, but  
5 the fact of the matter is if we're gonna do this under special requirements I think we  
6 need more specifics as to some of the other areas that come into the Code. And I  
7 personally, I'm not in favor of expanding this into the rural setting which, as Mr. Manning  
8 has pointed out, is a three quarter acre lot or more. And I've got a three quarter lot and  
9 I don't sit in a rural district, I can tell you that.

10 MR. TUTTLE: And clearly that's a problem with the RU designation but if you  
11 took the other example, if somebody had 10 acres and wanted to have a group home,  
12 clearly that would be an appropriate use of the 10 acres, so it's, you know, it's a  
13 problem with our current classifications as much as it is with the rural, I mean, so you  
14 got to look at both ends of that spectrum. And I certainly appreciate your perspective on  
15 the three quarters of an acre but if you go the other extreme it probably makes sense,  
16 so.

17 MR. MANNING: Well, that goes back to what Heather was speaking of, maybe  
18 the acreage needs to be something that's addressed.

19 MR. TUTTLE: Yeah, Mr. Chairman, the only issue I see there, you know, when  
20 you start allowing it in general commercial, etc., so if you saw a spot downtown where  
21 you had adequate parking, etc., etc., shared parking, a parking garage across the street  
22 or something, I'd hate to see, you know, a truly urban group home be handcuffed  
23 because they don't have an acre.

1 MS. CAIRNS: No, but it's only, the acreage requirement, the only one is in rural.

2 MR. TUTTLE: Exactly, so that would be your – oh, I'm sorry.

3 MS. CAIRNS: I know, it's – I went back to double check that, but –

4 MR. TUTTLE: My bad, okay.

5 MS. CAIRNS: - group home, a) use districts above the only requirement is the  
6 parking not be in the front yard.

7 MR. TUTTLE: So you would propose to change just that one to –

8 MS. CAIRNS: Right.

9 MR. TUTTLE: - three or two –

10 MS. CAIRNS: That rural be, you know, if you're putting these homes in the rural  
11 areas.

12 MR. TUTTLE: My bad.

13 MR. PRICE: And also, I think Mr. Van Dine, you did raise a very valid point as  
14 far as the numbers. I mean, you could also limit the numbers. I mean, there's a couple  
15 of things you could do from a criteria standpoint. Once again, I'll tell you when Staff  
16 brings these to you we welcome any suggestions you may have. We could limit the  
17 number of uses, we could limit the square footage of the structure, you know, those kind  
18 of things we could take into consideration of kind of minimizing the impact it would have  
19 on the surrounding properties.

20 MR. VAN DINE: Is there a definition that is used by DHEC and/or state code  
21 which specifically deals with how big these can get? I mean, cause, I mean, I don't  
22 know enough about, about the actual requirements that DHEC puts out there. I mean,  
23 can you have a 50 person "group home," can you have 150 person group home? I

1 mean, we say 10 or more, but is there an upper limit to that before it goes beyond being  
2 a group home and now becomes something more like an assisted living or something  
3 else?

4 MR. PRICE: I'm not sure that they have, you know, any limitations on the size.

5 MR. VAN DINE: You don't know if DHEC has any limitations on the size?

6 MR. PRICE: No, sir. Because DHEC, because once again it's always been 10  
7 or more. I don't think they've gone in and said, okay you can't have more than this  
8 number.

9 MR. VAN DINE: Do they segregate group homes from assisted living facilities or  
10 nursing homes, or other than that in their regulations?

11 MR. PRICE: We can find that out.

12 MR. VAN DINE: Because if they don't, if they don't make a designation between  
13 things like that then what we're doing here with 10 or more is we're just opening the  
14 door to, to a nursing home or an assisted living. Not to say that's wrong, but in certain  
15 of these areas it wouldn't fit.

16 MR. PRICE: Right. You know, once again by definition, there's a distinction  
17 between a nursing home, assisted living facility, an orphanage and a group home.

18 MR. VAN DINE: In our, in our Code?

19 MR. PRICE: Yes, sir.

20 MR. VAN DINE: And do we have in our Code a definition? It's just 10 or more, I  
21 mean, at what point does it flow over into the next thing? What's the difference between  
22 a group home with 10 or more when you get up in the 25, 30, 40 person range versus  
23 an assisted living facility or some other designation like that?

1 MR. PRICE: I don't think there would be. I think you could argue that both  
2 become, have become institutional uses.

3 MS. CAIRNS: That's a good question. I mean, it's more that it would become  
4 the same as a nursing home. Assisted living requires a certain level of competency on  
5 ADLs whereas group homes and nursing homes you have less, you have zero to no  
6 ADL ability, activities of daily living. So, I mean, that's the whole, but it's interesting, but  
7 yeah, as you get bigger and bigger, why aren't you a nursing home? Cause the  
8 residents of a nursing home don't have the ability to do ADLs either. So I'm not sure  
9 exactly how we make that distinction.

10 MR. PRICE: By Code, you know, it starts off as a residential home and so when  
11 we look at this, what the intent is you go into residential home versus –

12 MR. MANNING: That just means reside. That just means basically reside in the  
13 home.

14 MR. PRICE: No, sir, I don't take it that way. It's a residential home provided by an  
15 agency, I mean, you can look at it that way but I think the intent and the way it's been  
16 used over the years is that it's a residence, just a home existing typically in a community  
17 that's someone does convert into a group home.

18 MR. MANNING: I think more to the numbers and where does it bleed over into  
19 something else, I'm also concerned about the, you know, number of beds and square  
20 footages and baths, I mean, you know, can you have 25 people in one bathroom?  
21 What are the requirements?

22 MS. CAIRNS: That's where DHEC comes in.

23 MR. MANNING: I know, but I, we don't know what those are.

1 MS. CAIRNS: Right.

2 MR. MANNING: And I would like to incorporate what we're doing here to make  
3 sure that's part of the process or at least the minimum part of the process.

4 MS. CAIRNS: Well, I think it would just be helpful to know how, the DHEC code,  
5 but I wouldn't suggest, I mean, we're land use, we're not building requirements. You  
6 know, but I mean, to know, yeah what does it take to build a bigger home? I mean, I  
7 know the one I was in last week is more than 10 people and it's two home on a tract of  
8 land. I mean, it's just as Geo was describing, it's homes that have been just converted  
9 to be used and, I mean, there's still bedrooms and living room and all that space just  
10 like a normal home.

11 MR. VAN DINE: Is each structure considered a separate home or is everything  
12 combined to be considered as one home?

13 MS. CAIRNS: I don't know, I mean, on this one particular one, I'm not sure, I  
14 didn't, you know, I was sent out there –

15 MR. VAN DINE: But it raises another point, if you can do it multiple structures is  
16 each to be considered a home or is it, or are they combined to become one home? I  
17 mean, cause you could, you could have, you know, three houses in a row if you wanted  
18 to and if each one is to be combined that would set up a different setting than if each is  
19 separate as a group home, even though they're run together.

20 MR. PRICE: You mean three homes on separate parcels?

21 MR. VAN DINE: Yeah. Or even three homes, three structures on the same  
22 parcel. Because if you, I mean, well – I mean, we're going kind of far afield here, but I  
23 mean, if you've got a central dining area with three structures feeding, you're no longer

1 a residential home. If everybody, if the 10 people are eating in one house that one  
2 should be looked at that house. The next house ought to be one house. The next house  
3 ought to be one house, and it ought to be looked at here. I mean, I – I'd have less  
4 problems with what's going on here if we, if we had better constraints on the sizes of the  
5 structure, the lot sizes, the, you know, things like this, which then those should be  
6 special requirements. If we're gonna do special requirements, let's do them right. Let's  
7 not put just a few things out there.

8 MR. PRICE: Exactly.

9 MR. VAN DINE: And so my personal feeling is as it's proposed right now I, I  
10 can't support what we've got here. I would prefer that it be taken back and we look at  
11 some of those other issues that we've been addressing here and put it in, see if we can  
12 come up with something that fits both the requirements of the law as well as DHEC  
13 requirements as well as what we're trying to accomplish.

14 MR. PRICE: Right. And I agree with you, but my question as I've posed to the  
15 Planning Commission before, bring this before you. If there's something that you want  
16 Staff to go back and, you know, do some more studying on or something that, you  
17 know, we really wouldn't have before us we'll be happy to. But if there's some  
18 additional requirements that you feel, and you feel that they're, that this, what you have  
19 before you needs some additions to it or maybe even some deletions, we welcome that.  
20 And, you know, asking for Staff to take that back to try to come up with some criteria  
21 that y'all may want to impose on this, I mean, I don't know what we can do. I mean,  
22 that's something that if you feel that number of people should be reduced, if you feel  
23 that the square footage of the structure should be, have limitation, that is something we

1 can do right now. But if there's some other information that we need, that we may need  
2 to gather from type of research then we can take that back and find it.

3 MR. VAN DINE: I mean, I think, I mean, we've raised a couple of questions, first  
4 of all, that I think we need more information on. One of them is this issue of at what  
5 point does it bleed over from being a group home to something else. I mean, is there  
6 anything out there that tells you what that level is? I mean, I think that Heather's right,  
7 in the rural district we ought to be having a larger lot size than one acre. I personally  
8 think your structure size ought to be limited in square footage. I don't have the square  
9 footage in mind to do it, but I think there ought to be some both bottom end as well as  
10 top end before you start to get into the next level. I think there ought to be some, I don't  
11 know if there were lighting requirements that need to be imposed on these areas. I  
12 know that there's gonna be people coming and going because there's gonna be staff  
13 who, or nursing facilities or other people that are gonna be coming in. Simply saying  
14 you can't park in the front yard, what does that do to the backyard or the people who are  
15 next door to you? I mean, all of a sudden do you need some screening requirements?  
16 I mean, all of these things have got to be considered when you're dealing with the  
17 neighbors, whether it's permitted or not. You can't interfere with your neighbors right  
18 next to you and we as a Planning Commission should not be putting those neighbors  
19 next to them in a position of having those problems.

20 VICE-CHAIRMAN GILCHRIST: If we can just put this in a motion.

21 MS. LINDER: Yeah, I was just going to suggest that you possibly would like to  
22 defer this and then what we can do is look at the DHEC requirements and maybe look  
23 at some other jurisdictions to see how they're handling it. But we could bring more

1 information back to you, maybe tweak this ordinance a little bit based on your  
2 comments.

3 MR. BROWN: Move deferral, Mr. Chairman.

4 MR. VAN DINE: Second.

5 VICE-CHAIRMAN GILCHRIST: All in favor?

6 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Gilchrist, Manning, Van Dine, Brown;*  
7 *Absent: Palmer]*

8 MR. VAN DINE: One comment and that is I'm not sure tweaking is what we  
9 need. I think we need more than tweaking on –

10 MS. LINDER: A rewrite.

11 MR. VAN DINE: Yes.

12 MS. CAIRNS: Just to toss out while we're all here, one of the things I thought  
13 about this as we were talking is that actually linking the acreage size to the number of  
14 residents. Cause if all you want is 10, then maybe, you know, like I was thinking maybe  
15 a quarter acre per resident, two and a half acres might be big enough, whereas if you  
16 wanted 20 you might have to have five acres, or something. But link it to where you're  
17 not forcing a huge acreage requirement on a relatively small group home, but if you do  
18 end up with a big home maybe you do need a bigger parcel. So maybe we'd link those  
19 two things.

20 MR. PRICE: And I guess we could also look if, look at maybe even reducing that  
21 number. I mean, we can go 10 or more, but I think, you know, maybe that number  
22 could be reduced, up to –

23 MS. CAIRNS: Yeah, sure.

1 MR. VAN DINE: It seems to me that we're also talking RMHD and I'm not  
2 familiar enough right now with some of the specifics of, when you're dealing with high  
3 density. Is there something we need to be, as opposed to just looking at the rural, is  
4 there something we need to be dealing with in the RMHD? And there may not be. It  
5 may not be a legitimate reason for dealing with that, but I'd like some more information  
6 on that as well.

7 MR. PRICE: Yeah, and I think what it sounds like, just kind of went from a more  
8 of a residential use to kind of more of an institutional use with, when we start looking  
9 into the lighting and the landscaping and that sort, so that definitely would be put into  
10 another category.

11 MR. VAN DINE: I guess the other, one of the other questions while we're talking  
12 about it is they talk about continued care retirement communities, neighborhood  
13 commercial does not have that as a permitted use, even with a special requirement or a  
14 special exception – was there a reason why they're treated differently in neighborhood  
15 commercial setting? I mean, if it's commercial and – those I always envisioned as the  
16 little sort of node type grocery store, things right at the little nodes of the roads. So, I  
17 mean, I'm just asking the question why.

18 MR. PRICE: Yeah, we – this is, welcome to our world. Daily we look in the Code  
19 and say, well why is this not here? If you look it would make sense. So as far as  
20 continued care retirement communities or assisted living facilities as we typically know  
21 them, why they aren't allowed in the neighborhood commercial, I'm not exactly sure.

22 MR. VAN DINE: Okay.

1 VICE-CHAIRMAN GILCHRIST: Thank you, Mr. Price. Text Amendment number  
2 2.

3 **TEXT AMENDMENT NO. 2:**

4 MS. LINDER: I can attempt to explain it. This was an initiation by our  
5 Neighborhood Planning Staff as well as a Councilmember that's working along the  
6 Decker Corridor primarily and we've got some overlay districts, the CRD and the DBWP  
7 overlay districts that currently are warded such that a person living in those certain  
8 areas can apply to use the overlay standards and to date my understanding is that no  
9 one has applied to use the standards. And the Councilmembers and our Neighborhood  
10 Staff feel that those standards are important for getting the redevelopment of the Decker  
11 area improved. And so this is a Council initiated, this ordinance has had first reading  
12 but it would make the standards, instead of being optional, it would make the standards  
13 of the overlay mandatory. So if you're, it would not affect anything that's existing, they  
14 would all be grandfathered in, but if you're going to do a new development you'd have to  
15 follow the standards of the overlay district not the underlying district.

16 MR. VAN DINE: Would that be grandfathering as far as existing structures but if  
17 you're going to rehab them or up-fit them are you going to have to go under the overlay  
18 district?

19 MS. LINDER: I believe so. I guess it would depend on the nature of the  
20 restructure, how much that would be affected. But it would be a typical, what's allowed  
21 to be repaired or whatever as a grandfathered use. But if it's going to be expanded I  
22 don't, Mr. Price may have a better idea of when something has to follow the new  
23 standards as opposed to the old standards. No?

1 MR. PRICE: Someone, when they came in and they wanted to – any time there's  
2 gonna be a development that the, that there are specifics for under the new overlay  
3 districts, that's when they would have to apply.

4 MR. VAN DINE: I guess, and I'm thinking so, as in Decker Boulevard right now  
5 there's some, I mean, there's some large structures out there that if they're going to be  
6 actually worked on, whether it be parking lots, whether it be facades, whether it be  
7 whatever they're gonna do, are they gonna then automatically drop into the new overlay  
8 district classification, which they would not have been if they just stayed the way they  
9 were?

10 MR. PRICE: Yes. But it's, if the new overlay district has specific criteria for a  
11 façade or the parking then yes, sir, once they came in to do those they would have to  
12 fall into the requirements.

13 MR. VAN DINE: Is there a dollar limit at which, or what I'll refer to as repair  
14 versus renovation limits that somehow you're able to fix things but not necessarily  
15 redevelop them? I mean –

16 MR. PRICE: Yeah.

17 MR. VAN DINE: - because the way I'm reading this is, you know, from this point  
18 forward whatever's done has to comply with the overlay district standards as well as  
19 everything else, almost regardless of what it's, what is being done.

20 MR. PRICE: This would be just like any other nonconforming use. You're  
21 allowed to do certain type of repairs, you know, just, I guess if you, you know, replacing  
22 the roof or your shingles, anything for safety reasons you're allowed to do those type of  
23 repairs. However, if you're going to essentially start over your construction, just remove

1 everything, you would need to meet the requirements of the Code. So the Code does  
2 allow you to do, you know, it's not as if your building is sitting there and you can't do  
3 anything with it. You're allowed to do certain type of repairs and maintenance of your  
4 building and you're still grandfathered in.

5 MR. VAN DINE: This would be subject to all nonconforming uses and what  
6 people can do or not do with nonconforming uses?

7 MR. PRICE: Yes, sir.

8 MR. MANNING: Have we fully adopted all the standards? You know, we've gone  
9 through so many of these neighborhood programs and started and stopped and –

10 MS. LINDER: Yes, there are specific standards for the CRD and there's specific  
11 standards for the DBWP.

12 MR. MANNING: Say that again?

13 MS. LINDER: There are specific standards for each of those overlay districts.

14 MR. MANNING: Including architectural details and –

15 MR. PRICE: Yes, sir. I'm sorry, I wish I had just – I'm very unfamiliar with these  
16 two overlays because as Ms. Linder pointed out, no one's used them. No one's come in  
17 here so we've never had a chance to really apply them and get used to them, however,  
18 they're a number of architectural standards.

19 MS. LINDER: They're very specific.

20 MR. PRICE: Facades, garages, all of those are identified.

21 MR. MANNING: And the optional language was put in to just kind of buffer some  
22 of the complaints and concerns that the neighborhoods had. And quite frankly I'm  
23 concerned about those standards. I mean, if we go to another neighborhood master

1 plan, we got to the adoption of those, we were way down the road in adopting  
2 something that really wasn't gonna fit for the neighborhood and kept pushing that and  
3 pushing that and pushing that and finally that plan goes away. I don't know where it is  
4 right now, but the southeastern plan was pretty much tanked. You know, my concern  
5 with the overlay standards are, yeah they provide the county with a tool to go forward  
6 and this is the way it's gonna be done, but clearly from a regulatory standpoint I don't  
7 know the impact of what those standards are gonna have on the redevelopment of that  
8 community. Do they apply to the county? The county just purchased a large building in  
9 the Decker area, will those standards apply to that? I think it has very significant cost  
10 associated with it and will impact the redevelopment of those areas, so I, I don't know  
11 whether the best way is to move forward without the standards or the optional standards  
12 to let the neighborhood redevelopment or imply more stringent standards on them when  
13 it's tough. I just have a concern.

14 MR. TUTTLE: Mr. Chairman, just so I'm clear. So if a space had been dark for a  
15 period of time and this was passed, for them to reopen the space in the same use they  
16 would have to bring it up to the new standard?

17 MR. PRICE: You're just talking about a vacant space?

18 MR. TUTTLE: Yeah, just cause, just like any other nonconforming use, if it's  
19 been vacant for a period of time then they lose their grandfather.

20 MR. PRICE: If there's an existing building that was there and it's been vacant for  
21 a while, what we will look at is the use itself. We wouldn't necessarily tell them that their  
22 façade and everything would have to come into place. That would come about if they  
23 decided to renovate or even do new construction. But as far as the uses then we would

1 look at what uses are allowed within this overlay district to make sure they would know  
2 and we wouldn't allow [inaudible].

3 MR. TUTTLE: Just to Mr. Manning's point, I hate for somebody to have a  
4 building that was vacant for 18 months or two years and they finally get a tenant and  
5 then the up-fit makes it impossible for the tenant to make the numbers work.

6 MS. LINDER: I think Mr. Price is correct, I think the building would be fine, it's  
7 the type of use that they would want to put in, because some uses would be allowed  
8 and some uses would not be allowed.

9 MS. CAIRNS: But all the architectural stuff would be, I mean, is it true that all  
10 the, the requirement to bring it into the architectural guidelines would be whether they're  
11 doing renovations or not? I mean, if they can just, if all the work is on the inside and it's  
12 just a matter of like a fresh coat of paint on the outside they wouldn't have to bring it up  
13 to the ARB requirements, but if they started doing work to the exterior –

14 MS. LINDER: If they want to knock the building down and start over then they'd  
15 have to do it in accordance –

16 MR. MANNING: Well, you could have a fire. I mean.

17 MR. TUTTLE: But generally speaking if you have nonconforming use that hasn't  
18 been used for a period of time that's defined, then you have no grandfather whatsoever.  
19 So any subsequent use, whether it's the same or different, would have to renovate and  
20 adhere to the new standards, correct?

21 MR. PRICE: Exactly. Previously that's how it was looked at, that if you essentially  
22 went a year and you had a use and it just sat vacant that you would lose your  
23 grandfathering. However, the current Code that we have now actually allows you, I

1 don't want to say you, just, you know, a person that has a building to not necessarily  
2 have to rush in just to get somebody in that you may not want to, but what it says is that  
3 as long as the owner has been actively marketing the building and keeping it up to  
4 standards, you know, building code standards, then it maintains its grandfathering  
5 status.

6 MR. MANNING: So there's not a dollar amount?

7 MR. PRICE: No, sir.

8 MS. MCDANIEL: Were there any incentives associated if you decided to use the  
9 standards? Were there some incentives to get people to use the standards?

10 MS. LINDER: I think the standards were seen as a positive, a positive look for  
11 the Decker Boulevard and I think there were some meetings with the community and  
12 with the businesses along Decker and that was supported.

13 MS. MCDANIEL: There's no particular incentive though, additionally [inaudible]?

14 MS. LINDER: None that I know of.

15 MS. MCDANIEL: Something that you could do in addition if you adopted the  
16 standards?

17 MS. LINDER: Other than what's built into the standards.

18 MR. VAN DINE: Mr. Chairman, I think the answer to her question – when we  
19 were on, I was on the Commission before and these came up there was no incentive, it  
20 was done as an option for people to use in hopes that they would do some of these  
21 things when they were doing the renovations, especially on Decker. So I don't recall  
22 any incentives or anything else going along with them. Mr. Chairman, if I may real  
23 quick.

1 VICE-CHAIRMAN GILCHRIST: Yes, sir.

2 MR. VAN DINE: You are saying that both of these districts have in fact been  
3 approved?

4 MS. LINDER: Correct.

5 MR. VAN DINE: Then I think you need to change the wording of both of these  
6 sections. It says, the neighborhood overlay district may be approved, and if it's already  
7 been approved then why are we using maybe? First line? On the applicability and  
8 establishment section?

9 MS. LINDER: Well –

10 MR. VAN DINE: I mean, it doesn't bother me one way or the other, but it just  
11 seems that if we've already established it, using the words may be seems to be a little  
12 bit behind the times.

13 MS. LINDER: I think that's because I had, the language that was struck, we had  
14 an applicability establishment period and then we had a one and a two, and because we  
15 were taking the optional language out, where it says in number one, the standards of  
16 such district shall remain optional, that was not a, that was not what we were trying to  
17 do, so I kept the language, may be approved and designated, just to move it up a little  
18 bit. So I wasn't really creating anything new I was just leaving it alone but moving it up.

19 MR. VAN DINE: My thought was only if we've already got them they're there, we  
20 shouldn't be using the words may be, but I don't really care. Just a thought.

21 MS. LINDER: Well, there may be another overlay district created as long as it's  
22 part of the Decker Boulevard/Woodfield Park master plan, for example. So if they want  
23 to add something or.

1 MR. VAN DINE: Just a, just a comment.

2 VICE-CHAIRMAN GILCHRIST: Any further discussion, Mr. Manning?

3 MR. MANNING: One you probably don't want to hear. You know, it would've  
4 been helpful to look at this with the standards. I know people don't like to go back and  
5 revisit things that were difficult to create, but it's been three or four years since those  
6 standards were formed, and do they make sense today? We've just kind of let these  
7 things slide for a time and the economy's got something to do with it, but how we go  
8 forward in those areas is gonna be critical with the regulations we impose on these  
9 neighborhoods. So I think it would be in the neighborhood's best interest to look at  
10 them as we do this. Or vote on not requiring, or taking the option out.

11 MR. VAN DINE: Is it my understanding this has had first reading?

12 MR. PRICE: Yes.

13 MR. VAN DINE: Is this on a fast track?

14 MS. LINDER: It is being scheduled for the zoning public hearing on November  
15 22<sup>nd</sup>.

16 MR. VAN DINE: As a second reading?

17 MS. LINDER: For second reading.

18 MR. VAN DINE: I agree with Mr. Manning, I'd like to see what those standards  
19 are before I say that they're gonna necessarily permanently affixed to that, but at the  
20 same time if it's gonna be taken out of our hands because it's on the fast track and  
21 there's no stopping the train, it seems a little absurd for us to be doing it. Having said  
22 that, however, I would like to make a motion we defer this to be provided with those

1 standards for both of these two overlay districts so that we know exactly what we're  
2 imposing upon people.

3 MR. MANNING: Second.

4 VICE-CHAIRMAN GILCHRIST: Discussion?

5 MS. CAIRNS: I just, just to add to that cause I remember when we were passing  
6 some of these overlays and I think it was compiled so, but just to also bring forward, I  
7 mean, it's my recollection that the incentives were that there's a little bit more density  
8 and less parking requirements if you bring in the architectural sort of perks, and so there  
9 was some sort of counterbalance that you could do more things if you were willing to  
10 sort of bring it up to the architectural standards. That's my recollection. But the other  
11 thing is I think we had something that, or I'd like to see that if we didn't, is a chart that  
12 shows what the current Code allows and what the overlay allows so that we can, you  
13 know, instead of just being handed, you know, okay here's the Code without really  
14 having, you know, I think we did something like that, just sort of a chart that showed  
15 what the densities were allowed, what the parking requirements were and how they  
16 differed so if you could bring that forward. I hope I'm not asking you to recreate  
17 something more.

18 MR. PRICE: I surely hope we did do it, it'd make it a lot easier on us. But if not  
19 then we will do it.

20 MS. CAIRNS: I think you did though.

21 MR. PRICE: You wouldn't happen to have a copy of that, would you?

22 MS. CAIRNS: I wouldn't go that far.

1 MR. PRICE: Yeah. We can look into that. And so, I mean, you just kind of want  
2 a little comparison of the –

3 MS. CAIRNS: It helps when we're, you know, cause I do think that there was  
4 some sort of like incentive, it wasn't financial incentive but it was density incentive and  
5 less parking requirements. My recollection was that there was less parking  
6 requirements by bringing in the increased architectural detailing.

7 MS. MCDANIEL: I have one last comment before we take a vote.

8 VICE-CHAIRMAN GILCHRIST: I mean, weren't these plans developed in  
9 conjunction with the neighborhoods? I mean, didn't they have input on it whether  
10 there's a, it took a long time to get to these standards and what it tells me is that the  
11 neighborhood had input on it but now they aren't applying them. I mean, maybe it's new  
12 people coming in who aren't going to apply them, but it just seems odd that a  
13 neighborhood asked for it, now no one in the neighborhood –

14 MS. CAIRNS: Well, that's not quite right. I mean, [inaudible] is the residential  
15 areas behind Decker Boulevard.

16 MS. MCDANIEL: Um-hum (affirmative).

17 MS. CAIRNS: But the requirements apply to the commercial district on Decker  
18 Boulevard. So, I mean, the neighborhood doesn't control Decker Boulevard.

19 MS. MCDANIEL: So it wasn't, the people of Decker Boulevard weren't they part  
20 of that conversation too?

21 MS. CAIRNS: Yeah, but I think so was the neighborhood. I mean, I think the  
22 neighborhood –

23 MS. LINDER: But there is a neighborhood.

1 [Inaudible discussion]

2 MS. LINDER: There's a large area on the map that has been allowed to apply  
3 for the district, the overlay standards, including residential.

4 MS. CAIRNS: The real key is that core corridor.

5 MR. VAN DINE: Yeah, and the other thing is I, some of the business people  
6 within that area were part of the discussion, but there was no, there was no effort done  
7 to include all of the business people within the area, all of the owners, and frankly some  
8 of them didn't even know that it was being done, so, the business owners themselves.  
9 It was more directed at the neighborhoods, the residential behind as to what they  
10 wanted to see for the area to turn into. And so, you know, I'm not suggesting that we,  
11 that they were wrong in what they did but I think we all need to know, especially since,  
12 what has this been, three or four years ago since that happened and we put those out  
13 there prior to our wonderful economy taking a tank.

14 MS. CAIRNS: No, I think this was all, the economy was tanking while we were  
15 doing this. It was not pre-tank.

16 MR. VAN DINE: But it certainly was not into the height of the tank.

17 MS. CAIRNS: It wasn't that long ago that we did these. I mean, I don't think it  
18 was four years. It might be three, but I mean, we were in pretty heavy duty tank in '08.

19 MR. MANNING: We were tankless. [laughter]

20 MS. CAIRNS: Oh, we were tanking. Cause I remember some of that discussion  
21 as a part of passing this was, you know, how are we possibly gonna do this in the  
22 economy and that's probably why it was optional I think.

23 MR. PRICE: I think there was still hope during that time.

1 MS. CAIRNS: Well, there's still hope.

2 MR. PRICE: Okay.

3 MS. CAIRNS: I have to have hope.

4 VICE-CHAIRMAN GILCHRIST: Any additional discussion on this? All in favor of  
5 voting to defer this until we receive additional information raise your hand? All opposed?

6 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Gilchrist, Manning, Van Dine, Brown;*  
7 *Absent: Palmer]*

8 MR. VAN DINE: I would like to see that at the next meeting so that we don't  
9 unnecessarily draw it out in case they –

10 VICE-CHAIRMAN GILCHRIST: Okay. Other business?

11 MS. LINDER: There is nothing.

12 VICE-CHAIRMAN GILCHRIST: No other business?

13 MS. HAYNES: Just on training, on the 28<sup>th</sup> for three hours, here in Chambers at  
14 11:00.

15 VICE-CHAIRMAN GILCHRIST: Mr. Manning has a question.

16 MR. MANNING: What, what has transpired on the heirs property issue that we  
17 had last month?

18 MS. LINDER: The ordinance that was based on the Berkeley County ordinance  
19 to allow for subdivision of land to immediate family members and heirs, that is going for  
20 second reading at the next Council meeting. And there was one, there was an  
21 amendment to include a hold harmless agreement in it.

1 MR. PRICE: I'm sorry, if I may correct, it's going for third reading, but she's  
2 correct that they, the one change to it was that they, they will require a hold harmless  
3 agreement.

4 MR. MANNING: Nothing with road right-of-way?

5 MS. LINDER: No.

6 MR. BROWN: Mr. Chairman, our next meeting is the 5<sup>th</sup> of December, is that  
7 correct?

8 VICE-CHAIRMAN GILCHRIST: That is correct. Yes. Anything else? Need a  
9 motion to adjourn.

10 MR. VAN DINE: So moved.

11 MR. MANNING: Second.

12

13

*[Meeting Adjourned at 2:15pm]*