LANCASTER COUNTY
PLANNING COMMISSION
REGULAR MEETING
MARCH 15, 2016
MINUTES

Members Present: Charles Deese, Vedia Hatfield, Jerry Holt, Sheila Hinson, David Freeman, Tommy Dabney, Jim Barnett.

Others Present: Penelope Karagounis, Planning Director; Elaine Boone, Planner II; Andy Rowe, Planner I; Nick Cauthen, Planner I; Judy Barrineau, Clerk to Commission; Steve Willis; County Administrator; John Weaver, County Attorney; Kershaw Mayor Pro Tem, Eddie Coates; Interim Kershaw Town Administrator, Mitch Lucas; Representative Mandy Powers Norrell; Chris Nunnery, Public Safety Director; Trish Hinson, E-911 Addresser.

Others Absent – Alex Moore, Planner II.

The following press were notified of the meeting by mail or by fax in accordance with the Freedom of Information Act: Lancaster News, York Observer, Kershaw News Era, The Rock Hill Herald, Fort Mill Times, Cable News 2, WRHM Radio, and the local Government Channel.

Approval of the Agenda
Jim Barnett made a motion to amend the agenda by hearing application RZ-016-003 first; Sheila Hinson seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Jerry Holt – I submitted a notice to all of the Planning Commission members that tonight I planned to make a motion to rescind a vote on a application that we had last month.

Charles Deese – That would be out of order Mr. Holt because it is not on the agenda.

Jerry Holt – I believe that I do have the right to make the motion to rescind even though it's not on the agenda.

Charles Deese – I will ask our attorney to make that decision.

John Weaver – I was provided with a copy of Mr. Holt's notice of the motion. Under Robert's Rules of Order, in order to present a motion to rescind with notice; it must be given prior to the agenda being published. If you will notice, will be valid for next meeting but it will not be valid for this meeting. In addition to that, the SC Freedom of Information Law as exists today, requires that any change to the agenda made within 24 hours of the agenda being published, must be denied unless there is an additional 24

hours provided for that item being added. So, I will concur with the Chairman's opinion that the particular motion is out of order but it will be appropriate for the next meeting.

Jerry Holt – Is there any particular action that I need to take now to ensure that it is on next months agenda?

Charles Deese – Yes sir, there is a procedure that you follow to get it on the agenda and I would prefer you do it in writing to me through staff and to the person that puts the agenda together. I won't accept an email it has to be a hard copy.

Jerry Holt – We don't accept email notices from anybody?

Charles Deese – I don't normally for something like this.

Jerry Holt – Ok.

Citizens Comments:

Gary Holland – 8728 Collins Road, Indian Land SC. I believe you have copies of my comments and also on page 2 is a requested Heelsplitter note for the preliminary plans. I would like to focus my time on Ordinance #650 Ansley Park and Ordinance #963 Carolina Heelsplitter Overlay District. At the preliminary plan approval neither one of these documents were provided to you; nor was a copy of a November 16, 2015 letter from Forestar Group. The information contained in these three documents was vital to you making an informed decision about encroachment into the Heelsplitter protected buffer. I think this fact alone is grounds for you to vote to rescind the prior approval of this subdivision. Ordinance #963 and Section 2.1.5 were created to help protect the natural habitat of the Carolina Heelsplitter and maintain the existing populations located in Lancaster County. Before the commission approves any encroachment within the 200 feet, this ordinance in my opinion should be read and understood. The letter from Forestar's attorney is relevant to your decision because it speaks to intent. Their position is stated as "Should the County refuse this request to eliminate the Heelsplitter reference and decide to enforce the Heelsplitter mitigation credit requirements, upon the project the developer feels it has sufficient legal grounds to challenge such action." Ordinance #650 has an important section related to the walking trail that should have been considered prior to your approval. Section 2 reads: "Area along Six Mile Creek may be utilized by the County for a greenway trail if desired." Before your vote I spoke with Mr. Pridemore and since your approval I have spoken with Ms. Morgan Wolf, Biologist with US Fish & Wildlife Service. What I have learned was the developer does not desire this trail. Ordinance #963 does not desire it, the US Fish & Wildlife Service does not desire it; and for sure the Carolina Heelsplitter does not desire it. So why does Planning Commission desire it? Is it because a Pre-Heelsplitter outdated master plan suggested it run along the creek? Also of importance to this decision is State Law. Were you aware that SC Code 6-29-1540 grants state protection of the Carolina Heelsplitter? The plans which you approved do not contain the Heelsplitter controlling ordinance number and reference. I have here plans from another approved PDD along Six Mile Creek that have such

references clearly documented. By adding this reference to Ansley Park you will accomplish four things: 1) Define the position of Lancaster County, 2) Help avoid future litigation, 3) Be consistent, 4) Alert out of state developers that there is something special about this site. There is much more to learn from these missing documents, therefore please rescind this approval and consider all the facts before taking this application up again. Thank you Mr. Chairman and members of the commission.

Jan Mercer – 9061 Henry Harris Road, Indian Land SC. I am a little concerned about Ansley Park and what is going on. Reading the minutes from the February 16th meeting I saw where commissioners remarked that "surely Lancaster County would not let them build a house in a flood plain." Would it effect your decision to know that Lancaster County has and does allow houses to be built in the flood plain and it appears they will allow some of these homes to be built in the flood plain at Ansley Park as well? These homes will probably be required to purchase flood insurance by a bank or lending institution to obtain a loan. However, we all know how hard it is to get flood insurance when you are in a flood plain and it is new construction. Since you know that Lancaster County will allow these homes to be built in the flood plain; do you think there should be a requirement to build the homes up and plan for the flood plain? What about the extremely small distance between the houses as far as drainage is concerned? We have already seen what happens in the new development off of Collins Road where we have runoff going into that creek and causing a problem. I know homes in Black Horse Run also run along this same creek and their main floor was underwater during Hugo. We don't want that to happen again. We've got a problem coming off of Henry Harris onto Marvin Road already. We should ask them to build a bridge. There was a bridge in the original PDD that was mentioned or in the County Ordinance. Build a bridge to go out to Highway 521; if you are going to have that many rooftops, let those people drive out that way. I might take advantage because I'm pretty much beside them. It is hard to get out on there. I want to ask if the payments that were mentioned in Ordinance #1378 Section 4.02, have they been paid. Upon submission of appropriate documentation expenditure; developer agrees to reimburse the County no later than December 31, 2015. Were the County's reasonable unreimbursed actual costs related to the agreement pursuant to Section 10 of the Ordinance #663? Just thinking that maybe if it has not, then we might want to look at getting that money from them and maybe we could build a bridge. I appreciate your time and I appreciate you considering and suggesting that this bridge be built and consider the Heelsplitter as well.

Wanda Rosa – 86614 Arrington Road, Indian Land SC. – When you discussed and voted on this preliminary plan approval, I'm not sure you were provided all the materials and information you needed to do an efficient job. I'm not sure that you have a written description of the purpose of conducting a plan review. By reading Ordinance #650 Ansley Park – PDD 21 Section 8 states: The County shall have and exercise all powers to enforce the provisions of this ordinance as it applies to the property. I believe that says authority has been granted to this commission to ensure the preliminary plan details conform to the regulations and details of the adopted ordinance. I think in order for you to do a professional plan review you needed two pieces of information; the preliminary plan and the ordinance, in this case Ordinance #650. If wouldn't be possible for you to

do your job properly if one of those were missing from the discussion in comparison. I would ask if you had a copy of the plan prior to your approval or a copy of Ordinance #650; if you answered no to any one of those questions then I think you should vote to cancel that approval and ask for a copy of the ordinance and start over. When per our FOIA request, we checked the materials in your packet from February 16th and there was not a copy of that ordinance and it was not available online. I believe County Council expects you to compare the plan with the ordinance before approving the subdivision because from here it goes to Planning and then on to construction. Please reconsider your decision, thank you.

Richard Dole – 3056 Drummond Avenue, Indian Land SC. My comments are regarding the Planning Commission referencing the Ansley Park preliminary plans. In the future you are going to be asked to consider a motion to rescind. I would like to make a comment related to any action that you decide on that request. It has to do with the statements that were printed in the agenda for October 26, 2015, authored and sponsored by the County Attorney, Mr. Weaver. The summary was presented to you on November 17th and the basic term stated by the staff and applicant on February 16th and I quote: "The developer by agreement following negotiations of the County Attorney has pledged $1,000 per house for public safety needs and an additional $500.00 per house for Lancaster County School District. The developer is to be commended for his....(unable to hear due to papers being scuffled) and future growth in Lancaster County in as much as the prior contributions in 2005 were only $600.00 per house. The recommendation by the county attorney was to approve. It's not my intention to second guess negotiations of the county attorney. I think by this time we all know that this was the prior contributions to 2005 was much more than $600.00 per house. In that it had a yearly tax revenue stream as well. What I want to focus on is the fact that Mr. Weaver said he negotiated this new development agreement. I believe that he has had a professional involvement in the original negotiations and he expressed gratitude toward the developer for his generosity to the point of saying he should be commended. I think all of this speaks to in a manner of speaking; a possible conflict of interest or lack of impartiality in rendering a legal opinion on any proceedings in this case. Therefore, I'm requesting that Mr. Weaver consider recusing himself in these proceedings due to a possible conflict of interest or lack of impartiality. Thank you.

Waylon Wilson – 15117 Legend Oaks Court, Indian Land SC. I want you to refer to state code that states that a special purpose district or a PDD should be a unified site. PDD-21 has three separate owners since Cambridge Homes did not purchase any other property that comprised PDD-21. Therefore it is unclear who the master developer should be for this PDD as defined in Ordinance #650. Actually it could be anyone of the three parcel owners provided proper documentation is in evidence. I suggest the Planning Commission should request an amendment for Ordinance #650 to establish the identity of the master developer; provided all property owners agree by signature to this action. Then the County can rely on one owner to be accountable to fulfill all PDD requirements unless development rights are transferred to others. I would also suggest that Ordinance #650 be amended to fully instate the establishment of a special tax district of $75.00 per home per year for the entire PDD since that is what was attached to the

original PDD Ordinance #650. Also remember that in this particular PDD ordinance the County Administrator seems to be the point person to whom amendments should be submitted. That hasn't been done in the past. There is also evidence that McNair Law Firm and Mr. Mike Ey in particular has for many years crafted items that the county has enacted that were not in the best interest of the county when viewed against benefits to developers. I would strongly suggest that the Planning Commission advise County Council and our administrator to sever any relationship with McNair and have third party reviews of any items that they have had a hand in developing. Thank you.

Approval of Minutes
No minutes to approve.

Chairman's Report
No report.

Director's Report
For the month of March we have four Development Review Committee cases. One case was heard on Tuesday, March 08, 2016 for a new business called Little Wonders Academy. On Tuesday, March 22, 2106 we have three Development Review cases. They are concerning two outparcels in the Cross Creek shopping center and one outparcel in the Food Lion shopping center up in Indian Land. We continue to work on the drafts of the chapters of the Unified Development Ordinance rewrite. We are having our scheduled focus groups tomorrow and Thursday. We will continue to have discussions with all of you with both the workshops and after the meeting this evening as well. My entire staff and I would like to thank everyone for taking the time and especially coming the last couple of Fridays to work on the UDO rewrite. The entire staff also wishes everyone a Happy Easter as well.

RZ-016-003 – Rezoning application of Kevin Robinson to rezone a ± 1.14 acre tract from R-15 (Kershaw), Residential District, to B-1, Central Business District. The applicant proposes to build a Dentist Office on the property.
Andy Rowe – Presented the report.

David Freeman made a motion to approve and Tommy Dabney seconded the motion.

Sheila Hinson – Do I need to recuse myself?

Charles Deese – I was just getting ready to ask you if you wanted to recuse yourself since you work for Southern Properties.

Sheila Hinson – That is correct.

Heather Knight – I am with Southern Properties Realty and we represent Kevin Robinson as the seller of the gym in Kershaw and someone else is representing the buyer. It is our responsibility for the buyer to have it rezoned. We are doing that for Mr. Robinson tonight. Thank you.

Charles Deese – At this time I do have a motion and a second.

David Freeman made a motion to approve and Tommy Dabney seconded the motion.

VOTE: 6 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

RNC-016-001 – Road Name Change Application – Blackmon Street/Kershaw
Andy Rowe – Presented the report.

Eddie Coates – My address is 213 W. Stevens Drive, Kershaw SC 29067. When I was at the meeting last month I was under the impression that Blackmon Street was going to remain Blackmon Street. I was surprised to see it back on the agenda. I spoke with several people who were in attendance for that meeting and they also thought after a lengthy discussion and the interpretation of the Heritage Act that Blackmon Street would remain Blackmon Street. In my job I travel about two thirds of South Carolina and I have asked numerous people in other counties if they have to do this and there is not another county that has to do this. I'm just wondering why Lancaster County is. I appreciate it and thank you so much.

Mitch Lucas – 205 W. Stevens Drive, Kershaw SC. I am the Interim Town Administrator. May I approach the members of the commission to give you information regarding the Historical Act?

Penelope Karagounis – You can give it to the secretary and she will pass it out.

Mitch Lucas – What you see before you is the South Carolina Historical Act. The mayor Mark Dorman was unable to attend today. We understand that our Town Council is aware that the County is relying on wording from SC Code 23-47-60 (C) Part II which was enacted over 25 years ago in 1991 when 911 systems were being implemented. The section of this state code states that local government upon approval of implementation of 911 systems shall standardize addressing within its area accordance to service supply or procedures. Existing duplicate street names must be changed as necessary by the local government to ensure efficiency of emergency response systems. We are certainly aware by the town that this is a safety issue. When it comes to Blackmon Street we feel like that it is a historical street. If you read that code it basically says streets can be codes. We received a letter from Steve Willis the County Administrator which says your understanding that streets were not part of the historical fact. So in closing, again the town maintains that the Heritage Act of 2000 is clear and that the Planning Commission does not have the authority to rename roads and bridges named for historical figures or events. We also maintain that to do so is not in the interest of public safety. If it were presumably the County would have made these changes in 1991 when standardized addressing law it now quotes was enacted. Thank you.

Mandy Powers Norrell – 305 South Market Street, Lancaster SC. First I want to thank you all for your service, what you do is truly a thankless job. You get the jobs that nobody else wants to do and I want you to know that I recognize that and what you do is

essential to the smooth operation of our county. The Town of Kershaw was very pleased at your last meeting when you voted 6-1 not to rename Blackmon Street and has Mayor Pro Tem Coates stated they were surprised to see it back on the agenda. I just want to talk to you a little bit about the Heritage Act. The Heritage Act was enacted in 2000 and I've had extensive experience with the Heritage Act and the acts of the legislature this past summer. It basically says that a local government does not have the authority to rename any monuments, roads, or bridges that are named for historic figure or event. That doesn't mean that they can never be renamed. That act says that the authority to rename them is taken from the local government and given to the South Carolina General Assembly. The act is very, very, specific and the language is very clear that no local government can circumvent that statute. This applies to Blackmon Street, and to Clark Street, it applies to any street that is named for an historic person or event. In fact the South Carolina Attorney General's Office issued a formal opinion on that matter just last year regarding a monument that Greenwood sought to change. In that opinion the South Carolina Attorney General's Office quoted the Heritage Act and they said and I quote "In order to make changes to the monument proposed the provisions of the Heritage Act would have to be followed." This means that such changes could not be without amendment to the Heritage Act and that requires a two thirds vote of the South Carolina General Assembly. So with all respect ladies and gentlemen that's truly the end of the story. These road names can be changed but they can't be changed by a local government. They can only be changed by a vote of the General Assembly or a vote of the General Assembly to do away with the Heritage Act. But they cannot be changed by a local government that can only be done by the General Assembly. Since my buzzer hasn't gone off yet, regarding safety, we know that the County has relied on a statute enacted in 1991 that says "upon approval for implementation of a 911 system a local government may change duplicate street names as necessary. That gives discretionary language in 1991 and says "upon approval of the 911 system" which was done in 1991. I was in High School when my road name in front of my house was changed to Flat Creek Road. So just note that the language under which this proposal is presented to you, talks about the approval of the 911 system which happened over two decades ago. I would submit to you that we would disagree; that changing the name of a road so that fewer responders are dispatched is ever in the interest of safety. If you are talking about safety, you are talking about more responders being dispatched and not fewer. I do recognize that this affects liability of the County but if you are talking about safety, dispatching fewer responders doesn't make sense. But even if it would make us safer we have a vehicle to change the names of the road and that is through a vote of the South Carolina General Assembly. Simply put, the County just doesn't have the legal authority to change the name of a road that is named for a historic person or event. Thank you.

Rick Coates – 121 Blackmon Street, Kershaw SC 29067. I thank you for letting me speak here today, it is my third time and I appreciate everything this board does. I haven't seen the documents but I'm sure there around somewhere. Mr. Blackmon donated the land for our elementary school. The land on First Baptist Church was donated by Mr. Blackmon and we feel strongly about this. I hope we can all work it out. We are not Donald Trump.

Terry Clyburn – 842 Baxley Pond Road, Kershaw SC 29067. I am here again to challenge the renaming of Blackmon Street in Kershaw South Carolina. My wife Pam and I own the property at 120 Blackmon Street in Kershaw where my daughter and three grandchildren live. I'm also here on behalf of my 97 year old mother who resides at 136 Blackmon Street and has lived there for 52 years. I speak again with thanks. You have listened to us two other times and we have appreciated that very much so. We ask that you listen one more time. After hearing some of my fellow speakers I almost wanted to just get up here and say amen and let it go at that. But I will get to the point of the idea of the law which states that safety is an issue and I know that is the reason and I applaud again for the third time, I applaud that. The interests of the citizens of the county are fore front in our officials eyes; I just still challenge the necessity of renaming Blackmon Street. The presence of my three grandchildren and my 97 year old mother that live on that street; if I have concerns about their safety, I would come to you and demand that you change the name of that street. I don't have that concern. The presence of our town officials at the last meeting and this meeting is the same thing. If they had a concern about the safety of the citizens on that street, they would be the first ones to say we need to make a change. That is not what you are hearing. The other idea is, you are placed in that difficult position that you've been told; you've got two laws and you are trying to decide which one is right. I don't know that they pay you all to do that. I think you heard that they don't. You continually are placed between a rock and a hard place. We hope that this being our third try will be the last time that we have to put you in that position of a rock and a hard place. I do not see safety as an issue for the residents of Blackmon Street. I think the Heritage Act is very specific in what it says can and cannot be done and who can and can not do it. So I ask that you allow us to retain the name Blackmon Street because of its historical significance to the Town of Kershaw. Thank you.

David Freeman made a motion to deny the road name change of Blackmon Street and Jerry Holt seconded the motion.

David Freeman – The way this is interpreted to us through the County Administrator and from our attorney is when "deemed necessary the road name be changed". Who deems it necessary should be the folks just like the gentleman said; that live there on the road. If they are having a problem you call the County Administrator and we will address it. We are the only county in South Carolina that I know of that is going through this. I have figured up the time by looking at the minutes of the time we have wasted. We spent 3 hours at the other meeting for a road name change that folks didn't want. No matter how prepared you get folks, when the good Lord calls you home you are going home; whether it be hit by a truck or a fire truck is late. My grandma died in the hospital and I thought we should sue the hospital; guess what it was just time for Nanny to go home. It doesn't take but four councilmen to raise their hand and say we don't need to do this folks and we can stop it. That is what it is going to take. I'm just telling you, one man don't have the authority to deem it necessary to go all over the county. Look at all the time and money we are wasting; all of us sitting here right now and wasting time, it's ridiculous. If it saves one life that is fine, just like I told Ms. Vedia. It's not about that because if you look and I've thought long and hard about saving one life; you can't put a value on life.

When they send folks to space they prepare for years. They dot their I's and cross their T's. They check and double check. When they sent the Challenger up and it blowed up and those people met their maker; the good Lord called them home. No matter how well prepared you get and whether you do this for prevention or that for prevention; when it's your time to go it's your time to go. I haven't heard any complaints about response time from Fire or EMS. I'm hearing we are not getting funding to them. We've got business that we are neglecting folks that need to be addressed. We are wasting our time because of poor leadership, mismanagement, and misappropriation of funds. Look how much it costs us for all of this to go on; when folks don't want it. We have the power to change it and I'm telling you folks to talk to your councilman; 4 councilmen can stop this. We've got bigger and better things that we need to be spending time and money on.

Sheila Hinson – I agree.

Charles Deese – We have a motion and a second to deny the road name change.

David Freeman made a motion to deny the road name change of Blackmon Street and Jerry Holt seconded the motion.

VOTE: 6 AFFIRMATIVE 1 NEGATIVE MOTION CARRIED

The one negative vote came from Charles Deese.

Penelope Karagounis – Mr. Chairman before Mr. Rowe begins, just to remind everyone, the applicant is basically 911 Addressing Coordinator from the Public Safety Communications office. So the process is if you have any questions, they are here tonight and they are the applicant. So, after Mr. Rowe presents the application then the applicant is supposed to come and listen to them and then it goes into Public Hearing. After we close out the Public Hearing then the applicant is the last person to speak.

RNC-016-007 – Road Name Change Application – Clark Lane/Lancaster
Andy Rowe – Presented the report.

David Freeman made a motion to approve with the road name change of Destiny Lane and Vedia Hatfield seconded the motion.

VOTE: 4 AFFIRMATIVE 3 NEGATIVE MOTION CARRIED

The three negative votes came from Sheila Hinson, Jerry Holt, David Freeman.

RNC-016-008 – Road Name Change Application – Clark Street/Heath Springs
Andy Rowe – Presented the report.

Tommy Dabney made a motion to approve with the road name change of Troop Circle Lane as requested by property owner and Jim Barnett seconded the motion.

VOTE: 5 AFFIRMATIVE 2 NEGATIVE MOTION CARRIED

The two negative votes came from Jerry Holt and David Freeman.

RNC-016-009 – Road Name Change Application – Clark Street/Kershaw
Nick Cauthen – Presented the report.

Lentz Morton – 206 Clark Street, Kershaw SC. I have lived at this address for almost 50 years. I would love to see the name of this street remain Clark Street but if you can't I would suggest that you add "ton" and make it Clarkton Street. Thank you.

Willie Belle Lucas – 203 Clark Street, Kershaw SC. Clark was a historic figure for Kershaw; if you will google on your computer Clark Street South Carolina you will find Kershaw Rock Hill, Pageland, etc. Lancaster does not show having a Clark Street nor Heath Springs. Lancaster shows a Clark Place with approximately 15 or so houses, also there is a Clark Lane; all these are in the Camp Creek area. If you are trying to blame this on 911 calls then there is no need for an address change. The majority of people now do not have landline phones, most people use cell phones. Therefore, it is not going to show where you are or what you need. It is going to show the nearest tower that you are at. Has anyone taken into consideration what all an address change consists of? I have about 30 places I would have to change addresses. This is hard on the older people that live on that street. I have lived on that road for fifty plus years and I've lived on two addresses on Clark Street. One of them was 104 Clark Street and now I live on 203 Clark Street. I would appreciate it if ya'll would reconsider and leave our street name the way it stands. Thank you.

Carolyn Phillips – 205 Clark Street, Kershaw SC. This November I will have lived on Clark Street for 50 years. I know you have said it is a safety problem but we have had to call an ambulance several times and they've never had problems finding us. Out of the thirteen homes I believe was stated that received letters; I know all of those but three or four are seniors. Can you imagine what we will have to go through to change all of our information, just consider that? I said amen to what Mr. Freeman said earlier, I believe there is a better way than changing our street name after 50 years. Thank you.

Mitch Lucas – 205 W. Stevens Drive, Kershaw SC. One of the things that were mentioned was that the name change Bluebird Way and Redbird Lane denoted by the Town of Kershaw; that name change was never approved by the Town Council, never approved by the Town Council. Which it should have been. Again I will reemphasize that Clark is part of the Heritage Act and therefore it is clear that Planning Commission doesn't have the authority to rename roads or bridges. Therefore the County does not have the authority and neither does the Town of Kershaw have the authority if it is deemed a historical figure which Clark was. Thank you very much for your time.

Mandy Powers Norrell – 305 S. Market Street, Lancaster SC. I'm basically going to say to you the same things that I said when I spoke to you about Blackmon Street. I can tell you one thing when you take up South Street next, I won't be speaking to you. South is

not a name of a historic person or event that I know of. If I'm wrong then I may come back and speak to you about Mr. South later. I believe it's a direction and I believe that is what it was named for. Clark is certainly a name and a name of a founder of Kershaw. As you know and has been presented to you and you have in front of you the plain language of South Carolina Code 10.1.165 which is the Heritage Act. It was enacted in the year 2000. The law under which you are asked to change the names was enacted in 1991. I've heard it said you have an issue of which law do we choose. It's not just up in the air. It's very clear under the rules of construction in law regarding which one rules. If you have two laws that appear to be in conflict with each other the law that is more specific wins out and the law that is more recent wins out. The Heritage Act is much more recent than the 1991 Standardized 911 Addressing Act and it is also quite more specific. The 1991 Standardized Addressing Act says that you have the ability upon the approval of a 911 system which was done two decades ago; you have the ability to change duplicate road names as necessary. That leaves broad discretion for you to determine how necessary it is. Nine years after that the General Assembly came back together and said you know what, when it comes to historic people, historic events, monuments or roads cannot be changed by a local government. They can only be changed by an act of the General Assembly. That really just takes it out of your hands and makes your job a lot easier. It makes you not say well is it a good idea, is it not a good idea. Do we consider how it affects the people on the street, do we not? You just say it's not in our lane. We can't do it because the Heritage Act is very clear. It's much more clear than the Standardized Addressing Act of 1991 and it was enacted after the Standardized Addressing Act of 1991. I hate to spend so many words telling you something that can be summed up in a sentence and simply put; the County just doesn't have the legal authority to change the name of a road name for a historic person. Thank you.

Chris Nunnery – Lancaster County Public Safety Director – I whole heartedly agree with most everything I hear. But I will tell you when you take bits and pieces of documentation and bits and pieces of stories then you can portray them by whatever means you like. If you read the true Heritage Act, the entire Act not the bottom half of it, then you see the intent of what was driven. If we had a George Washington Avenue then that's clearly defined – George Washington. If we have a Martin Luther King Blvd. that would clearly be defined. A Clark Street is just significant and people live on Clark Street, but what Clark were they referencing? Then we get back to the 1991 law that says you have the ability to change the road names for duplicate road names. There is a clear duplication of road names all over the County. The mind set of being reactive instead of proactive; I am against because I've spent 25 years putting people in body bags. So I'm in the reactive mode of trying to be proactive in the name sake of why we are fixing this. I don't want anybody to have the opportunity to come and say if we would have done this maybe somebody else would have made it or not made it. It has been an issue. I can attest to that because I was there. We have understood all along through the workshops we had with Planning Commission and workshops with the Town of Kershaw, Heath Springs, and the City of Lancaster; we went through numerous attempts to let everybody know what is going on and the reasons why. As my directive as a staff member; all I can do is bring you the truths and the truth is, here is the multiple Blackmon's, here is the

multiple Clark's, and here is the multiple hundred and whatever list of names we have. That is the truth of the matter. I by no means and Mandy graduated in 1991 I think from school; want to argue with her and Mr. Weaver as an attorney. All I can tell you is simple minded as I am, read the law and here is what it says; the entire law. The documentation that we were provided for Blackmon Street as referenced to why it made it an historical event or figure made it historical to the Town of Kershaw but reference to the whole law, significance of the law. It wasn't to us applicable to that. Has this been tested or played out in the court of law and a determination been appealed from there, no? So you are on true virgin ground of how this plays out in the courts. But us as staff, we have identified the issue, we know there is an issue, ya'll know there is an issue; as staff we have done all we can do to bring it to you and say here is the best options you have. You are the Planning Commission and at that point you have assumed the liability. At that point it's up to you to vote it down or for it; all we can do is provide you the best options. In 1991 when 911 was activated, most every call you had was a landline call. If you can afford a wireless call, it's probably going to cost you a couple dollars a minute to talk on it because people didn't have cell phones. Today I will tell you Lancaster County's true numbers are 82% of our call volume is cell phone based. We are adapting and we changing and we are progressing as a County to move our information technology forward to provide a better service. We've leveraged every means that we could leverage to try to minimize the impact and maximize the efforts of road names, GIS, you name it. That is what staff's direction has been and will continue to be for the cost saving effects for the County. All we can do is bring them before you. It is nothing personal, we've had staff members who have had to go through the same process due to a road name change. We truly understand that and we are compassionate for it. We try to assist as much as we can by notification from our office to all the different entities. At the end of the day it is what it is, those are your duplicate names and it's up to you to make those decisions. It is up to you to push that forward up or down and at that point our liability is done. Thank you.

David Freeman – I'm commending 911, ya'll are awesome. Steve Willis has done a good job and has a public safety background; he was fireman, police chief, that is how his mind is geared. I'm a businessman and I'm sitting here looking and when something is not broke don't fix it. When I go to Charleston and see my son at the Citadel, they have East Montague, West Montague. If you go to Atlanta you'll see how many roads that have Peach in them. There is no other County around doing what we are doing. We are addressing it, if we deem necessary the citizens will call and say we need help. That is deeming it necessary and it's not because the County Administrator says identify this problem and you say we have a lot of road names that sound alike; let's fix it. Look at the cost involved and the time involved and the folks that show up that are fighting this. I'm not against 911 and I'm not against Steve Willis. I am for getting this County geared up and using your head and let's worry about some issues up here that are serious. Our school issue and this growth issue; we have a short-fall fund and can't even fund you guys but we are giving you more work to do. I don't care if the road is historic. If there hasn't been a problem there and someone called and asked for their road to be changed, then it shouldn't be changed. I understand about the cell phone deal but I've had the police come to my rental places several times and they come right to the trailer and find

them. No matter how prepared we are and you can be proactive and I'm going to be reactive; maybe the fire truck got there on time and maybe if they had been ten minutes early they could have saved them.....maybe, maybe, maybe. I'm dealing with the facts and the facts are we are wasting a bunch of money and we should address the roads that we are building now. Why are we in Kershaw and Heath Springs? Those folks don't want to be bothered. Call your councilman folks.

Jim Barnett – I think we were given this task and this task isn't about schools and roads and all the other stuff you are talking about, it's the issue we have before us. This gentleman wouldn't have been here if it wasn't an issue.

Jerry Holt made a motion to deny the application for the road name change and Sheila Hinson seconded the motion.

Sheila Hinson – All these other Clark Streets have been changed in Heath Springs and Clark Lane in Lancaster so why can't we leave it has it is? They got elderly people living on that street and it's hard for them to make these changes. I think that would only leave one road named Clark Street.

Charles Deese – I would like to make a comment but I won't do it as chairman. I'll do it as a member of the commission from District 3. I would like for somebody to explain to me just what constitutes a monumental street name. I know of a Stack's Road and I don't even know a Stack's that ever lived there. I know a Deese's Street and I don't even live on it. What designates historical in a road name? What road name is designated historical by whom? Is all Blackmon Streets historical?

Mitch Lucas – Well Blackmon Street in Kershaw South Carolina is historical.

Charles Deese – Designated how?

Mitch Lucas – The gentleman that helped found our community, his house was at the end of Blackmon Street.

Charles Deese – I've been told that before.

Mitch Lucas – He was one of those that actually helped make sure that Kershaw was a truck driving community until Springs Industries left. Another example is Welch Street that I used to live on.

Charles Deese – Let's stay on Blackmon Street.

Mitch Lucas – You said historical things.

Charles Deese – Who designated Mr. Blackmon as a historical person?

Mitch Lucas – The citizens of Kershaw.

Charles Deese – That is on record with the State somewhere?

Mitch Lucas – Yes sir.

Charles Deese – That answers my question, thank you. I have a motion and a second to deny the application.

Jerry Holt made a motion to deny the application for the road name change and Sheila Hinson seconded the motion.

VOTE: 4 AFFIRMATIVE 3 NEGATIVE MOTION CARRIED

The three negative votes came from Vedia Hatfield, Jim Barnett, and Charles Deese.

RNC-016-010 Road Name Change Application – South Street/Kershaw
Nick Cauthen – Presented the report.

Steve Willis – 522 Briarwood Road, Lancaster SC. I am speaking as County Administrator and one thing I just want to make sure ya'll understand is the folks back there, the 911 staff, they are acting at my direction. The question come up about why are we being proactive, reactive, whatever. I generally don't like to get into this because it was pretty painful when it happened. Several years ago on Ruth Street and I don't know if it was named after Babe Ruth the lady from the bible or whatever. It could be historic. The initial call came in and the house is on fire. The person is trapped inside and they are in a wheelchair and can't get out. The initial call was on a cell phone said the person was screaming "Help me out". The fire department was dispatched, wrong Ruth Street. The person ended up not making it. That is what brought this on. As Chris Nunnery indicated it was not a problem in the old days when everybody had a landline. With cell phones if you are on for about 30 seconds we could maybe get a cell tower but if it's just help somebody is on fire on Ruth Street and hang up, you are out of luck. That is what triggered this whole process. I understand that the legislature has their role and ya'll have your role. Main thing I'm trying to look out for and have these folks too; look out for the citizens because at some point in the future if we don't make changes and I hope it never happens, inevitably it will. Something is going to happen again; maybe law enforcement response is delayed while someone is breaking in, medical response delayed with EMS, whatever. When that happens, the public, media, everybody is going to be up screaming in arms and pointing fingers that somebody must be held accountable. When that does, all these people will put their head on the pillow at night because we've done what we could. The other thing that concerns me as the administrator being responsible for those folks is when somebody is screaming we've got to hang somebody because this happened; my folks have a get out of jail free card. I just simply wanted to give you some background why all this started in the first place.

David Freeman – No disrespect to you because I understand your background with fire and police; I admire Trish and those folks for the work they do. I simply think that if we

fix all this inevitably you will still have tragedies. It's not going to fix it man. As bad as we want to have it and make sure it never happens again; we can change these road names and inevitably it still happens.

Vedia Hatfield – That lady would have been alive if they had been there. I was there and heard the screams.

David Freeman – I understand totally. Do you see every other county in South Carolina doing this?

Brief discussion among board members.

Tommy Dabney made a motion to approve with the road name change of Hamel Street and Sheila Hinson seconded the motion.

VOTE: 6 AFFIRMATIVE 1 NEGATIVE MOTION CARRIED

The one negative vote came from David Freeman.

Penelope Karagounis – If I may before we go into new business I just have a question since I took Ms. Hinson in the back during the rezoning application since she recused herself. Do I need to state something on the record? I know the motion moved on. I was just curious.

John Weaver – It is not necessary.

New Business:
Penelope Karagounis – Thank you sir. The New Business is basically that time of year again where people who have not had their 3 hours of continuing education. Mr. Freeman is the only one who has Orientation Part I & II to complete. Everybody else on the Planning Commission has a year basically to do complete the 3 hours. This schedule is from the Catawba Regional Council of Governments for times and dates to complete the 3 hour class. I have not heard anything from the Association of Counties as to another webinar in May which is usually here. I will probably find out something from them later but just wanted everyone to know that if you needed the orientation there is one coming up on March 31st and the second one on April 21st. There are some other dates listed as well. I will get back to you as well regarding the May class. If there is not one we will probably plan something for the fall. If you want to go to Rock Hill the first one will be on May 5th. Please let Judy Barrineau make those appointments.

Old Business: Kara Drane/Discussion of UDO Chapters
It's good to see you all. What you have in the binders tonight includes a Table of Contents, Chapter 2 Use Table and Description of the Districts which you've seen. You also have Chapter 4 Overlay Districts and if you look at the very first page of Chapter 4 there is a table and that shows you the Overlay Districts. I don't plan to go through every

chapter that you have in detail because most of the chapters you have we have already done that. I realize Mr. Freeman and Mr. Holt have not since they were not able to attend every meeting due to a conflict. Penelope and I are available if Mr. Holt and Mr. Freeman need to meet with us and look at some of the things that you have missed and some of the discussion we had. You will note for the Overlay Districts we have it separated out by environmental overlays, corridor overlays, and character protection overlays. These are your overlays that you have today and it is the language that is brought forward from your current ordinance. You will note that you do not have the historic overlay that you have in your current ordinance. The reason why are the properties that were noted in that overlay are actually now reflected as a base district which is called open space. Also your current code that had that overlay, there were no regulations with it and it actually just identified them as historic properties. At this time there is not a need to have an overlay district for those properties because they are noted on the base map as open space. We may have some uses that are indicated on the use table under that category that we need to look at and see if we need to revise. That is why you do not see that overlay noted in this chapter. You will also see the Carolina Thread Trail overlay, that is a new overlay. Currently Penelope has been using the master plan that was adopted by Lancaster County. All this will do is really put into place what she is currently doing but she is doing it with technically no regulations in place. She is doing it because the County has adopted the plan. So by having this overlay that shows where those greenway corridors are, then when development comes forward she will be able to say well according to our Carolina Thread Trail Overlay District we would like for you to provide....

Penelope Karagounis – Basically the County in 2011 adopted the Carolina Thread Trail master plan and we've been very successful with developer's and their property falls on that Carolina Thread Trail plan and when they come through the preliminary plan process or even a Development Agreement process with some of those cluster subdivisions; there was some dedication of 100 foot easements that were along the flood plain for a natural surface trail. We've been fortunate enough but I think it's very important that we have it in our code that states that there is an overlay district. So if they are coming to develop property they know up front by looking to see what type of overlay is on their property. One of the overlays is the Carolina Thread Trail. There are others like the Carolina Heelsplitters or the river buffer.

Kara Drane – The other thing to note is that the Highway Corridor Overlay, there is an addition to what your current language currently shows and that falls on page 424 and 425. If you look on page 424 number 4, it says drive thru facilities. What this language does is if a business along the corridor that fronts Highway 160 or 521 along those overlays; if they would like to put their drive thru on the front of their parcel, that there are some stipulations that go into place to keep it more aesthetically pleasing which is what the intent of the overlay is.

Penelope Karagounis – The current highway corridor overlay doesn't really state anything so the way we've been interpreting because it doesn't state anything, it's not allowed to do a drive thru in the front setback. Because we are rewriting the Unified

Development Ordinance, we had reached out to Kenneth Cauthen and also all my planning staff to see what are some changes that we need to omit and that was one of the issues that has been coming up with certain projects that want to do a drive thru along Highway 521. The Redstone development that is going in, there was one outparcel that I believe a proposed Starbuck's is going in; they were actually able to put it on the side of the building. In the future if there is someone on Highway 521 that for topographical reasons or the design of the building and they can't do the side and need to come in the front, let's allow it but there is going to have to be either a wall so it won't show on Highway 521 or 160. Have some type of screening with the buffer that is there.

Jerry Holt – Can you help me find something on here? I'm looking on page 4-14. In section D where it talks about exceptions and nonconforming situations; throughout this it refers to standards of this subsection and then in parenthesis's seven and then I see that same thing, subsection 7 two other times in that paragraph. I don't see a subsection 7 anywhere.

Kara Drane – Yes we noted that and there is a magic subsection 7 evidently. But no I'm still reviewing that because that is one of the things that Penelope and I noted.

Penelope Karagounis – That is probably where Kara forgot to gray it out because you will notice there are certain gray sections that are referring to the current code that we have. A lot of these overlays we are copying from the existing UDO like the Aviation Corridor. We called the airport commission and we asked them does anything need to be changed and they said no. There are aspects of the current code that are not bad. For instance like this highway corridor, there were references that are talking about the current code. Well we don't have 13 chapters with this new proposed. We are going back and Kara just forgot to gray it out.

Kara Drane – We will identify what subsection 7 is and it will be noted in this overlay.

Jerry Holt – I thought since I wasn't here for the last two sessions on this that I just didn't understand.

Kara Drane – It's also noted like 15 times. It keeps saying subsection 7. We will make sure that we have that corrected for you.

Charles Deese – Let's go back to this drive thru facility. Alex and I talked about this earlier and my concern with it was and I don't have a problem with the drive thru but I didn't want to see like a Hardee's or a McDonald's where you've got four parking places so when you pull up to the drive thru they say can you pull up there and park and we will bring it out. My concern was and what I wish was and I hope we can do it, is to eliminate any parking in those drive thru's.

Penelope Karagounis – I don't think and I'll talk with Alex but I think there is no intention of having parking in the front setback.

Charles Deese – There is no mention of not having it either. Everyone has been to McDonald's and they didn't have the order ready and they say pull up and park there and we'll bring it out to you and eventually there will be 3 or 4 cars parked there. Some of those employees started using those parking places and eventually you wind up with automobiles parked.

Kara Drane – It does say no parking in the front setback right? I thought it did say that. Mr. Deese what I thought you were referring to is people parking in the drive thru area.

Penelope Karagounis – The diagram shows no parking.

Kara Drane – That is a good point and we will go back and double check that also. One of the things I'll mention is we had the discussion about the Catawba River Overlay and the Lynches River Overlay. We've also talked about a hazardous gas line or hazardous materials regarding the railroad and those type things. There has been some discussion about having that as a setback and not as an overlay. That is why you don't see it here. You will probably see that in another component of the code for your review the next time. The other item you have is the Use Definitions which is five and I know we've talked about this chapter a lot and there are still a few areas that I know we still have work to revise in it. But one of the things that was discussed was that you have items that are hazardous materials that the emergency management has mentioned about having some way of keeping those uses separate from other industrial uses. On the Use Table that you have I believe it is noted on there, it says Heavy Industrial Restricted, and what that indicates are materials that would be explosive type materials. If someone wanted to come in and propose a Heavy Industrial Use for that, there would be stipulations that would go with that and it would be a process. I know that the next time that you have a workshop you will have the remaining chapters. We are getting very close on the other chapters as well as these revisions also. The comments have been going out to the public. Andy and Nick have been sending those out today. This is a big process when you have 60 different comments from different folks. That is being done now. We have the two day workshop set up for the community if you want to mention those dates Penelope.

Penelope Karagounis – I did earlier during the Director's report. Are you talking about the focus groups?

Kara Drane – I'm talking about the two day community open house.

Penelope Karagounis – The community meetings will be held on Tuesday, March 29th at the Historic Courthouse from 1:00 – 8:00pm. That way people who are working can come by and view the hard maps or they can use the computer and plug in their address to see what their current zoning is and what we are proposing and ask questions. There will also be chapters there if they have any comments about the UDO chapters. The next day on Wednesday, March 30th will be at the historic courthouse again from 9:00am to 4:00pm. This is just extra opportunities for the public to have their voice heard and let us listen to their comments, make notes, and go back and do any revisions before the Planning Commission meeting in April and then to County Council in May.

Tommy Dabney – Asking question regarding livestock and do we currently have in UDO now. (Unable to hear complete question)

Kara Drane – In your current code there are some stipulations about that but I didn't bring that with me tonight.

Tommy Dabney – It states 100 feet from any perennial stream. Is that saying that the cows can't get in the streams?

Penelope Karagounis – Isn't that something from the engineer, he was talking about as well?

Kara Drane – He did bring that up.

Tommy Dabney – This is new.

Kara Drane – If something is existing today of course, it's legal nonconforming, nobody would have to change anything.

Tommy Dabney – If you clear cut land and put in a pasture, then that's new?

Kara Drane – That would new. We probably need to go back and check that and that way I can tell you specifically what is different there.

Jerry Holt – What he just described though would not change a use of the zone if it were agricultural before and he clear cuts it. That didn't change the use.

Penelope Karagounis – We need to find out if the animal production in the current UDO has conditions. If those conditions are substantially different from what we are proposing; we need to compare that. I think that is what Kara would like to do, go back and compare what we currently have as a condition for animal production. We will double check that.

Kara Drane – I want to be mindful of your time so if you have any questions I will be glad to answer.

Charles Deese – Thank you young lady and appreciate your time and effort.

Penelope Karagounis – Now that you have those chapters, please if you find anything that you have a question or concern about, send us an email or give us a call. We would prefer to have something in writing for our files.

Kara Drane – So part of what we will hear next week from the engineer that is working with the county on the storm water ordinance will include information about language regarding if it's MS-4 regulations that come into play with storm water ordinance. So

part of that is going to be determined by what area is covered under that permit; it could be that if there is language that needs to stay in there; that mainly be only for the area that is currently under the MS-4 permit. That may be a possibility which would be in the urbanized area and not in the rural areas which would impact most of the areas that have farming and rural agricultural land.

Penelope Karagounis – Just being a Charlotte native and everything, I remember all the farms off of 51 and they moved to Indian Land. Now ten years ago all those farmers that were in Indian Land are in Kershaw.

Charles Deese – The Planning Workshop will remain as is, on the first Thursday night of April which is April 7th at 5:00pm.

Penelope Karagounis – Ms. Judy Barrineau will remind everyone of the meeting.

Charles Deese – The regular meeting which is normally on the third Tuesday night is being moved to the fourth Tuesday night which is the 26th of April. We need that extra week to finish this UDO.

Penelope Karagounis – Right now we don't have any cases, no road name changes, no rezoning cases, other than the Ansley Park that you were going to send to Mr. Deese. That will be on the agenda.

Jerry Holt – I won't be here on the 26th.

Penelope Karagounis – We need an extra week for the UDO advertisement and make sure we have everything ready. We have some tight deadlines. The reason for the move for April 26th was for the Unified Development Ordinance.

Jerry Holt – The problem with pushing back this issue with Ansley Park is that any motion to reconsider something that the developer thinks they have gotten approval on, should be done on a timely basis.

Charles Deese – Let's say you are that developer and we decide not to call you and let you know that this is going to happen; he is not aware of any of this stuff. He should be informed so that he can be sitting out there listening to it, don't you think?

Jerry Holt – I don't have a problem with you saying no you can't do it tonight. That is not my issue. I'm saying that given that I accept your ruling and the attorney's ruling on this; it should be a timely follow up. Which means it should be held at the next meeting and not two months from now. I don't know what other kinds of things they before them that they may want to say we've got to put everything on hold.

Penelope Karagounis – Why don't we do this since this is a new item with Ansley Park that was brought to our attention tonight and actually last night; let's go ahead and have the regular meeting on April 19th. We need another special planning commission for the

UDO because we have tight deadlines. I was trying to save everyone from two trips. Since this is a new item that has been brought forth tonight and from last night; that is the only way; County Council has instructed me that they are not going to do special meetings for this UDO. They are going to follow the schedule on how it is planned in May and June. I need to have this special meeting with you.

David Freeman – Will the developer be notified about the proposal to rescind?

Charles Deese – The agenda is advertised.

David Freeman – I didn't know if this guy knows Jerry has come up with this.

Penelope Karagounis – Since the attorney is not here, let's go ahead and have the workshop on April 7th. We will still have the regular meeting on April 19th but I need to ask if we could have a special meeting for the UDO. It is all pending whether the document is ready for you to review and vote on. We are still working diligently. We have those focus groups and the community review meetings; maybe we are not going to be ready. The intent is to have the whole document and we have to do a 30 day ad for the UDO adoption going from a recommendation with Planning Commission. That is why we wanted that extra week so we can advertise and be here on April 26th. I need to have everyone here as a whole since you represent your district.

Charles Deese – I would like to see all seven people sit down with these two ladies. We need to be ready when we have our public hearing.

Brief discussion among board members regarding a date they have available for a special UDO meeting.

Penelope Karagounis – Let me just get back with you. The regular meeting at this point would only be Ansley Park. There is nothing else on our agenda. Let me discuss with Mr. Weaver.

Charles Deese – State law says that I can call a special meeting.

Penelope Karagounis – Mr. Holt needs to provide Mr. Deese from my understanding a letter stating that Ansley Park needs to be on the agenda.

Charles Deese – He has that ready.

Penelope Karagounis – So we will have our regular meeting on April 19, 2016 but Mr. Holt can't make April 26th for the UDO.

Jerry Holt – I have another important meeting that I have to attend that day.

Penelope Karagounis – We will get back to you.

Jerry Holt made a motion to adjourn and Sheila Hinson seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Respectfully Submitted,

Charles Deese
Chairman

Penelope G. Karagounis
Planning Director