

**Planning Commission Meeting Minutes
December 16, 2021 @ 5:30 PM
City Hall Council Chambers**

Board Members Present: Dr. Phillip Stone, Mr. Reed Cunningham, Ms. Lakesha Whitner, Mr. Jemar Brown, Mr. Warrick Spencer. Mr. Mike Epps and Mr. Jared Wilson were absent. City Staff Present: Martin Livingston, Community Development Director; Nan Zhou, City Planner I; Tia Keitt, City Planner II; and Julie Roland, Admin Assistant.

Roll Call

Dr. Stone said all right, it is 5:32, so I will call this meeting of the planning commission to order. My name is Phillip Stone. I'm the chair of the planning commission, and I will preside over these proceedings this Thursday, December 16th, 2021. Please note that notice of this meeting was posted and provided to the media 24 hours in advance as required by the Freedom of Information Act.

Dr. Stone: Let the record reflect that five members of the commission are here, two are absent. Therefore, we have a quorum present and we are able to proceed with the business board before the body. I'm going to ask each commissioner to say their name for the record. And I'll start with Mr. Spencer.

Mr. Spencer: Warwick Spencer.

Mr. Cunningham: Reed Cunningham, commissioner.

Dr. Stone: Phillip Stone.

Ms. Whitner: Lakesha Whitner.

Mr. Brown: Jamar Brown.

The first item will be the approval of this evening's meeting Agenda for December 16, 2021

The Agenda was moved by Mr. Spencer, seconded by Mr. Cunningham to approve the agenda for the December 16, 2021 meeting. The motion was approved by a vote of 5 to 0.

Disposition of the Minutes of the November 18th, 2021 Meeting

Mr. Spencer moved the November 18th, 2021 meeting minutes and seconded by Ms. Whitner. The motion was approved by a vote of 5-0.

Old Business

None

New Business:

The Planning Commission has received a zoning map amendment and annexation request regarding the property located at 1425 Union Street (TMS # 7-17-10-026.00); This piece of land consists two parts. The smaller part (TMS # 7-17-10-026.01) is already in the City and zoned as I-1 (Light Industrial). The applicant is requesting annexation for the property located at 1425 Union Street (TMS # 7-17-10-026.00) to the City and requests a zoning designation of I-1 (Light Industrial) consistent with the adjacent property in order to build and develop an express car wash. Landowner: Arthur State Bank; Applicant: GWH Carwash Land Holding LLC.

Ms. Zhou, City Planner I came forward and was sworn. Mr. Livingston submitted the Meeting Packets the Commission received previously via email. Tonight's presentation and slides into Evidence as Exhibit A.

Ms. Zhou said the project site is an approximately 99,139 square foot lot located at 1425 Union Street with Union Street to the west boundary, and rail line to the east of the property. The piece of land consists of two parts. The smaller part to the left of the project site is already in the City and zoned as I-1 (Light Industrial). The applicant is requesting annexation for the project site into the City and requests a zoning designation of I-1 (Light Industrial) consistent with the adjacent property in order to build and develop an express car wash.

This project site is currently in the County's jurisdiction. The proposed project site zoning designation is consistent with the light industrial uses to the north. The properties to the south and to the west of the project site are zoned as B-3 (General Business). The small piece of the parcel that is adjacent to the proposed project site is currently zoned as I-1 (Light Industrial).

Union Street contains a mixture of residential uses and numerous homes converted into offices or businesses, creating a patchwork of land uses and zoning classifications along the corridor. Pine and Union Streets run parallel on either side of a Southern Rail Line track to a point south of the city limits. Quality, stable, single-family neighborhoods are adjacent to the corridor. Homes, commercial businesses and light industrial operations are interspersed. For the area between Pine and Union Streets, Forest Avenue serves as a division line. To the south, the area between Pine Street and Old Glendale Road is established as a General Activity Center. Between Old Glendale Road and Union Street, the corridor is classified as Industrial Compatible. The area south of Park Avenue is designated as Industrial Compatible between Pine Street and the rail line. To the west of the rail line is a General Activity Center classification. The street pattern and terrain between the two roads does not effectively support industrial development; however, those types of activities are most consistent with existing uses and the rail line. Industrial uses also place less traffic on the small streets present in the area than would commercial development.

The applicant, GWH Carwash Land Holding, LLC would like to annex the project site to the City and obtain a zone designation of I-1 (Light Industrial) in order to build and develop an express car wash facility that is consistent with the future land use map and recommendations.

Required Findings

Historically, the City of Spartanburg has required rezoning applications and annexation request to meet certain criteria and the Planning Commission must take the following findings of reasonable conformance in order to recommend a change of zoning.

Staff offers the following analysis relating to each of these required findings:

Analysis of Required Findings

The Zoning Ordinance enables Council to change the Zoning Ordinance or Map following public notice and hearing. The Planning Commission reviews and recommends action on proposed zoning changes at its regularly scheduled meetings. The following comments are based on established criteria:

- 1. Consistency (or lack thereof) with the Comprehensive Plan** – The 2004 Comprehensive Plan Future Land Use Map has the adjacent parcel listed as Industrial Compatible between the Pine Street and rail line. The subject parcel is listed as not in the City on the map. The Future Land Use map and the Comprehensive Plan are consistent in its determination on the future use of the adjacent property for Light Industrial uses. Thus, the proposed use for this parcel can be interpreted to be consistent with the Comprehensive Plan and the Future Land Use Map.
- 2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood** – The present characters of the adjacent properties to the north of the project site are light industrial uses in nature. The proposed zoning designation will be conforming to the light industrial uses between Union Street and Rail Trail and is consistent with the industrial characters of the proposed site's adjacent properties to the north. In the City Zoning Ordinance, car wash facility cannot be within 100 ft of residentially zoned properties. The linear footage between the project site and nearby Ashbury Ct. R-8 single family zoning district is approximately 375 ft. This is the nearest residentially zoned area.

I-1 (Light Industrial) districts are intended for industrial uses, which are not offensive to nearby commercial or residential uses, and for business uses which generally support and are integrated with these industrial uses. Further development of residence is prohibited from these districts to prevent residences from being established under strongly adverse conditions and to conserve the supply of industrial land. Such industrial light uses are generally not objectionable because of noise, heavy truck traffic, or fumes, or generate nuisances which may be ameliorated adequately by performance standards. These uses include boat works, building material sales or storage yard, bulk materials or machinery storage, carpet and rug cleaning plants, contractor's offices and equipment storage yards, dry cleaning and laundry plants, dyeing plants, extermination shops, food processing and packing plants, fuel oil, ice, coal and wood sales, furniture refinishing shops, lumberyards, manufacturing, including the production, processing, cleaning, testing, and

distribution of materials, goods, foodstuffs, and products in plants with less than 200,000 square foot of floor area.

3. **Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment** – If the zone change is granted, the proposed use would require a Site Plan review process prior to any construction and commencement of use. This process allows City staff to provide feedback on the proposal site plan, ensuring that all site requirements are met (setbacks, landscaping and buffering, parking, etc.).
4. **Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment**– The marketability of the property would likely increase with the zoning change for the proposed use of car wash facility development. The proposed zoning change will allow for commercial uses, office/institutional uses, and residential uses.
5. **Availability of sewer, water and storm water facilities generally suitable and adequate for the proposed use** – Both water and sanitary sewer services are available to this site. The site will be reviewed by City staff during the Site Plan review process including, Planning, Building, Water, Streets and Stormwater, for compliance with applicable regulations.

Staff Analysis & Recommendation

According to Section I Adoption and Interpretation of the City Of Spartanburg Zoning Ordinance, § 105 Purpose, “The purpose of the zoning ordinance is to implement the land use element of the comprehensive plan for those purposes set forth in S.C. Code § 6-29-710.” This S.C. Code section states that the “Zoning ordinance must be for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare” of properties inside the City Limits.

One of the reasons for the Comprehensive Plan and City Zoning Ordinance is to have zoning classifications that allow certain uses in conjunction with adjacent properties that may be considered “less intense” uses. For this reason, the purpose is to protect the less intense uses from adverse impacts on their property with regard, but not limited to, noise and/or light pollution, traffic congestion, and any other adverse impact that a higher intense use could cause on a surrounding less intense use.

Based on the above findings, staff recommends the proposed project site be annexed to the City and obtained zoning designation of I-1, Light Industrial Use to develop an express car wash.

Written Public Comments

Notices were sent to property owners within a 400 ft. radius of subject properties. 25 Notices were sent regular mail and 2 were mailed certified mail. A community meeting was held

on Wednesday, December 8, 2021 at 5:30 PM at the City Council Chamber to discuss the annexation and zoning designation request, comments, and concerns.

Future Process

Under State law, if the Planning Commission recommends approval of this application, staff will schedule the matter for another public hearing and First Reading of Ordinance by City Council on Monday, January 10, 2022. If the matter receives first reading approval, it will then go before the City Council for a Second and Final Reading on Monday January 24, 2022. The public hearings will be publicly noticed.

If the Planning Commission recommends against the application, the negative recommendation will be forwarded to the City Council. In this case, a public hearing before the City Council will be conducted only if the applicant submits a written request within a two week period following the Planning Commission's action.

On December 16, 2021, the Planning Commission may act to support or oppose the application, with or without changes to the proposal. The Commission could also continue the matter if additional information, testimony or dialogue is deemed necessary.

Ms. Zhou said attachments are application, the case photos, zoning map and the site map. And here is the PowerPoint. As I mentioned, today's topic is annexation and zoning designation request for 1425 Union Street site. Okay, the planning informational meeting is Wednesday, December 8th, and today is for the planning commission meeting. And then the first and the second reading time.

Ms. Zhou: This is the five criteria that I just mentioned before in the staff report that the planning commission board member needs to consider. This map is the Future Land Use Map and the project site is here. To the left and to the right is deemed as a general active center in the 2004 Comprehensive Plan and its Future Land Use Map. This is the traffic counts provided by South Carolina Department of Transportation. Union Street is a very busy street. And the traffic count approximately near the project site here is 17,800. Here is the site. If you look at it from the Google Maps, and here you can see a CVS and a couple of other commercial businesses along the street. This is the current zoning map. As you can see, to the north of the project site is all zoned as I1, light industrial. To the west and to the east of this corridor is commercial. This is the sitemap from Tax Assessor's website. The site currently is vacant. These are the pictures taken from the project site. This is the front and the side. It's a relatively very large piece of land. This is the property across the road. There is a church and a CVS store across the street. This is also properties across the road. Conclusion and staff recommendation is based on the above findings. Staff recommends that the proposed property be annexed into the city and obtain a zoning designation of I1, light industrial, to accommodate the development of a car wash facility.

Dr. Stone: Did anybody write the staff and say... I mean, the 25 people that you sent notices to, did anybody send a comment?

Ms. Zhou said no. No one came.

Dr. Stone: Did anyone come to the public meeting?

Ms. Zhou: No.

Dr. Stone: No one came to attend the meeting?

Ms. Zhou: No.

Dr. Stone: Okay. Any other questions?

Mr. Livingston: one call.

Dr. Stone: One call?

Mr. Livingston came forward to speak and said we did get one call from a property across the street.

Dr. Stone: Okay.

Mr. Livingston: She just wanted to make sure she was not getting annexed into the City.

Whitney Bishop: That would be Alicia Park.

Ms. Whitner: Is that the dry cleaner or the CVS?

Mr. Livingston: It's a residential house.

Dr. Stone: Okay.

Mr. Bishop: Besides, that office building is being remodeled for a therapy office. It was an old house over there, across the street.

Dr. Stone: Thank you. Any other questions?

Mr. Cunningham: Sorry. Across Union?

Mr. Bishop: Across Union Street.

Dr. Stone: Any other questions?

Ms. Zhou: It's worth mentioning that right now we don't have the annexation agreement yet. The city attorney has allowed the applicant to sign the annexation agreement after second reading at city council meeting, if it is approved.

Dr. Stone: Yeah. This would be one of our 100% at the owner's request annexations, I'm assuming. Okay.

Ms. Whitner said Mr. Chairman.

Dr. Stone: Ms. Whitner?

Mr. Whitner: Yeah, Mr. Chairman. Just wondering, will this affect that smaller car wash down the street from there? That self-served? Will this be self-served, do you know, or...

Ms. Zhou: I think this is an express-car wash or automatic car wash.

Dr. Stone: We'll let the audience speak in a minute.

Ms. Whitner: Okay.

Dr. Stone: Just so you know, if you have questions, if one of those folks is the applicant, you can ask them that.

Ms. Whitner: Okay. Perfect. Thank you.

Dr. Stone: Any other questions for staff? Is the applicant here? Does the applicant wish to say anything to us? Come on up if you-

Ms. Zhou: The agent is here.

Dr. Stone: The agent. Fair enough.

Ms. Zhou: The applicant himself is not here.

Dr. Stone: Okay.

Mr. Bishop: Thank you, Ms. Zhou.

Mr. Brown: Thank you.

Dr. Stone: Thank you.

Ms. Zhou: Thank you.

Ms. Whitner: Great job.

Ms. Zhou: Thank you.

Mr. Cunningham: I think so too. Very adequately explained.

Dr. Stone: And I'm going to swear you in and ask you to state your name and swear to tell the truth. And you can take your mask off.

Mr. Bishop: I swear to tell the truth. Yes, sir.

Dr. Stone: Okay.

Mr. Bishop: My name is Whitney Bishop. I'm an attorney here in town. My client is GWH, Gerald Hall, and he has a couple of car washes here in our county, and we'd like to build another one on this project. But because of the way the larger portion of property is zoned, it's obviously not large enough to do the project, so we are asking that the city approve the larger piece be brought in and classified the same to the smaller piece. You asked a question, Ms. Whitner?

Ms. Whitner: Yes.

Mr. Bishop: This owner actually owns the one on Highway Nine. If you've been to Boiling Springs, you can see the Shine on Nine. This will be the exact construction of that project. I think it will be a great asset to this section of town, to the community. You had noted that there are two other car washes. One a little closer to town, kind of a self-served, I think. And then there's one near the laundromat, just on the other side of Pine, that is a new drive-in, I think. I'm happy to answer any questions if I have the answers. I brought actually two people that are a lot smarter than me today. One is the representative of Arthur State Bank, who actually owns the property, that's Mr. Keith Hughes. And then Andy Hayes is the realtor that represents my client. We have a mutual client.

Dr. Stone: I guess my question, this is more just for the record, I'm assuming that it's just easier to develop a property under one set of development standards. And since half of it... well, a portion of it is already in the city and you can't really get out, it's just easier to develop the property under one set of developed regulations.

Dr. Bishop: Well, because of the different classification, the project would not work. So, the city already has the smaller piece. We are simply asking the city to allow the bigger piece to be zoned in the same classification.

Mr. Cunningham: Tell me again the zoning of the larger piece.

Dr. Stone: It's actually un-zoned, I'm assuming.

Mr. Bishop: It's in the county.

Mr. Cunningham: It's in the county.

Dr. Stone: It's in the county. All right.

Mr. Cunningham: So, it is in the county currently.

Mr. Bishop: Correct.

Mr. Cunningham: And we don't have a specific zoning designation.

Mr. Bishop: That is correct.

Mr. Cunningham: Yeah. Okay.

Mr. Bishop: That's correct.

Ms. Whitner: Did I hear you (Ms. Zhou) correctly? 17,800 traffic vehicles? Is that what she said?

Mr. Bishop: That's what she (Ms. Zhou) said on Union Street. It's a busy street.

Mr. Cunningham: Pretty busy street.

Ms. Whitner: Yeah, it is.

Mr. Bishop: But yeah, we're asking the city to take us. Yeah.

Dr. Stone: We're usually really happy about that whenever you do that. This is not that hard. Any other questions for the applicant's agent?

Mr. Cunningham: Yeah. Tell me where the main entrance of this facility is going to be. Is it going to be on country club or is it going to be on Union?

Mr. Bishop: It's my understanding that it will be off of Union. And I've asked that question twice.

Mr. Cunningham: Okay. All right. I spend a lot of time in this area.

Mr. Bishop: As do I.

Mr. Cunningham: And the traffic going in towards town, on Union, that comes across that hill is congested and moves quite rapidly. So, that was the basis of my question as to whether... I wish the operators as well, and if there is a line to get into this car wash, if it's a tunnel type drive through facility, will there be room on the property to accommodate the cars in queue rather than leaving them on Union Street?

Mr. Bishop: I believe so. I have a sketch that is...I'd be happy to approach and let you view it, if you would like so.

Mr. Cunningham: Well, I mean-

Mr. Bishop: There is ample room to come off Union and to be in a stop position.

Mr. Cunningham: Okay.

Mr. Cunningham: And does this car wash concept have stalls that people will go into after or do they leave the property?

Mr. Bishop: That's one of the unique attributes of his car washes in that this car wash will actually have a place to exit and you can actually enter into a covered area. So, that is in the summertime, when you're vacuuming and trying to clean your tires off, you're not out in the blazing sun.

Ms. Whitner: So, it looks identical to the one in Boiling Springs, the same way in, and you exit that same... or will there be a different exit?

Mr. Bishop: It's the same way based on the drawing. And I have asked that question twice. So, I do believe it will be the entrance/exit on the same side.

Dr. Stone: And I would say some of these questions also. Mr. Livingston may be able to speak to this as well, but there'll be site plan review that would address any of those traffic flow concerns, correct? Okay. He's nodding yes. I'm sorry. I interrupted Mr. Cunningham.

Ms. Whitner: I'm sorry, Mr. Cunningham.

Mr. Cunningham: No, we must have a plethora of dirty cars because there are a lot of car washes.

Mr. Bishop: They seem to stay really busy.

Dr. Stone: Any other questions?

Mr. Cunningham: No, thank you for being here.

Mr. Bishop: Absolutely. I'll tell you, my client is in Texas watching his son graduate tomorrow morning from the Corps.

Dr. Stone: Excellent.

Mr. Bishop: And will be sent to Japan.

Dr. Stone: Oh, my.

Mr. Bishop: He's trying to spend a little bit of time with him, as you can imagine.

Dr. Stone: Yeah. Sure.

Ms. Whitner: Mr. Chairman, do we know if he'll hire local talent to help develop and possibly work there at this facility?

Mr. Bishop: Absolutely. Well, I don't want to speak for the development stage because there is a company that goes around the southeast and does develop these. I do know that his builder, the one in Boiling Springs and the one out on Highway 29 is a local builder.

Ms. Whitner: Okay. Hey Andy, good to see you.

Mr. Bishop: But I like the question, because I do understand the importance, as I believe my client does as well, to have an employment pool of local people.

Dr. Stone: Okay.

Mr. Cunningham: You mentioned Boiling Springs earlier. You just mentioned 29 is the same developer developing the one adjacent to the Texas Roadhouse?

Mr. Bishop: No, sir. My client is not that team of people.

Dr. Stone: Anything else?

Mr. Cunningham: I don't have anything.

Mr. Bishop: Thank you, sir.

Dr. Stone: All right. I'm going to declare a public hearing and anyone else who wishes to make public comment may come up and do so. Seeing nobody running to the podium. All right, then...

Mr. Hayes stood up.

Dr. Stone: Come on, come on. Come on.

Mr. Hayes: I'm Andy Hayes, with Spencer Hines property.

Dr. Stone: Yeah.

Mr. Hayes: Going forward, keep in mind the access that you were questioning, that's really not dictated by us. That's with SCDOT. We really won't have control over that. If you look at the other car washes, there's never a scenario where traffic backs up out into those lines. The traffic flow of those is designed in a way that it pours in through and gets out the main road. So, that won't be an issue here, but we won't have the ability to create more ingress and egress than the SCDOT required. That's what we've done.

Dr. Stone: Thank you. All right. I will then close the public hearing and open for board deliberation or any other questions for staff or anything, anyone needs to... Any information anyone needs before we proceed to vote?

Ms. Whitner: I just want to ask Martin, Mr. Chairman.

Dr. Stone called up Mr. Livingston and Mr. Livingston came forward to the podium.

Ms. Whitner: Mr. Livingston, the person that brought in or you spoke with, she said nothing about traffic. She was only concerned about annexing, am I correct?

Mr. Livingston: The annexation.

Ms. Whitner: She wasn't concerned at all about traffic study or anything else?

Mr. Livingston: No.

Ms. Whitner: Okay.

Mr. Livingston: The annexation.

Dr. Stone: Yeah. People probably get those letters, and... Are you taking me in? I think we've all seen that before.

Ms. Whitner: Is she adjacent? Is she right here across from that CVS?

Mr. Livingston: No, I think she's a little further down.

Ms. Whitner: Okay.

Mr. Livingston: She's right across the street.

Mr. Cunningham: That's CVS.

Mr. Livingston: Is that a CVS?

Ms. Whitner: Yes. There's a CVS.

Dr. Stone: Is the CVS actually not in the city?

Ms. Whitner: I thought it was.

Mr. Cunningham: I think it is.

Dr. Stone: Well, is that?

Mr. Cunningham: It's right behind the CVS is where the city line location is.

Dr. Stone: Because there's a piece of property across from this that is not in the city, but then you're going down and things are B1 in the city on both sides of the street. He's pointing where she is.

Mr. Livingston: She's not in the city.

Ms. Whitner: She's not in the city.

Mr. Livingston pointed out the location of CVS.

Mr. Cunningham: Yeah. The purple is the CVS, I believe.

Dr. Stone: That's what I was wondering.

Mr. Cunningham: And that adjacent in CVS is not in the city. Correct?

Dr. Stone: Which is too bad. Maybe we'll get them in eventually.

Ms. Whitner: That's all the questions I had.

Dr. Stone: All right. Any other questions for staff?

Mr. Cunningham: None.

Dr. Stone: None. So, I will start us off and simply say I see no reason to oppose this. It brings a property into the city that wants to be into the city, adds a business property in the city at the I1, it makes sense because that's what's conforming to areas around it. The zoning map, in fact, Mr. Livingston might even say, "This is probably one of the better-looking areas as far as we have our residential further away, we have business properties right on the two arterial streets, and an industrial property in the middle, backing up on the railroad tracks. It's like somebody knew what they were doing when they zoned all of this." Union street is certainly a mixture of uses, but I see no reason to not approve this for annexation and recommend it for an I1 zoning.

Mr. Cunningham: Is that a motion?

Dr. Stone: Yeah. I mean, I usually start us off with something, but anybody else?

Mr. Cunningham: I mean, we approve the application. True.

Ms. Whitner: Second.

Phillip Stone: All right. Mr. Cunningham moves, Ms. Whitner seconds the motion to approve the application. All in favor of approval and recommendation to city council say aye.

Group: Aye.

Phillip Stone: Any opposed? So, by a vote of five to nothing, the motion is approved, and we are recommending city council annex the property and assign it a zoning classification of I1. And that will go to city council in the new year. All right. And thanks to Ms. Zhou for a good presentation.

Ms. Whitner: Thank you.

Dr. Stone: Site and landscape plans approved since, there are none approved since November 18th. So, do we have any city council updates?

Mr. Cunningham: I have a question concerning two projects that went to council and then were removed from the agenda. One is, I think, it's the Calvary Baptist Church. And then the other one was the apartment development just off of Union, the rail trail. Any update on those?

Mr. Livingston: The Calvary Baptist Church, I think there was some discussions about the property and the owner pull the request from the council agenda, and wanted to wait and see what they would do later on. So, that's my understanding.

Mr. Cunningham: So, that is not an active project.

Mr. Livingston: No. It's not an active project. The other project located on Union Street is actually coming back before this body in January.

Dr. Stone: Back to us?

Mr. Livingston: Yes.

Dr. Stone: Okay.

Mr. Livingston: For a revised request.

Dr. Stone: Okay.

Mr. Livingston: We're expecting three applications for January.

Dr. Stone: Everybody, don't plan a party too early on the third Thursday in January. We might be here a while. You're nodding. I sat through a lot of last week's hard meetings. I'm very sorry.

Mr. Livingston: It's okay. Thank you.

Dr. Stone: Any other council updates, anything related to city council or other staff announcements or comprehensive plan or anything else?

Mr. Livingston: On the staff announcement, comprehensive plans, we should be submitting comments to the TPUDC, the consultants, by next week. The staff will be submitting our comments to them. And hopefully we'll have then an implementation schedule in January for review. Hopefully we can share that with the planning commission members so that you see a draft copy of that. Hopefully, we can share it with the public as well.

Mr. Spencer: Were you pleased with the additional community output... input?

Mr. Livingston: Yes, I was. We were pleased with the comments received from the public and the information that we're provided. We're hoping to have some more continued comments and

we're working on updating our website to receive any additional comments after the comprehensive plan is approved. So, in the committee, we can make a recommendation in writing to the staff. They can then present it to the planning commission. So, we're hoping to change the website.

Mr. Spencer: Thank you for that.

Mr. Livingston: we started working on that.

Mr. Spencer: Yeah.

Mr. Cunningham: Good article.

Dr. Stone: Yeah. I'm going to spend some time with that over the weekend, I hope, after I turn in grades.

Mr. Livingston: One other item in terms of staff announcements, the planning commission had requested the city attorney be present for this meeting. He was scheduled to attend but had to run off for another court hearing on an item related to the city business, but hopes to be with us January 20th, the third meeting in January to answer the question about liability and responsibility. I think there are some questions about that. He provided that the city protects boards from lawsuit. He will provide the information on that as well.

Mr. Cunningham: Prior to that, I would like to get Julie to contact... I'd have to go back and look at my notes, but the gentleman that taught the course in Greenville. Jeff, maybe?

Dr. Stone: Shacker?

Mr. Cunningham: Yes, yeah. Exactly. You're younger. You have a better memory. And basically get his presentation. He offered, I think, to send it out or his copy of his slides and that... because somewhere I have lost my notes that I took related to the steps necessary for the city council to confirm so that your legal, the liability issues, what can be discussed, that sort of thing. And he had some watch-outs and concerns from individual liability. It would be helpful if we had his notes and we could discuss with the city attorney.

Mr. Spencer: All of which I think is consistent with what the city attorney had indicated he would be sharing with us, but in that same day.

Mr. Cunningham: Yeah, just in case that the attorney disagrees with the layman, why not have both sides?

Mr. Livingston: We will do that.

Mr. Cunningham: I appreciate it. Thank you.

Dr. Stone: Is there any other business to come before the body?

Mr. Brown: I'm just curious to know. Ms. Kerns, being that she no longer wants her property to be deemed commercial, does that mean she will no longer bring it up at city council, challenge the neighbor or is that going to be case closed type situation?

Mr. Livingston: Okay. So, she can still move forward with the request if she chose to.

Dr. Stone: Yeah. Since we didn't reject it or approve it, she can still bring a request back to this body for LOD if she wants to.

Mr. Livingston: That's correct.

Mr. Cunningham: I ride by that property more frequently now than I used to, just to...

Dr. Stone: Just to see?

Mr. Cunningham: Just to see what the state of the fencing is.

Dr. Stone: I know that has been an issue... Without saying anything on the record, I know that's been an issue that has occupied some staff time in the past year or so. Any other business before the body? And if not, I will enter a motion for adjournment.


Mr. Spencer: I move that we adjourn.

Mr. Cunningham: Second.

Dr. Stone: It's moved and second that we adjourn. All in favor say aye.

Group: Aye.

There being no further business the meeting adjourned at 7:00 P.M.


Chair