

ORIGINAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Roger M. Young, Circuit Court Judge
R. Markley Dennis, Jr. Circuit Court Judge

Case No. 2010-CP-10-2695

The Town of Hollywood, Appellant-Respondent,

v.

William Floyd a/k/a Jeff Floyd, Troy Readan and
Edward McCracken a/k/a Eddie McCracken, Respondents-Appellants.

SUPPLEMENTAL RECORD ON APPEAL

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In The Matter Of:
Town of Hollywood, Planning and Zoning Commission
June 14, 2007 Meeting

COPY

Tape Transcription
October 19, 2009

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JUNE 14, 2007

TOWN OF HOLLYWOOD PLANNING AND ZONING COMMISSION

Tape Transcription of Minutes of Meeting

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1 COMM. SALTERS: The Planning and Zoning
2 meeting will now come to order. May we have the
3 rollcall, please?

4 UNKNOWN SPEAKER: Commissioner Salters.

5 COMM. SALTERS: Here.

6 UNKNOWN SPEAKER: Commissioner James
7 Taylor.

8 COMM. TAYLOR: Here.

9 UNKNOWN SPEAKER: Commissioner Black.

10 COMM. BLACK: Here.

11 UNKNOWN SPEAKER: Commissioner Robert
12 Heyward.

13 COMM. HEYWARD: Here.

14 UNKNOWN SPEAKER: Commissioner Harley.

15 COMM. HARLEY: Here.

16 UNKNOWN SPEAKER: Commissioner
17 Prioleau.

18 COMM. PRIOLEAU: Here.

19 UNKNOWN SPEAKER: Commissioner Wolf.

20 COMM. WOLF: Here.

21 COMM. SALTERS: Okay, thank you.

22 Commissioner Harley, would you lead us in a word of
23 prayer?

24 COMM. HARLEY: I'm not.

25 COMM. SALTERS: Pardon me?

1 COMM. HARLEY: I'm not.

2 COMM. SALTERS: Oh, okay. All right.

3 Mr. Heyward, would you lead us in a word of prayer?

4 COMM. HEYWARD: (Inaudible.)

5 BY ALL: Amen.

6 COMM. SALTERS: The Pledge of
7 Allegiance to the Flag.

8 BY ALL: (Pledge recited.)

9 COMM. SALTERS: The minutes of the May
10 10th meeting was sent in your package.

11 Commissioners, have you had a chance to review
12 those minutes, so we can get a motion?

13 COMM.: (Inaudible.)

14 COMM. SALTERS: Okay. The minutes have
15 been properly moved and seconded that we accept
16 them as written. Thank you very much.

17 New Business.

18 Case 1: Request for rezoning from RA,
19 Rural Agriculture, to R-1, Residential 1.
20 Applicant, Jeffrey Redden and Eddie McCracken.
21 Address, Lot 3, Bryan Road. TMS Number
22 248-00-00-093. Acres, 13.28. Are the applicants
23 present? Would you like to address the Commission?

24 MR. TROY REEDY: We propose to take
25 this 13.27 acres and divide it into 17

1 three-quarter-acre lots. But from what we were
2 told from DHEC, we probably couldn't get 17 lots.
3 We could probably only get 15 lots. We talked to
4 CPW, and we're able to get City water. (Inaudible)
5 unless you have any questions (inaudible).

6 COMM. SALTERS: Okay. Thank you very
7 much. And your name, please, sir?

8 MR. TROY REEDY: Troy Reedy.

9 COMM. SALTERS: Troy Reedy? Okay.

10 MR. TROY REEDY: And Jeffrey.

11 COMM. SALTERS: Troy Reedy and
12 Jeffrey --

13 MR. JEFFREY REEDY: Jeffrey T. Reedy.

14 COMM. SALTERS: And Jeffrey T. Reedy,
15 okay.

16 Commissioners, do you have any
17 questions for the applicants?

18 COMM.: You said you went to CPW for
19 the approval of water?

20 MR. TROY REEDY: Yes, sir, we did.

21 COMM.: You don't have to go to the
22 Town of Hollywood first?

23 MR. TROY REEDY: Well, I don't know.
24 From what we were told, we got the easements
25 (inaudible) the property, and we had the easements

1 from (inaudible) right down the road. That's a
2 legal easement. (Inaudible) CPW now. If the Town
3 of Hollywood tells us we have to get something,
4 then that's what we have to get. But this is what
5 we were told.

6 COMM.: I would think that you would
7 probably have to get something from the Town of
8 Hollywood.

9 MR. TROY REEDY: That's the reason
10 (inaudible). This is the time to let us know what
11 we need to do. This is our first time here.

12 MR. JEFFREY T. REEDY: We were told
13 that we just had to have approval to tie into CPW's
14 lines, and that's what we have done. That's what
15 we've got from CPW.

16 COMM. SALTERS: Were you given a
17 letter, sir, to that effect?

18 MR. JEFFREY T. REEDY: (Inaudible) Mr.
19 Edwards. We do not have that letter with us
20 tonight. We have an (inaudible) letter. We have a
21 copy with us.

22 MR. TROY REEDY: I can read that from
23 Mr. Reed from CPW (inaudible).

24 COMM. HARLEY: Okay. What did
25 Mr. Edwards say when you showed him the letter?

1 MR. TROY REEDY: He said (inaudible).

2 COMM. HARLEY: I'm sorry?

3 UNKNOWN SPEAKER: No, no, she meant
4 Mr. Edwards.

5 MR. TROY REEDY: Oh, I'm sorry. I
6 thought she was talking about Mr. (Inaudible).

7 MR. JEFFREY T. REEDY: He said
8 everything looked in order on what we had.

9 COMM. SALTERS: Okay. Go ahead.

10 COMM. HARLEY: On required information
11 on your B sheet, we don't have a tax amount. We
12 don't have a recorded plat. We don't have a proof
13 of sewer or DHEC approval, and we don't have
14 letters from nearby owners supporting the plat. Do
15 you have all of those for us?

16 MR. JEFFREY T. REEDY: I've got the
17 letter from DHEC, and that's it.

18 COMM. HARLEY: You're required to have
19 all of those, and we have nothing. All we have is
20 just a preliminary lot sketch.

21 COMM. SALTERS: Undoubtedly, it appears
22 that you were not given the correct information
23 even to present this case to us tonight. We can't
24 blame --

25 MR. TROY REEDY: (Inaudible).

1 COMM. SALTERS: Um-hum. But there are
2 some required information for any zoning
3 application, and those requirements have not been
4 met.

5 MR. JEFFREY T. REEDY: All right. The
6 letters for the --

7 COMM. SALTERS: Adjoining property
8 owners?

9 MR. JEFFREY T. REEDY: -- adjoining
10 property owners --

11 COMM. SALTERS: Yes, sir.

12 MR. JEFFREY T. REEDY: -- we had asked
13 him about the letter, and he told us that either
14 they're not required (inaudible) and -- you know,
15 because you look at the date on it. We just got
16 this thing done.

17 COMM. SALTERS: Yes, sir.

18 COMM.: (Inaudible).

19 COMM. SALTERS: Sure.

20 MR. JEFFREY T. REEDY: We were required
21 to run it in the paper, which I've taken care of,
22 posting it for the meeting on the 23rd (inaudible).

23 COMM. SALTERS: Well, this really
24 should not have been presented to Commission by
25 Mr. Edwards at this point. We can't blame you,

1 because it appears to be an in-house problem. But
2 it should not have been presented as is.
3 Commissioner Wolf has something to say.

4 COMM. WOLF: Well, I'm a little
5 confused, because the agenda says it's a rezoning
6 request. But if you rezone from RA to R-1, I don't
7 understand the reasoning behind that, because you
8 just stated that you -- DHEC has already said you
9 can only have 15 lots. If you go to R-1 with
10 water, I think you're about 12,500 square foot --

11 MR. TROY REEDY: That's exactly right.
12 That's why we're making bigger lots instead of
13 smaller lots.

14 COMM. WOLF: No, I understand that. So
15 why are you requesting a rezoning from R-1 to RA
16 when, under RA, you meet the requirements?

17 MR. TROY REEDY: That's what they told
18 us we had to do.

19 MR. JEFFREY T. REEDY: We actually meet
20 the requirements --

21 COMM. WOLF: You don't need -- there's
22 two issues. There's a couple of issues. One of
23 them, you don't need to rezone from RA to R-1
24 anyway to get --

25 UNKNOWN SPEAKER: (Inaudible).

1 COMM. WOLF: But agriculture allows you
2 to build 30,000 square foot lots. You don't have
3 to rezone to get 30,000 --

4 MR. TROY REEDY: That's what we were
5 told, and that's why we're here.

6 MR. JEFFREY T. REEDY: That would have
7 saved us a lot of time.

8 COMM. WOLF: That's what our --

9 COMM. SALTERS: Who told you -- who
10 told you that information, sir? Who gave you that
11 information?

12 MR. JEFFREY T. REEDY: Which, the --

13 COMM. SALTERS: The size of the lots,
14 why you have to rezone.

15 COMM. WOLF: Why you have to rezone,
16 where did you get that information?

17 (Inaudible).

18 COMM. WOLF: Well, it's wrong, because
19 RA allows 30,000 square feet. If you have water
20 provided, you can go down to a lesser whatever,
21 12,500. And then 10,000, water and sewer. But
22 there's also some other issues that I believe, in
23 my interpretation, that you have to post the
24 property before any hearing or meeting, not
25 something in the future. So theoretically, if I'm

1 not mistaken, this shouldn't be posted until this
2 meeting. The letter should have gone out to all
3 persons within a 300-foot radius of that property,
4 as a minimum, to even get to the table here.

5 So as the Planning Commission, I will
6 move to table this tonight based on the criteria
7 that we have inadequate information and the fact
8 that none of the ordinances of the Town have been
9 followed.

10 COMM. HARLEY: I second.

11 COMM. SALTERS: You don't have to
12 (inaudible).

13 COMM. HARLEY: Okay.

14 COMM. SALTERS: Hopefully you can get
15 all this information together and maybe present it
16 at a later date, possibly, and we can act upon it.
17 But as of tonight, based on what has been presented
18 to this Commission, we would not be doing our job
19 as Commissioners if we were to consider it.

20 (Inaudible).

21 COMM. SALTERS: Well, you were given
22 bad information, sir. Let me return this to you.
23 I'm sorry if the Town has put you through this.

24 (Inaudible.)

25 UNKNOWN SPEAKER: We're running out of

1 time.

2 COMM. WOLF: You can get a copy of the
3 (inaudible) regulations probably in the Town Hall.

4 (Inaudible.)

5 MR. JEFFREY T. REEDY: So basically we
6 don't need to go forward with rezoning then?

7 COMM. WOLF: Correct, if you want to
8 put 15 lots on -- how many acres is it?

9 UNKNOWN SPEAKER: 13.

10 COMM. WOLF: It's 30,000 square feet
11 with minimum lots on it.

12 MR. JEFFREY T. REEDY: So (inaudible)
13 getting different TMC numbers, does it come back to
14 you-all again?

15 COMM. WOLF: No, we still have to prove
16 dimensionally -- you have to come in front of us
17 with a plat for approval from us for other issues,
18 roadways, drainage, tree cutting, all the other
19 issues we addressed about a normal development.

20 COMM. SALTERS: Given all the
21 requirements that you haven't been able to --

22 (Inaudible).

23 COMM. SALTERS: Okay? Thank you for
24 coming.

25 UNKNOWN SPEAKER: Sorry to waste

1 you-all's time.

2 COMM. SALTERS: That's okay.

3 COMM. WOLF: Do we need to vote on it
4 to table it?

5 COMM. SALTERS: No, we don't need to
6 vote on it to table it.

7 Well, that's the only case that we
8 have. Do we have any public comments? Do we have
9 the list?

10 UNKNOWN SPEAKER: Yes, ma'am.

11 COMM. SALTERS: Thank you, ma'am.

12 UNKNOWN SPEAKER: Yes, ma'am.

13 COMM. SALTERS: Number one,
14 Ms. Sausser.

15 MS. SAUSSER: Yes, ma'am. Thank you
16 for doing your job. There are so many things wrong
17 with this. However, I will tell you this. As a
18 councilwoman, I don't even want 12 lots, and I'll
19 tell you why. You just said no to another group
20 who had 13 acres on -- what's the name of that?

21 COMM. WOLF: Plantation Road.

22 MS. SAUSSER: Plantation. You said no.
23 Why did you say no? First of all, you've got that
24 horrible current right there.

25 COMM: Whitney's Curve.

1 MS. SAUSSER: Whitney's Curve. We had
2 two people die there. Did you know that? At least
3 one, I know. Horrible accident there. The other
4 thing is that I used to live in Stono Plantation.
5 And my house -- behind my house was a big, huge
6 drain, was drained from over that area. I want you
7 to know, if you were to look at that marsh today,
8 it's dead. There is a piece of that on my --
9 you've seen my property -- that is a dying marsh
10 because of -- it's slow.

11 UNKNOWN SPEAKER: You're talking about
12 the drainage ditch by my property over there?

13 MS. McCLOSSER: Uh-huh.

14 UNKNOWN SPEAKER: That was blocked.

15 MS. McCLOSSER: No, no. No, no, no,
16 ma'am. One behind my house --

17 (Two people speaking.)

18 COMM. SALTERS: Let's not get out of
19 order, please. Please, let her make her comment.
20 Let's do it one at a time.

21 MS. McCLOSSER: So you've got a problem
22 with traffic. You've got a problem with the
23 environment. That road is too small. It is very
24 dangerous. I cannot see -- I cannot fathom
25 somebody else coming out on Whitney Curve. I used

1 to live there, and I know people that did. You
2 have to look so careful. Now, I understand DOT
3 may, down the line, straighten out that curve.
4 That's wonderful. However, I know DOT, and I know
5 how fast they work. So I would like you to know
6 that this is not something that I am going to
7 support.

8 The other thing is, we were loud and
9 clear from our constituents. They do not want R-1.
10 They do not want this big growth and this
11 development. We want to take it slow. We're going
12 to take it methodically. And I think we need to
13 listen to the people and (inaudible).

14 COMM. SALTERS: Thank you very much.
15 Number two, Jeannie Stacy.

16 MS. STACY: I live across the street
17 from it, and we, too, are concerned. That drainage
18 that Annette was talking about runs up the side of
19 our yard, and any time that there's a heavy rain,
20 it is (inaudible) water. It crosses the road. It
21 runs down the road. It goes under the road in a
22 big rain. And also the road you come out on, Bryan
23 Road, is a one-car road. You cannot get two large
24 vehicles past each other. And the idea that there
25 might be another 30 cars coming down through there

1 is just so difficult to imagine.

2 COMM. SALTERS: Thank you, Ms. Stacy.
3 Suzie Mimms.

4 MS. MIMMS: Really Annette has already
5 said my opinions. But to clarify to Ann, was she
6 talking about the water (inaudible)? That's my
7 yard.

8 UNKNOWN SPEAKER: (Inaudible.)

9 MS. MIMMS: I'm sorry. But, anyhow,
10 that has nothing to do with what we're talking
11 about. That's a whole 'nother situation. And that
12 culvert is truly just about to cave in. There's so
13 much water that has rushed around -- and this is a
14 huge culvert, something that like the Highway
15 Department has put in.

16 UNKNOWN SPEAKER: (Inaudible.)

17 MS. MIMMS: I don't know about that.
18 I'm not really in that market. But, anyhow, so
19 what she's talking -- Ann was speaking of is not
20 the problem.

21 COMM. SALTERS: Thank you. Joy Thull.

22 MS. THULL: Yes. I live in Stono
23 Plantation, but I'm not (inaudible). But what I
24 would like to ask is I got a letter from DHEC on
25 June 5th, and it said that it's a follow-up letter

1 to my April 24th letter concerning the above
2 property, which is this property, our office has
3 completed our initial findings of the property and
4 have concluded the proposal as submitted by the
5 applicant is not satisfactory for subdivision
6 approval.

7 Now, this is dated June 5th.

8 COMM.: Do you have a question?

9 UNKNOWN SPEAKER: I think there might
10 be confusion, because you were (inaudible) 17
11 (inaudible).

12 UNKNOWN SPEAKER: 15.

13 UNKNOWN SPEAKER: 15. (Inaudible) that
14 mitigated what (inaudible).

15 (Several speaking).

16 UNKNOWN SPEAKER: Do you go back to
17 them and say 15 instead of 17?

18 UNKNOWN SPEAKER: It states right here
19 (inaudible) Lot 10, 11, 12, and 15. It would not
20 be satisfactory (inaudible).

21 COMM. SALTERS: Well, we'll take all of
22 that into consideration. We'll get to the bottom
23 of it before anything is done. This other name, I
24 cannot decipher what this is.

25 MR. WILLIAMS: That might have been my

1 name, because I thought I did. I thought everybody
2 had their time in.

3 COMM. SALTERS: Okay.

4 MR. WILLIAMS: Is it Williams?

5 COMM. SALTERS: It looks like it could
6 be.

7 MR. WILLIAMS: (Inaudible).

8 COMM. SALTERS: You do not want to
9 speak, sir?

10 MR. WILLIAMS: No, ma'am, not at this
11 time (inaudible).

12 COMM. SALTERS: All right. Well, the
13 other person is you that signed in.

14 UNKNOWN SPEAKER: (Inaudible.)

15 COMM. SALTERS: Okay. Eddie McCracken.

16 MR. McCracken: (Inaudible.)

17 COMM. SALTERS: Okay. Last person is
18 William Strickland.

19 MR. STRICKLAND: Yes, ma'am.

20 Currently, I'm the current president of the
21 Homeowners' Association of Stono Plantation,
22 (inaudible) resident concerns that we all have. I
23 think that a few of those concerns concern
24 (inaudible) that I'd like to give (inaudible) the
25 record, the official record. I think probably

1 everything has been covered by the homeowners here,
2 mainly that ingress/egress is not satisfactory
3 (inaudible), but still two emergency vehicles
4 couldn't pass through on that road. Drainage is a
5 major, major consideration, because that one yard
6 that they're talking about floods, and the water
7 table, even as dry as it's been (inaudible).
8 Again, all the stipulations that we were concerned
9 about (inaudible.)

10 COMM. SALTERS: Thank you very much.
11 Commissioners, any comments from anyone else?
12 None. May I have a motion for adjournment?

13 COMM. HEYWARD: So moved.

14 COMM. PRIOLEAU: Seconded.

15 COMM. SALTERS: Moved by Commissioner
16 Heyward and seconded by Commissioner Prioleau.
17 Thank you all very much for coming.

18

19

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25

1 CERTIFICATE OF REPORTER
2

3 I, Janice N. Shepherd, Registered
4 Professional Reporter and Notary Public for the
5 State of South Carolina at Large, do hereby certify
6 that the foregoing tape transcription was produced
7 to the best of my ability.

8 I further certify that I am neither
9 related to nor counsel for any party to the cause
10 pending or interested in the events thereof.

11 Witness my hand, I have hereunto
12 affixed my official seal this 20th day of October,
13 2009 at Charleston, Charleston County, South
14 Carolina.
15
16

17 *Janice N. Shepherd*

18 _____
19 Janice N. Shepherd, RPR, CSR
20 My Commission expires
21 October 2014
22
23
24
25

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge
R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2010-CP-10-2695

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The Town of Hollywood..... Appellant,

vs.

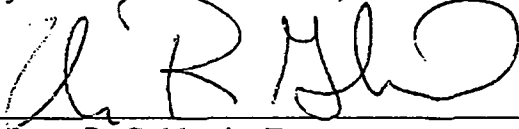
William J. Floyd a/k/a Jeff Floyd,
Troy Readen, and Edward McCracken
a/k/a Eddie McCracken Respondents.

NOTICE OF CROSS APPEAL

Respondent, William Floyd cross appeals the Order Granting Partial Summary Judgment of the Honorable R. Markley Dennis dated September 7, 2010, and thereafter the Order Denying Reconsideration filed October 19, 2010, and received by counsel on November 5, 2010.

November 10, 2010

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge
R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2010-CP-10-2695

The Town of Hollywood..... Respondent,

vs.

William J. Floyd a/k/a Jeff Floyd,
Troy Readen, and Edward McCracken
a/k/a Eddie McCracken Appellants.

AMENDED NOTICE OF APPEAL

William J. Floyd a/k/a Jeff Floyd, *et. al.*, appeal the Order Granting Partial Summary Judgment of the Honorable R. Markley Dennis dated September 7, 2010, and thereafter the Order Denying Reconsideration filed October 19, 2010, and received by counsel on November 5, 2010.

November 22, 2010

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SC Court of Appeals

CERTIFICATE OF COUNSEL

The undersigned counsel certify that the Supplemental Record on Appeal contains all material proposed to be included by all parties and not any other material.

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Counsel for Appellant-Respondent

Columbia, South Carolina

July 9, 2012

CERTIFICATE OF COMPLIANCE

The undersigned counsel for the Appellant-Respondent certify that the Supplemental Record on Appeal complies with the Supreme Court's Order of August 13, 2007, regarding personal identifiers and sensitive information.

DAVIDSON & LINDEMANN, P.A.

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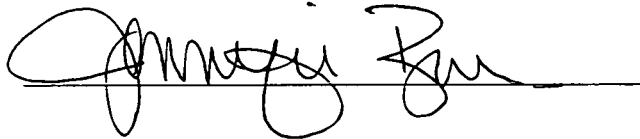
Columbia, South Carolina

July 9, 2012

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Appellant-Respondent Town of Hollywood, does hereby certify that service of the **Supplemental Record on Appeal** was made upon counsel for the Respondents-Appellants by placing a copy in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 9th day of July 2012:

Thomas R. Goldstein, Esquire
Belk, Cobb, Infinger & Goldstein, P.A.
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Charleston, South Carolina 29415-1121

A handwritten signature in black ink, appearing to read "Thomas R. Goldstein", is written over a horizontal line.

DAVIDSON & LINDEMANN, P.A.

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July 9, 2012

Of Counsel
Kenneth P. Woodington

Writer's Email: alindemann@dml-law.com

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Edgar Brown Building
1205 Pendleton Street
Columbia, South Carolina 29201

RECEIVED
JUL 09 2012
SC Court of Appeals

RE: The Town of Hollywood v. William Floyd a/k/a Jeff Floyd, Troy Readen and Edward McCracken a/k/a Eddie McCracken
SCCA Tracking Number: 2010-174946
Civil Action Number: 2010-CP-10-2695
Claim Number: 54721
Our File Number: 103.8743

Dear Ms. Kitchings:

Please find enclosed for filing the originals and fifteen copies each of the below listed documents in the above referenced matter.

1. Appellant's Brief of Appellant-Respondent
2. Respondent's Brief of Appellant-Respondent
3. Reply Brief of Appellant-Respondent
5. Supplemental Record on Appeal

Please file the originals and return one clocked-in copy of each document to me by way of my courier.

By copy of this letter, I am serving a copy of the Supplemental Record on Appeal on counsel for the Appellants-Respondents. I am also serving copies of the briefs on all counsel of record.

The Honorable Jenny Abbott Kitchings
July 9, 2012
Page Two

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb
Enclosures

cc: Thomas R. Goldstein, Esquire (*w/ Enclosures*)
Hugh W. Buyck, Esquire (*w/ Briefs Only*)
W. Andrew Gowder, Jr., Esquire (*w/ Briefs Only*)
Katie F. Monoc, Esquire (*w/ Briefs Only*)