

**MINUTES**  
**DARLINGTON COUNTY PLANNING COMMISSION**  
**July 19, 2011**  
5:30 p.m.  
COURTHOUSE ANNEX/EMS BUILDING

**In compliance with the Freedom of Information Act, a copy of the agenda was provided to the local news media and persons requesting information.**

**Present:** Ryan Galloway, Dist. 5  
Dr. Richard Antrum, Dist 2  
Judy Haenni, Dist. 8  
Leo W. Johnson, II, Dist. 6  
Ralph Segars, Dist. 7  
Mike Sprott, Dist. 1  
Robert Alexander Warr, Jr., Dist. 4

**Absent:** James Allen Harrell, Dist. 3

**Staff:** Doug Reimold, Director  
Charles Brooks, Senior Planner  
Julie Ritz, Administrative Assistant

**Media:** Jim Faile, *Messenger*

**Election of Officers for FY 2011-2012.**

Planning Director Doug Reimold opened the regularly scheduled meeting of the Darlington County Planning Commission on July 19, 2011 at 5:32 p.m. and opened the floor for nominations for Chairman. Commissioner Ralph Segars nominated Commissioner Ryan Galloway as Chairman. Director Reimold accepted the nomination and asked for a second. Commissioner Judy Haenni seconded. Director Reimold asked if there were any other nominations for the position of Chair. **Commissioner Judy Haenni made a motion to close nominations, and Commissioner Richard Antrum seconded. Motion carried unanimously.** Director Doug Reimold closed the floor to nominations. Director Reimold stated that Commissioner Ryan Galloway was elected as Chairman by acclamation.

Director Reimold relinquished the rest of the election process to newly-elected Chairman Ryan Galloway. Chairman Galloway thanked Director Reimold and thanked the Commissioners. Chairman Galloway called for nominations for Vice Chairman. Commissioner Judy Haenni nominated Commissioner Richard Antrum for Vice Chairman. Commissioner Leo Johnson seconded. Chairman Galloway called for other nominations for Vice Chairman. **Commissioner Mike Sprott made a motion to close the nominations; seconded by Commissioner Judy Haenni. Motion carried unanimously.** Commissioner Richard Antrum was elected Vice Chair by acclamation.

- I. **CALL TO ORDER** – Chairman Ryan Galloway called the regularly scheduled meeting of the Darlington County Planning Commission on July 19, 2011 to order at 5:35 p.m.
- II. **PLEDGE OF ALLEGIANCE** – All stood and recited the Pledge of Allegiance.
- III. **CITIZEN’S COMMENTS** – (Maximum of 2 minutes per citizen; 30 min. total) - None

IV. APPROVAL OF MINUTES – June 21, 2011

Chairman Galloway called for a motion for approval of the minutes from the June PC meeting.

A MOTION was made by Commissioner Ralph Segars and seconded by Commissioner Richard Antrum to APPROVE the minutes as written of the regularly scheduled meeting of the Darlington County Planning Commission on June 21, 2011. Motion carried unanimously.

Chairman Galloway asked that all Commissioners complete the Conflict of Interest Questionnaire and turn it in to the Recording Secretary.

V. APPROVAL OF AGENDA

Chairman Galloway asked Staff about the Director's Notes regarding *Robert's Rules of Order*. The choices staff gave were to amend the agenda at the beginning of the meeting or make a motion to discuss at the beginning of each agenda item. Director Reimold shared that, in researching the "table" motion in *Robert's Rules* that has been used, Staff concluded that this motion has been used inappropriately. He stated that, up until now, the PC typically has discussed an agenda item first, and then entertained a motion. Robert's Rules stated that there has to be a motion and a second before discussion can begin. Unfortunately, this can cause motions to be changed or even dropped before a vote. By making a "Motion to Discuss" before each agenda item or amending the agenda, discussion can take place before each motion that the Commissioners think is necessary, thereby eliminating unnecessary motions or restating motions. The Commissioners briefly discussed the proposals and decided to move forward with a Motion to Approve the Agenda and then make a "Motion to Discuss" for each agenda item. Chairman Galloway called for a motion.

A MOTION was made by Commissioner Mike Sprott and seconded by Commissioner Judy Haenni to APPROVE as presented the Agenda for this regularly scheduled meeting of the Darlington County Planning Commission on July 19, 2011.

VI. COMMUNICATION TOWER APPROVAL – None

VII. PRELIMINARY APPROVALS –

A. Family Division

See June's attachments  
Attachment 1

Chairman Galloway asked the Commissioners what they wished to do with this agenda item.

A MOTION was made by Commissioner Judy Haenni and seconded by Commissioner Richard Antrum to TAKE FROM THE TABLE the Scipio Family Division tabled last month. Motion carried unanimously.

Staff reported that the family was still trying to obtain the easements.

Additionally staff stated that after referring to Robert's Rules of Order and consulting a Parliamentarian from the South Carolina Association of Counties (SCAC), staff felt that the intent of the Planning Commission last month was to postpone this request to give the family time to obtain the easements necessary to access this landlocked property located in the northwest corner near the

intersection of Green Street Road and High Hill Road. The Commissioners concurred and stated that was their intention.

A MOTION was made by Commissioner Judy Haenni and seconded by Commissioner Mike Sprott to POSTPONE TO A DEFINITE TIME the vote on this agenda item, to wit, a time when the family could obtain the easements necessary to reach this property. Motion carried unanimously.

VIII. FINAL APPROVALS - None

IX. APPROVAL OF SUBDIVISION ALONG PUBLIC ACCESS - None

X. VARIANCES - None

XI. SITE DEVELOPMENT

A. Barn of All Trades

**Attachment A1, A2, A3**

**Developer:** Keith Parnell (Contr: Don Clark)

**TM#:** 066-00-01-0004

**Land Use Designation:** General Development

*Not in the MS4*

Chairman Galloway called for a motion to discuss.

A MOTION was made by Commissioner Judy Haenni and seconded by Commissioner Mike Sprott to DISCUSS the Barn of All Trades request for Vested Rights. Motion carried unanimously.

Chairman Galloway opened the floor for discussion on this agenda item. Commissioner Haenni asked the Chairman if the Staff could provide her with information about this business, as she had never heard of it. Director Reimold stated that the owner, Mr. Parnell, actually started the business out of his home. He repairs agricultural and yard equipment, as well as welding, and wrought-iron fencing. Director Reimold stated that the owner wanted to see if the business would flourish in this economy before investing in a commercial site. The business has done well, and the owner is now ready to build a commercial business building. Staff reviewed all plans through the Commercial Site Development Review process and Barn of All Trades met all requirements. Staff approved the plans on July 6, 2011, and, on behalf of the owner, requests Vested Rights date be set for Barn of All Trades.

There was some discussion about the dating for the Vested Rights. Because of the state-level decree, Vested Rights in the past two years were extended to January 1, 2013. However, we have reached a point where the first two years of the vested rights period ends well into 2013, and the dates can now be set as they were in the past, which will extend the initial 2-year period past January 2013, the end of the state extension.

With that information, Chairman Galloway called for a motion.

A MOTION was made by Commissioner Mike Sprott and seconded by Commissioner Judy Haenni to SET the Vested Rights Date for Barn of All Trades on July 6, 2011. Motion carried unanimously.

(Note: this means that the two-year Vested Rights period for this project will end on July 6, 2013.)

B. Dollar General

**Attachment B1, B2, B3**

**Developer:** Capital Development Partners (Engr: HB Engineering)

**TM#:** 035-00-01-024

**Land Use Designation: Residential, also within proposed ETJ**  
*Not in the MS4*

Chairman Galloway called for the motion to discuss this agenda item.

A MOTION was made by Commissioner Mike Sprott and seconded by Commissioner Leo Johnson to DISCUSS the Dollar General request for Vested Rights date. Motion carried unanimously

Chairman Galloway opened the floor for discussion. Hearing none, he called for a motion.

A MOTION was made by Commissioner Robert Warr and seconded by Commissioner Mike Sprott to SET the Vested Rights Date for Dollar General (Kelleytown) on June 17, 2011. Motion carried unanimously.

Director Reimold explained to the Commissioners that they could choose for Vested Rights date requests just to make a motion and second for the Vested Rights and then discuss it if there are any questions before the vote. The Commissioners chose to continue each agenda item with a motion to discuss.

**C. New Providence Missionary Baptist Church Attachment C1, C2, C3**

**Developer:** Same (Engr: Weaver Engineering)

**TM#:** 198-00-01-022

**Lane Use Designation: Future Conservation/Preservation**

*Not in the MS4*

Chairman Galloway called for a motion to discuss this agenda item.

A MOTION was made by Commissioner Mike Sprott and seconded by Commissioner Leo Johnson, II to DISCUSS the New Providence Missionary Baptist Church Vested Rights. Motion carried unanimously.

Chairman Galloway opened the floor for discussion. Commissioner Mike Sprott asked the Chairman whether the drainage for this property had been worked out. He noted that they needed permission from DOT to clean an outfall ditch. Director Reimold stated that originally it was planned that DOT would clean out the outfall ditch. They had to resubmit because the wetlands line was modified, so the site had to be redesigned. During the second approval DOT changed their position and would not clean out the outfall ditch. The approval was contingent upon someone else being responsible for cleaning out the outfall ditch. They obtained Rights of Entry from the downstream property owners, and staff approved the application on July 6, 2011. Chairman Galloway called for a motion.

A MOTION was made by Commissioner Judy Haenni and seconded by Commissioner Leo Johnson, II to SET the Vested Rights Date for New Providence Missionary Baptist Church New Church Facility on July 6, 2011. Motion carried unanimously.

**XII. OLD BUSINESS**

**A. Priority Investment Element**

Chairman Galloway called for a motion to discuss.

A MOTION was made by Commissioner Mike Sprott and seconded by Commissioner Leo Johnson to DISCUSS the Priority Investment Element. Motion carried unanimously.

Staff reported that they had been continuing to work on this element. At the last meeting, staff mentioned that the County Administrator requested that additional information be included, such as vehicular replacement, special equipment for Roads & Bridges, Emergency Services equipment, buildings and facilities, “rolling stock”. Staff had contacted the CFO and Materials Manager for a schedule, as well as cost. Since the County has been closing the books at fiscal year end, it has been difficult to get the information. Unfortunately, Staff had not received this information by the date of this meeting, but hopefully will be able to get this information and complete the element within 60 days.

Director Reimold reported that he had started to change his paradigm on the Comprehensive Plan. He felt that it has been a shelf-document, and not very useful, especially since there is no regulatory authority (as with Zoning). In that context, Director Reimold felt that the components of this PIE would be in coordinating infrastructure with other entities. He stated that the elements of the Comp Plan would be more usable if the PC looks at them every year and striving to be sure that it can be used by all departments in long-range planning.

Chairman Galloway thanked Staff for their work.

No motions made. Informational purposes only.

**B. Revision to DSO 7.9.1.2**

**Last Month’s Attachment (B1)**

Chairman Galloway called for a motion to take this item from the table for discussion.

A MOTION was made by Commissioner Richard Antrum and seconded by Commissioner Leo Johnson, II to TAKE FROM THE TABLE the Revision to DSO 7.9.1.2. Motion carried unanimously.

Chairman Galloway opened the floor for discussion. Chairman Galloway stated that the attachment from the June 2011 agenda (B1) was the one sent to Council on the Small Private Development more than once. There was only one (1) comment from Chairman Baldwin. Chairman Galloway stated that there were three options listed in the Director’s Notes and asked the Commissioners’ pleasure: discuss, postpone, or change and approve.

A MOTION was made by Commissioner Judy Haenni and seconded by Commissioner Leo Johnson, II to POSTPONE this discussion until more information could be gained from County Council as to the direction they wished the PC to proceed. (No vote taken at this point.)

Chairman Galloway called for further discussion. Commissioner Judy Haenni asked if Staff could or would ask for more input. Director Reimold stated he was unsure how to obtain that input from CC. He stated that there was not a mechanism for getting that input. He related an analogy of the PC being assembled to conduct business: if an item comes up, the PC can make a motion and vote to act. Work sessions are set up differently, as in the recent Zoning Work session. These sessions are not called to conduct business but rather to study and understand the topic. Unless the PC were to have a work session with CC, there would not be any functional way for Council to give input to this advisory

body. Director Reimold has given the attachment B1 from June 2011 memo to CC on two or three different occasions, asking for feedback. All that Staff has received is during the comment period on the CC agenda. That is the only place for discretionary comments.

Commissioner Leo Johnson asked if a County Council could advise the PC at the next meeting and advise on numbers 3 and 4 of the memo. Director Reimold responded that Staff could answer that now. The questions about those items actually came to light when Staff was studying the issue with other jurisdictions. Chairman Galloway asked for clarification about the deletion of items 3 and 4 and if they came from Council. Director Reimold stated that Item 3 came from the Fire Chief and Item 4 came from the County Administrator.

Once the Commissioners had time to review attachment B1 from June 2011 PC meeting, Chairman Galloway asked if they were ready to vote on the motion at hand or had an additional motion.

Commissioner Haenni asked for clarification regarding the comments from Councilman Billy Baldwin and the application of the changes to family members. Director Reimold stated he felt that there may have been some misunderstanding as to what these changes would do. This ordinance historically has been vague and misunderstood. It was originally proposed for family members so that they would have an orderly way to divide their property among family members. However, the way it originally was adopted (in 1998), it was open to anybody. So, developers started using it, taking advantage of an inexpensive way to develop a 10-lot s/d with a dedicated R/W. They created a Homeowners Association (HOA) on paper. Everything was done according to the ordinance. They would then receive approval for the s/d, sell the lots, and then be completely out of the process, leaving the landowners with a road that slowly deteriorated without a maintenance plan. The landowners may or may not have understood they were a part of a HOA with all the rights and responsibilities for taking care of the road. County Council received many complaints about dirt road s/ds and dirt roads in general. Staff discussed this with individual CC members, and when it was brought to Council, CC directed that this ordinance limit its use to primarily family divisions. This has already been done. Director Reimold stated that his impression of Mr. Baldwin's comment indicated that families should be held to the same standards as developers, because the ordinance allows a lower standard than a public s/d. It is expensive to develop a public s/d. The professional developer must invest and hire an engineer, get permits, consider the costs of hiring a contractor to build infrastructure like roads and water. Families aren't "professional developers". This ordinance was created to have a modified version, where when they divide up the property, it is not haphazard and there will be a dedicated strip (road) to all of the lots. Staff brought it up because there was concern about the conditions of private roads, which the County may not spend the money to maintain without accepting the road into the County system. Since there are no road standards when the roads were built, Staff felt that the ordinance needed to be updated. He referred to Jett's Way located behind the s/d brought to you in March called Society Green (as an example of dirt road s/d's with some of these issues).

Chairman Galloway thanked staff and asked if there was anymore discussion. Hearing none, he called for a vote on the motion given by Commissioner Haenni.

Commissioner Haenni asked to rescind the motion on the floor, and made a different motion to send the revised ordinance to County Council, deleting items 3 and 4. Chairman Galloway called for the vote.

A MOTION was made by Commissioner Judy Haenni and seconded by Commissioner Richard Antrum to RECOMMEND to County Council to AMEND the Small, Private Development Ordinance (DSO 7.9.1.2) with the changes identified in the memo (Attached B1, June Agenda) with the exception of items 3 and 4, which are to be deleted. Motion carried unanimously.

Director Reimold stated that the Ordinance would be prepared and sent to County Council by next Council agenda. A copy of the revision will be included for the PC in next month's agenda.

### **C. Zoning Ordinance Workshop I**

### **Last Month's Attachments & D1**

Chairman Galloway asked for a Motion to Discuss this agenda item.

A MOTION was made by Commissioner Judy Haenni and seconded by Commissioner Mike Sprott to DISCUSS the Zoning Ordinance Workshop I. Motion carried unanimously.

Chairman Galloway stated that the Staff did a good job getting the information together and that the workshop was very informative. He stated that Brooks, Mr. Robert Long (Darlington County Economic Development Partnership Director), Phil Goff (PDRCOG) presented a good work session. Commissioner Johnson concurred. Chairman Galloway stated that a second workshop would be held Monday, August 22, 2011 from 1-4. Staff informed the Commission that a pending TMDL on Black Creek Public Meeting will be held the same day from 4:30 – 6 p.m. Both meetings will be held in the EMS/Magistrates Annex.

Commissioner Haenni stated that the most startling statements from the workshop were made by Robert Long, Executive Director for the Darlington County Economic Development Partnership. He stated that because Darlington County does not have zoning, that he has had to answer "no zoning" for 90 inquiries for industrial investment or expansion in Darlington County. Answering no, is a big turn off for those industries, and they have gone elsewhere.

Staff also shared a comment by Robert Long that "Darlington County is the only county in the Pee Dee area that does not have zoning" in the unincorporated areas.

Director Reimold referred the commissioners to Attachment D1, which is a snapshot of Robert Long's PowerPoint. He also pointed out the information at their seats that is copied out of the 2010 update of the *Comprehensive Planning Guide* by the Municipal Association. He offered this information about zoning for the Commissioners information. He also pointed out the notebooks left at their seat for the zoning information, including the zoning ordinance draft that they will be using throughout the work sessions.

Commissioner Sprott asked if the workshops could be on any other day of the week. In order to change the day, Staff will need to change the venue. Commissioner Sprott stated Fridays would be good days, because he is off, as well as any day other than Monday. Suggestions for venue included the library (Commissioner Haenni) and the Pee Dee COG for future meetings.

Chairman Galloway asked if the Commissioners and Staff would like to move onto New Business in order to consider other information to decide on this issue.

**No motions made. Informational purposes only.**

**XIII. NEW BUSINESS –**

A MOTION was made by Commissioner Judy Haenni and seconded by Commissioner Leo Johnson to DISCUSS New Business in conjunction with Old Business (C) Zoning Workshop. Motion carried unanimously.

Chairman Galloway opened the floor to discussion. He asked if dates and times should be different, and if so, when and where.

Director Reimold informed the Commissioners of the Public Meeting for the TMDL pending for Black Creek. He stated that Monday, August 22, 2011 from 4:30 to 6 p.m. was the only time the meeting room was available when everyone from DHEC, Darlington County, and other entities could coordinate schedules. As way of information, the TMDL means Total Maximum Daily Load of pollutants in a water body. EPA has identified Black Creek as an impaired water body and now SCDHEC has calculated what the pollutant levels for Fecal Coliform (this TMDL) should be for Black Creek. This is published in a document that initiates the TMDL. (Each pollutant has a separate TDML.) There should not be bodily contact, such as recreational uses, with the water when Fecal Coliform is present. It will be Darlington County's responsibility to reduce it in the MS4.

DHEC was encouraged by the response from this particular community during a couple of meetings 2-3 years ago. DHEC has identified Black Creek as being eligible for selection as a good example of a community taking charge, and possibly qualifying for funding to help clean up Black Creek. Unfortunately, Staff was just informed recently of a TMDL that has been placed on Sparrow Swamp. This is mostly an agricultural area. There was very little, if any, warning for this TMDL, and now there cannot be eligibility for funding assistance through EPA to clean up Sparrow Swamp. Studies have been done on Black Creek on minimum flows, using Black Creek as their sample source. This meeting will be an opportunity to bring the Black Creek focus group back together to address cleaning up Black Creek.

There will be a Public Notice with a 30-day comment period beginning August 22. DHEC wanted to have the Public Meeting near the beginning of the Public Notice and comment period. This will give Darlington County citizens a chance to get together and talk about the implications and opportunities. Director Reimold stated he thought DHEC may have someone speak at the Public Meeting about grant opportunities that will need match, probably both monetary and in-kind (volunteer). There are a couple of organizations that are interested in preserving Black Creek, and they will probably be heavily involved.

Commissioner Haenni suggested that the venue and day stay the same this time to allow the Commissioners to attend both the Zoning Work session and the Public Meeting, but that future workshops be held on a different week day in a different place so that all who cannot attend on Monday can come.

Chairman Galloway concurred because of the importance of the TMDL meeting. Chairman Galloway called for a motion.

A MOTION was made by Commissioner Haenni and seconded by Commissioner Leo Johnson, II to HOLD the Zoning Work Session 2 on August 22, 2011 from 1-4 p.m. and ENCOURAGE all Commissioners to attend the Black Creek TMDL Public Meeting from 4:30 to 6:00 p.m. and to

CHANGE the day and possibly venue for future Zoning work sessions to allow all Commissioners the opportunity to attend. Motion carried unanimously.

#### **XIV. STAFF REPORTS**

##### **A. South Darlington Watershed Project**

##### **Attachment E1 (w/ Exhibit A)**

Chairman Galloway called for a Motion to Discuss.

A MOTION was made by Commissioner Mike Sprott and seconded by Commissioner Robert Alexander Warr, Jr. to DISCUSS the South Darlington Watershed Project and Accept the Staff Report. Motion carried unanimously.

Chairman Galloway opened the floor for discussion and report. Director Reimold referred the commissioners to the attachments. He reported on the work session with Council the night before this meeting to clarify how the project evolved, funding, and approximate costs. There were representatives from an engineering company, URS/BPBarber, on hand to provide information on other like projects throughout the state and the equanimity of costs between SDWP and those projects, which are quite close in real costs and unknown factors. They spoke about the types of permitting that would be required, as well, and their experience with those matters.

Council considered whether to move toward hiring a project manager to oversee this project. The permitting, prep work, and actual project are extremely large endeavors with federal oversight and uncompromising deadlines that could lead to fines, etc.

Vice Chairman Antrum asked Staff exactly where they and the County were on this project, as it seemed by the information presented and the media coverage that the project was not moving forward. Director Reimold stated that there actually had been a good bit of progress made in the last few months. The permitting process alone, though, is a hurdle which Darlington County must have help with if they are to successfully complete this project.

The funding has been made available because of the American Recovery and Reinvestment Act (ARRA), and the National Resource Conservation Service (NRCS) has oversight of these funds. The entire construction cost of the project is to be completely funded through this effort at approximately \$2.5 million dollars. However, the prep work leading up to project readiness (easements, permits, moving of utilities, etc.) is an up-front expense of Darlington County. There is an allocation of funds (\$88,000) for project management. Without the easements however, the project cannot begin (there are 10 outstanding easements, of which 7 have been identified by the County Attorney as needing condemnation). Without the permits, the project cannot begin (wetlands, stormwater, etc.). Without a project manager, Darlington County will be unlikely to complete each step on time. Director Reimold reported that there is such tremendous oversight and red tape that the project manager cannot even speak directly to NRCS, that they must come through Darlington County. Fortunately, all three entities (BPBarber for current wetlands permitting services, NRCS, and Darlington County) were at the work session and began forging a relationship hopefully to cut through some of the red tape and still meet oversight requirements.

No decisions or business was conducted at the County Council work session.

Staff reported that they would keep the Commissioners apprised of further developments.

No motions made. Informational purposes only.

XV. PERSONAL APPEARANCES – None.

XVI. COMMISSIONERS REQUESTS/COMMENTS -- None.

XVII. ADJOURNMENT

A MOTION was made by Commissioner Leo Johnson, II and seconded by Commissioner Mike Sprott to ADJOURN the regularly scheduled meeting of the Darlington County Planning Commission on July 19, 2011 at 6:50 p.m. Motion carried unanimously.

**Action Items from July 19, 2011 Planning Commission Meeting:**

1. Staff is to please make the changes to DSO 7.9.1.2 Private Subdivisions and forward to County Council with recommendation for adoption.
2. Staff is to please conduct future work sessions on zoning any day other than Monday, finding venues that will work with a Tuesday-Friday afternoon availability.

At the regularly scheduled meeting of the Darlington County Planning Commission on August 16, 2011, a MOTION was made by Commissioner Richard Antrum and seconded by Commissioner Leo Johnson, II to APPROVE the minutes as written of the regularly scheduled meeting of the Darlington County Planning Commission on July 19, 2011. Motion carried unanimously.