

MINUTES
DARLINGTON COUNTY PLANNING COMMISSION
September 20, 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, Chairman, Dist. 5
Dr. Richard Antrum, Vice Chairman, Dist 2
Judy Haenni, Dist. 8
James Allen Harrell, Dist. 3
Leo W. Johnson, II, Dist. 6
Ralph Segars, Dist. 7
Mike Sprott, Dist. 1

Absent: Robert Alexander Warr, Jr., Dist. 4
Doug Reimold, Director

Staff: Charles Brooks, Senior Planner
Julie Ritz, Administrative Assistant

Media: None present

- I. **CALL TO ORDER** – Chairman Ryan Galloway opened the meeting of the regularly scheduled session of the Darlington County Planning Commission on September 20, 2011 at 5:34 p.m.
- II. **PLEDGE OF ALLEGIANCE** – All stood and recited the Pledge of Allegiance to the Flag.
- III. **CITIZEN’S COMMENTS** – (Maximum of 2 minutes per citizen; 30 min. total) None
- IV. **APPROVAL OF MINUTES** –
 - A. Regularly scheduled PC Meeting August 16, 2011
 - B. Zoning Work Session 2, August 22, 2011

A **MOTION** was made by Commissioner Judy Haenni and seconded by Commissioner Richard Antrum to **APPROVE** the minutes as written of the regularly scheduled meeting of the Darlington County Planning Commission on August 16, 2011 and the scheduled Zoning Work Session 2 meeting as written on August 22, 2011. Motion carried unanimously.

C. TMDL Community Public Meeting with DHEC, August 22, 2011

Staff requested that these minutes for the TMDL Community Public Meeting with DHEC be withdrawn from consideration as the minutes were not yet complete.

V. **APPROVAL OF AGENDA**

A **MOTION** was made by Commissioner Mike Sprott and seconded by Commissioner Ralph Segars to **APPROVE** the agenda of the regularly scheduled meeting of the Darlington County Planning

Over, please

Commission on September 20, 2011. Motion carried unanimously.

- VI. **COMMUNICATION TOWER APPROVAL** – None
VII. **PRELIMINARY APPROVALS** – None
VIII. **FINAL APPROVALS** - None
- IX. **APPROVAL OF SUBDIVISION ALONG PUBLIC ACCESS** Please see last month
A. **Springville Hills** (on Apartment Circle – County Road) **(Attachments A1, A2, A3)**
Developer: Springville Farms, LLC (Robert (Eddie) Goodson with Brett Calcutt P.E., RLS)
TM#: 181-00-01-006 (portion)
Land Use Designation: General Development
Not in the MS4

Chairman Galloway welcomed Mr. Goodson to the meeting and asked him if he had any comments. Mr. Goodson declined to make comments. Chairman Galloway stated that the Director's Notes indicated that Mr. Goodson had met the requirements for Conditional Final Approval of this subdivision along a public access, located along Apartment Circle in the eastern part of the county off of Elissa Dr, which is off of Society Hill Rd. Chairman Galloway stated that this subdivision was on the agenda last month, but was not presented to the PC because at the time of the meeting there were more than the maximum two conditions necessary to have a Conditional Final Approval issued. The PC made a motion to postpone the agenda item until the necessary conditions were met.

At this time, there are two outstanding conditions: 1) DHEC Lot-by-lot evaluation and 2) the final plat to include the driveway for Lots 10 and 11. Staff confirmed that this was the case. Chairman Galloway stated that with the two outstanding conditions the developer qualified for a Conditional Final Approval and asked for a motion for same.

A **MOTION** was made by Commissioner Mike Sprott and seconded by Commissioner Leo Johnson to **GRANT** Conditional Final Approval for Springville Hills Subdivision on the condition that the two outstanding conditions of 1) Staff is presented with the DHEC Lot-by-Lot evaluation and 2) Staff is presented with the final plat with the shared driveway layout .

During discussion, Commissioner Haenni asked Chairman Galloway for clarification from last month's Director's Notes that stated that there was a question regarding obtaining a previous right-of-way and wondered if that would be required to be resolved before moving forward with the Conditional Final Approval which already has two conditions.

Senior Planner Brooks stated that the information in last month's agenda package was regarding the 50' easement that had previously been obtained. The person that had signed it had a life estate only and has since passed away. His children have inherited it and the question has risen do they need to sign another easement. Mr. Brooks introduced Mr. Goodson, a son of the person who signed the easement, who would speak to the matter. Mr. Goodson stated he would sign the easement for that right-of-way. He stated that Chairman Galloway's father and sister would have signed, but Mr. Goodson purchased the property from them and Mr. Goodson stated he had no problems signing it. Mr. Brooks stated that this signing would correct a technical error that was about 20 years old, but should not affect the road and the development along it and the execution of this easement is not a requirement of the approval.

Chairman Galloway asked if there was any further discussion. Hearing none, Chairman Galloway restated the motion on the floor and called for a vote.

There was considerable discussion about whether to add a 90-day time frame to the Conditional Final Approval. The PC came to a consensus to make a new motion.

Commissioner Sprott withdrew his motion and Commissioner Johnson withdrew his second to the original motion.

A MOTION was made by Commissioner Haenni and seconded by Commissioner Leo Johnson to GRANT Conditional Final Approval for Springville Hills Subdivision on the condition that the two outstanding conditions of 1) Staff is presented with the DHEC Lot-by-Lot evaluation and 2) Staff is presented with the final plat for the driveway layout be obtained, both within 90 days. Motion carried unanimously.

Commissioner Antrum asked to be recognized by the Chairman and asked for clarification of the reason for the 90 day timeframe, as he thought the outstanding items should be satisfied in a timely manner. The reason that there was a 90-day time frame was that DHEC was short-handed. Commissioner Antrum stated he did not feel that the PC should make its decision based upon that information. He felt that the PC was being penalized in one fashion, and that DHEC was being given latitude. Commissioner Antrum questioned the section of the Director's Notes that explained the ordinance that gives Staff the latitude to grant an approval if the PC does not act upon the request within a certain time period. Other Commissioners stated that they were giving the developer 90 days and that if he could not complete those conditions in 90 days that the developer would have to re-appear before the PC.

Staff interjected that with the Conditional Final Approval if the developer does not meet the outstanding conditions that Staff cannot issue a development permit. With the caveat of the time frame, that means that if he (the developer) does not meet that time frame, Staff cannot issue the development permit either. Chairman Galloway stated that the developer would then have to request to be put on another agenda.

Staff also interjected that what they thought Commissioner Antrum was speaking of was a clause in the DSO that states if the PC does not act within a certain amount of time that the approval is granted. Staff explained that the implied intent behind the provision possibly could be that if there was no PC meeting scheduled or held (due to lack of business or lack of quorum) then that clause could be used to allow development to begin. Commissioner Antrum stated it was in writing, and that was his problem with it.

Mr. Brooks asked to be recognized and referred to the Director's Notes, page 1-2, highlighted section, Item F "in the event that the Planning Commission does not take action..." Mr. Brooks stated that he felt the issue was really whether or not the PC had taken action. He stated that the PC had taken action at this meeting with the approval of the CFA with the timeline. Had the PC not taken any action, then the developer would have started the 30 day countdown and made the assumption to move forward with development on the 31st day. Chairman Galloway concurred.

Commissioner Johnson asked if it would come back before the commission in 90 days. Staff responded that it would only come back if the developer did not meet the two conditions. Mr.

Goodson, the developer, stated that the PC would not see this issue any more. Brooks stated that the developer was ready to complete these conditions as soon as possible.

X. VARIANCES - None

XI. SITE DEVELOPMENT

A. American Stainless

Attachments A1, A2, A3

Developer: Remount Sources

TM#: 143-00-02-063

Land Use Designation - General Development

Not in the MS4 – Not in the Floodzone 450060110B

Chairman Galloway called for this agenda item for this new office building for American Stainless located in the central area of Darlington County off of N. Governor Williams Hwy east of the 52-Business access on Mineral Springs Road. Chairman Galloway stated this was a request for Vested Rights. Commissioner Johnson stated that he had visited the site and it looked good. Mr. Brooks asked Commissioner Johnson if it was already constructed and he said it appeared to be. Chairman Galloway called for a motion to set the Vested Rights date.

A MOTION was made by Commissioner Johnson and seconded by Commissioner James Harrell to SET the Vested Rights Date for American Stainless Office Building for August 4, 2011. Motion carried unanimously.

XII. OLD BUSINESS

A. Priority Investment Element-

Attachment B1

Chairman Galloway called for this agenda item. He asked Staff if this was a completed copy. Mr. Brooks stated that Staff had worked diligently, and had received input from the County Administrator (Dale Surret) to add the Other Aspects on the 3rd page of the PIE. These items would be large expenditures for buildings, vehicles, and equipment. Mr. Brooks stated that Director Reimold wanted Mr. Brooks to point out the chart on page 5, in terms of the depreciated value of the assets and why the County must account for these things. Mr. Brooks pointed out the equipment category, which includes vehicles. The 131 vehicle fleet cost \$15 million to purchase, and are now worth only \$1 million dollars due to depreciation, leaving only 8% of the original value. Mr. Brooks stated that if the County had to replace 20-30 vehicles at once that could conceivably be manageable. But, if all or most of the vehicles had to be replaced, then it would be cost prohibitive. He also stated that there were also old buildings that needed to be upgraded, repaired, or replaced. Mr. Surret (County Administrator) asked that all of these things be in the forefront of county financial decisions. Mr. Surret also was instrumental in helping to get the information from Darlington County Schools and the Water & Sewer Authority.

Mr. Brooks stated if there were no other issues or concerns then to please look at the goals on the last page to see if these goals were attainable and desirable. Chairman Galloway directed the Commissioners to page 10. Mr. Brooks reiterated the conversation with Mr. Surret where he requested an annual review of the list of capital improvements and prioritization. Then Mr. Brooks began to read the goals.

Commissioner Haenni requested to be recognized. Chairman Galloway recognized her. Commissioner Haenni asked that the record reflect the Commissioners commending staff for the

excellent job in putting the PIE together, recognizing their hard work, long hours, and dedication to providing a quality document. Several Commissioners concurred. Chairman Galloway asked Mrs. Ritz to be sure to record this request in the minutes.

Mr. Brooks continued with Goal #2, which states the necessity of identifying funding strategies. He recognized there is a recession, but there must be some creative funding methods that can be found. He stated that Florence instituted a 1 cent gasoline tax to fund a portion of their road repairs.

Goal #3 stated that coordination intra-county and inter-agency must be accomplished. He gave some background about previous projects and the importance of coordination.

Goal #4 clarifies the need to identify the areas of the county that can best support growth. Mr. Brooks stated that there was a need to identify those areas and then begin to direct growth into those areas.

Goal #5 is to develop a planned program that would annually evaluate the remaining life cycle of the capital improvement assets, almost a shadow of #1.

Mr. Brooks asked if the PC felt that the goals were adequate and appropriate, if there were no further issues and the PIE is complete, that Staff had the Resolution tonight for signatures to forward to County Council.

Chairman Galloway recognized Commissioner Johnson, who asked Staff what had happened to the proposal for a new courthouse plaza from earlier this year. Mr. Brooks stated he was not aware of any plans for a new plaza. He stated there was a space-needs study recently completed. He stated that there is some consideration of rearranging some of the offices. He stated that there was a possibility that the Planning Office and the Family Court system may switch places. He stated that this would give better service to the citizens, developers, and contractors as it would place Planning & E-911 Addressing, Tax Assessor, and Codes all on the same floor. It would also place all of the court system offices and court rooms on the top two inhabited floors of the Courthouse, making security easier.

Mr. Brooks stated that the courthouse was built in 1973 and it cost \$4 million. That same courthouse today would cost \$18 million. There was some discussion about finding alternative locations for the courthouse, but Mr. Brooks advised that in order for the City of Darlington to remain the county seat, the courthouse must stay in the city.

Commissioner Haenni asked if there had been any discussion of off-site relocation, since there were a number of buildings downtown that were vacant. Mr. Brooks stated that already had been started, as the School District Administration relocated from the 3rd floor, where they occupied almost half the floor, to the old Darlington Vocational Center next to Darlington High School. Any further extent of information regarding off-site locations would have to come from Administration.

Chairman Galloway commended Staff for the job well done. He asked if the Commissioners had any further issues or concerns and if not he would entertain a motion.

A MOTION was made by Commissioner Judy Haenni and seconded by Commissioner Leo Johnson to RECOMMEND the Adoption of the Priority Investment Element to County Council. Motion carried unanimously.

All the commissioners who were present signed the Resolution to forward to County Council.

XIII. NEW BUSINESS - None

XIV. STAFF REPORTS

A. Zoning Workshop and Continuing Education

Staff and Commissioners commented on the 2nd Zoning Work session. Mr. Brooks stated he thought it was very productive. He stated that Mr. Parnell had a good presentation and would probably be a vocal advocate for passing a lighting ordinance. Mr. Brooks stated that the 3rd Work Session was originally scheduled for September 30, to be combined with the 3 hours of statutory Continuing Education utilizing a new video presentation by the South Carolina Association for Counties (SCAC). However, the recording of this presentation will not be available until mid-October. Mr. Brooks stated that Commissioners Antrum and Haenni actually viewed the live broadcast on the 15th of October. This broadcast had a lot of technical difficulties, and the edits need to be worked out before the webcast is available on DVD. He stated that depending upon availability that the next Work Session can be scheduled before or after the PC meeting. Mrs. Ritz suggested to Mr. Brooks, since there was not a firm date for receiving the DVD or availability of the re-broadcast, that it might be better to wait to schedule it until the information is available. Mr. Brooks took that under advisement and stated that it would be better to wait. Mrs. Ritz addressed the Chairman and Commissioners about having another work shop anyway during the next few weeks, stating that there was a lot of good information out there and that Staff would be happy to put together another work shop.

There was considerable discussion to determine the content of the next work shop, who could attend, date/time and location, and what pace to set.

Chairman Galloway stated the 3rd Zoning Work Session was set for Friday, September 30th from 2-5 and that Mrs. Ritz would let everyone know the venue. Chairman Galloway asked if Commissioners Antrum and Haenni received continuing education credit for viewing the webcast, and they indicated they did.

No motions made. Informational purposes only.

B. Chilling Pond Homeowners Association

Chairman Galloway asked if there was any update on the Chilling Pond Homeowners Association. Mr. Brooks stated that there was no update at this time.

No motions made. Informational purposes only.

C. Other Staff Reports

Chairman Galloway asked if there were any further Staff reports. Mr. Brooks stated none to his knowledge. Mrs. Ritz apologized for the interruption and interjected that Director Reimold had asked her to report on the Black Creek Stakeholders TMDL core group meeting. That meeting took place the Friday before the PC meeting. This core group discussed the TMDL and any appropriate comments that could be made either corporately or individually. She stated that some of them were very outspoken. What was interesting was that the group was ready to move past the technical aspect of the TMDL and before it is even approved to find ways to positively affect Black Creek now. There were some valid concerns about the data in the TMDL. Geoff Smith, the County's representative with URS/BPBarber was there, and just about every comment made by someone at the meeting about the TMDL had also been identified by him. It was a testament to the fact that every day people who love

Black Creek had a really good grasp of the TMDL document. They do want to set a second meeting, have not set one as of yet, and all would be contacted when the meeting was set. Mrs. Ritz thanked Chairman Galloway for allowing the report. Chairman Galloway thanked Mrs. Ritz for the information.

No motions made. Informational purposes only.

XV. PERSONAL APPEARANCES – None.

XVI. COMMISSIONERS REQUESTS/COMMENTS

Chairman Galloway asked if there were any requests or comments from the Commissioners. Commissioner Sprott asked if Mr. Francis Parnell, who was a presenter at the 2nd Zoning Work Session, was an individual who was just a concerned individual or was he someone who worked for a company. Mr. Brooks stated that Mr. Parnell was a concerned individual who was involved with the Dark Sky Association, and that Mr. Parnell's interest was in lowering light pollution. Mr. Parnell is passionate about light pollution and light conservation. Mrs. Ritz stated that Mr. Parnell was instrumental in helping the City of Hartsville pass their lighting ordinance. She stated he is an advocate for the environment, just in a different way.

No motions made. Informational purposes only.

XVII. ADJOURNMENT

A MOTION was made by Commissioner Mike Sprott and seconded by Commissioner Judy Haenni to ADJOURN the regularly scheduled meeting of the Darlington County Planning Commission on September 20, 2011 at 6:17 p.m. Motion carried unanimously.

Action Items from September 20, 2011 Planning Commission Meeting:

1. Staff is to please forward the resolution and PIE as written to County Council.
2. Staff is to please schedule and conduct a 3rd Work Session on Zoning on September 30, 2011 and notify commissioners of the venue.

At the regularly scheduled meeting of the Darlington County Planning Commission on December 13, 2011, a MOTION was made by Commissioner Judy Haenni and seconded by Commissioner Mike Sprott to APPROVE as written the minutes of the regularly scheduled meeting of the Darlington County Planning Commission on September 20, 2011. Motion carried unanimously.