

MINUTES

ISLANDS PLANNING COMMISSION FEBRUARY 19, 2013 - 6:00 P.M. The Casino Bldg, 530 Beachview Drive, SSI

MEMBERS PRESENT: John Dow, Chairman
Stan Humphries, Vice Chairman
Preston Kirkendall
William Lawrence
Paul Sanders
Oliver Seabolt
Robert Ussery

STAFF PRESENT: David Hainley, Community Development Director
Janet Loving, Admin/Recording Secretary

Chairman Dow called the meeting to order and the invocation was given, followed by the Pledge of Allegiance. He then welcomed Mr. Oliver Seabolt as the new member appointed to serve on the Islands Planning Commission.

MINUTES

January 15, 2013 Regular Meeting

A motion was made by Mr. Preston Kirkendall to approve the Minutes of the *January 15th* Regular Meeting. The motion was seconded by Mr. Paul Sanders. Voting Aye: Messrs. John Dow, Stan Humphries, Preston Kirkendall, William Lawrence, Paul Sanders and Robert Ussery. Mr. Seabolt did not attend the January 15th meeting and therefore abstained from voting.

Election of Officers

- a) *Chairman*
- b) *Vice Chairman*
- c) *Recording Secretary*

Mr. William Lawrence reported that the Nominating Committee met on Friday, February 1st and selected the following as Officers for 2013: Mr. John Dow, Chairman, Mr. Paul Sanders, Vice Chairman and Mrs. Janet Loving, Recording Secretary.

There were no other nominations from the floor and therefore nominations were closed. Afterward, a motion was made by Mr. William Lawrence and seconded by Mr. Stan Humphries to elect Mr. John Dow as Chairman, Mr. Paul Sanders as Vice Chairman and Mrs. Janet Loving as Recording Secretary of the Islands Planning Commission for 2013. All voted in favor of the motion with the exception of the nominees who abstained.

Mr. Hainley reminded the members of their past practice of appointing a Second Vice Chairman in case of any unforeseen circumstances (i.e., conflict of interest or absence of Chairman and Vice Chairman). Thereupon, a motion was made by Mr. Preston Kirkendall to nominate Mr. William Lawrence as Second Vice Chairman. The motion was seconded by Mr. Paul Sanders. There were no other nominations and by a majority vote, Mr. Lawrence was elected to serve as Second Vice Chairman of the Islands Planning Commission for 2013.

Staff's Presentation - Format

Chairman Dow stated that Mr. Humphries actually initiated a request for a change in staff's presentation, and as such, he asked him to give an overview of his request.

Mr. Humphries submitted the following: "The professional staff of the Planning & Zoning Division should be an independent finder and presenter of facts in matters pertaining to applications to be considered by the Planning Commission and the County Commission. They should not be put in the compromising position of recommending or not recommending approval of any particular action. It is the job of the Planning Commission and/or County Commission to determine whether or not the application is in the public interest.

"The staff should state whether an application has satisfied all zoning and other prerequisites of applicable ordinances, and stipulate further conditions subject to approval. They can also offer a range of motions for the appropriate commissions to consider. The public needs to have the upmost confidence that the Planning & Zoning staff serves the best interest of the community by being professional, competent, fair and impartial.

"Unfortunately, the staff is presently perceived by the community to be biased, by recommending almost every application that is presented, simply because they have done their job properly and worked with an applicant to satisfy all requirements. This perception needs to be changed by changing the wording of the presentation. The Georgia DNR has adopted such language in their permitting process."

Chairman Dow asked Mr. Humphries if he is suggesting that staff's presentation include language indicating that the agenda item meets the requirements and then allow the Planning Commission to decide whether or not to recommend approval. Mr. Humphries replied yes.

Mr. Kirkendall stated that he'd have to take the opposite position. He feels that it is the Planning Commission's job to look at the facts and make a decision or recommendation to the County Commission, just as it is staff's job to make a recommendation to the County Commission who will then make the final decision. He stated that the County Commission has often relied on staff to make a recommendation. Mr. Kirkendall pointed out that the Planning Commission doesn't always follow or agree with staff's recommendation, but he feels that they should continue to make a recommendation based on the facts.

Mr. Ussery agreed with Mr. Kirkendall and added that the other "player" to consider is the applicant who has paid a fee to be here and expects to hear from staff. The County Commission has hired professional staff with certain knowledge and expertise. Mr. Ussery stated that it is important that the Planning Commission receives a recommendation from staff. He has found staff to be very competent and more familiar with the ordinances and codes. He also feels that staff's recommended motion is a matter of expediency, which helps the Planning Commission and the County Commission to formulate the motion without confusion.

Mr. Lawrence stated he feels that staff has the responsibility of making sure that the information presented to the Planning Commission is as comprehensible and complete as possible in order for the Commission to make an appropriate decision. He doesn't think that staff should have the responsibility of making a recommendation because then "what is our responsibility." Mr. Lawrence stated that it is important for staff to provide a positive aspect versus a negative aspect and allow the Planning Commission to make its recommendation after receiving all of the information, but without staff's opinion on the matter.

Chairman Dow pointed out that staff's recommendation has been the "modus operandi" for years. He then asked Mr. Hainley if this is by choice or is it a requirement of Glynn County. Mr. Hainley stated that it is not a requirement. It is a continuing practice that had stopped at one time and started up again. He explained that when staff receives an application, what the Planning Commission sees is part of the application after staff has filtered through to make the necessary findings for review. However, if the Planning Commission decides that staff should not filter through and make these findings, then the Planning Commission will get everything that comes into the office. As an example, he referenced the Red Barn application which contained approximately ten conditions that staff worked on to resolve before it reached the Planning Commission. Chairman Dow stated that in his opinion, it is not the Planning Commission's task to vet everything. It was also pointed out that it is a legal requirement for staff to submit the Planning Commission's recommendation to the County Commission.

Mr. Hainley explained that there was another issue raised concerning the presentation process which involves technical capabilities. He stated that DNR has a system that allows them to type the actual motion as it is being made and have it visible on the screen during the meeting. Mr. Ussery stated that he has also witnessed this at a DNR meeting. Mr. Hainley pointed out that with the current technology staff does not have this particular capability on the Island or on the Mainland. However, Mr. Humphries stated that he attended a DNR meeting on Friday, February 15th and they did not provide this service.

Chairman Dow suggested that perhaps at the end of staff's presentation, staff could state that the application meets all of the requirements and is in order for approval by the Planning Commission. Staff could then give an alternative recommended motion. Chairman Dow stated that it is ultimately the Planning Commission's decision to vote up or down.

Citing an example of a previous request which involved giving away 40 acres of a public park, Mr. Humphries stated that staff submitted a recommendation for approval because all of the requirements had been met. However, he felt at the time that it was not staff's intention to give away the 40 acres, but because all requirements had been satisfied staff recommended approval. As an alternative, he suggested that staff should state that the request has satisfied all of the requirements and here are possible motions. If the motion is for approval, any conditions associated with the request should be included. Mr. Humphries stated that this is the procedure carried out by DNR.

To summarize this discussion for the purpose of a motion, Chairman Dow stated that in presenting the staff's report, staff should acknowledge that all of the requirements have been met; staff should then give the Planning Commission a range of motions to choose from. Mr. Humphries concurred and suggested adding the following language: "Should the Planning Commission approve the proposed application, they may consider the following conditions (if there are any)."

There being no further discussion, a motion was made by Mr. Stan Humphries and seconded by Mr. Paul Sanders to use the following language with staff's presentations:

"In lieu of the staff's recommendation and recommended motion, the report and presentation will state as follows:

Should the Planning Commission approve the proposed application it may consider the following conditions...

The report and presentation shall also contain the following: A statement that all applicable requirements for the requested action have been satisfied; and a range of suggested possible motions for approval, disapproval and deferral."

Discussion continued, during which time Mr. Ussery asked if this procedure applies to both Planning Commissions. Mr. Hainley replied yes, the Mainland Planning Commission informally took action on this item. Mr. Ussery stated that this is a two part issue involving the public and the applicant. He feels that the applicant deserves a prompt answer in order to make his best case. Mr. Humphries stated that this action would not prevent staff from working with the applicant; it prevents staff's recommendation and recommended motion.

After discussion, the following vote was taken on the motion: Voting Aye: Messrs. John Dow, Stan Humphries, William Lawrence, Paul Sanders and Oliver Seabolt. Voting Nay: Mr. Preston Kirkendall and Mr. Robert Ussery.

For the record, the Mainland Planning Commission, who informally decided not to make any changes in the staff's presentation, will receive the above action for discussion at their next meeting. If their decision remains to not make any changes in staff's presentation, discussion will continue at a Called Meeting with both Planning Commissions.

There being no further business to discuss, the meeting was adjourned at 6:25 p.m.