

Kershaw County Planning and Zoning Commission
Minutes - Regular Session
November 12, 2009, 5:30 p.m.
County Council Chambers, 515 Walnut Street
Camden, SC 29020

Members Present: Lewis Shaw, David Brown, Charles Cottingham, Karen Eckford, George Gibson, and Dan Matthews

Members Absent: Richard Simmons

Staff Present: Carolyn Hammond and John Newman

Call to Order

Chairman, Lewis Shaw, called the meeting to order at 5:30 p.m.

Public Comment Period

There were no comments from the public.

Rezoning Request of Lewis Clyburn

Lewis Shaw opened the public hearing by stating that Lewis Clyburn requests a change in zoning from R-6 to B-2 for property located at 1310 and 1310-A&B Field Street in Camden. John Newman gave the Staff Report, stating that because of knowledge that sewer was going up Highway 1 North, the area was designated an Economic Development (ED) land use area, and in the 2000 rezoning, this area was rezoned to B-2. This included assigning B-2 zoning to properties that were in residential use. Looking at the zoning and future land use maps, he said it appears the two subject parcels were inadvertently left out of the B-2 zoning. Mr. Newman went on to say that B-2 zoning complies with the Economic Development criteria; and that the request meets most of the goals and objectives of the Comprehensive Plan with the possible exception of encroachment of commercial development into residential areas. Many houses or parcels that were zoned B-2 in 2000 remain in residential use. He closed by stating that Staff recommended approval, but would support the Planning Commission's or County Council's decision if they chose not to grant the rezoning at this time.

The applicant stated that realistically, he did not expect the economic impact of the sewer line to affect the area for a few years, but wanted to have the property properly rezoned for such time. The Chairman closed the public hearing. During a brief discussion, George Gibson pointed out that he visited the site and felt it should be zoned B-2. No one spoke in opposition as a result of posting the property. Karen Eckford motioned that the Planning Commission approve the request. George Gibson seconded. The Commission voted unanimously to recommend approval of the request to rezone the subject properties from R-6 to B-2.

Approval of Minutes

Dan Matthews made the motion to approve the minutes for the September 10, 2009 meeting as amended to correct a typo. Karen Eckford seconded, and the minutes were unanimously approved.

FY 2009-2010 CIP

Robert Moody of the Catawba Regional Council of Governments told the Commission he had been hired by Administration to do a 10-year CIP. He distributed copies of the adopted Kershaw County CIP Implementation Strategy and requested that the Commission allow step two (formation of a capital improvement program team) to precede step one (the Planning

Commission's cataloguing and ranking of a 5-year plan for public facility improvements) because it makes sense to have the numbers in place before cataloguing and ranking the projects. He reviewed the proposed Prioritization Methodology which he asked the Commission to consider.

Referring to the proposed resolution and the CIP process, Lewis Shaw, stating that he was speaking for himself, explained to Mr. Moody that the Planning Commission is a dedicated group, is serious about its responsibilities, and has put in a lot overtime trying to fulfill those responsibilities. He said it was clear to him that one of the primary duties of the Planning Commission is to develop the CIP. He explained that they had gone through the process three years ago, and while that first CIP was not perfect, it was a good start and good for the Commission to go through. Last year, there was a change in Administration and despite their best efforts to get a CIP process started, the Commission was unable to get anybody's attention in Administration until almost March. The Commission felt that was too late to put together a credible document and notified County Council that they would not be sending them one. Mr. Shaw stated he thought Administration had gone ahead and put together something, but it was not a Planning Commission document. After last year's CIP, the Commission felt they had received promises from Administration that this year would be different. Chairman Shaw said he is hopeful that that is going to be the case, but is concerned because it is November and somewhat late. He made it clear that the Planning Commission cannot nor do they want to do the nuts and bolts of the plan, but they do want to be involved with Administration in a collaborative process because, in his view, the Planning Commission cannot delegate that duty to the Administrator.

Mr. Shaw asked Mr. Moody if he had a written document with timelines and milestones outlining the process and expectations for the Planning Commission. Shaw stated he had not seen or heard of anything where the Planning Commission was going to be plugged into the process, what role and outcomes were expected of the Commission, and what the timing was to be. He said the Planning Commission is willing to put the time in, but wants to be assured that they are going to be an integral part of a collaborative process. Thus far, he has not seen anything that makes him feel good that that is going to happen. His fear is that at the very end, the Commission is going to be brought a document that they have been largely uninvolved in and be asked to sign off on it. He does not want the Commission to be put in that position and he will not vote to sign off on a document like that. If Mr. Moody does not feel like he sees a collaborative process coming forward, Mr. Shaw needs to meet with the Administrator and share those concerns with him.

Mr. Shaw went on to ask Mr. Moody what role in the CIP he sees for the Planning Commission. Moody responded by saying the Planning Commission will make recommendations to County Council. County management and the Administration will make some recommendations because they have more understanding of the financial piece while the Planning Commission has a better understanding of the big picture and the overall feel of the community. That, said Mr. Moody, is where he would like to plug the Planning Commission in. He would like to do the homework, produce a draft by the end of January, and then take the draft to the Planning Commission. He said there will be Planning Commission involvement, but he does not see it at the same level as in the past. Moody mentioned that in the past, the Planning Commission had department heads present their projects. He said he was concerned about the Commission's possible desire to hold several meetings with the department heads and does not see that as part of the process, but stated the Planning Commission could hold a workshop or something of that

nature. Moody said he would like to gather his information first and then see if department head meetings are necessary. Shaw made it clear that the Commission wants to hold the number of meetings it takes to do the CIP right and emphasized that the Commission is interested in having real input as a collaborative process with the departments as well as the Administration.

Mr. Shaw said he would like to see, and thinks the Commission needs to see at least the information, over some reasonable dollar amount, submitted by the department heads, and that a meeting with department heads may not necessarily be needed. He does not think the Commission is looking for where the numbers are coming from as he would see Mr. Moody's role as validating the numbers the department heads are coming up with. Shaw said he has gleaned very little information of the Commission's involvement in filtering the requests, and his concern is that Mr. Moody is going to put together his draft report by January and the Planning Commission will not get an opportunity to get involved until then. Another concern is that Mr. Moody or someone else might filter out too much information to where the Commission will be unable to judge the benefits the requests provide to the citizens and whether they are consistent with the Comprehensive Plan. By filtering out, he said it is fine if the Administrator thinks a request a department makes is not a high priority or should not be on the list, but feels the Planning Commission would still like to see the requests and hear from the Administrator. In all likelihood, the Commission would concur. He continued by saying that, on the other hand, none of the Commission wants to sign off on something such as acquiring another patrol car. The Commission would expect that kind of information to be filtered out, but would certainly like an opportunity to know what requests are out there even though the Administrator might not support the requests. He stated that at some point there needs to be a meeting between the Planning Commission and Administration.

John Newman interjected that the Capital Improvements Program Overview that Mr. Moody had distributed to the Commission weeks earlier states that projects listed by the departments will be given to the Administrator, and if the Administrator recommends the requested project, he will give it to the Planning Commission. Mr. Newman said he does not see that as the Administrator's role in the CIP process. Chairman Shaw added that that was exactly the point he was making. While he respects the Administrator's ability and authority to set his own priorities, he should not, in essence, be setting the Planning Commission's priorities. If the Administrator and the Commission have different priorities, then they have to discuss them. Shaw said he does not want to have to go to County Council with opposing views on that, but the process should allow that to work itself out.

John Newman asked if once Mr. Moody has compiled the raw data, is he going to follow through with his plan to validate the numbers given by the departments, or is he going to take what they give him. Moody said it is going to depend on the specific project. Newman's concern is that the department heads may know what their requests are, but may not have accurate information on their costs. Moody replied that that is a valid concern and something the team can bring to the plan and go back and check.

Chairman Shaw pointed out that the approved Kershaw County CIP Implementation Strategy which Mr. Moody distributed at the beginning of the meeting states that a CIP development team will be formed. He asked Mr. Moody if he was proposing that. Mr. Moody replied by saying that the CIP development team had already been formed. When asked who was on the team, Mr. Moody replied that it included Carolyn Hammond and John Newman, and one meeting had already been held. John Newman made it clear that he was unaware that he was on the CIP development team and no work on the CIP was conducted at the meeting that he and Ms.

Hammond attended. That meeting was not called a CIP development team meeting and it consisted of those in attendance being introduced to the CIP and the Strategic Plan consultants with both projects being briefly discussed in extremely generalized terms. When asked if that was the only CIP development team meeting that was going to be held, Moody said sure, that that was his understanding. At that point, David Brown remarked that he thought what Mr. Newman and Mr. Shaw were saying was that you have to have input before you can be a member of the team. With that, Mr. Moody said he was missing that and thanked the Commission for correcting him. John Newman added that he sees nothing in the memorandum of understanding or task force document that mentions the team. Since the CIP Implementation Strategy lists him as a member, he wants to know exactly what is expected of him, especially if something comes to him at the eleventh hour. Speaking of the development team, Newman said months ago he had thought a process different from that outlined in the CIP Implementation Strategy was going to be followed, that the end result was going to be the same as last year, and essentially that Mr. Moody was hired to be the CIP development team. As outlined in the Implementation Strategy, Newman said if he is going to be on the development team, he is going to be involved. Mr. Moody responded that he thought he was hired to do all the work of the CIP development team. He said he wanted the Commission to be involved, that he was not going to withhold information, and that there will be work to do and hard decisions to be made.

Mr. Shaw told Mr. Moody that he would like to see from him, in writing, a timeline including at what points the Planning Commission is going to be involved and what information the Commission is going to be presented with. If it has to be blessed by the Administrator, that is fine. Mr. Moody said he can produce such a document very quickly and will clear it with Administration. Mr. Shaw said he is looking for more involvement than at the tail end of the process, adding that the Commission takes its role seriously and while the law does not define what develop is, it puts the burden on the Planning Commission to develop the CIP. Mr. Shaw said he is okay with the process the Administrator has chosen in hiring Mr. Moody to contract the CIP, but the Commission cannot give that authority away to Mr. Moody, the Administrator, or anyone else and then put the Commission's name on the document. That, he stressed, was the main message. Shaw said he had given that message to the Administrator and he seemed to fully understand it. Perhaps, he said, everybody is planning to do it that way, but he has seen nothing in writing that indicates it. He concluded his comments to Mr. Moody by telling him that he was glad he brought the implementation strategy document because it states exactly the process the Commission had envisioned taking place. Mr. Moody said he understands the Commission feels strongly about the CIP and the process.

At this point, the Chairman told the other members of the Commission that he hoped they were all right with what he was saying and, if not, asked them to please speak up. George Gibson stated he was in agreement and told Mr. Moody that he would like to hear him, with respect to the CIP, compare and contrast the role of the CIP development team with that of the Planning Commission. Mr. Moody said the team would be the people doing the homework and getting the information in place to put in a format the Commission will be able to use. He said he could supply all the requests from the departments and that it will be the same information the Commission is going to get in the CIP. He said he did not see that the Commission needed that information, but he would supply both and anything the Commission wants. It is an open process as far as he is concerned, he does not want it to be an issue, and it is not an issue with him.

Moody reported that for the last few months, he has been doing background work and attempting to get the information into a format he can present to the Commission. He has met with virtually all department heads to find out their needs and to try programming that. Some department heads are very thorough with their information and others give just numbers. Part of his job is getting the information in a consistent format and filling in the gaps so the Commission will have the best information and know how they came up with their figures. He added that there will be some justification.

John Newman told Mr. Moody that he has received calls from several departments asking him the difference between this year's CIP process and last year's. He said that like last year, they were given forms to fill out, but they need help determining the cost of their projects as well as sources of funding. Mr. Moody answered that he will take their information, put it in his forms, and where there are gaps, the team will come together and attempt to fill them. Mr. Shaw asked if the team was comprised of those persons listed on the CIP Implementation Strategy document. Mr. Moody replied in the affirmative. In response to Mr. Shaw's question of what is Mr. Moody's deliverable, he said it was the rough draft and follow up through the process.

In referring to last year's CIP in which the Planning Commission did not participate, Mr. Shaw stated that he was not sure if what was sent to County Council was a true CIP since the Planning Commission did not sign off on it. Because of that, he questions its legal basis. That CIP also differed from the one done by the Planning Commission the previous year in that it did not include the recommendation of much needed updates of a transportation plan and a sewer plan which the Planning Commission had listed as priorities. He expressed concern that those types of requests will be left out if the Commission is involved late in the process. Shaw said the Planning Commission adds a dimension that was intended in State law and he think County Council expects their input.

Mr. Shaw said the Commission was not able to contribute to last year's CIP because they were not given a legitimate opportunity to participate. He said the steps outlined in the CIP Implementation Strategy feel like a legitimate opportunity to participate, but he would like to see it fleshed out in writing more than the understanding they have reached in tonight's conversation. Robert Moody replied that all of the concerns expressed were very valid, and as a planner, he recognized the value of the Planning Commission and Staff. He said he will do what he can to incorporate them in the process. Chairman Shaw told Mr. Moody that the Commission recognizes that he does not report to them, but the Commission does have a vital role in the CIP and they are going to insist on that.

In terms of the resolution, Mr. Shaw said that he is unsure why it is needed, what it is for, and who it goes to. Mr. Moody said it was just a basic component of the entire process that, in his mind, formally initiates the process and says the Planning Commission is going to be engaged. In forwarding it to County Council, it lets them know the Commission is working on the project. The Chairman said he had a real problem with the resolution as currently written, but might be perfectly happy with the resolution after the Commission gets more information in writing about what they are expected to do. He has not seen anything that spells out what the Commission's role is, and unless they see something that assures that they play an integral role in a collaborative process as outlined in the CIP Implementation Strategy document, he personally would not vote to sign it. If the Commission can get some type of documentation of where they are going to be involved, and if they are satisfied with it, he would be willing for Mr. Moody to bring another resolution back. After offering to put the resolution up for a vote if any Commissioner wanted to consider it, it was tabled pending what further information they receive.

Mr. Shaw asked Mr. Moody not to take it as a read that the Commission is saying no to the process, he is saying they want to know what their role is going to be.

The Commission then came to a consensus that they would have no objection to switching steps one and two of the CIP Implementation Strategy for the purposes of Mr. Moody's process.

Lewis Shaw commented that as far as the CIP prioritization, he thinks it a good idea to have some methodology. The consideration and adoption of a CIP prioritization methodology will be placed on the agenda of the next regular meeting.

Shaw thanked Mr. Moody for coming, told him that he hoped he did not take his comments personally, but made it clear that the frustration is that the Commission is very committed, wants to do their job, and looks forward to working with him in a process that allows them to do that.

Mr. Moody told the Commission that the next thing they need to move forward on is the Priority Investment Act. He said the CIP will be the foundation for that and will be used to filter projects above a certain dollar amount. He suggested considering setting a dollar amount as a filter to help sift through projects.

ZLDR Status

John Newman relayed the following timetable for County Council's implementation of the Zoning and Land Development Regulations:

January 12, 2010 - Public hearing

January 19, 2010 - County Council work session

January 20, 2010 - February 2, 2010 - County Council members/County Attorney work with Staff on crafting any amendments they wish to introduce

February 10, 2010 - Second reading

February 24, 2010 - Third reading

Staff Report on County Council Actions Concerning the Planning and Zoning Commission

John Newman reported that on September 22, 2009, County Council unanimously approved third reading on the Tyner, Catoe, and Watts rezoning for 929, 933, 939, and 947 Highway 1 North from RD-1 to RD-2; and first reading on the request of Rabon Properties to rezone 24 acres on 283 Ward Road from RD-2 to R-6. On October 6, 2009, Council and the Planning Commission held a joint ZLDR work session. At the October 13, 2009 Council meeting, second reading on the Rabon Properties rezoning was approved unanimously. On October 27, 2009, the third reading on the Rabon Properties rezoning request received unanimous approval and unanimously passed first reading of the Unified Code of Zoning and Land Development Regulations. The Chairman asked John Newman, Clay Young, and Ken DuBose to propose a timetable table for the ZLDR implementation.

Adjournment

At 6:40 p.m., Dan Matthews made the motion to adjourn. It was seconded by David Brown, and all voted in favor.

Respectfully submitted,

Carolyn B. Hammond

Carolyn B. Hammond
Secretary