

CALLED COUNCIL MEETING

August 28, 2006

6:00 P.M.

Present: Mayor, Ray Jenkins
Council, Marlene Hadden
Jason Anavitarte
Donna Pittman
Ed Lowe
Bob Spangler
Tom Hart

City Attorney, Rick Powell

Mayor Jenkins called the meeting to order.

Mayor Jenkins stated that the purpose of this meeting was to review the duties of the Planning Commission and the City Ordinances that pertain to the Planning Commission.

Mayor Jenkins stated that this would be the only business discussed tonight and that nothing else would be added to the agenda.

The Mayor stated that the Planning Commission had been established by Ordinance 06-06 and that the Ordinance stated what the duties of the Planning Commission were.

The City Attorney stated that the duties given to the Planning Commission by Ordinance 06-06 was to review rezoning and variance application and then make a recommendation to the Mayor and Council.

Council Member Anavitarte stated that the Planning Commission had given the indication that they were leaning toward debating whether a policy was right or wrong. This impression was given by the Planning Commission through statements that members had made during a work sessions and Council Meetings.

Council Member Anavitarte asked the City Attorney or Johnny Lawler to explain what the duties of the Planning Commission were.

Mr. Lawler stated that the Council was charged with making a decision on zonings and variances. The Planning Commission was a recommending body only. Duties that can be assigned to the Planning Commission are as follows:

- Review criteria and make recommendations for rezoning applications
- Review criteria and make recommendations for variance applications
- Review zoning and make recommendations for a annexations
- Review the Zoning Ordinance and make recommendations to the City Council
- Land Use Updates

Mr. Lawler stated that if the Planning Commission had been assigned to review the Zoning Ordinance then it would be normal for the Planning Commission to make a recommendation to the City Council for an Ordinance change or request that the City have an expert review the subject in question.

The City Attorney again stated that the duties the Council had assigned to the Planning Commission were to review and make recommendations on rezoning and variance applications. This is the only duties that have been assigned. The City Attorney read section F of Ordinance 06-06.

Council Member Anavitarte asked about Section F of Ordinance 06-06. The City Attorney stated that Section F contained the criteria that the Planning Commission needed in reviewing the rezoning applications.

Richard Ballantyne, one of the Planning Commissioners, asked if the Council would be the one to distribute the rezoning and variance applications to the Planning Commission. The City Attorney stated that the Administrative staff of City Hall would distribute the rezoning and variance applications.

Mr. Ballantyne asked if the Building Inspector would be distributing the rezoning and variance applications. The City Clerk stated that she would be distributing the rezoning and variance applications.

Ben Crawford stated that the Planning Commission was limited to the duties assigned to the Planning Commission by the City Council. The City Attorney stated that was correct.

Jim Ambrose asked if being on the Planning Commission took away their voice as a citizen.

Mr. Lawler stated that the Council had given the Planning Commission a voice that was louder than the average citizen. Mr. Lawler stated that it was proper etiquette that the Planning Commission not talk about rezoning and variance before a public hearing. No individual member of the Planning Commission should be talking to the applicant before a public hearing. You do not give up your constitutional rights but you need to make a statement through the Planning Commission and not as a citizen on rezoning and variances, or any duties given to you by the Council.

Cat Sherlock asked Council Member Anavitarte to give some examples of how the Planning Commission had overstepped the boundaries, Council Member Anavitarte stated that members of the Planning Commission had been reviewing the Comprehensive Land Use Plan Update and the rewrite of the Zoning Ordinance and had voiced their opinion at work sessions and Council meetings or by giving a personal opinion before an application came before the Planning Commission.. The duties assigned to the Planning Commission are to review and make recommendations on zoning and variance applications.

The City Attorney stated that the Planning Commission should go into a public hearing with an open mind. They should not state an opinion before the public hearing.

Mr. Lawler stated that the City Council needed to get the Planning Commission trained. Mr. Lawler stated that there were Planning and Zoning courses offered to Planning Commissions.

Cat Sherlock referred to a class that was being held at Tybee Island in October.

Council Member Anavitarte asked the Planning Commission if they were aware of the laws concerning advertising public meetings.

Cat Sherlock stated that she was curious as to why the Police Chief showed up in the parking lot of the Civic Center. The Planning Commission had posted an agenda on the door at City Hall and one on the door of the Civic Center. Both of these agendas had been taken down by an unknown person. Cat stated that she did not know about the locked display box on the front porch of City Hall.

Ben Crawford stated that he had found out that the Council was having a Committee meeting on the 23rd and had asked Stuart Anderson to post a note on the door of the Civic Center stating that the Planning Commission meeting would resume after the Council Committee meeting was over.

Council Member Anavitarte stated that the Planning Commission meeting was set for 7:00 p.m. at the Civic Center. The Planning Commission did not resume their meeting until after 8:30 p.m. These are advertised as public meeting so that the citizens can attend. What would have happened if citizens had shown up for the Planning Commission meeting?

Council Member Hadden stated that it was not appropriate for a Planning Commission member to meet with an applicant and give a personal opinion before a public hearing.

Stuart Anderson asked if it was appropriate for a Council Member to meet with an applicant before a public hearing.

Mr. Lawler stated that if the Council Member was meeting with the applicant for economic development purposes that it was ok but that the Council Member should not state a personal opinion.

Council Member Hadden made a motion to allow the Planning Commission to attend training.

Ben Crawford asked if an individual Council Member was supposed to come to the hearings for rezoning and variances. Mr. Lawler stated that there was not a law but it was good etiquette for the Council to let the Planning Commission act as an independent board and not interfere with the Planning Commission's public hearing.

Council Member Hart asked Mr. Lawler to name the top 4 duties normally assigned to a Planning Commission.

Mr. Lawler stated the following were the top 4 duties that was normally assigned to a Planning Commission.:

- Review criteria and make recommendations for rezoning applications
- Review criteria and make recommendations for variance applications
- Review the Zoning Ordinance and make recommendations to the City Council
- Land Use Updates

Mr. Lawler stated that there were actually 5 duties assigned to a Planning Commission. The fifth one is review zoning and make recommendations for an annexation.

Council Hart asked the Council to approve giving the duties, listed by Mr. Lawler, to the Planning Commission.

Jim Ambrose stated that if the Council gave them more duties, then would the Council please define them.

Cat Sherlock mentioned a training class to be held at Tybee Island in October. Council Member Hadden asked about the cost of the Course. It was stated that the cost was approximately \$220.00 each.

Council Member Hart asked if a Council Member could not attend the Planning Commission meetings. Mr. Lawler stated that it was better if the Council Members allowed the Planning Commission to do the job that they were appointed to.

The City Attorney stated that it would be better if the Council Member did not attend the Planning Commission meetings.

Alan Malcolm stated that Lamar Lang had been opposed to creating a Planning Commission. Mr. Malcolm stated that he now knows why Lamar Lang had not wanted a Planning Commission and that Lamar Lang was a wise man. Mr. Malcolm suggested that the Council develop an application form for future replacements on the Planning Commission. The people wanting to serve on the Planning Commission would have to list their qualifications on the application and the Council could pick the most qualified people.

Mr. Ballantyne stated that the Council had voted and approved of the members of the current Planning Commission.

Stuart Anderson asked if the Planning Commission could have a called meeting if the agenda was posted at City Hall and the Civic Center 24 hours before the called meeting. Mr. Lawler stated that was correct.

Council Member Hart asked the Council if they were going to approve giving the Planning Commission the extra duties.

Council Member Hadden stated that the Planning Commission members needed to attend classes and then the Council would decide about assigning the Planning Commission extra duties.

The Clerk was asked to place this Planning Commission training on the Sept. 5, 2006 Council agenda.

Mayor Jenkins adjourned the meeting.

Ray Jenkins, Mayor _____

Attest: _____