

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC PLANNING SESSION MINUTES

ARTHUR A. MENDOSA HEARING ROOM
110 EAST STATE STREET

July 11, 2006

1:00 P.M.

Members Present: Stephen R. Lufburrow, Chairman
Jon Todd, Secretary
Robert Ray, Treasurer
Ben Farmer
Douglas Bean
Melissa Jest
Timothy Mackey
Walker McCumber
Susan Myers
Lacy Manigault

Members Not Present: Lee Meyer, Vice Chairman
Michael Brown
Russ Abolt
Shedrick Coleman

Staff Present: Thomas L. Thomson, P.E. AICP, Executive Director
Harmit Bedi, AICP, Deputy Executive Director
James Hansen, AICP, Director, Development Services
Dennis Hutton, AICP, Director of Comprehensive Planning
Charlotte L. Moore, AICP Director, Special Projects
Jackie Jackson, Water Resources Planner
Marilyn Gignilliat, Executive Assistant
Constance Morgan Administrative Assistant

I. Call to Order and Welcome

Chairman Lufburrow called the meeting to order. He asked everyone to stand for the Pledge of Allegiance and the Invocation.

II. Approval of the May 9, 2006 MPC Comprehensive Planning Meeting Minutes and MPC Comprehensive Planning Briefing Minutes

Mr. Manigault **moved** to approve the May 9, 2006, MPC Comprehensive Planning Meeting Minutes and MPC Comprehensive Planning Meeting Briefing minutes. Mr. Ray seconded the motion.

MPC ACTION: The motion to approve the May 9, 2006, MPC Comprehensive Planning Meeting Minutes and MPC Comprehensive Planning Briefing minutes carried with none opposed. Voting were Mr. Lufburrow, Mr. Todd, Mr. Ray, Mr. Manigault, Mr. Mackey, Mr. McCumber, Mr. Bean, Mr. Farmer, Ms. Jest, and Ms. Myers.

III. Regular Business

A. Savannah State Intern Report

Mr. Bedi introduced Ms. April Whitehead, the first student intern to participate in the program which is between Savannah State University and the MPC.

Ms. Whitehead gave a PowerPoint presentation on her accomplishments. She especially enjoyed researching the topics on Green infrastructure and the overall benefits from a healthy tree cover. As an improvement to the program, she stated the next intern should be allowed to attend more meetings in order to get a better perspective of the problem solving process and implementing improvements. In her closing remarks Ms. Whitehead thanked Mr. Thomson, Dr. Brown, and Dr. Silver for creating this program along with Chairman Lufburrow and MPC Board Members for their approval to adopt it.

Mr. Thomson added that Mr. Bedi will be managing the intern program for the agency. Mr. Bedi will meet with future candidates for the program and make his selections through an interviewing process.

Ms. Jackie Jackson, Water Resources Planner, noted that Ms. Whitehead has worked with her on major projects for the different municipalities. The process has been a good one overall and she looks forward to working with new candidates.

B. Wireless Communications Facilities Workshop

Mr. Bedi stated the MPC Board Members, staff and the community are frequently presented with petitions for telecommunication facilities that after meeting with consultants last year it was decided to; 1) revisit the ordinance and implement changes; 2) prepare a master plan for a telecommunications facilities in Savannah and Chatham County and 3) revisit the fee schedule and update the application process. Mr. Bedi announced a meeting to review the draft ordinance has been scheduled for July 14, 2006 @ 9:00 a.m. at the MPC.

Ms. Charlotte Moore, Special Projects Director, reviewed the draft ordinance addressing those areas of most concern of the Board Members. Those areas were; 1) Purpose and Intent, 2) Definitions, 3) Applicability and Exemptions, 4) Wireless Telecommunications Facilities, 5) Submittal Requirements, 6) Additional Standards, 7) Modifications, 8) maintenance, 9) Abandonment or Discontinuation of Use. In a future draft ordinance staff plans to expand the Purpose and Intent and to add more technological terms to the definitions section. The purpose and Intent have been expanded and the Definitions will be updated in order to express more technological definitions. Ms Moore added that the Master Plan is not expected to be adopted as it will continue to be updated however; the Master Plan is presently being developed by the consultants. The consultants will review all applications that come before the MPC.

Mr. Farmer asked whether the petitioner still be required to put up a bond in the event a facility is abandoned. Ms. Moore responded that the service provider has assured staff a tower has never been abandoned in the past and will never be abandoned in the future. Therefore; this requirement has been deleted from the ordinance. Mr. Farmer stated he was in favor of keeping the bond requirement in effect assuring this expense would not be incurred by the City or County. He also asked what if staff is allowed to approve certain types of facilities but denies a petitioner at staff level, will the petitioner still have the right to come before the MPC Board. Ms. Moore stated the petitioner would go before an Appeal Board. Mr. Bedi interjected and explained the process.

Mr. Thomson agreed that the next step should be that the petition be placed on the next agenda for the MPC to hear it. He also suggested a remedy for bonding a tower.

Mr. Mackey stated he was opposed to staff making decisions on cell towers because of the controversy. The City Council and the County Commission should have the final say on the towers.

Ms. Jest asked what criteria would be used to determine when staff would be making the determination or when a petition would go to the Executive Director would go before the Board. Commissioner Jest also referred to the draft under Section 1.0 Purpose and Intent paragraphs (c) and (h). She would also like to see stronger language used for the word encourage. She also asked if the consultant could include the definition of capacity versus coverage in the ordinance.

Mr. Bean agreed staff should be allowed to make the decisions on collocations and concealed attachments where the need for public input would be minimal at best but elected officials should have the final say on monopoles. He asked if staff was recommending that the Executive Director make the decision on concealed free standing or non concealed attached. .

Chairman Lufburrow stated the reason for writing a new ordinance was to eliminate some of the controversy. The ordinance is encouraging more concealed facilities. This will eventually help to remove a lot of the objection the Board receives from the public.

Ms. Myers voiced her concerns on bonding and maintenance of these facilities. She stated she would like to have some sort of mechanism in place in the event the petitioner does not keep the contractual agreement.

Mr. Manigault voiced his concerns as to who will determine the need in each area of the community.

C. Tricentennial Plan Issues Raised by City Manager

Mr. Bean **moved** to remove this item from the Agenda and place it on the September 12, 2006 Planning Commission Session. Mr. Mackey seconded the motion.

MPC Action: the motion to remove this item from the agenda and place it on the September 12, 2006 Planning Session Agenda carried. Voting in favor of the motion were: Mr. Lufburrow, Mr. Bean, Mr. Todd, Mr. Ray, Mr. Farmer, Mr. Mackey, Mr. McCumber, Ms. Myers, and Mr. Manigault. Ms. Jest voted against the motion.

D. Multiple Access to New Subdivisions

Mr. Thomson gave an overview of the Subdivision Access Design Ordinance Amendment and briefly reviewed the following attachments; 1) a letter from Attorney Phillip McCorkle, 2) a memo discussing the Home Builders comments, 3) version 7 now entitled Subdivision Access Design Ordinance Amendment, and 4) the results of staff research into other community experiences with this issue. He also commented on the three sub-issues: 1) capacity at the intersections; 2) emergency services access; and 3) the design of internal collector roads. The Home Builders position is that solutions are not required because problems do not exist.

Mr. Thomson stated the Board's options at this point would be to: 1) move this ordinance forward to the next meeting, 2) place it on the agenda for action for the next City / County Meeting, or 3) to send it back to staff for further review.

Mr. Mackey asked if staff was any closer to resolving this issue than it was two years ago.

Mr. Todd stated he felt staff has put a lot of work into this but he doesn't feel the ordinance requires any changes. As far as emergency access people are given adequate time to leave and this is the time that they should leave. He requested the item be tabled to the next Regular MPC Meeting.

Mr. Farmer stated he was against any changes being made to the ordinance. Staff has worked hard putting in a lot of man hours to get to this point to realize there is no need to change the ordinance. He stated the ordinance should be left as is.

Ms. Jest stated she too felt Mr. Thomson has done a great job on this issue. She was pleased with his answer to Mr. McCorkle's letter.

Mr. Bean commented as one of the newest members of the Commission he does not see a need for the ordinance. He agreed a vote should be taken.

Mr. Todd **moved** to table the Subdivision Access Design Ordinance Amendment to the next Regular MPC Meeting. Mr. Farmer seconded the motion.

MPC Action: the motion to table the Subdivision Access Design Ordinance until the August 1, 2006 Regular MPC Meeting carried. Voting in favor of the motion were: Mr. Lufburrow, Mr. Todd, Mr. Farmer, Mr. Bean, Ms. Myers, Mr. Mackey, Mr. Manigault, Mr. Ray, and Mr. McCumber. Ms. Jest voted against the motion.

E. Threshold for Variances

Mr. Hansen reviewed the MPC authority to grant variances. Staff has conducted analyses of the City and County Zoning Ordinances to identify those sections where the MPC has been given the express authority to vary the development standards of the ordinance. He commented on Sections 8-3031 (City) and Section 4-6.57 (County). In summary, the MPC Board has the authority to grant variances from development standards only. Neither the MPC Board, County Commission, City Council nor the Board of Appeals has the authority to grant variances for issues related to use.

Mr. Farmer stated he appreciated staff's attempt to honor his request to discuss MPC purview in granting variances by the MPC Board. His concern was related to the recent petition for a development in Southbridge. His issue was if he wanted to deny a vote could he make granting a variance or not granting a variance a condition and not state his reasons.

Mr. Thomson responded it would be best to cite the findings of facts for the record. Mr. Mackey also explained the process.

IV. ADJOURNMENT

There being no further business to come before the Commission the July 11, 2006 Planning Session was adjourned

Respectfully Submitted

Thomas L. Thomson, P.E., AICP
Executive Director

Note: Minutes not official until signed