

# Think Quality - Think Future

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## Blount County Planning Department

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**TO:** Blount County Planning Commission

**FROM:** John Lamb

**DATE:** January 20, 2010

**SUBJECT:** Functions of Planning Commission Secretary and proposal to elect alternate Secretary for plat administration purposes.

Staff has discussed with the County Mayor issues raised recently concerning the plat signature process. Some have complained that the Secretary is not always available for signature of plats. The Planning Commission elects its Secretary. The present Secretary is the Director of Planning – John Lamb.

This memo proposes that an alternate Secretary be elected who can sign plats in the absence of the primary Secretary. The proposal is to elect Doug Hancock, Senior Planner in the Planning Department, as alternate Secretary with authority to sign fully completed plats in the absence of the Director. The remainder of this memo provides information on the functions of the Secretary and requirements for processing plats.

The Secretary of the Planning Commission is charged with the responsibility of signing plats prior to registration in the Register of Deeds. This is not just a clerical function. It also involves substantial review for completeness of the plat in meeting required form, required conformance with regulations, and conformance with conditions set by the Planning Commission in the approval process. A plat presented at the Planning Department for signature by the Secretary (presently also Director of Planning) will be reviewed by staff, including any necessary field confirmation on site, prior to signature. The mere presentation of a plat should not be considered as a signature on demand situation. There may be need for reasonable time to process the plat to final signature.

Tennessee Code Annotated provides for some of the functions of the Secretary as follows (underlined for direct reference):

**TCA 13-3-402. Regional planning commission platting authority — Recording plat by county register. —**

(a) (1) From and after the time when the regional planning commission of any region, as defined and created by the department of economic and community development, has adopted a regional plan which includes at least a major road plan or has progressed in its planning to the state of the making and adoption of a major road plan, and has filed a certified copy of such major road plan in the office or offices of the county register or registers of the county or counties lying in whole or in part in such region, then no plat of a subdivision of land within such region, other than land located within the boundaries of any municipal corporation, shall be filed for record or recorded until it has been approved by such regional planning commission, and such approval endorsed in writing on the plat by the secretary of the commission or by another designee of the regional planning commission; provided, that if the plat of subdivision divides the tract into no more than two (2) lots, the approval may be endorsed in writing on the plat by the secretary of the commission or by another designee of the regional planning commission without the approval of the regional planning commission, upon certification by the planning staff of the regional planning commission that the subdivision complies with such regulations governing a subdivision of land as have been adopted by the regional planning commission pursuant to § 13-3-403; provided further, that no request for variance from such regulations has been requested.

In addition, the Planning Commission By-Laws provide the following for the position of Secretary as part of Officers of the Planning Commission:

**ARTICLE II - Officers and Their Duties**

Section 1. The officers of the Planning Commission shall consist of a chairman, a vice-chairman and a secretary.

Section 2. The chairman shall be one of the appointive members of the Planning Commission. He shall preside at all meetings and hearings and have the duties normally conferred by parliamentary usage on such officers. He shall have the privilege of discussing all matters before the commission and to vote thereon.

Section 3. The vice-chairman shall act for the chairman in his absence.

Section 4. The secretary shall keep the minutes and records of the Planning Commission, prepare with the chairman the agenda of regular and special meetings, provide notice of meetings to members, arrange proper and legal notice of hearings, attend to

correspondence of the commission, and such other duties as are normally carried out by a secretary.

In addition to the above, the Secretary at times is called upon to certify the record (minutes and staff reports) of decisions of the Planning Commission in legal proceedings.

Within present plat approval process, the Secretary (Director of Planning) also functions as part of a team for plat review. The Secretary plays a gatekeeper role in this situation, confirming that all other team members have reviewed the plat and have found the plat to be in proper order for final approval. One of the key team members is the Senior Planner – Doug Hancock – who is responsible for most of the field review for the plat, and who writes most of the staff reports on plats considered by the Planning Commission. In processing any plat, it is good to have more than one set of eyes reviewing substantial conformity with regulations and any conditions that the Planning Commission may set. Even if an alternate Secretary is elected, the team review and confirmation process may require substantial time, and communication between the Director and the Senior Planner prior to plat signature.

Realistically, a small Planning Department will probably not be able to have a planner in the office all the time. The Planning Department functions are presently divided between the Director handling most long range planning and administrative functions, and the Senior Planner handling most short range and plat review functions. For plat review, the Director and the Senior Planner both play a role in keeping two sets of eyes on the plat. At times, both planners will be working outside the office. In the past, the Director acting as Secretary has remained on-call, and can usually accommodate necessary plat signature on the same day of submittal of a completed plat. With an alternate Secretary, even if both planners are out of the office, both could remain on call, and most complete plats should be accommodated within the same day of submittal.

To keep expectations real, however, the Planning Commission should consider that not all completed plats may be accommodated for signature on demand, or on the same day of submittal. Also, realistically, staff has found that many plats submitted for signature are not complete and will need further processing. This latter situation is often the basis for complaints from the public, but is not a situation that is under the full control of staff given requirements of the regulations and substantial review.