

**JASPER COUNTY COUNCIL
WORKSHOP
MARY GORDON ELLIS EXECUTIVE BUILDING
COUNCIL CHAMBERS
MARCH 26, 2009
2:30 P.M.**

MINUTES

OFFICIALS PRESENT:

DR. GEORGE M. HOOD, CHAIRMAN
LEROY BLACKSHEAR, VICE CHAIRMAN
HUBERT TYLER, COUNCILMAN
HENRY ETHERIDGE, COUNCILMAN

OFFICIALS ABSENT:

REV. SAMUEL GREGORY, COUNCILMAN

STAFF PRESENT:

ANDREW FULGHUM, ADMINISTRATOR
WENDY KELLY, DEP. ADM. DEVELOPMENT SERVICES
DAVID JIROUSEK, PLANNING DIRECTOR
LISA LAMB, PLANNING AND ZONING COORDINATOR
MARVIN JONES, ATTORNEY
JUDITH FRANK, CLERK TO COUNCIL

IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT THE ELECTRONIC AND PRINT MEDIA WERE NOTIFIED.

DURING PERIODS OF DISCUSSION AND/OR PRESENTATIONS MINUTES ARE TYPICALLY CONDENSED AND PARAPHRASED.

CALL TO ORDER:

CHAIRMAN HOOD CALLED THE WORKSHOP TO ORDER AT 2:30 P.M.

PLEDGE OF ALLEGIANCE:

CHAIRMAN HOOD LED THE PLEDGE OF ALLEGIANCE.

INVOCATION:

VICE CHAIRMAN BLACKSHEAR GAVE THE INVOCATION.

EXCAVATION AND RESOURCE EXTRACTION ORDINANCE:

MR. JIROUSEK PROVIDED THE COUNCIL WITH INFORMATION TO HELP CLARIFY THE EXCAVATION AND RESOURCE EXTRACTION ORDINANCE. MR. JIROUSEK SAID THAT WHEN THE COUNCIL APPROVED THE ZONING ORDINANCE, THE SECTION REGARDING EXCAVATION WAS REMOVED SO

THE STAFF AND PLANNING COMMISSION COULD CONTINUE TO WORK ON THIS SECTION. MR. JIROUSEK DISCUSSED THE FORMATION OF AN AD HOC COMMITTEE TO WORK WITH THE STAFF AND PLANNING COMMISSION. MR. JIROUSEK EXPLAINED THAT THE CURRENT EXCAVATION ORDINANCE ALLOWS MINING IN ABOUT 90% OF THE COUNTY, BUT 1,000 FT. SETBACKS ARE REQUIRED. THE INTENTION OF THE ORDINANCE BEING CONSIDERED IS TO ALLOW COMMERCIAL MINING OPERATIONS WHERE IT WOULD BE APPROPRIATE ON THE ZONING MAP AND THE ORDINANCE DEFINES THE PROCESS FOR MINING APPLICATIONS. MR. JIROUSEK SAID THE PLANNING COMMISSION AND STAFF WANTED TO CREATE AN ORDINANCE THAT DID NOT BURDEN THE RESIDENTS WHO WANTED TO BUILD A FISH POND. MR. JIROUSEK DISCUSSED THE DIFFERENT THRESHOLDS THAT ESTABLISH THE TYPE OF MINING. MR. JIROUSEK TOLD THE COUNCIL THAT THE BOARD OF ZONING APPEALS HAS GRANTED SETBACK VARIANCES IN THE PAST; THIS NEW EXCAVATION ORDINANCE WILL REQUIRE A CHANGE OF ZONING REQUEST FOR THE PROPERTY TO THE NEW ZONING DESIGNATION OF RESOURCE EXTRACTION DISTRICT. MR. JIROUSEK SAID THAT IF ANY MINE WANTS TO EXPAND BEYOND THE CURRENT APPROVED FOOTPRINT OR TO ESTABLISH NEW MINE, THE MINE OWNERS WOULD HAVE TO APPLY FOR A ZONING CHANGE TO RESOURCE EXTRACATION DISTRICT AND THIS IS THE ONLY DISTRICT THAT WILL ALLOW MINING AS A CONDITIONAL USE.

MR. JIROUSEK SAID THE EXCAVATION ORDINANCE ONLY DEFINES THE PROCEDURE FOR DIGGING MINES IN JASPER COUNTY AND DHEC STANDARD WOULD STILL APPLY, HOWEVER, THE COUNTY'S REQUIREMENTS WOULD ALSO HAVE TO BE MET.

MR. JIROUSEK EXPLAINED THAT THE SETBACK DISTANCES WILL BE ADJUSTABLE BASED ON THE ADJACENT ZONING. MR. JIROUSEK ADDED THERE IS ANOTHER LAYER OF PROTECTION REGARDING THE SETBACK REQUIREMENTS FOR EXISTING STRUCTURES. VICE CHAIRMAN BLACKSHEAR ASKED IF THE SETBACK REQUIREMENTS ONLY APPLIED TO MINING AND NOT FISH PONDS. MR. JIROUSEK RESPONDED THAT FISH PONDS WOULD NOT EXCEED THE EXCAVATION THRESHOLDS. VICE CHAIRMAN BLACKSHEAR ASKED IF THE SETBACKS WERE DIFFERENT FOR FISHPONDS AND MR. JIROUSEK RESPONDED THAT FISH PONDS CAN NOT BE DEEPER THAN 10 FEET. COUNCILMAN ETHERIDGE ASKED HOW MUCH LAND COULD BE USED FOR A FISH POND AND MR. JIROUSEK ANSWERED THAT ONLY 25% OF THE LAND CAN BE USED FOR A FISH POND. VICE CHAIRMAN BLACKSHEAR ASKED IF IT WAS A STATE LAW THAT THE DIRT CANNOT BE SOLD. MR. JIROUSEK SAID THAT THE COUNTY ADDED THAT, HOWEVER, THE OWNER CAN BE COMPENSATED FOR MAXIMUM OF 2 ACRES. COUNCILMAN ETHERIDGE SAID THAT THE DIRT CAN BE SOLD FOR 2 ACRES OR LESS, BUT DHEC WOULD STILL HAVE TO APPROVE THE APPLICATION. MR. JIROUSEK SAID IF THE OWNER WANTED TO SELL MORE THAN THE 2 ACRES THEY WOULD HAVE TO GO THROUGH THE EXCAVATION PROCESS. COUNCILMAN ETHERIDGE ASKED ABOUT THE

SLOPE ON A FISH POND AND MR. JIROUSEK ANSWERED THAT GENERALLY THE SLOPE IS THREE TO ONE. COUNCILMAN ETHERIDGE ASKED ABOUT THE SLOPE FOR MINING AND MR. JIROUSEK RESPONDED THAT DHEC HAS REQUIREMENTS AND THEY ALSO HAVE RECLAMATION REQUIREMENTS. MR. JIROUSEK REVIEWED THE VARIOUS REQUIREMENTS. BUFFERS, THE NUMBER OF SHRUBS, TREES, AND FENCES REQUIRED FOR COMMERCIAL MINING. COUNCILMAN ETHERIDGE COMMENTED THAT COMMERCIAL MINING OPERATIONS WILL NOT HAVE TO REZONE UNLESS THEY WANT TO DIG A NEW MINE OR EXPAND AN EXISTING MINE. COUNCILMAN ETHERIDGE ADDED THAT LARGE AND SMALL MINING COMPANIES WOULD ALL HAVE TO OPERATE UNDER THE SAME GUIDELINES. COUNCILMAN TYLER ASKED IF HE HAD 20 ACRES COULD HE MINE THE PROPERTY. MR. JIROUSEK SAID THAT HE WOULD HAVE TO APPLY FOR REZONING AND THE STAFF WOULD REVIEW THE REQUEST AND MAKE A RECOMMENDATION TO THE PLANNING COMMISSION. MR. JIROUSEK SAID THE PLANNING WOULD MAKE A RECOMMENDATION TO THE COUNCIL AND THE COUNCIL WOULD MAKE THE FINAL DECISION. MR. JIROUSEK ADDED THAT THE APPLICANT WOULD HAVE TO PAY FOR ALL THE EXPENSES TO MEET THE CRITERIA. COUNCILMAN ETHERIDGE ASKED WHEN DID THE COUNCIL APPOINT THE AD HOC COMMITTEE AND WHO WERE THE MEMBERS. MARVIN JONES RESPONDED THAT MOST OF THE MEMBERS OF THE AD HOC COMMITTEE WERE MINERS AND THEY WERE APPOINTED WHEN COUNCIL REMOVED THE EXCAVATION PORTION OF THE ZONING ORDINANCE. COUNCILMAN ETHERIDGE COMMENTED THAT HE HAS ATTENDED PLANNING COMMISSION MEETINGS AND HE KNOWS HOW HARD THEY WORK. CHAIRMAN HOOD RECOMMENDED THAT EXCAVATION AND RESOURCE EXTRACTION ORDINANCE BE PLACED ON THE AGENDA FOR FIRST READING AT THE NEXT COUNCIL MEETING. CHAIRMAN HOOD SAID HE FELT THE ORDINANCE PROTECTED THE CITIZENS AND IT WAS ALSO SOMETHING THE MINERS COULD LIVE WITH. CHAIRMAN HOOD OPENED THE FLOOR TO THE PUBLIC FOR QUESTIONS AND COMMENTS.

JESSE TYSON SAID HE LIVED IN THE AREA OF THE COMMERCIAL MINE AND THE COMMUNITY HAS HOMES, CHURCHES, AND RECREATION AREAS AND THE MINING PEOPLE NEED TO FIND ANOTHER LOCATION INSTEAD OF IN THE MIDDLE OF A COMMUNITY. MR. TYSON SAID EVEN WITH SETBACK IT IS STILL A DANGEROUS ATTRACTION TO CHILDREN. MR. TYSON SAID THERE IS A LOT OF TRAFFIC FROM THE MINE AND IT IS AFFECTING THE COMMUNITY'S WAY OF LIVING. MR. TYSON ASKED WHO WAS GOING TO REIMBURSE THE CITIZENS BECAUSE THE MINE HAS REDUCED THE VALUE OF THE HOMES AROUND IT. MR. JIROUSEK SAID THAT THE OWNER OF THE MINING OPERATION NEAR MR. TYSON WAS TOLD THAT HE CANNOT EXPAND THAT MINE AND THERE WILL BE NO EXPANSION OF THAT MINE BEYOND THE 5 ACRES.

ED EVANS, MEMBER OF THE AD HOC COMMITTEE, EXPLAINED THAT 20 ACRES OF LAND WOULD NOT BE LARGE ENOUGH FOR A MINE BECAUSE OF

THE SETBACKS. MR. EVANS SAID IT WOULD TAKE ABOUT 100ACRES FOR A COMMERCIAL MINING OPERATION AND IF THE DIRT IS SOLD, IT IS A MINING BUSINESS.

MR. JIROUSEK SAID THAT THE SURROUNDING AREA OF A PROPOSED MINING OPERATION ALSO DETERMINES IF IT CAN BE DONE. COUNCILMAN ETHERIDGE STATED THAT IN A RURAL AREA, THERE CAN NOT BE ANY RESIDENTS WITHIN 300 FEET OF THE MINING OPERATION. MR. JIROUSEK SAID THAT WAS CORRECT. MR. JIROUSEK SAID THAT ALL MINING OPERATIONS WILL HAVE TO ADHERE TO THE COUNTY'S ORDINANCE. MR. JIROUSEK SAID THE MINE IN TARBORO WILL NEVER BE ABLE TO EXPAND IF THE COUNCIL PASSES THE PROPOSED ORDINANCE. MR. TYSON ASKED WHAT WAS THE DEPTH FOR A MINE AND MR. JIROUSEK ANSWERED THAT ONLY THE DEPTH COVERED IS THE DEPTH OF A FISH POND. MR. TYSON SAID IF THE DEPTH IS NOT STIPULATED THAN THE WELL WATER WILL BE AFFECTED. CHAIRMAN HOOD SAID THAT DHEC WOULD REGULATE THE DEPTH AND THAT THE COUNTY'S ORDINANCE IS A GOOD ORDINANCE BECAUSE THE COUNTY'S GUIDELINES ARE MORE STRICT THAN DHEC. COUNCILMAN ETHERIDGE ASKED ABOUT SETBACKS FROM ROADS AND MR. JIROUSEK SAID THE SETBACKS FROM ROADS WOULD BE 30 FEET WIDE AND THEY WOULD REQUIRE THE SAME LANDSCAPING BUFFER, BUT A FENCE WOULD NOT BE REQUIRED. COUNCILMAN ETHERIDGE ASKED IF A FISH POND COULD BE DUG WITHOUT STAFF REVIEW OR AN APPLICATION. MR. JIROUSEK ANSWERED THAT A FISHPOND WOULD NEED A DHEC PERMIT AND A COUNTY GRADING PERMIT TO MOVE DIRT AND THAT IT MUST BE DUG WITHIN THE REQUIRED THRESHOLDS.

DONALD GRANTHAM ASKED HOW THE DEPTH OF THE FISHPOND IS MEASURED. MR. GRANTHAM SAID HE LIVED ON SIX ACRES AND WITH THE SETBACKS THERE IS NO WAY HE COULD PUT IN A FISH POND. MR. JIROUSEK SAID THE DEPTH IS MEASURED FROM THE AVERAGE GRADE AND ON SIX ACRES A 1 ½ ACRE POND COULD BE BUILT BECAUSE THERE ARE NO SETBACKS REQUIREMENTS FOR FISH PONDS.

ALEX PINCKNEY, PLANNING COMMISSION MEMBER, SAID THAT IT WAS IMPORTANT TO GET THIS ORDINANCE IN PLACE. MR. PINCKNEY EXPLAINED UNDER THE CURRENT ORDINANCE THE COUNCIL WOULD NOT BE INVOLVED IN THE DECISION, BUT WITH THE NEW ORDINANCE THE PLANS GO TO THE DSR, THE PLANNING COMMISSION, AND THEN COUNCIL. MR. PINCKNEY SAID THAT NOTHING CAN BE DONE REGARDING THE 5 ACRE MINE IN TARBORO AND THE OWNER HAS AN APPLICATION FOR A 96 ACRE MINE, BUT THAT APPLICATION WILL FALL UNDER THIS NEW ORDINANCE. MR. PINCKNEY SAID THE PLANNING COMMISSION SUPPORTS THE NEW ORDINANCE. MR. PINCKNEY ASKED THAT A COPY OF DHEC REQUIREMENTS BE INCLUDED IN THE COUNCIL PACKETS.

BEING NO FURTHER COMMENTS OR QUESTIONS, CHAIRMAN HOOD CLOSED THE FLOOR TO THE PUBLIC.

ADJOURN:

VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN ETHERIDGE
SECONDED THE MOTION TO ADJOURN THE MEETING. THE MOTION
CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

THE MEETING ENDED AT 3:20 P.M.

RESPECTFULLY SUBMITTED BY:

APPROVED BY:

JUDITH M. FRANK, CCC
CLERK TO COUNCIL

DR. GEORGE M. HOOD
CHAIRMAN