

**JASPER COUNTY COUNCIL
MARY GORDON ELLIS EXECUTIVE BUILDING
COUNCIL CHAMBERS
OCTOBER 23, 2007
7:00 P.M.**

MINUTES

OFFICIALS PRESENT:

DR. GEORGE M. HOOD, CHAIRMAN
GLADYS JONES, VICE CHAIRMAN
LEROY BLACKSHEAR, COUNCILMAN
FRED TUTEN, COUNCILMAN
HUBERT TYLER, COUNCILMAN

STAFF PRESENT:

ANDREW FULGHUM, ADMINISTRATOR
JUDITH M. FRANK, CLERK TO COUNCIL
LISA LAMB, PLN & ZONING CO. ORD.
MARVIN JONES, ATTORNEY

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.

PLEDGE OF ALLEGIANCE:

CHAIRMAN HOOD LED THE PLEDGE OF ALLEGIANCE.

INVOCATION:

COUNCILMAN TUTEN GAVE THE INVOCATION.

ZONING AND LDR:

MR. FULGHUM SAID THAT MR. CROASMUN WOULD REVIEW THE CHANGES MADE BY THE PLANNING COMMISSION AND THAT THE FINAL READING OF THE ZONING ORDINANCE WAS SCHEDULED FOR NOVEMBER 13, 2007. CHAIRMAN HOOD ASKED IF THE REPORT MR. CROASMUN WAS GOING TO GIVE INCLUDED THE CHANGES THE PLANNING COMMISSION MADE AT THE OCTOBER 22, 2007 MEETING. MR. FULGHUM SAID THE PLANNING COMMISSION WILL RECOMMEND APPROVAL OF THE ZONING ORDINANCE AND THE ORDINANCE TO ESTABLISH THE LAND DEVELOPMENT REGULATIONS. MR. CROASMUN PROVIDED THE COUNCIL WITH A COPY OF THE CHANGES MADE BY THE PLANNING COMMISSION AND THE INFORMATION GIVEN TO THE COUNCIL IS ATTACHED AND MADE PART OF THE MINUTES. MR. CROASMUN SAID THAT THE STAFF MADE SOME RECOMMENDATIONS REGARDING THE CHANGES REFLECTED IN THE MEMO. MR. CROASMUN SAID THE FIRST PART OF THE MEMO DEALT WITH THE TIMELINE AND THE SECOND PART OF THE MEMO DEALT WITH THE CHANGES TO THE ORDINANCE MADE TO THE ZONING ORDINANCE BY THE STAFF FROM THE DOCUMENTS OF SEPT. 4 TO SEPT. 6 AND THE CHANGES TO THE ZONING MAP WERE ALSO INCLUDED IN THE MEMO. MR. CROASMUN SAID THE THIRD PART OF THE MEMO DEALT WITH ZONING TEXT CHANGES THAT WERE MADE BETWEEN SEPT. 4 TO SEPT. 6, MR. CROASMUN SAID THERE WERE CHANGES AND DELETIONS IN THE TEXT CHANGES.

MR. CROASMUN SAID THAT THE PLANNING COMMISSION DID NOT APPROVE REPLACING THE PLANNING COMMISSION WITH THE DSR IN ARTICLE 10:1C. THE CHANGES TO THE MAP AND THE TECHNICAL CHANGES MADE BETWEEN SEPT. 4 AND SEPT. 6 WERE ALSO ADDRESSED BY MR. CROASMUN.

COUNCILMAN BLACKSHEAR ASKED FOR AN EXPLANATION OF ARTICLE 5, SECTION 7 ON PAGE THREE. MR. CROASMUN SAID THAT THERE WAS VERBAGE THAT DESCRIBED MOST COMMERCIAL GROWTH AND REPLACED IT WITH LARGE COMMERCIAL DEVELOPMENT. MR. CROASMUN SAID THAT IN THE LEVY - LIMEHOUSE OVERLAY DISTRICT IT WAS REVISED TO ELIMINATE BJWSA AND ADDED VERBAGE THAT DID NOT TIE THAT AREA TO BJWSA. COUNCILMAN BLACKSHEAR ASKED ABOUT THE AREA THAT WAS DELETED AND THAT A UNIQUE AREA THAT WAS ABLE TO SUBDIVIDE PARCELS AS THOUGH THEY WERE IN A MUNICIPALITY. ATTORNEY JONES SAID THE PHRASE WAS CHANGED SO THAT BJWSA WAS ELIMINATED. COUNCILMAN BLACKSHEAR COMMENTED THAT ANY AREA THAT HAS WATER AND SEWER COULD HAVE THE SAME SIZE LOTS THAT ARE ALLOWED IN THE MUNICIPALITIES. MR. CROASMUN SAID THAT WOULD ONLY BE TRUE IN CERTAIN AREAS, BUT THE OVERLAY DISTRICT DOES ALLOW FOR SMALLER LOTS IN THE LEVY LIMEHOUSE AREA.

COUNCILMAN TYLER SAID THAT THERE ARE SECTIONS THAT ARE NOT COMPLETE STATEMENTS AND ARE DIFFICULT TO UNDERSTAND IF A PERSON DOES NOT HAVE THE ENTIRE DOCUMENT IN FRONT OF THEM. VICE CHAIRMAN JONES SAID THAT AT THE PLANNING COMMISSION MEETING EACH STATEMENT WAS EXPLAINED AND WHAT EACH CHANGE MEANT.

MR. FULGHUM SAID THAT THE SEPT. 6TH DOCUMENT THAT THE COUNCIL RECEIVED HAD ALL THE CHANGES. MR. FULGHUM SAID THAT SOME OF THE CHANGES WERE NECESSARY TO BE CONSISTANT WITH STATE LAW AND SOME AREAS WERE DELETED TO MIRROR THE COMPREHENSIVE PLAN.

COUNCILMAN TUTEN SAID THE NOTHING WAS CHANGED; ONLY THE WORDING AND THE THINGS THAT COUNCIL REQUESTED TO BE CHANGED WERE NOT DONE.

COUNCILMAN TUTEN ASKED ABOUT THE SECTION DEALING WITH MOBILE HOMES. MR. CROASMUN SAID THAT THE SECTION DEALING WITH MOBILE HOME PARKS WAS CARRIED OVER FROM THE CURRENT ORDINANCE. COUNCILMAN

TUTEN SAID THAT ANY LOCATION WITH MORE THAT TWO MOBILE HOMES WOULD BE CONSIDERED A MOBILE HOME PARK. COUNCILMAN TUTEN SAID THE CHANGE COUNCIL REQUESTED WAS NOT MADE, THAT THE WORDING WAS ONLY CHANGED. COUNCILMAN TUTEN SAID THAT THE COUNCIL WAS CONCERNED ABOUT PROPERTY LINES, SIZE OF LOTS AND THAT WAS NOT CHANGED, AND NOTHING WAS DONE EXCEPT THEY CHANGED THE WORDS. CHAIRMAN HOOD ASKED WHAT WAS NOT CHANGED AND MR. CROASMUN RESPONDED THAT NO CHANGES WERE MADE IN THE DOCUMENT REGARDING THE MOBILE HOMES.

MR. FULGHUM ASKED MR. CROASMUN TO REVIEW THE RECOMMENDED CHANGES. MR. CROASMUN IDENTIFIED AND REVIEWED THE CHANGES AND THEY ARE ATTACHED AND MADE PART OF THE MINUTES. COUNCILMAN BLACKSHEAR SAID THAT HE FELT THE SECTION DEALING WITH RECREATIONAL VEHICLES NEEDED MORE DISCUSSION. MR. CROASMUN AGREED WITH COUNCILMAN BLACKSHEAR.

COUNCILMAN BLACKSHEAR ASKED FOR THE DIFFERENCE BETWEEN A FAMILY COMPOUND AND HEIRS PROPERTY. MR. CROASMUN SAID A FAMILY COMPOUND WAS ELIMINATED FROM THE DOCUMENT IN JUNE AND IT ALSO NEEDED MORE DISCUSSION AND THAT EVENTUALLY IT NEEDED TO BE ADDED BACK INTO THE DOCUMENT. MR. CROASMUN SAID A FAMILY COMPOUND IS ANOTHER WORD FOR HEIRS PROPERTY. MR. CROASMUN SAID THAT FAMILY COMPOUND AND HEIRS PROPERTY ARE ONE AND THE SAME AND THEY ARE NOT PART OF THIS DOCUMENT. COUNCILMAN BLACKSHEAR ASKED ABOUT SUBDIVIDING PROPERTY FOR FAMILY MEMBERS. MR. CROASMUN SAID THAT A PIECE OF PROPERTY COULD BE DIVIDED INTO FOUR SECTIONS WITHOUT GOING TO THE PLANNING COMMISSION. COUNCILMAN BLACKSHEAR ASKED ABOUT DIVIDING FIVE ACRES INTO FIVE ONE ACRE PIECES AND MR. CROASMUN SAID THAT WOULD HAVE TO BE APPROVED BY THE PLANNING COMMISSION AS IT WOULD BE A MAJOR SUBDIVISION, BUT EXEMPTION COULD BE GRANTED AS FAR AS WHAT ITEMS WOULD BE REQUIRED TO BE PRESENTED TO THE PLANNING COMMISSION FOR APPROVAL. MR. CROASMUN SAID ZONING WOULD ALSO BE A DETERMINING FACTOR FOR SUBDIVIDING PROPERTY. MR. FULGHUM SAID 5 LOTS IS A MAJOR SUBDIVISION AND THERE IS A CHECKLIST OF REQUIREMENTS, HOWEVER, SOME OF THE APPICATIONS ITEMS CAN BE WAIVED. MR. FULGHUM SAID THE DSR COULD REVIEW THE SITUATION AND DETERMINE IF A WAIVER COULD BE GIVEN. MR. FULGHUM SAID AT THE TIME THE SUBMISSION THE WAIVER CAN BE REQUESTED, AND THE PLANNING COMMISSION WOULD MAKE THE DECISION REGARDING THE SUBDIVISION.

COUNCILMAN BLACKSHEAR ASKED IF THE COUNTY CAN PASS AN ORDINANCE THAT WOULD ALTER A PERSON'S WILL. ATTORNEY JONES SAID THE COUNTY DOES NOT HAVE THE AUTHORITY TO CHANGE A MAN'S WILL, BUT THE ORDINANCE CAN HAVE AN IMPACT ON HOW THE PROPERTY CAN BE SUBDIVIDED. ATTORNEY JONES CONTINUED THAT THE COUNTY DETERMINES WHERE THE LINE IS BETWEEN A MAJOR AND A MINOR SUBDIVISION AND THAT LINE HAS TO BE DRAWN SOMEWHERE AND THERE WILL ALWAYS BE PEOPLE WHO WANT IT TO BE DIFFERENT. COUNCILMAN TUTEN SAID HE DID NOT THINK IT WAS RIGHT THAT THE COUNTY CAN CONTROL HOW A PERSON DIVIDES HIS LAND. ATTORNEY JONES SAID THE WAIVER IS THE ANSWER TO THIS. MR. JONES SAID THAT THERE THE CHECKLIST WILL HELP THE FATHER WHO WANTS TO GIVE LAND TO HIS CHILDREN. COUNCILMAN TUTEN SAID HE WAS CONCERNED ABOUT FUTURE COUNCILS WHO MAY NOT FEEL THE SAME WAY AND THAT THE ORDINANCE NEEDS TO PROTECT THE PEOPLE IN THE FUTURE. MR. JONES SAID THAT HE DID NOT DISAGREE AND THE PEOPLE NEED TO BE TAKEN CARE OF, BUT THE ORDINANCE ALSO HAS TO HAVE THIS TYPE OF STIPULATIONS FOR THE DEVELOPER. COUNCILMAN TUTEN SAID DEVELOPERS SHOULD HAVE TO DO A

PDD. MS. LAMB SAID AN INDIVIDUAL CAN DIVIDE HIS LAND INTO FOUR SECTIONS AND THEN IN FIVE YEARS HE CAN SUBDIVIDE IT AGAIN. CHAIRMAN HOOD AGREED THAT THE WAIVER IS THE WAY TO HANDLE THIS SITUATION AND THAT THE COUNTY IS RESPONSIBLE TO REGULATE HOW THE PEOPLE USE THE PROPERTY IN JASPER COUNTY. COUNCILMAN TUTEN SAID THAT THERE ARE ALREADY LAWS IN PLACE TO REGULATE THE DEVELOPERS, BUT HE FELT IT WAS NOT RIGHT THAT A FAMILY IS NOT ABLE TO SUBDIVIDE THEIR LAND FOR THEIR CHILDREN.

COUNCILMAN TUTEN SAID THAT HIS PROPERTY IS ZONED RESIDENTIAL AND HE WAS TOLD THAT HE CANNOT OPERATE A BUSINESS THERE. COUNCILMAN TUTEN SAID THAT THIS RULE WOULD HURT A LOT OF PEOPLE WHO OPERATE A BUSINESS OUT OF THEIR HOMES. MR. CROASMUN SAID THAT THERE IS A SECTION REGARDING HOME OCCUPATION AND HOME OCCUPATIONAL IS A CONDITIONAL USE. MR. CROASMUN SAID THAT ANY BUSINESS THAT IS CURRENTLY OPERATING LEGALLY IS GRANDFATHERED.

COUNCILMAN TUTEN SAID THAT THE ZONING OF SOME PEOPLE'S PROPERTY HAS CHANGED AND THEY DO NOT KNOW HOW THEIR PROPERTY IS ZONED.

COUNCILMAN TUTEN ASKED ABOUT THE TREE ORDINANCE. AND MS. LAMB SAID THE TREE ORDINANCE IS INCLUDED IN THE DOCUMENT. COUNCILMAN TUTEN SAID HE DID NOT AGREE WITH THE TREE ORDINANCE. COUNCILMAN TUTEN ASKED THE OTHER MEMBERS OF COUNCIL TO REVIEW THIS SECTION. MS. LAMB SAID THAT THE PLANNING COMMISSION WORKED WITH CLEMSON TO DETERMINE WHAT TREES SHOULD BE ON THE LIST AND THESE TREES WERE RECOMMENDED BY THE AD- HOC COMMITTEE THAT WORKED ON THE TREE ORDINANCE.

CHAIRMAN HOOD ASKED FOR THE STAFF TO HAVE MORE INFORMATION ABOUT THIS SECTION FOR THE COUNCIL PRIOR TO THE NEXT MEETING. MR. CROASMUN SAID THE INTENT OF THIS SECTION WAS TO PROTECT THE TREES FROM DEVELOPERS WHO COME IN AND CLEAR CUT THE AREA. COUNCILMAN TUTEN SAID THAT HE HAD NO PROBLEM WITH RESTRICTIONS PUT ON THE DEVELOPERS. MR. CROASMUN SAID HE WOULD CONTACT THE AD HOC COMMITTEE AND SEE WHAT THEIR INTENTION WAS REGARDING THIS SECTION AND HE WOULD REPORT BACK TO COUNCIL. COUNCILMAN TUTEN SAID IT THIS ORDINANCE WAS ONLY FOR THE DEVELOPER, HE WOULD BE FOR IT 100%, BUT HE DID NOT THINK THE CITIZENS SHOULD BE EFFECTED BY IT. CHAIRMAN HOOD SAID THERE CAN'T BE REQUIREMENTS JUST FOR THE DEVELOPERS; HE SAID THE REQUIREMENTS MUST ADDRESS THE ENTIRE COUNTY. CHAIRMAN HOOD SAID THAT COUNCILMAN TUTEN SAYS NO REGULATIONS FOR THE INDIVIDUAL CITIZENS, BUT EVERYONE SHOULD HAVE TO FOLLOW THE RULES.

MR. FULGHUM SAID THAT THE AD HOC COMMITTEE AND THE PLANNING COMMISSION BOTH RECOMMENDED THIS SECTION AND CHANGES CAN BE MADE. MR. FULGHUM SAID THAT IF COUNCILMAN TUTEN DID NOT WANT IT TO APPLY TO INDIVIDUAL PROPERTY OWNER, AN ABORIST COULD BE HIRED TO DO A SURVEY.

THE REPARIAN BUFFER WAS ALSO DISCUSSED BY COUNCIL AND MS .LAMB SAID THAT CERTAIN THINGS ARE PERMITTED TO BE REMOVED.

CHAIRMAN HOOD OPENED THE PUBLIC HEARING.

THAYER RIVERS ADDRESSED THE HEIRS PROPERTY AND ASKED THE COUNCIL TO CONSIDER PUTTING IT BACK INTO THE ORDINANCE. MR. RIVERS SAID THERE WERE OVER TWO THOUSAND PIECES OF HEIRS PROPERTY IN JASPER COUNTY.

MR. RIVERS SAID THAT HE HAD WORKED WITH MARVIN JONES ON THE HEIR PROPERTY ORDINANCE. MS. LAMB SAID THE PLANNING COMMISSION FELT THERE WAS SO MUCH RED TAPE WITH THE HEIRS PROPERTY AND THE PLANNING COMMISSION AGREED TO REMOVE IT. MARVIN JONES EXPLAINED THAT A FAMILY COMPOUND WOULD BE PROPERTY THAT HAS BEEN IN THE SAME FAMILY FOR OVER 50 YEARS AND IT COULD HAVE SEVERAL OWNERS. MR. JONES SAID THAT IF THE SOLE OWNER DIES OR DEEDS IT OVER TO THE CHILDREN THEY BECOME PARTNERS IN TENANT AND OWN IT JOINTLY.

DEL DAVIDSON ASKED ABOUT THE EXPENSE OF THE ROADS AN MR. CROASMUN SAID THERE WAS DESIGN STANDARD FOR ROADWAYS AND THAT A REDUCED STANDARD COULD BE APPLIED FOR BY SMALL PROPERTY OWNERS AS A WAY FOR PEOPLE TO DEVELOP ROADS. MR. DAVIDSON ASKED IF THE EXPENSE IS PASSED ON TO WHOEVER DOES THE DEVELOPMENT AND MR. DAVIDSON SAID HE LIVED ON A DIRT ROAD AND COULD THE COUNTY TELL HIM HE HAD TO IMPROVE HIS ROAD. MR. CROASMUN SAID THE COUNTY COULD ONLY TELL HIM TO IMPROVE HIS ROAD IF HE WAS GOING TO DEVELOP HIS LAND.

DOUG COOK ASKED ABOUT READING THE COMPLETED DOCUMENT AND A LOT OF PEOPLE ARE NOT AWARE OF THE CHANGES THAT HAVE BEEN MADE. MR.

COOK SAID THE PLANNING COMMISSION NEVER WENT BACK INTO THE COMMUNITIES SINCE THE CHANGES WERE MADE AND THE CITIZENS WERE NOT GIVEN ANY OPPORTUNITY FOR INPUT. MR. COOK SAID THERE WAS SECTION THAT WAS NOT SPECIFIC AS HOW MUCH FUEL WAS TOO MUCH TO STORE IN YOUR YARD. MR. COOK ASKED THE COUNCIL TO REVISIT THE SECTION REGARDING PATIO LOTS. MR. COOK ASKED ABOUT THE 20 FOOT LOT AND MR. CROASMUN SAID THE 20 FOOT LOT APPLIES TO TOWNHOUSES. MR. COOK SAID THAT SECTION 7.2 DEALT WITH HALF ACRE LOTS AND IN THE AREAS ZONED RP STILL REQUIRES 5 ACRE LOTS AND HE THOUGHT HALF ACRE LOTS WERE TO BE PERMITTED EVERYWHERE. MR. COOK ADDRESSED CLOSED IN SHEDS, BOATS IN FRONT YARDS, GENERAL COMMERCIAL ZONING AND THAT ANY COUNTY EMPLOYEE CAN INSPECT A STRIP CLUB. MR. COOK SAID THAT THE CITIZENS FELT THE COUNCIL WAS TRYING TO SNEAK THE PASSAGE OF THIS ORDINANCE PAST THEM BECAUSE THE COUNCIL MEETING DATES WERE CHANGED. MR. COOK SAID THIS ORDINANCE WAS NOT READY TO BE PASSED. BEING NO FURTHER COMMENTS CHAIRMAN HOOD CLOSED THE PUBLIC HEARING.

CHAIRMAN HOOD SAID THAT MORE RECOMMENDATIONS WERE FORTHCOMING AND ASKED THE COUNCIL MEMBERS IF THERE WERE ANY CHANGES THEY WOULD LIKE MADE TO THE ORDINANCE TO NOTIFY MR. CROASMUN.

ADJOURN:

VICE CHAIRMAN JONES MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO ADJOURN. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

THE MEETING ENDED AT 9:15 P.M.

RESPECTIVELY SUBMITTED BY:

APPROVED BY:

JUDITH M. FRANK, CCC
CLERK TO COUNCIL

DR. GEORGE M. HOOD
CHAIRMAN