

**JASPER COUNTY COUNCIL  
MARY GORDON ELLIS EXECUTIVE BUILDING  
COUNCIL CHAMBERS  
FEBRUARY 15, 2007  
8:00 A.M.**

**SPECIAL CALLED MEETING**

**OFFICIALS PRESENT:**

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

**STAFF PRESENT:**

ANDREW FULGHUM, ADMINISTRATOR  
STEVEN SAGER, DEP. ADM. DEV. SER.  
RONNIE MALPHRUS, DEP. ADM. ADM. SER..  
MARVIN JONES, ATTORNEY  
JUDITH M. FRANK, CLERK TO COUNCIL

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

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

**CALL TO ORDER:**

CHAIRMAN HOOD CALLED THE MEETING TO ORDER AT 8:10 A.M.

**PLEDGE OF ALLEGIANCE:**

CHAIRMAN HOOD LED THE PLEDGE OF ALLEGIANCE.

**INVOCATION:**

COUNCILMAN TUTEN GAVE THE INVOCATION.

**EXECUTIVE SESSION:**

COUNCILMAN TUTEN MOTIONED AND COUNCILMAN BLACKSHEAR SECONDED THE MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS THE PROPOSED LOCATION, EXPANSION, OR PROVISION OF SERVICES ENCOURAGING LOCATION OR EXPANSION OF BUSINESS IN THE AREA SERVED BY A PUBLIC BODY AND TO DISCUSS EMPLOYMENT MATTERS: THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**RETURN TO REGULAR SESSION:**

VICE CHAIRMAN JONES MOTIONED AND COUNCILMAN TUTEN SECONDED THE MOTION TO RETURN TO REGULAR SESSION. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

CHAIRMAN HOOD ASKED DEPUTY ADMINISTRATOR SAGER TO NEGOTIATE WITH THE DEVELOPER AND TO BRING BACK AN OFFER TO THE NEXT COUNCIL MEETING. CHAIRMAN HOOD SAID THE COUNCIL WILL TAKE A FIELD TRIP TO THE SITE BEING DISCUSSED.

CHAIRMAN HOOD ASKED THE ADMINISTRATOR TO BRING RECOMMENDATIONS AND JOB DESCRIPTIONS TO THE MARCH 5, 2007 MEETING REGARDING THE POSITIONS DISCUSSED IN EXECUTIVE SESSION.

**THE COUNCIL TOOK A 10 MINUTE BREAK.**

**EXCAVATION ORDINANCE WORKSHOP**

**COUNCILMAN TYLER WAS NOT PRESENT FOR THIS POINT THROUGH THE END OF THE MEETING.**

TONY MAGLIONE EXPLAINED THAT THE ORDINANCE INCLUDES ALL THE SUGGESTIONS OF THE STAFF AND PLANNING COMMISSION. MR. MAGLIONE SAID THIS ORDINANCE MIRRORS MANY OF THE STATES REQUIREMENTS FOR EXCAVATION. MR. MAGLIONE SAID THERE IS A DEFINITIONS SECTION THAT EXPLAINS THE TERMS AND HIS COMPANY REVIEWED REGULATIONS FOR EXCAVATION LOCALLY AND NATIONALLY.

MR. MAGLIONE SAID THE ORDINANCE ADDRESSES EXCAVATION OF 1 ACRE UP TO LARGE COMMERCIAL EXCAVATION SITES. MR. MAGLIONE SAID THE BUFFER AREA WILL RANGE FROM 100-200 FEET DEPENDING ON THE SIZE OF THE SITE. THE ORDINANCE ALSO COVERS BUFFERS, GROUND WATER, FINAL USE OF AREAS BEING MINED, A FEE SCHEDULE, DRAINAGE, BONDING AND TRAFFIC. MR. MAGLIONE SAID MANY OF THESE

ITEMS VARY BASED ON THE SIZE OF THE SITE, BUT THE ORDINANCE IS VERY SPECIFIC FOR EACH SITUATION. MR. MAGLIONE SAID THE ORDINANCE ALSO ADDRESSES ACCESS TO THE SITES, INSPECTIONS, COMPLIANCE AND VIOLATIONS AND MISDEMEANORS. MR. MAGLIONE PRESENTED PICTURES AND A MAP OF THE LOCATIONS OF SOME OF THE SITES IN JASPER COUNTY.

COUNCILMAN TUTEN ASKED MR. MAGLIONE WHERE HE WAS FROM AND MR. MAGLIONE SAID HE WAS ORIGINALLY FROM NEW JERSEY BUT HE HAS BEEN IN SOUTH CAROLINA SINCE HE WAS 18 YEARS OLD AND HE HAS WORKED IN SOUTH CAROLINA FOR 32 YEARS. MR. MAGLIONE SAID HE WANTED TO ADD THE FOLLOWING ITEMS TO THE ORDINANCE BEFORE THE COUNCIL HAS A READING. MR. MAGLIONE SAID HE WAS INCLUDING SIGNAGE AT THE SITE TO IDENTIFY THE PERSON, WHO IS RESPONSIBLE FOR THE SITE, AND CONTACT NUMBERS AND HAVE THE PERMIT NUMBER ON THE SIGN. VICE CHAIRMAN JONES ASKED WHO SHOULD PROVIDE THE SIGN. MR. MAGLIONE SAID HE WAS GOING TO REQUIRE A 4' X 8' SIGN AND THE SITE OPERATOR SHOULD BE RESPONSIBLE FOR THE SIGN. CHAIRMAN HOOD ASKED ABOUT SECTION 28.20 AND MR. MAGLIONE SAID THAT REFERRED TO A PERSON'S PERSONAL PROPERTY FOR A FISH POND. MARVIN JONES SAID THERE WAS NOTHING IN THE ORDINANCE THAT WOULD PROHIBIT EXCAVATION BUT THE PERAMETERS FOR THE DIFFERENT SIZES ARE ALL EXPLAINED AND THE REQUIREMENTS ARE LISTED.

COUNCILMAN TUTEN ASKED IF MR. MAGLIONE CHECKED WITH OTHER COUNTIES AND MR. MAGLIONE RESPONDED THAT HE CHECKED WITH HORRY COUNTY, PICKENS COUNTY, AND BEAUFORT COUNTY.

**OPEN FLOOR TO THE PUBLIC:**

CHAIRMAN HOOD OPENED THE FLOOR TO THE PUBLIC.

JENNIFER COBURN, T.H. COBURN CONSTRUCTION, SAID THAT HER COMPANY PAYS TAXES AND FEES TO OPERATE HER BUSINESS. SHE SAID THEY PAY A ROAD TAX, HEAVY WEIGHT TAX, AND OTHER FEES TO OPERATE IN THE COUNTY. MS. COBURN SAID THAT THEY PAY ALL KINDS OF FEES AND SOME OF THOSE FUNDS COME BACK TO JASPER COUNTY. MS. COBURN SAID BEAUFORT COUNTY HAS IMPACT TAXES TO COVER THE GROWTH. MS. COBURN SAID JUST BY LIVING IN THE LOW COUNTRY YOU WILL HAVE DUST SITUATIONS AND IT CANNOT BE CONTROLLED, BUT IT CAN BE MONITORED BY USING WATER TRUCKS. SHE SAID THE STATE MONITORS THE GRASS PLANTING AND IT DOES NOT NEED TO BE DONE UNTIL THE END OF THE MINING. MS. COBURN SAID JASPER COUNTY IS GOING TO GROW AND CHANGE WHETHER THE CITIZENS WANT IT TO HAPPEN OR NOT AND IT IS THE YANKEES THAT ARE CAUSING THE TRAFFIC PROBLEMS NOT THE DUMP TRUCKS. MS. COBURN SAID IT IS THE YANKEES THAT ARE ALSO CAUSING AN IMPACT PROBLEM AND THEY SHOULD HAVE TO PAY IMPACT FEES.

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

CHAIRMAN HOOD SAID THAT THE COUNCIL WOULD TAKE ALL THE SUGGESTIONS UNDER CONSIDERATION. VICE CHAIRMAN JONES THANKED TONY MAGLIONE AND ATM FOR DOING SUCH A THOROUGH JOB.

**ADJOURN:**

COUNCILMAN TUTEN MOTIONED AND COUNCILMAN BLACKSHEAR MOTIONED TO ADJOURN THE MEETING. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

THE MEETING ENDED AT 10:25 A.M.

RESPECTFULLY SUBMITTED BY:

APPROVED BY:

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JUDITH M. FRANK, CCC  
CLERK TO COUNCIL

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DR. GEORGE M. HOOD  
CHAIRMAN