

Jasper County Board of Commissioners
January 24, 2022
Called Meeting Minutes
6:00 P.M.

Chairman Henry called the meeting to order at 6:00 p.m.

Commissioners Present: Bruce Henry, Chairman, Gerald Stunkel, Vice-Chairman, Don Jernigan, Sheila Jones and Steven Ledford.

Staff Present: Mike Benton, County Manager, and David Ozburn, County Attorney.

Pledge of Allegiance:

Invocation: Chairman Henry, District 2

Agenda Approval: Commissioner Ledford motioned to approve the agenda as presented. Commissioner Jones seconded the motion, passed unanimously.

Consent Agenda: None

Public Hearings: None

Presentations/Delegations- None

Citizens Comments:

Stan Studdard- Long Piney Road- Mr. Studdard stated that they were told at the last meeting that this would be put off until February. He stated that he had a guy that was going to try to find out how much of Long Piney has a prescriptive easement and how much of it has got dedicated right-of-way. He stated that a lot of the property owners own to the center of the road. He stated that they were told that they need to tell the board something other than traffic and stuff. He looked where it was platted in 2004, revised in 2007. In 2007 all the ordinances were in place. There are several ordinances that this neighborhood is in violation of. He stated he just wanted to make that known. He stated that they had told the P&Z Board about it and apparently they thought it wasn't a good idea. He stated that he hopes the board will consider the consequences when they vote on this because if it is approved the county is liable. If we go to court we might win. There won't be any citizens that blame you for trying to stand up for what is right for the citizens of the county. If you go to court and you lose that's what you pay insurance for. At that point it will be on the developer for building something that is not safe.

Mark Watson- Mr. Watson stated that he wants this to be something that is consistent. If you deny the Water's Edge Subdivision you are doing nothing wrong. You are abiding by the code. The preliminary plat for the second phase of this development was never approved. He ask that they abide by the current zoning codes and the nature of the county.

Justin Owen- Highway 11 North- Mr. Owen stated that he is the Chair of the Zoning Board. Older developments that sits undeveloped for a period of time, he would suggest having time limit added to our ordinance. Somewhere it says after a period of time if the property is rezoned or if the preliminary plat approval would be null and void if not developed in a certain period of time. Rezoning is where you control your growth. There is very little residential zoning left in the county. He stated that a lot of what needs to be addressed or what he hear are zoning enforcement issues. The rules are there they just need to be enforced.

Tim Prosser- Long Piney Road- Mr. Prosser stated that he would like to second what the people before him said about Waters Edge Phase 2. He thinks any approval should be current zoning. He thinks the developer should be responsible for repairing Long Piney Road where it is already damaged.

County Commissioner's Items:

Commissioner Ledford- None

Commissioner Stunkel- None

Commissioner Jernigan- None

Commissioner Jones- None

Chairman Henry- None

Regular Agenda:

Business Items:

Item 1: City of Monticello Special Municipal Election- IGA- Jasper County BOC and Monticello City Council: Chairman Henry stated that we have an IGA where the city can hold their elections in the courthouse. It is the same IGA each time the city has an election. Any cost associated with the election goes to the city.

Commissioner Stunkel motioned to approve Chairman Henry signing the IGA for the City of Monticello election. Commissioner Ledford seconded the motion, passed unanimously.

Item 2: Request for Approval- Preliminary Plat for Waters Edge Subdivision Phase 2- Application #2021-Prelim-001: Commissioner Jernigan motioned to approve the Preliminary Plat for Waters Edge Subdivision Phase 2. Commissioner Ledford seconded the motion.

Commissioner Stunkel stated that he would like to clear up a couple points. The fact that we tabled the item was so that our attorney could give us additional information of whether or not it was the following month or a special called meeting there is not restriction for that. It's not a matter of liking a vote for or against, it's a matter of what is the right thing to do. What are the rights of the residents, what are the rights of the developer? He stated that he spent a considerable amount of time researching this and going through and there have been lots of comparisons between Waters Edge and Lakeview. There is no comparisons, they are like apples and oranges. Lakeview is off a primary road. Waters Edge is off a secondary road. Both were approved in 2004. He stated that he questions the wisdom of the Board of Commissioners at that time to approve Waters Edge the way they did because of the state of Long Piney Road. He stated that regardless of the vote tonight he will be pushing for attention to Long Piney Road especially since there are two subdivisions off that road. He stated that previous board have not given proper attention to that road. Saying vote no and let's try for a lawsuit is one thing that you can try, however it would still cost the county money. The likelihood is that we would eventually lose.

The board voted unanimously to approve the motion.

Item 3: Subdivision Ordinances Discussion, Review and Update: Chairman Henry stated that we currently have a moratorium on subdivisions until we work out some of the details. There is a list of things that we are working on. We already moved all residential to two acre lots, we require curb and gutter, they are all conventional subdivisions (30% greenspace prior to the curb and gutter). There is a yield plan that is in place that skirts around the lot size. We need to look closer at it and either adjust it or completely do away with it so that it can't override what we are trying to accomplish.

Mr. Benton stated that there are 119 chapters in our code. He included two in the packet 105 & 119. A representative from Safebuilt is watching via the Facebook Live. He is working on a proposal.

Chairman Henry stated that as we go through we need to take out anything that refers to conventional subdivision throughout the code.

Attorney Ozburn stated that it may be useful to explain the two options that are in the code. It's a conservation subdivision in comparison to a standard subdivision and that's where the yield plan comes in. The idea behind the conservation subdivision was not to have fewer lots and fewer homes it was to increase the density of the

same number of lots and homes into a smaller area to have the same acreage with more greenspace left over afterwards. The yield plan is supposed to be the calculation of if it is a conventional subdivision how many lots would there be. Under the conservation ordinances it made provisions for smaller lot sizes and smaller frontage requirements to allow a higher density of that same number of lots and homes. In that same space you would have more leftover space that would be greenspace. If your goal is to only have one type of subdivision available, take the things you like in a conservation subdivision and apply them to the regular subdivision and have just a subdivision.

Mr. Benton stated that he has been looking at other counties. He stated that we do have holes in our ordinances. Most counties that have a conservation subdivision have a minimum lot size tied to the yield plan. In our code there is not minimum size in the conservation subdivision as far as acreage.

Attorney Ozburn stated that a conservation subdivision only makes sense in relation to a conventional subdivision. If you want every subdivision to work the same way you can get rid of that distinction.

Commissioner Stunkel posed the question of once the property owner owns it you really can prevent them from cutting it down unless there is a homeowners association.

Commissioner Ledford stated that in a conservation subdivision they have to have an HOA and the conventional does not.

The board decided to allow feedback from people in the audience.

Brian Cagle- Highway 212- Mr. Cagle stated that developers are not going to go in and cut all the timber unless it is a sewer subdivision. You can't mask grave a septic tank. The people who sell it before it sold to the developer. If you have two acres and green space you will most likely have more than 2 acres for each lot

Bill Nash- Chickadee Court- If you blanketly say you have to have 30% greenspace some developers may try to put the greenspace all together. He thinks that is the reason for the conservation subdivision so that the space is spread throughout each lot. He stated that if you have to have a septic tank you have to take down trees so that it does not grow into the septic tank. If you don't make part of the requirements a dedicated greenspace (a no disturbance greenspace, individual homeowners will clear out that space.

Robert Jordan- Monticello- Mr. Jordan stated that one piece of information that might help. The basic idea behind the ordinance was to take your existing subdivisions, require the developer to give greenspace in exchange you give them the same number of lots. At the time the idea that was to satisfy the "Takings Clause" of the U.S. Constitution. That how we got to where we are now.

Justin Owens- The yield plan idea is to prevent huge growth in the county. It's not a dangerous thing necessarily. The developer is going to strategically pick the greenspace. The ultimate goal is the control the growth here.

Mark Watson- The thing that he would be against with the yield plan is you do get smaller lot sizes. You may get more greenspace. What's that going to do to your house sizes? Smaller lot sizes mean bigger houses and less land for the homeowner to do something with. Whatever you come up with there needs to be some enforcement. There needs to be a time limit.

Robert Jordan stated that if you plot is 2 acres lot you could leave the conservation subdivision ordinance in place. It has some good things about it. Just make rezone things to rural residential which is a minimum 3 acre minimum. The yield plan itself is not something to be concerned about in his opinion.

Brian Cagle -stated that if you have a 125 ft road frontage I don't see how that will get down to 1.2.

Justin Owen- stated that curb and gutter may not always be the best idea. It really does not go along with the keeping things looking rural. It forms a lot of street water and trash to central locations whereas without it would just go in ditches and stuff like that. It sounds good and looks good but may not be what is always best. It is more for small lot subdivisions.

Bill Nash- stated he agrees with Mr. Owen the curb and gutter and rural character aren't necessarily compatible. No one would provide a conservation subdivision if there is not incentive for the greenspace.

Brian Cagle – stated that it really doesn't cost that much more to add curb and gutter. There is so much maintenance without the curb and gutter by the time you weigh it all out it's about the same.

Commissioner Ledford stated that he does not think it should go below 1.5.

Mike Benton stated that most counties have a separate minimum lot size for conservation subdivisions.

County Manager Update: We have the P&Z Director position open. We are recruiting heavily. We have about 23 applications, 3 worth looking at.

Commissioner Ledford asked the county Manager to have the City of Newborn Water Authority to the water providers.

Executive Session: None

Adjourn:

Commissioner Ledford motioned to adjourn the meeting at 7:07 p.m. Commissioner Stunkel seconded the motion, passed unanimously.

Bruce Henry, Chairman

Sharon Robinson, Clerk