

Jasper County Board of Commissioners
February 5, 2025
Called Meeting Minutes
6:00 P.M.

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

Commissioners Present: Bruce Henry, Chairman; Steven Ledford, Vice Chair; Rob Alexander; Sheila Pounds and Asher Gray

Staff: Mike Benton, County Manager, Sheila Jefferson, Clerk- Administrative Services Director, Doug Attaway- Planning and Zoning Director

Pledge of Allegiance

Invocation: Commissioner Alexander

Agenda Approval: Commissioner Gray motioned to approve the agenda. Commissioner Pounds seconded, and the motion passed unanimously.

Consent Agenda: None

Public Hearings with Business Action- None

Citizens Comments:

- **Mary Patrick-** Ms. Patrick stated that she wanted to talk about Rivian. The JDA is suing 6 citizens who lives near the Rivian site. They were part of the group that tried to stop Rivian from coming. JDA is suing them for \$600k. One is a truck driver whose well has been completely filled and taken over by mud. Another one is a farmer and two are elderly people. The all live right near the Rivian site. She stated she would like to know how JDA can justify this when they hired numerous attorneys from five different firms who charge up to \$1500/hour. The people who they are suing contributed to a group effort that used 2 attorneys. They were fighting because of the destruction of their area and their way of life. JDA ignored the zoning laws of Morgan County. They turned the land over to the state once they saw it would be an issue so that they would be exempt. The state said they didn't have to follow the zoning laws of the local area. Twenty-three million dollars of local government money that JDA kept and did not give back to the counties was used to purchase the land where the Rivian site is. She asked when was it decided that JDA was a real estate developer. It wasn't the JDA but the taxpayers' money that went to pay the attorneys. She asks that the board speak up and stop the lawsuit. She asked if the board could either write a letter or Chairman Henry to speak up at a JDA meeting
- **Robert Perry-** Mr. Perry stated that he has a vested interest in a lot of the lots in Turtle Cove. He stated that he understands the moratorium. He stated that he is sure there are a lot of areas in Jasper County that are too rural, the roads are too small, the farmland is being sold. Developers are trying to make as much money as possible as fast as they can. He stated that Turtle Cove was built 50 plus years ago. He stated "it is what it is, the roads are for you know what in it, they have always been for you know what in it, the lots are just about played out". He stated that there are people sitting on high dollar lots in the peninsula, he is sitting on anywhere from 15-25 lots roughly. He stated that he has a contract sitting right now that he can't get permits for because of the moratorium. He

asked the board to reconsider the moratorium or exempt Turtle Cove from the moratorium.

County Commissioner Items & Updates:

Commissioner Pounds: None

Chairman Henry: None

Commissioner Alexander: None

Commissioner Gray: None

Commissioner Ledford: None

Regular Agenda

Business Items: Discussion and Possible Action for the Moratorium on Any Development of Non-Conforming Lots Approved at the February 3, 2025 BOC Meeting.:

Doug Attaway stated that the moratorium that was put in place on Monday night had a bigger spread of properties that were affected than the board originally thought of. He provided the board with a list of all lots in the county which were less than one acre. The last part of the ordinance that talks about non-conforming lots states “a lot lawfully existing at the effective date of the ordinance which this chapter derives but which fails by reason of adoption of an amendment of the ordinance for which this chapter derives to conform to the present requirements for area or dimension location of the zoning district.” This applies to the small lots in Turtle Cove, Alcovy Shores, Bear Creek Lake, Burney Estates and other subdivisions that he feels like the board did not realize the implications including current developments that were platted and final plats were approved by the board. Tonight’s meeting is to get better clarification so that we don’t just put a blanket stop on all development in the county for four months.

Chairman Henry ask the board their thoughts now that they have some feedback from citizens.

Commissioner Alexander stated that at some point the lots that are in Turtle Cove and the lots that the board has approved would be grandfathered in.

Commissioner Ledford stated that up until 2009 it was not up to the Board of Commissioners that is when the code was codified.

Mr. Attaway stated that he had been ask if he could locate the minutes where the commissioners approved Turtle Cove in the 70s. He stated that we have Turtle Cove on record back to 62 or 64.

Commissioner Henry stated that many of the lots that were around the lake were developed as fish camps. No matter what size they are they are lots of record.

Mr. Attaway stated that is why in our non-conforming uses, structures and lots ordinance it says “such lot may be used as a building site for single family residence....it must meet the minimum requirements for the county board of health for lots on septic systems.” He referenced a Public Health printout from Monday’s meeting that talks about the recommend lot size criteria. For non-public water and sewage is roughly one acre. With public water or sewage the requirement is a half-acre.

Commissioner Ledford ask if the sliding scale has been found yet.

Mr. Attaway responded no. He stated there is a calculation to figure out the square footage of the lot needed for gallons per acre per day of maximum sewage flow. He stated that he is assuming that the Public Health representative is taking the 1200 gallons a day for and for the .3 acre lots and saying they can only have 400 gallons per day.

Chairman Henry stated that some of the lots are half-acre or less. Although they are legal lots of record it will be hard for someone building to meet the setbacks and still have a descent house.

Mr. Attaway stated the setbacks will be a hard challenge. He stated that currently, it is a requirement that there is primary and secondary drain fill.

Chairman Henry stated that he does not think it is something that the board should address.

Commissioner Ledford stated that the problem we will run into is the sliding scale that Mr. Mercer found. Someone submitted plans for a Jack and Jill bathroom. It would only take a few hours to frame a closet after the CO is done. He stated that he would like to know if we can set an ordinance with minimum lot size for the septic to do away with the sliding scale.

Attorney Nelson stated that ordinarily there are certain areas which are governed by the state and some that falls with local government. Septic and the treatment of sewage usually falls with the state government and we may be limited in our ability to set regulations for septic. He stated that we have learned that the state requirements may not fall within what we would want with non-conforming lots. The better way to go about it would be to develop standards that are not related to the septic or sewage. He stated that the board can establish specific development regulations for non-conforming lots. He said that what he has taken away is 1.) The moratorium on Monday night may have been too expansive because it would include all non-conforming lots and the board would like to address current development ability. He stated that he thinks the scope of the moratorium needs to be limited. The board will need time to review and determine the appropriate level for the development of these non-conforming lots. We most likely will not be able to regulate septic and sewer.

Commissioner Ledford stated that we are better off lifting the moratorium and give the P&Z Director direction on what the board is looking for and we should have an answer by April

Chairman Henry stated that he thing it would be a good idea to hold a work session and have David Mercer to participate in it.

Commissioner Ledford stated that he would love for the members of the P&Z Board who are available to attend as well.

Commissioner Ledford motioned to dissolve the moratorium on non-conforming lots development. Commissioner Pounds, seconded the motion, which passed unanimously

Chairman Henry instructed Mr. Attaway to get with the county attorney to make sure that the direction we are going is not only legal but fair.

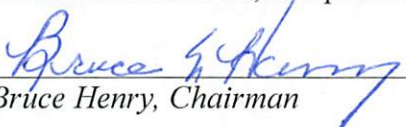
County Attorney Items: None

County Manager Update: None

Executive Session: None

Adjournment:

Commissioner Ledford motioned to adjourn the meeting at 6.:28 p.m. Commissioner Pounds seconded the motion, and passed unanimously.


Bruce Henry, Chairman


Sheila Jefferson, Clerk