

*Jasper County Planning Commission
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**Minutes of the September 14, 2021
Regular Scheduled Meeting**

Members Present: Chairman, Alex Pinckney; Vice-Chairman, Randy Waite; Dr. Earl Bostick; Mr. Thomas Jenkins; Dr. Debora Butler; and Mrs. Sharon Ferguson

Staff Present: Ms. Lisa Wagner

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. The recorded version is available in the Office of the Planning and Building Services Department.

Call to Order: Chairman Pinckney brought the meeting to order at approximately 6:02 p.m.

Invocation & Pledge of Allegiance: Invocation and Pledge of Allegiance was given by Mr. Waite.

Approval of Agenda: Mr. Waite motioned to approve the Agenda as published, seconded by Ms. Ferguson. The Commission Members voted unanimously in favor of the motion.

Approval of Minutes: Mr. Waite motioned to approve the Minutes of the **August 10, 2021** Meeting as written, seconded by Ms. Ferguson. The Commission Members voted unanimously in favor of the motion.

Discussion:

Jasper County Road Ordinances: Ms. Wagner said that Chapter 25, Article II - *2018 Road Omnibus Ordinance*, affirms what roads are in the county maintenance system, identifies road types, establishes a process to classify a private road as a public road, establishes a better system of processing encroachment permits, and makes references to the Land Development Regulations as it relates to construction of new roads and dedication of such roads. Ms. Wagner said the 2018 amendment to the Land Development Regulations made several changes to the subdivision guidelines, added requirements for encroachment permits, added criteria for road maintenance guarantees, added provisions for roads serving 4 lots or less, and added standards for driveways and access management.

Ms. Wagner said Jasper County Council held a workshop on August 16, 2021, to discuss private roads because they receive a lot of complaints about private roads that are not being maintained. Attorney Tedder provided the Council with a couple of Attorney General opinions and a couple of law cases, which concludes that public funds can not be spent on private property. Attorney Tedder said it is not legal for the County to maintain or improve private roads.

Attorney Tedder said the options that are available to the citizens, includes property owners improving their road on their own, in accordance with the county standards after first making sure that the Council will accept the roads, or forming their own POA and assessing their own selves to create a budget to fix, improve, and/or maintain the roads. He said he knows of a jurisdiction who many years ago, created a special tax district. The County bonded the money to pave or improve certain roads within these special tax district areas. However, in accordance with the state law, any roads to be improved, even through a special tax district, would have to be a county road. The easiest process is for the citizens to form a POA, which would allow them to file a lawsuit against the Developer because county governments have no authority to enforce covenants.

The amendments that were made to the Road Omnibus Ordinance and the Land Development Regulations in 2018 were intended to strengthen road design standards and provide financial securities for road maintenance after development. While these amendments are not helpful for existing roads, staff believes this will make a difference in the future. Ms. Wagner gave an overview of the Road Omnibus Ordinance, pointing out the changes from the 2018 amendment.

Dr. Butler asked if the County could go after businesses for reimbursement if they damage County maintained roads. Ms. Wagner said yes, if it is a County maintained road. The Public Works Department would have the ability to issue a citation if it can prove that a certain business is responsible for damaging a County maintained road. Dr. Butler said there is a small mobile home park on Church Road with no clear access road serving the property except for a small dirt road. She asked if the Ordinance would require the owner of the property to provide a place for the residents and emergency vehicles to enter the property prior to selling the lots. Ms. Wagner said no, those lots were individually platted, and the encroachment permits were issued by South Carolina DOT since the lots are accessed by a state road.

Dr. Bostick asked Ms. Wagner if the mobile home park that Dr. Butler referenced was considered a minor subdivision and in doing so were they not required to have certain things done to the roads. Ms. Wagner said the owner purchased some land and created a minor subdivision. She said the 2018 Ordinance requires any lots that are located more than 150 feet from a public maintained road, which is a state or a county road, be approved by the Fire Marshal. She said in those cases, the Fire Marshal requires a fire access road. She said in this case, the lots are accessed by a state-maintained road, and they were required to get encroachment permits from SCDOT, so yes, there were requirements they had to meet.

Mr. Waite asked Ms. Wagner if all new development requires the developer to sign a perpetual road maintenance agreement. Ms. Wagner said that is correct. Mr. Waite asked if the developer could apply for the road to come into the County maintenance system and not have to go through a perpetual road maintenance agreement. Ms. Wagner said there is a provision in the Road Omnibus Ordinance that would allow a developer to apply to the County Council to accept the road into the county maintenance system.

Ms. Wagner gave an overview of the 2018 amendment to the Land Development Regulations, pointing out the changes that were made with that amendment.

Mr. Waite asked Ms. Wagner if the road list presented in the Road Omnibus Ordinance are current. Ms. Wagner said yes, the list that was created in 2017 by Alliance Consulting is a current list of the county roads.

Continuing Education: There was some discussion about required Planning & Zoning continuing education. Ms. Wagner said she intended to have a day of training in a group setting but due to the rise in Covid cases, Jasper County is not allowing in person meetings for Boards and Commissions. She said information was

included in the Planning Commission packages so that each member can take the 3 hours of required training online. She said the continuing education should be completed by December 31, 2021.

Open Discussion: Chairman Pinckney said he asked Ms. Wagner to provide Berkley County's Land Development Regulations in the Planning Commission packages and he would like the Commissioners to read it. He said Berkley County is the second fastest growing county in the State. He said they had to put a moratorium on building because they were growing so fast. He said their unemployment rate is 3.7% and their school is ranked in the upper 20s. He said they have a beautiful city, and they are doing something right so he would like everyone to take a look at their ordinance.

Adjourn: Dr. Bostick motioned to adjourn, seconded by Mr. Waite. The Commissioners voted unanimously in favor of the motion. The meeting adjourned at approximately 7:30 p.m.

Respectfully Submitted,

Lisa Wagner