

Warren Excavation
108 Lexington Drive
Madison, Mississippi 39110

December 19, 2012

Brad Sellers
Zoning Administrator
P.O. Box 608
Canton, Mississippi 39046

RE: Existing Surface Mine Expansion/New Permit
JNL Pitt #1, Permit #MSR322191 Geology Permit # 45-151

Dear Mr. Sellers:

Please find enclosed the documentation required for the expansion of or the issuance of a new permit related to the aforementioned surface mine currently being operated in Madison County, Mississippi under the named and numbered permit.

Should you have any questions and or concerns, please contact either:

Doug Warren, Warren Excavation: cell (601) 946- 1767
office (601) 856- 3988

Jim Giddy, Project Consultant: cell (601) 259- 6330
office (601) 359- 4263

Sincerely,



Doug Warren
Warren Excavation

APPLICATION FOR SPECIAL EXCEPTION
Surface Mining Operation

Applicant WARREN EXCAVATION, LLC 108 Lexington Drive Madison, MS	Street Address of Property (if different address): 3364 Hwy 22 (APPROX) Madison MS 39110
---	---

APPLICATION DATE	Present Zoning of Property	Legal Description of Property:	TAX PARCEL NUMBER	FLOOD ZONE	MAP/PLAT OF PROPERTY
	A1	See (Exhibit A)	0813-04005/01		See (Exhibit B)

Other Comments: As per Section 2604 of the Madison County Zoning Ordinance.

Respectfully Submitted

Doug Warren
 Doug Warren

Petition submitted to Madison County Planning and Development Commission on Feb 14, 2013

Recommendation of Madison County Planning and Development Commission on Petition Approve w/ conditions

Public Hearing date as established by the Madison County Board of Supervisors April 15, 2013

Final disposition of Petition _____

Surface Mining Proposal:

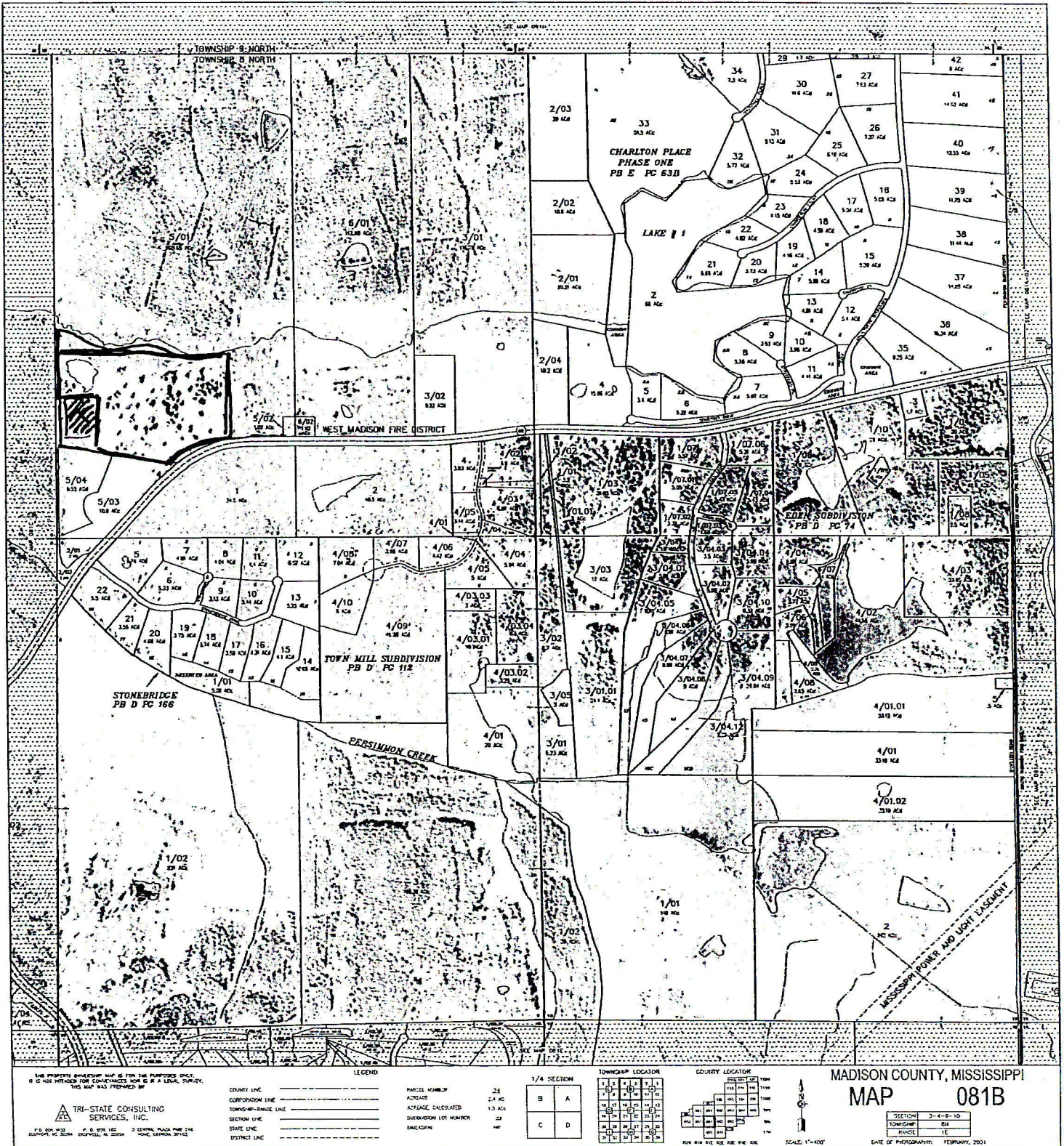
Exhibit A


**Warren Excavation, LLC
108 Lexington Drive
Madison, Mississippi 39110**

1. Proof of Ownership: JNL Land & Pine, LP (attached exhibit c)
2. Lease Agreement: Warren Excavation, LLC (attached exhibit c1)
3. Legal Description: 35 acres in the NW 1/4 of Section 4, Township 8N, Range 1E of Madison County, Mississippi (map attached, exhibit b)
4. Hours/Life of operation: Hours: 6:00 AM to 7:00 PM, Monday thru Saturday
Life: Approx. 48 months from approval date
5. Haul Route: Loads will ingress and egress the subject site off of MS Hwy. 22. (map attached exhibit d)
6. Road Damage: No impact upon county roads as all ingress and egress will be from and to a state highway.
7. Traffic Plan: Appropriate styled and sized signs on either side of access to the site, both East and West on MS Hwy 22, to inform motorists of trucks entering the highway.
8. MDEQ Application: On file for approval at MDEQ, Application for Surface Mining permit, filed 12-20, 2012. (See attached application exhibit e)
9. Reclamation Plan: Site to be graded on a slope of approx. 3 to 1, covered with appropriate soil and seeded with grass to return it to use as pasture land. Reclamation will return the site to a similar state suitable for grazing purposes.
10. Erosion control plan: Use of hay bales, or screen barriers and or settling pond(s) to control and or prevent run off and/or silt from entering adjacent stream. Run off and/or silt will be directed to existing pond as needed. (Map attached exhibit d)

11. Road Bond proposal: None, no impact to county road(s). (See #5 above)
12. Site Plan: see #s 9 and 10
13. Adjacent Land Owners (exhibit f)
- a. Nancy McReynolds
420 Warwick Rd.
Clinton, MS 39056
 - b. Richard & Courtney Williams
102 Primrose Landing
Clinton, MS 39046
 - c. Mark S. Jordan
607 Highland Colony Parkway
Rigeland, MS 39157
 - d. Virginia Giddy
235 2nd Street
Flora, MS 39071
14. ROWs: MS Highway 22; site will not impact or encroach upon existing highway ROW.
15. Zoning: A1 (see attached maps, exhibit g)
16. Contour(s) Topographical Map(s) (exhibit h)

EXHIBIT B



 - 4 acre exempted, # 1

 - site # 2

BOOK 1898 PAGE 0929

Indexing Instruction:

SW1/4 of SE1/4, Section 33, Township 9 North, Range 1 East; NW1/4; W1/2 of NE1/4; N1/2 of SW1/4; NW1/4 of SE1/4; all of SW1/4 of SE1/4, and all of SE1/4 of SW1/4, Section 4 Township 8 North, Range 1 East; all of SW 1/4 of SW1/4, Section 4 Township 8 North, Range 1 East; all of Section 9 Township 8 North, Range 1 East lying West of Livingston Road, all located in Madison County, Mississippi

Less and except a metes and bounds description in the West 1/2 and also in the West 1/2 of the East 1/2, all lying on the North side of Mississippi State Highway No. 22 in Section 4, Township 8 North, Range 1 East of Madison County, Mississippi

STATE OF MISSISSIPPI

467056

COUNTY OF MADISON

**CORRECTED
QUITCLAIM DEED**

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I, VIRGINIA L. GIDDY, (Grantor), do hereby convey, transfer and quitclaim unto J.N.L. LAND & PINE, L.P., a Mississippi limited partnership, all of my right, title and interest in and to the following described lands located in Madison County, Mississippi, to-wit:

Southwest quarter of Southeast quarter, Section 33, Township 9 North, Range 1 East; Northwest quarter; West half of Northeast quarter; North half of Southwest quarter; Northwest quarter of Southeast quarter; all of Southwest quarter of Southeast quarter, and all of Southeast quarter of Southwest quarter that lies North of Livingston and Canton Road, Section 4, Township 8 North, Range 1 East; all of Southwest quarter of Southwest quarter, Section 4, Township 8 North, Range 1 East, that lies North and West of Livingston and Canton Road; all of Section 9, Township 8 North, Range 1 East lying West of Livingston Road, subject to outstanding right of way and easement in favor of United Gas Public Service Company, less and except lot for cemetery.

BOOK 1898 PAGE 0930

LESS AND EXCEPT from the above described property any and all lands owned by the Grantor which are located South of Highway 22 in Madison, Madison County, Mississippi.

LESS AND EXCEPT a tract of land situated in the West ½ and also in the West ½ of the East ½, all lying on the North side of Mississippi State Highway No. 22, in Section 4, Township 8 North, Range 1 East of Madison County, Mississippi, and more particularly described as follows:

Commencing from a concrete monument on the northern right-of-way line of Mississippi State Highway No. 22, said concrete monument being West a distance of 232.20 feet from a fence line representing the east line of the West ½ of the East ½ of Section 4, Township 8 North, Range 1 East, Madison County, Mississippi; thence North 89° 50' 26" West along the northern right-of-way line for 844.47 feet to an iron pin at the "Point of Beginning" of the tract herein described; thence North 89° 50' 26" West and continuing along the said north right-of-way line for 350.00 feet to an iron pin; thence North 0° 06' 36" West for 253.39 feet to an iron pin; thence North 89° 53' 32" East for 350.00 feet to an iron pin; thence South 0° 06' 36" East for 255.03 feet to the said "Point of Beginning", containing 2.04 acres, more or less.

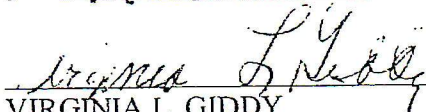
together with all improvements situated thereon and all appurtenances thereunto belonging.

The above-described real property is no part of the homestead of the Grantor nor is it adjacent or contiguous thereto.

There is excepted from this conveyance all building restrictions, protective covenants, mineral reservations and conveyances and easements of record affecting said property.

This deed is to correct and clarify the Quitclaim Deed filed in Book 479, at Page 404, because the above described property excepted out was not conveyed to the Grantee in the above referenced Quitclaim Deed because the Grantor did not own the said property at that time.

WITNESS my signature, this the 28th day of March, 2005.

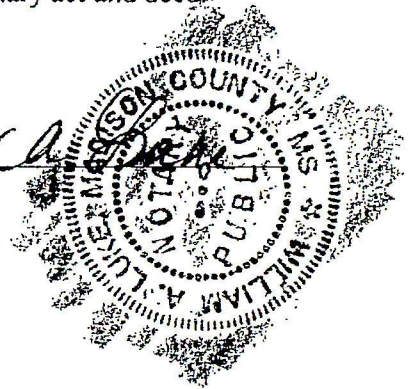

VIRGINIA L. GIDDY

STATE OF MISSISSIPPI

COUNTY OF Madison

PERSONALLY appeared before me the undersigned authority in and for the aforesaid county and state, on this 28th day of March, 2005, within my jurisdiction, the within named VIRGINIA L. GIDDY, who acknowledged before me that she executed the above and foregoing Quitclaim Deed on the day and year therein stated, as her voluntary act and deed.

William A. Luke
NOTARY PUBLIC



My Commission Expires:

09.30.2005
MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES AUG 30, 2007
BONDED THRU STEGALL NOTARY SERVICE

GRANTORS' ADDRESS:
Virginia L. Giddy
235 Second Street
Flora, Mississippi 39071
(601) 879-8791

GRANTEE'S ADDRESS:
J.N.L. Land & Pine, L.P.
235 Second Street
Flora, Mississippi 39071
(601) 879-8791

The preparer does not by this instrument certify validity of title nor the correctness of the description contained herein.

PREPARED BY:

Ralph A. Yelverton, MS Bar #10303
STUBBLEFIELD & YELVERTON, PLLC
Post Office Drawer 320399
3900 Lakeland Drive, Suite 401
Jackson, Mississippi 39232
(601) 936-4910

13-1319
(E)

MADISON COUNTY MS This instrument was
filed for record March 31, 2005, at 8:00 A.M.
Book 1898 Page 927
ARTHUR JOHNSTON, C. C.
BY: [Signature] D.C.

BOOK 0479 PAGE 404

327829

Indexing Instruction:

SW1/4 of SE1/4, Section 33, Township 9 North, Range 1 East; NW1/4; W1/2 of NE1/4; N1/2 of SW1/4; NW1/4 of SE1/4; all of SW1/4 of SE1/4, and all of SE1/4 of SW1/4, Section 4 Township 8 North, Range 1 East; all of SW 1/4 of SW1/4, Section 4 Township 8 North, Range 1 East; all of Section 9 Township 8 North, Range 1 East lying West of Livingston Road, all located in Madison County, Mississippi

STUBBLEFIELD & HARVEY, PLLC

3900 Lakeland Drive, Suite 401
Lakeland Oaks
Jackson, MS 39208

pd 9.00

STATE OF MISSISSIPPI

COUNTY OF MADISON

QUITCLAIM DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I, VIRGINIA L. GIDDY, (Grantor), do hereby convey, transfer and quitclaim unto J.N.L. LAND & PINE, L.P., a Mississippi limited partnership, all of my right, title and interest in and to the following described lands located in Madison County, Mississippi, to-wit:

Southwest quarter of Southeast quarter, Section 33, Township 9 North, Range 1 East; Northwest quarter; West half of Northeast quarter; North half of Southwest quarter; Northwest quarter of Southeast quarter; all of Southwest quarter of Southeast quarter, and all of Southeast quarter of Southwest quarter that lies North of Livingston and Canton Road, Section 4, Township 8 North, Range 1 East; all of Southwest quarter of Southwest quarter, Section 4, Township 8 North, Range 1 East, that lies North and West of Livingston and Canton Road; all of Section 9, Township 8 North, Range 1 East lying West of Livingston Road, subject to outstanding

right of way and easement in favor of United Gas Public Service Company, less and except lot for cemetery.

LESS AND EXCEPT from the above described property any and all lands owned by the Grantor which are located South of Highway 22 in Madison, Madison County, Mississippi.

together with all improvements situated thereon and all appurtenances thereunto belonging.

The above-described real property is no part of the homestead of the Grantor nor is it adjacent or contiguous thereto.

There is excepted from this conveyance all building restrictions, protective covenants, mineral reservations and conveyances and easements of record affecting said property.

WITNESS my signature, this the 26th day of December, 2000.

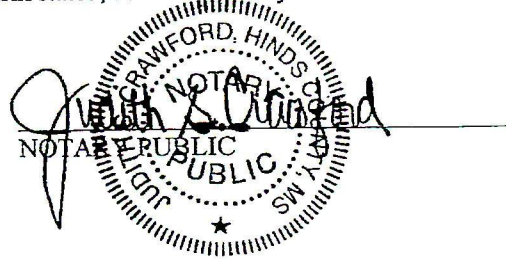
Virginia L. Giddy
VIRGINIA L. GIDDY

STATE OF MISSISSIPPI

COUNTY OF Rankin

PERSONALLY appeared before me the undersigned authority in and for the aforesaid county and state, on this 26th day of December, 2000, within my jurisdiction, the

within named VIRGINIA L. GIDDY, who acknowledged before me that she executed the above and foregoing Quitclaim Deed on the day and year therein stated, as her voluntary act and deed.



My Commission Expires:

August 24, 2001

GRANTORS' ADDRESS:

Virginia L. Giddy
235 Second Street
Flora, Mississippi 39071
(601) 879-8791

GRANTEE'S ADDRESS:

J.N.L. Land & Pine, L.P.
235 Second Street
Flora, Mississippi 39071
(601) 879-8791

The preparer does not by this instrument certify validity of title nor the correctness of the description contained herein.

PREPARED BY:

J. Stephen Stubblefield
STUBBLEFIELD & HARVEY, PLLC
3900 Lakeland Drive, Suite 401
Jackson, Mississippi 39208
(601) 936-4910

STATE OF MISSISSIPPI, COUNTY OF MADISON

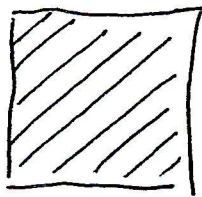


I certify that the within instrument was filed for record in my office this 26 day of Jan, 2001, at 9 o'clock A M., and was duly recorded on the JAN 26 2001, Book No. 479, Page 404.

STEVE DUNCAN, CHANCERY CLERK BY: Cherker D.C.

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



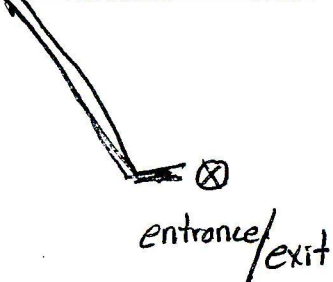
4 acre permitted site #1



- Direction of drainage/run off



- permit area # 2



entrance/exit

Brad Sellers

From: Jim Martin <jim@tru-law.com>
Sent: Monday, April 08, 2013 9:11 AM
To: Brad Sellers
Cc: Paul Williams (pwilliams@thewilliamsattorneys.com)
Subject: Warren Excavation, LLC surface mining application

Brad,

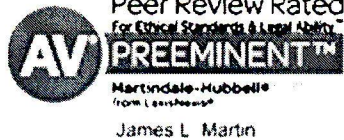
This is to advise Paul and Courtney Williams and Nancy McReynolds and Jim Giddy, JNL Land & Pine, LP and Warren Excavation have entered into an agreement which resolves the objections of the Williams and Mrs. McReynolds. Accordingly, Paul and Courtney Williams and Nancy McReynolds withdraw their appeal to the Board of Supervisors.

Upon receipt, should you have any questions, do not hesitate to advise.

Jim

James L. Martin
Taggart, Rimes & Graham, PLLC
100 Renaissance Building
1022 Highland Colony Parkway, Suite 101
Ridgeland, MS 39157
Direct: 601.707.3813
Main: 601.898.8400
Fax: 601.898.8420
jim@tru-law.com

www.tru-law.com



This e-mail contains information that is confidential, proprietary, or otherwise subject to attorney-client privilege. If you are not the intended recipient, you should not disseminate, distribute, or copy this e-mail. If you have received this e-mail by mistake, please notify the sender immediately by e-mail at (601) 707-3813 or by telephone at (601) 898-8400. If you are not the intended recipient, you should not disseminate, distribute, or copy this e-mail. If you have received this e-mail by mistake, please notify the sender immediately by e-mail at jim@tru-law.com or by telephone at (601) 707-3813 or by telephone at (601) 898-8400.

AGREEMENT

This agreement between the parties, being Paul Williams, Nancy McReynolds, Warren Excavation, LLC; Doug Warren, Managing Partner and JNL Land and Pine, LP; Jim Giddy, Managing Partner, concerns that 40 acre property owned by JNL Land and Pine, LP, that is set to mined by Warren Excavation, LLC and is the subject of the appeal to the Madison County Board of Supervisors.

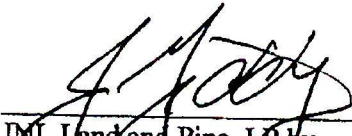
The property is located approximately one mile north of MS Highway 463 on the West side of MS Highway 22 in Madison County, Mississippi, and adjoins the 20 acre property owned by Nancy McReynolds and Paul and Courtney Williams.

The parties having met and discussed concerns related to the mining operations located on the noted 40 acre tract. After discussion, the parties by signatures affixed below, agree to the following stipulations:

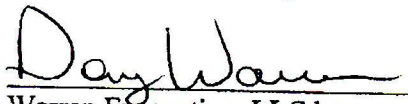
1. All restrictions suggested and adopted by the Madison County, Mississippi Planning and Zoning Commission will be put into place and adhered to by Warren Excavation.
2. The trees identified in "Exhibit A" and marked on site by the parties, are not to be cut and will remain on the subject tract.
3. An irregularly curved contour around the trees will be created to achieve a more natural look upon completion of mining and reclamation. The slope of the contour will start at the edge of the curved contour, and in places will exceed the required fifty (50) foot setback limitation. However, the required fifty (50) foot setback requirement along the common boundary will be maintained at all times.
4. A slope ratio of no less than 6 to 1 and no greater than 4 to 1 will be maintained during the final reclamation process on the subject 40 acre property. However, a ratio of 6 to 1 will be maintained along the entire common boundary of the parties to a point no less than 100 ft. along and north of said common boundary.
5. The subject property will be reclaimed in ten acre increments as the mining progresses. Topsoil removed will be stockpiled and re-distributed during the reclamation process pursuant to MDEQ regulations. Once final grading is completed the excavation will be seeded with grasses suitable for livestock grazing. Fertilization will be utilized to facilitate the establishment of a permanent stand of grass. All voids of grass larger than fifty (50) feet will be re-seeded until a permanent stand of grass is attained. Gulf Annual Rye grass seed will be used if seeding is to be done after September 15th. It is permissible to mix un-hulled Bermuda, various clovers, and other suitable temporary winter grasses with the Gulf Annual Rye. All areas seeded with temporary grasses will be re-seeded with permanent grasses during the next immediate growing season unless a permanent stand of grass is established by mixing permanent grass seed with the temporary seed. The presence of a qualified stand of permanent grass will be confirmed by an agricultural specialist familiar with grasses used for livestock grazing common to this area.

6. No later than January 1, 2014, Warren Excavation, LLC, while on site of the subject mining operation, utilize its equipment to rough in a road on the property owned by Nancy McReynolds and Paul and Courtney Williams pursuant to "Exhibit B", which sets out the location of the proposed road. The said "rough-in" will not include paving or spreading rock, however, it would include stripping the topsoil, shaping the roadbed, and shaping the road to drain.
7. Upon signing this agreement, Nancy McReynolds and Paul and Courtney Williams agree to withdraw appeals presently before the Madison County Board of Supervisors and the Mississippi Department of Environmental Quality. Further, that with signature, this Agreement will act as notification of withdrawal to the respective boards.

This agreement operates as a contract between the parties and shall have not effect upon the first right of refusal held by Nancy McReynolds and Paul and Courtney Williams as to the subject forty (40) acre property. Failure to perform this agreement, as set out, by the any of the parties will be a breach of this agreement with the offending party subject to damages.


 JML Land and Pine, LP by
 Jim Giddy, Managing Partner

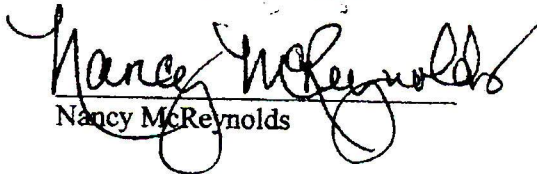
4/8/13
 Date


 Warren Excavation, LLC by
 Doug Warren, Managing Partner

4/8/13
 Date


 Richard Paul Williams, III

4/7/13
 Date


 Nancy McReynolds

Apr. 7, 2013
 Date

**MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 14th DAY OF FEBRUARY 2013 AT 9:00 A.M. AT THE
MADISON COUNTY COMPLEX BUILDING**

BE IT REMEMBERED that a meeting of the Madison County Planning and Zoning Commission was duly called, held and conducted on Thursday, the 14th day of February, 2013 at 9:00 a.m. in the Madison County Complex Building.

Present: Dr. Keith Rouser
 Jim Smith
 Rev. Henry Brown
 William Amadio
 Will Sligh

Brad Sellers, Planning and Zoning Administrator.

There first came on for consideration the minutes of the January 10, 2013 meeting of the Commission. Upon motion by Commissioner Amadio, seconded by Commissioner Rouser, with all voting "aye," motion to approve the minutes passed.

There next came on for consideration the Petition of W.M. Patrick, III to rezone R-2 Residential District to C-2 Commercial District located on Coker Rd, Section 5, T7N-R1E. The Petitioner wishes to rezone a .16 acre parcel, and combine it with an existing parcel zoned C-2 Commercial to operate a boat repair business. The business currently operating in this location will be relocated to another location. Mr. Patrick appeared on behalf of the Petition and set forth his request and stated that he wanted to improve the look of the property and he presented a Petition to the Commission with signatures of those in support of the Petition, including the immediate neighbors closest to the property who approved of the request. The Petition is attached as Exhibit "A" to these minutes.

Bob Marsh appeared in opposition to the Petition. He presented the Commission with a Petition in opposition to the rezoning, as well as the formal response in opposition to the rezoning, both of which are attached to the minutes as collective Exhibit "B." Mr. Marsh explained that Mr. Patrick owned the house on the corner of Coker Rd and Lakeshore Dr but in March of 2009, he sold the house and most of the lot but retained the back yard of the house. This portion of land he retained is approximately 40 feet wide by 160 feet deep, faces Coker Rd and sits next to Mr. Ziglar's C-2 zoned property. This lot is primarily used to store boats, trailers, parts and equipment and contains three accessory buildings, a 2-story pole barn, a tractor, fork lift, and various pieces and parts. This lot does not currently meet the regulations for the minimum residential lot size of 10,600 square feet or the minimum lot width of 75 feet pursuant to Zoning Regulations Section 401.01 and 903. Mr. Marsh stated that the property line set back is a serious safety issue. He stated that the barn is two stories tall, and no construction permit was posted when it was built. This type structure is also in violation as it is not allowed in a residential district according to the Madison County Zoning

Regulations for Land Uses Permitted, Section 901. Further, the set back violates county regulations. The accessory buildings also violate Zoning Regulations Section 903.05. The parking in front of the lot violates Section 2301 of the Regulations. He also cited safety concerns due to the location of the property near a curve and hill, as well as the damage to the road that would be further caused. He also stated that because the proposed business was to repair boats, there was a noise concern with boat motors. He further cited other provisions, including General Policies 9 and 12 that protect primarily residential areas. He asked the Commission to not approve the Petition based on the current violations and provisions cited in their opposition paper.

Attorney Ben Piazza, representing Scott Lively, next spoke in opposition to the rezoning. He also presented a signed Petition in opposition and photographs which are attached hereto as collective Exhibit "C." Mr. Lively's property is very close to the property being requested for rezoning and he is opposed to the Petition for the same reasons as set forth by Mr. Marsh.

Audrey Gill next spoke in opposition to the rezoning. She stated that she lives at 182 Lorman Ln, Gate 7 and that she is in the same area as the subject land. She also presented a signed Petition that is attached as Exhibit "D," and voiced her strong opposition to the pending request.

Mr. Patrick spoke briefly in response to the opposition and stated that an attorney had closed on the property for him and he was not aware of the violations. He stated he would comply with whatever ordinances that were in place if the Petition was approved. Commissioner Sligh inquired regarding the owner of the land and Mr. Patrick stated that he had presented a letter but he did not technically own it yet. Commissioner Rouser inquired regarding whether he was aware of the zoning violations and he replied that he did not. Administrator Sellers informed the Commission that his office had notified Mr. Patrick of the violations which had started the process of the current application for rezoning. Upon Motion by Commission Amadio to deny the Petition based on the violations of the current ordinances and the fact that there is no contract on the property that is the subject of the request, seconded by Commissioner Sligh with all voting "aye," motion to deny the petition to rezone the R-2 Residential District to C-2 Commercial District was denied.

There next came on for consideration the Petition for Special Exception by Warren Excavation, LLC to conduct surface mining in the A-1 Agriculture District. The location of the property is 3364 Hwy 22, Seciton 4, T8N-R1E. Petitioner is requesting to conduct surface mining on the 35 acres out of a 425 acre tract. It is currently zoned A-1 Agricultural District. A 4 acre site was approved on this property June 4, 2012. A mining application has also been filed with MDEQ. Jim Giddy, Doug Warren and Daniel Spivey appeared on behalf of the Petition. Jim Giddy first spoke on behalf of the Petition. Mr. Giddy owns the land and explained that a prior 4 acre tract was approved and he is now requesting an additional 36 acres be approved as well. He stated that the purpose was to be able to support his mother who he is caring for. All traffic for the operation will be solely on Highway 463 and 22. He stated that there was a small cemetery currently on this property that appeared to be from the 1850's. He and his family are the only people who have ever visited or cared for the graves. Commissioner Amadio inquired about what would happen to this area if the Petition was approved and Mr. Giddy stated that they would comply with the requirements of the MDEQ which requires a 100 foot setback. Administrator Sellers stated that the county does not have any requirements or regulations for this. Commissioner Sligh inquired about other potential

graves sites and Mr. Giddy responded that they were in the process of trying to find someone to look into this further. Administrator Sellers stated that he knew of a company his church had used who had done the same thing and Mr. Giddy said they would get this company's information. Commissioner Rouser asked if anyone else had visited or maintained the graves and Mr. Giddy stated that no one other than himself and his mother and other family members had done anything with the property. It was stated to the Commission that Mr. Doug Warren of Warren Excavation would be doing the work. He explained that they had and would continue to comply with all regulations and would do a good job with the work. Commissioner Amadio inquired regarding the local road and they explained they would only be using Highway 22 and 463. Commissioner Smith stated that he had received some calls about trucks on the local road. Mr. Warren replied that they had looked into that incident after it was reported to them and it was not their trucks because they only used the main highway and they weren't in operation during that time.

Jim Martin first spoke in opposition to the Petition. He is the attorney for the adjoining landowners, Paul and Courtney Williams and Nancy McReynolds. He presented Petitions in opposition to the Petition. Mr. Martin also showed 2 maps of the property setting forth where his clients' land is located in relation to the subject land. Both of these items are attached as collective Exhibit "E." Mr. Martin stated that he believes you should be able to do what you want with your land, as long as it complies with regulations. Mr. Martin explained that the restrictive covenants were in place to assure that it stays residential. He explained that this area is no longer a rural area but is growing rapidly and surrounded by various residential neighborhoods. He argued that this land is not suited for an open pit mining operation and is not in compliance with the surrounding areas and would negatively effect his client's land value. He stated that it would be an eye sore and traffic hazzard with trucks coming on and off Highway 22, plus the damage to the roadway from the trucks. He explained that the operation was to last four (4) years and some 35,000 truck loads of dirt was to be hauled during this time from sun up to sun down. The dirt would be dug to twelve (12) feet deep in the ground. He stated that there were other ways to generate income from your land other than surface mining. He also referenced a bill that was to establish Highway 22 as a scenic byway and that this use would not be compatible with such bill. He also stated that after digging the big hole, it would be hard to establish the natural beauty of the property after such an operation.

Richard Butler also spoke in opposition to the Petition. He was speaking on behalf of the Township of Livingston and stated that he agreed Mr. Warren had done a good job with the current site but explained that with such an increase in acreage, his concern was the increase in traffic on the roads around that area as well as to the appearance of the area where the work would be taking place since it was right up to Highway 22. He stated that there were events at Livingston on the weekends and in the evenings and he was concerned how this would effect their events.

Phyllis Doby also spoke in opposition to the Petition. She lives on Highway 463 and cited concerns for the road and the current schools and churches on that road and how the increase in traffic with big trucks would effect them. She was especially concerned for the safety risk this might impose to the schools. She also referenced that the bill had just been approved and Highway 22 was now a scenic byway and this might not comply with said bill. Commissioner Sligh inquired regarding the byway and Ms. Doby explained that it would run from Canton to Flora.

David Strain next spoke in opposition to the Petition. He stated that he and his wife had purchased property half a mile from this proposed operation and were very concerned about the effect it would have on the value of their property. They had specifically purchased the land because of its beauty and rural qualities and they were concerned how this would affect the wildlife and other landowners nearby. He was also concerned about the safety because they have small children. He felt there was better uses for the property other than the proposed request.

Ken Primos next spoke as a neutral party. He explained that he is a business developer and he appreciated both sides positions and felt there was a way to do this where all sides could be happy. He stated that dirt is required to build anything so he thought there was a need for the operation; however, he said a plan could be put in place so that all parties were pleased.

Rita McGuffee next spoke and she stated that she lives on Highway 463 and she was very concerned about how this might affect the safety with all the different school traffic and schools on the road.

Mr. Giddy addressed the concerns presented and stated that he appreciated them but it was his land and he should be allowed to do what he wanted with it. He explained that he would do the work in a tasteful manner that respected everyone else's rights. He stated that they would have flashing signs posted on the road and he would clean up the land and replant grass once the operation was complete. Mr. Spivey also stated that they would be willing to work with the Commission to address the safety and other concerns as necessary.

Cherrie Deddens next spoke and stated that she lived on Highway 22 and she would like to see a plan on how close it is going to be to the road and other landowners. Administrator Sellers explained that the Commission could only consider what was before them today. Mr. Giddy explained that they would maintain the buffer between the pit and the road so that it wasn't an eye sore and didn't effect Highway 22.

Paul Williams next spoke, who is the adjacent landowner to this property. He explained that this was directly next to his property. He stated that when they purchased the property, it was under the express provision that it would only be residential and there were particular requirements in place for lot sizes, etc. for future use. He also expressed safety concerns since he has young children. Commissioner Sligh inquired regarding the dirt that would be needed to build his house and Mr. Williams stated he did not know where the dirt would come from at this time.

Commissioner Sligh then made the motion to approve the Petition with the following restrictions: 1) prohibit haul activity on local roads unless point of delivery is on that road; 2) restrict haul activity on Highway 463 during school peak hours; 3) investigate cemetery for unmarked graves and establish a buffer zone; 4) have flag men present on the site; and 5) buffers must be present between the site and adjacent landowners and Highway 22, seconded by Commissioner Rouser with all voting "aye," motion to approve the Petition with certain restrictions as set forth herein was approved.



There next came on for hearing the site plan of Dependable R.V. Services for a proposed new structure to store RV's. This property is located at 142 Enterprise Drive in Gluckstadt. The site plan is for a new building for storage of RV's, material and finish to match the existing buildings. This is an expansion of the current facility. Mark Marley appeared on behalf of the Petition. Administrator Sellers explained that this was an expansion of the current business and they already operate several buildings at this location. Commissioner Smith then made by the motion to approve the site plan, seconded by Commissioner Rouser with all voting "aye," motion to approve the site plan was approved.

There next came on for discussion, the setting of the March, 2013 meeting. March 14, 2013 was suggested. Upon motion by Commissioner Smith, seconded by Commissioner Amadio, with all voting "aye," motion to set the March, 2013 meeting for March 14, 2013, passed.

With there being no further business, and upon motion made by Commissioner Amadio, seconded by Commissioner Sligh, the February 14, 2013 meeting was adjourned.

Date

(Chairman)