

To the Mayor and Members of the City Council**July 12, 2011**

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**SUBJECT: Update on Excavation at 7397 Randol Mill Road**

On February 25, 2011, staff received a complaint related to excavation activities occurring at 7397 Randol Mill Road (Council District 4). Over the next several days Code and Development Inspectors investigated the complaint. At the time the on site activities appeared consistent with those of a mining operation. The property is zoned AG for agriculture use; mining is not allowed on AG zoned property. Due to the apparent violation of the zoning ordinance a Stop Work Order was issued on March 1, 2011. There has been no excavation at the site since the order was issued, however the prior excavation activities resulted in a large pit approximately fifteen (15) feet deep, and the accumulation of a large mound of soil approximately thirty (30) feet high that abuts neighboring properties.

During the intervening weeks staff met with both the Mallard Cove Community Group (MCCG) and Mr. Mike McGuffin, the owner of 7397 Randol Mill. Mr. McGuffin asserted that his excavation operation was primarily to reduce the sand content of the soil, thereby making the land more conducive for the growing of Coastal Bermuda hay. On April 15, 2011, staff mailed a certified letter to Mr. McGuffin's attorney detailing the need for Mr. McGuffin to provide to the City information on the site's soil strata and an analysis from a qualified independent party substantiating the need to remove the sand to the excavated depth to productively grow Coastal Bermuda hay on the property.

On June 7, 2011, Wayne Gilpin, a member of the Mallard Cove Community Group made a citizen presentation to City Council discussing the large soil mound adjacent to his property and his desire to see it removed. Council directed staff to meet with Mr. McGuffin and the MCCG to facilitate a resolution.

A meeting between Mr. McGuffin and his consultants, staff, and representatives from the MCCG (Mr. Gilpin and Ms. Gretchen Demke) was held on June 14, 2011. It was agreed that Mr. McGuffin would be given three (3) weeks to complete the required site analysis. Thereafter, the City would review the report and the parties would meet again to discuss the report's findings, final dispositions, and next steps.

Mr. McGuffin has agreed to complete the excavation, remove the mound, and grade the site within four (4) months if the result of the soil analysis substantiates the need for excavation to the current depth. The MCCG is considering a proposal that would allow Mr. McGuffin to expand his hours of excavation, thereby reducing the proposed project duration. If the soil analysis does not support the need to excavate to the current depth, then Mr. McGuffin would not be allowed to excavate further and would be required to fill the pit, remove the mound, and restore the site to its previous grade.

If you have any questions about this information please contact Randle Harwood, Director, Planning and Development at 817-392-6101, or David Hall, Assistant Director, Planning and Development at 817-392-7844.

Tom Higgins
Interim City Manager