

**JASPER COUNTY COUNCIL
MARY GORDON ELLIS EXECUTIVE BUILDING
COUNCIL CHAMBERS
JANUARY 20, 2009
7:00 P.M.
MINUTES**

OFFICIALS PRESENT:

GEORGE HOOD, CHAIRMAN
LEROY BLACKSHEAR, VICE CHAIRMAN
HENRY ETHERIDGE, COUNCILMAN
REV. SAMUEL GREGORY, COUNCILMAN
HUBERT TYLER, COUNCILMAN

STAFF PRESENT:

ANDREW FULGHUM, ADMINISTRATOR
RONNIE MALPHRUS, DEP. ADM. ADM. SERVICES
DALE TERRY, DEP. ADM. ENG. SERVICES
WILBUR DALEY, DEP. ADM. EMG. SERVICES
JUDITH FRANK, CLERK TO COUNCIL
MARVIN JONES, ATTORNEY
DAVID JIROUSEK, PLANNING DIRECTOR

STAFF ABSENT:

EVELYN LEE, DEP. CLERK TO COUNCIL

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.

CALL TO ORDER:

CHAIRMAN HOOD CALLED THE MEETING TO ORDER AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

CHAIRMAN HOOD LED THE PLEDGE OF ALLEGIANCE.

INVOCATION:

VICE CHAIRMAN BLACKSHEAR GAVE THE INVOCATION.

APPROVAL OF THE MINUTES:

VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO APPROVE THE MINUTES. COUNCILMAN ETHERIDGE SAID THAT THE MINUTES SHOULD INCLUDE THE AMOUNT BEING PAID TO THE LOBBYEST AND WHERE THE FUNDS WERE COMING FROM TO PAY THE LOBBYEST. COUNCILMAN ETHERIDGE ASKED MR. FULGHUM FOR THE INFORMATION. MR. FULGHUM SAID THE FUNDS WOULD COME FROM THE EMERGENCY FUND. CHAIRMAN HOOD SAID HE DID NOT KNOW THE AMOUNT WHEN THE MOTION WAS MADE. MARVIN JONES SAID THE AMOUNT WAS INCLUDED IN THE CONTRACT AND THE CONTRACT SHOULD BE ATTACHED AND MADE PART OF THE MINUTES. MR. FULGHUM SAID ALL THE COUNCIL MEMBERS WERE GIVEN A COPY OF THE CONTRACT IN THE PACKET HE SENT THEM. COUNCILMAN ETHERIDGE SAID HE FELT THE PUBLIC SHOULD KNOW HOW MUCH MONEY WAS BEING SPENT. THE MOTION WAS CARRIED WITH CHAIRMAN HOOD, VICE CHAIRMAN BLACKSHEAR, AND COUNCILMEN TYLER AND GREGORY VOTING FOR; COUNCILMAN ETHERIDGE VOTED AGAINST.

PRESENTATIONS AND PROCLAMATIONS:

RANDY KRAUSE – EMBARQ

CHAIRMAN HOOD THANKED MR. KRAUSE FOR EMBARQ'S CONTRIBUTION OF \$100,000.00. CHAIRMAN HOOD EXPLAINED THAT THE FUNDS MUST BE USED ON INFRASTRUCTURE TO ATTRACT INDUSTRIAL DEVELOPMENT IN THE COUNTY.

PUBLIC HEARINGS AND ORDINANCES:

DAVID JIROUSEK – PUBLIC HEARING AND 3RD READING OF THE LAND DEVELOPMENT REGULATIONS ORDINANCE AMENDMENT FOR FINANCIAL SECURITY PERFORMANCE AND MAINTENANCE GUARANTEES:

MR. JIROUSEK EXPLAINED THAT THE ORDINANCE COVERED FINANCIAL SECURITY PERFORMANCE AND MAINTENANCE GUARANTEES BY THE DEVELOPERS TO MAKE SURE THE PROPERTIES ARE DEVELOPED AND COMPLETED AS THEY WERE APPROVED. CHAIRMAN HOOD OPENED THE PUBLIC HEARING. THERE WERE NO COMMENTS. CHAIRMAN HOOD CLOSED THE PUBLIC HEARING. COUNCILMAN ETHERIDGE MOTIONED AND VICE CHAIRMAN BLACKSHEAR SECONDED THE MOTION THAT THIS BE THE PUBLIC HEARING AND 3RD READING OF THE LAND DEVELOPMENT REGULATIONS ORDINANCE AMENDMENT FOR FINANCIAL SECURITY PERFORMANCE AND MAINTENANCE GUARANTEES. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

DAVID JIROUSEK –2ND READING OF THE ORDINANCE TO AMEND THE JASPER COUNTY ZONING ORDINANCE CONDITIONAL USE REGULATIONS FOR TOWNHOUSES AND PATIO HOUSES AND ADOPT REGULATIONS FOR DUPLEXES; TO AMEND THE “RESIDENTIAL USES”

SECTION 6:1 TABLE 1; TO AMEND THE TABLE IN SECTION 6:2; TO AMEND SECTION 6:2.1 AND SECTION 6:2.2; TO ADD TO SECTION 6:2, SECTION 6:2.2A DEALING WITH DUPLEXES; TO AMEND TABLE 1 OF SECTION 7.3; TO REVISE THE DEFINITION OF THE PHRASE “DWELLING, PATIO HOME” AS FOUND IN ARTICLE 4 OF ZONING ORDINANCE; AND TO REPEAL THE DEFINITION OF THE FOLLOWING TERMS IN ARTICLE 4: PATIO HOME, DWELLING, ZERO LOT LINE, AND DWELLING, PATIO HOUSE:

MR. JIROUSEK EXPLAINED THAT THE ORDINANCE ADDRESSES WHERE THE DUPLEXES AND PATIO HOMES CAN BE LOCATED AND THE REQUIREMENTS THAT THEY MUST MEET. COUNCILMAN TYLER ASKED IF THE PEOPLE WERE TO BUY ONE OF THESE TYPES OF DWELLINGS WHAT SHOULD THEY LOOK FOR. MR. JIROUSEK RESPONDED THAT THIS ORDINANCE ONLY APPLIES TO FUTURE DEVELOPMENT AND THE PEOPLE WOULD HAVE ACCESS TO ALL THE ORDINANCES. VICE CHAIRMAN BLACKSHEAR ASKED IF THE CHANGES WERE A RESULT OF BEING OVERLOOKED PREVIOUSLY. MR. JIROUSEK SAID THAT THIS IS A BRAND NEW REQUIREMENT AND IT IS LISTED AS A CONDITIONAL USE AND SOME OF THE INFORMATION HE ADDED WAS MISSING. VICE CHAIRMAN BLACKSHEAR ASKED MR. JIROUSEK DID HE THINK THAT AS HE WENT THROUGH THE ZONING ORDINANCE WOULD HE FIND OTHER ISSUES. MR. JIROUSEK RESPONDED THAT THE PLANNING COMMISSION WAS HAVING A WORKSHOP TO GO OVER A PROPOSED LIST OF CHANGES AND TO DEVELOP A SCOPE OF WORK FOR 2009. VICE CHAIRMAN BLACKSHEAR SUGGESTED A JOINT WORKSHOP FOR THE COUNCIL AND THE PLANNING COMMISSION TO GO OVER THE CHANGES. MR. JIROUSEK SAID HE FELT THE PLANNING COMMISSION SHOULD MEET FIRST AND THEN SCHEDULE A WORKSHOP WITH THE COUNCIL. COUNCILMAN GREGORY SAID THAT HE FELT IN ORDER TO UNDERSTAND ALL THE CHANGES THE COUNCIL SHOULD GO AND LOOK AT THE LOCATIONS THAT WILL BE AFFECTED. COUNCILMAN GREGORY SAID HE DID NOT THINK IT WAS GOOD FOR THE COUNCIL TO VOTE ON SOMETHING THAT THEY WERE NOT CLEAR ON AND CHAIRMAN HOOD SAID THAT PERHAPS A SESSION AT THE RETREAT COULD CLARIFY THINGS REGARDINGS ZONING CHANGES. COUNCILMAN GREGORY SAID HE FELT THE COUNCIL SHOULD GO TO THE SITES AND CHAIRMAN HOOD SAID HE DID NOT FEEL HE NEEDED TO GO BECAUSE HE WAS FAMILIAR WITH THE AREAS AND THAT IT WAS COUNCILMAN GREGORY’S PEROGATIVE TO GO TO THE SITES IF THAT WAS WHAT HE WANTED TO DO. CHAIRMAN HOOD SAID THAT PERHAPS A STAFF MEMBER COULD GO WITH HIM. MR. JIROUSEK SAID THE ORDINANCE IS NOT SITE SPECIFIC REZONING AND HE WILL DO HIS BEST TO PROVIDE THE COUNCIL WITH WHATEVER INFORMATION THEY NEED. CHAIRMAN HOOD SAID THAT IF A COUNCIL MEMBER WANTED A STAFF MEMBER TO GO WITH THEM, THEY NEEDED TO ASK THE ADMINISTRATOR AND HAVE HIM TELL THE EMPLOYEE. MR. JIROUSEK EXPLAINED THAT TWO CHANGES WERE MADE TO THE ORDINANCE SINCE THE FIRST READING. THE CHANGES INCLUDED AN

AMENDMENT IN SECTION 12:1 TABLE 12:1 OF THE ZONING ORDINANCE AND SECTIONS THE RESIDENTIAL USES SECTOR OF SECTIONS 12:1, TABLE 12:1. VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO APPROVE THE AMENDMENTS AS PRESENTED. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR. COUNCILMAN GREGORY MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION THAT THIS BE THE 2ND READING OF THE ORDINANCE TO AMEND THE JASPER COUNTY ZONING ORDINANCE CONDITIONAL USE REGULATIONS FOR TOWNHOUSES AND PATIO HOUSES AND ADOPT REGULATIONS FOR DUPLEXES; TO AMEND THE "RESIDENTIAL USES" SECTION 6:1 TABLE 1; TO AMEND THE TABLE IN SECTION 6:2; TO AMEND SECTION 6:2.1 AND SECTION 6:2.2; TO ADD TO SECTION 6:2, SECTION 6:2.2A DEALING WITH DUPLEXES; TO AMEND TABLE 1 OF SECTION 7.3; TO REVISE THE DEFINITION OF THE PHRASE "DWELLING, PATIO HOME" AS FOUND IN ARTICLE 4 OF ZONING ORDINANCE; AND TO REPEAL THE DEFINITION OF THE FOLLOWING TERMS IN ARTICLE 4: PATIO HOME, DWELLING, ZERO LOT LINE, AND DWELLING, PATIO HOUSE. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR

DAVID JIROUSEK – 2ND READING OF THE ORDINANCE TO AUTHORIZE THE CONVEYANCE OF AN EASEMENT TO CENTRAL ELECTRIC POWER COOPERATIVE, INC.:

MR. JIROUSEK SAID THAT CENTRAL ELECTRIC POWER WAS REQUESTING TWO EASEMENTS IN THE SGT. JASPER PARK AND BOTH OF THESE EASEMENTS WOULD BE PARALLEL TO THE EXISTING POWERLINES. MR. JIROUSEK SAID THAT CENTRAL ELECTRIC POWER COOPERATIVE, INC. AGREED TO THE COUNTER OFFER OF \$149,795.00 FOR THE 3.9 ACRES. COUNCILMAN ETHERIDGE MOTIONED AND VICE CHAIRMAN BLACKSHEAR SECONDED THE MOTION THAT THIS BE THE 2ND READING OF THE ORDINANCE TO AUTHORIZE THE CONVEYANCE OF AN EASEMENT TO CENTRAL ELECTRIC POWER COOPERATIVE, INC. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

MARVIN JONES – 2ND READING OF THE ORDINANCE ADOPTING AND ENACTING THE A NEW CODE FOR JASPER COUNTY, SC ; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR VIOLATIONS THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE:

MR. JONES INFORMED THE COUNCIL THAT THIS ORDINANCE IS TO APPROVE A NEW CODE OF ORDINANCES TO INCLUDE ALL THE NEW ORDINANCES AND AMENDED ORDINANCES PASSED SINCE THE LAST CODIFICATION. COUNCILMAN GREGORY MOTIONED AND VICE CHAIRMAN BLACKSHEAR SECONDED THE MOTION THAT THIS BE THE 2ND READING OF THE ORDINANCE ADOPTING AND ENACTING THE A NEW CODE FOR JASPER COUNTY, SC; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT

INCLUDED THEREIN; PROVIDING A PENALTY FOR VIOLATIONS THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

RONNIE MALPHRUS- 1ST READING OF THE ORDINANCE TO APPROVE THE FINANCING FOR THE NEW ANNEX BUILDING AND THE COURT-HOUSE RENOVATIONS:

MR. MALPHRUS EXPLAINED THAT THIS ORDINANCE WAS TO APPROVE THE FINANCING FOR THE NEW ANNEX BUILDING AND THE COURTHOUSE RENOVATIONS. MR. MALPHRUS SAID THAT IN 2007 THE COUNCIL APPROVED AN ORDINANCE FOR PART OF THE FINANCING IN THE AMOUNT OF \$11,000,000.00 AND NOW HE WAS ASKING FOR APPROVAL FOR THE ENTIRE FINANCING PACKAGE IN AN AMOUNT NOT TO EXCEED \$18,000,000.00 AND THAT IN ORDER TO DO THIS TYPE OF FINANCING A NON PROFIT CORPORATION NEEDED TO BE FORMED AND ALL BONDS WOULD RUN THROUGH THIS NON PROFIT CORPORATION. MR. MALPHRUS SAID THE NON PROFIT CORPORATION WOULD HAVE THREE BOARD MEMBERS AND ONE MEMBER WOULD BE THE COUNTY ADMINISTRATOR. MR. MALPHRUS SAID THE ORDINANCE ALLOWS THE COUNTY TO DO LEASE PURCHASES FOR ENERGY SAVING PROJECTS AND IT GIVES MR. FULGHUM AUTHORITY TO EXECUTE ALL THE DOCUMENTS AND APPROVE THE RATES. COUNCILMAN TYLER ASKED IF THE TOTAL AMOUNT BEING REQUESTED FOR APPROVAL WAS \$18,000,000.00 AND MR. MALPHRUS SAID IT WAS AND IF ANY MORE FUNDING WAS NEEDED, THE ADMINISTRATION WOULD HAVE TO COME BACK TO COUNCIL FOR APPROVAL. COUNCILMAN GREGORY ASKED IF ANY RESEARCH WAS DONE TO FIND OUT WHAT THE RENOVATION WAS GOING TO COST AND MR. MALPHRUS SAID IT WAS ALREADY BID OUT AND THE LOWEST BID WAS \$3,400,000.00 FOR THE RENOVATION, BUT THERE WERE OTHER THINGS THAT WERE NOT INCLUDED IN THE BID, LIKE FURNITURE, COMPUTER WIRING, ETC. MR. MALPHRUS SAID THAT BOTH PROJECTS TOTALED A LITTLE OVER \$16,000,000.00. VICE CHAIRMAN BLACKSHEAR ASKED DOES THE COUNCIL APPOINT MEMBERS TO THE BOARD OR ARE TWO COUNCIL MEMBERS TO SERVE ON THE BOARD. MR. LINKOUS SAID THE INITIAL BOARD WOULD CONSIST OF THE ADMINISTRATOR AND TWO INDIVIDUALS APPOINTED BY THE COUNCIL FOR A SPECIFIC TERM AND THE PEOPLE WHO LEAVE THE BOARD WOULD HAVE TO BE REPLACED. MR. LINKOUS SAID THAT THE BOARD CANNOT BE CONTROLLED BY COUNTY GOVERNMENT. COUNCILMAN ETHERIDGE ASKED WHEN WOULD THE COUNTY HAVE TO START PAYING THIS MONEY BACK. MR. MALPHRUS RESPONDED THAT THE DEBT SERVICE WOULD BE PART OF THE 2009-2010 BUDGET AND THE PAYMENT FOR THE 1ST YEAR WOULD BE \$237,000.00 AND THE PAYMENT FOR THE 2ND YEAR WOULD BE \$639,000.00 AND EACH YEAR AFTER THAT WOULD BE \$1,200,000.00. COUNCILMAN GREGORY ASKED THE TERM OF

THE LOAN AND MR. MALPHRUS RESPONDED 25 YEARS. VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION THAT THIS BE THE 1ST READING OF THE ORDINANCE TO APPROVE THE FINANCING FOR THE NEW ANNEX BUILDING AND THE COURTHOUSE RENOVATIONS. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

RESOLUTIONS:

ANDREW FULGHUM - RESOLUTION REGARDING THE ACQUISITION OF PROPERTY:

MR. FULGHUM SAID THAT THE RESOLUTION WAS TO APPROVE THE PURCHASE OF 1.15 ACRES OF LAND WITH A 1200 SQ. FT. DWELLING ON IT FOR \$185,000.00. MR. FULGHUM SAID HE PUT A \$3,000.00 DEPOSIT AND THE DUE DILIGENCE EXPIRES ON FEB. 1, 2009. MR. FULGHUM SAID THE PURCHASE WOULD BE PAID FOR FROM THE \$149,795.00 THE COUNTY WAS RECEIVING FROM THE EASEMENT PURCHASE FROM CENTRAL ELECTRIC POWER COOPERATIVE AND THE BALANCE OF \$32,500.00 WOULD COME FROM THE COUNTY'S EMERGENCY FUND OR THE COUNCIL COULD DO A BUDGET AMENDMENT. COUNCILMAN ETHERIDGE SAID HE FELT THE CITIZENS SHOULD KNOW WHY THE COUNTY WAS PURCHASING THIS PROPERTY AND HE ASKED MR. FULGHUM TO EXPLAIN. MR. FULGHUM SAID HE THOUGHT THE CHAIRMAN SHOULD ANSWER THAT QUESTION. CHAIRMAN HOOD SAID THE PROPERTY WAS AVAILABLE AND IT COULD BE USED IN THE FUTURE IF THE COUNTY WANTED TO BUILD A FIRE STATION. COUNCILMAN ETHERIDGE ASKED IF THE CURRENT PROGRAM WAS NOT WORKING AND THE ISO RATINGS IN OTHER AREAS OF THE COUNTY ARE HIGH BECAUSE THEY DON'T HAVE THE FIRE PROTECTION THAT WAS NEEDED AND THE COUNTY ALREADY HAS GOOD COVERAGE IN LEVY. COUNCILMAN ETHERIDGE SAID HE FELT THE COUNCIL OWED IT TO THE CITIZENS TO BUY PROPERTY ELSEWHERE IF THEY WANTED TO PURCHASE PROPERTY. COUNCILMAN ETHERIDGE ASKED IF LAST YEAR THE ADMINISTRATION WENT TO THE FUND BALANCE TO MAKE THE BUDGET WORK AND MR. MALPHRUS SAID THAT IT DID. COUNCILMAN ETHERIDGE CONTINUED AND SAID THAT THERE WILL BE UNEXPECTED EXPENSES AND THE REVENUE THE ADMINISTRATION PROJECT TO BE COMING INTO THE COUNTY IS NOT AS EXPECTED, THE BUILDING PERMITS ARE DOWN AND DEEDS ARE DOWN. COUNCILMAN ETHERIDGE SAID THAT NOW IS NOT THE RIGHT TIME TO PURCHASE AND IF THEY NEED TO PURCHASE PROPERTY THEY SHOULD PURCHASE SOMEWHERE ELSE. CHAIRMAN HOOD ENCOURAGED COUNCILMAN ETHERIDGE TO TALK TO A COUNCIL MEMBER OR THE STAFF ABOUT THE FUND BALANCE. CHAIRMAN HOOD SAID HE FELT THE COUNCIL MADE A RESPONSIBLE DECISION WHEN THE FUND BALANCE WAS USED LAST YEAR. COUNCILMAN ETHERIDGE SAID HE WENT TO MR. FULGHUM AND ASKED HIM THIS QUESTION AND MR. FULGHUM TOLD HIM THAT MR. MALPHRUS COULD ANSWER HIS QUESTIONS. COUNCILMAN ETHERIDGE SAID THAT IF THEY CONTINUE TO

DIP INTO THE RESERVE FUND, THE COUNTY WILL GET INTO TROUBLE BECAUSE THE FUNDS ARE NOT COMING IN LIKE THEY THOUGHT THEY WOULD. COUNCILMAN ETHERIDGE SAID THAT IF THE COUNCIL WANTED TO BUY LAND, THEY SHOULD BUY IT SOMEWHERE IN THE COUNTY TO HELP WITH THE ISO RATINGS. COUNCILMAN ETHERIDGE SAID HE SPOKE WITH MR. GRAHAM AND HE SAID HE WOULD RENEGOTIATE WITH THE COUNTY THIS BUDGET YEAR. VICE CHAIRMAN BLACKSHEAR SAID THIS WAS NOT ABOUT MR. GRAHAM OR THE CONTRACT; THIS WAS ABOUT PURCHASING THE LAND. VICE CHAIRMAN BLACKSHEAR MOTIONED AND CHAIRMAN HOOD SECONDED THE MOTION TO AUTHORIZE THE PURCHASE OF PROPERTY LOCATED AT 3684 S. OKATIE HIGHWAY, HARDEEVILLE, SOUTH CAROLINA, TMS #038-00-09-005. THE MOTION FAILED. CHAIRMAN HOOD AND VICE CHAIRMAN BLACKSHEAR VOTED FOR; COUNCILMEN TYLER, ETHERIDGE, AND GREGORY VOTED AGAINST.

COUNCILMAN TYLER COMMENTED THAT THIS WAS NOT JUST ABOUT PURCHASING PROPERTY, BUT THE COUNCIL NEEDS TO MAKE SURE ALL THE AREAS THAT THE COUNTY SERVES ARE PROTECTED AND THEY HAVE FIRE PROTECTION IN LEVY, SO THE COUNCIL SHOULD MOVE ON AND PUT FIRE PROTECTION SOMEWHERE ELSE. COUNCILMAN GREGORY SAID THAT HE HAS RECEIVED MANY PHONE CALLS FROM THE CITIZENS AND THEY WERE SATISFIED WITH THE FIRE SERVICE PROVIDED IN LEVY, AND THE COUNCIL NEEDS TO SIT DOWN WITH MR. GRAHAM AND COME UP WITH AN AGREEMENT. CHAIRMAN HOOD COMMENTED THAT THEY CAN'T GO OFF ON A TANGENT AND THEY NEEDED TO STICK TO THE AGENDA AND STATE WHY YOU DISAGREE. COUNCILMAN GREGORY SAID HE KNOWS ABOUT COUNCIL PROCEDURES AND ALL THE COUNCILMEN HAVE THE RIGHT TO REPRESENT THE CITIZENS ON WHATEVER IS ON THE TABLE. VICE CHAIRMAN BLACKSHEAR SAID THIS SUBJECT WAS DISCUSSED IN EXECUTIVE SESSION SO WHY DID COUNCILMAN ETHERIDGE TALK TO MR. GRAHAM AND HOW COUNCILMAN GREGORY COULD BE GETTING PHONE CALLS FROM THE CITIZENS REGARDING THIS MATTER.

ANDREW FULGHUM – RESOLUTION URGING THE S.C. LEGISLATURE TO CONTINUE FUNDING FOR ECONOMIC DEVELOPMENT:

MR. FULGHUM SAID THAT THE RESOLUTION WAS TO URGE THE S.C. LEGISLATURE TO CONTINUE FUNDING FOR ECONOMIC DEVELOPMENT AND TO SET ASIDE \$150,000.00 TO HELP FUND THE SAVANNAH RIVER MARITIME COMMISSION. COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO APPROVE THE RESOLUTION URGING THE S.C. LEGISLATURE TO CONTINUE FUNDING FOR ECONOMIC DEVELOPMENT. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

RONNIE MALPHRUS – RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$5,275,000.00 SPECIAL SOURCE REVENUE BOND

ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SPECIAL SOURCE REVENUE BONDS OF JASPER COUNTY, SC:

MR. MALPHRUS PRESENTED THE RESOLUTION AND EXPLAINED THAT THE \$5,275,000.00 SPECIAL SOURCE REVENUE BONDS OF JASPER COUNTY WERE FOR THE SCHOOL PROJECT AND THE COUNCIL PASSED THIS TO HELP BUILD THE NEW SCHOOLS. MR. MALPHRUS SAID THAT HE WAS REQUESTING APPROVAL TO RENEW THE NOTE BECAUSE THE SHORT TERM INTEREST RATES WERE ABOUT HALF OF WHAT THE PERMANENT FINANCING RATES WERE CURRENTLY. COUNCILMAN ETHERIDGE ASKED IF THIS WAS TO PUT OFF PAYMENT FOR ANOTHER YEAR AND MR. MALPHRUS RESPONDED YES. COUNCILMAN GREGORY ASKED IF THE COUNTY IS PAYING ON THE BONDS AND MR. MALPHRUS RESPONDED THAT THEY HAVE NOT. CHAIRMAN HOOD ASKED IF THE SCHOOL DISTRICT HAD ANY FUNDING REMAINING FROM THEIR PORTION OF THE SCANA MONEY. MR. MALPHRUS SAID THAT ALL THE SCHOOL DISTRICTS SCANA MONEY GOES INTO THIS BOND. VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO PASS THE RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$5,275,000 SPECIAL SOURCE REVENUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SPECIAL SOURCE REVENUE BONDS OF JASPER COUNTY, SC. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

OLD BUSINESS:

ANDREW FULGHUM – UPDATE ON JCNU REQUEST:

MR. FULGHUM TOLD THE COUNCIL THAT THE JCNU PROJECT WAS CONSISTANT TO THE RECOMMENDATIONS OF THE CONSULTANT THE COUNTY HIRES. MR. FULGHUM SAID HE MET WITH THE OFFICIALS FROM HARDEEVILLE AND WITH JCNU ABOUT THE PROJECT. MR. FULGHUM SAID HE WOULD BRING BACK TO COUNCIL A PROPOSED AGREEMENT. MR. FULGHUM SAID HE HOPED TO HAVE IT READY TO BE REVIEWED BY COUNCIL AT THE NEXT COUNCIL MEETING. CHAIRMAN HOOD TOLD THE ADMINISTRATOR THAT LCOG REQUESTED TO BE CONTACTED REGARDING THE JCNU PROJECT.

RONNIE MALPHRUS – QUARTERLY FINANCIAL REPORT UPDATE:

MR. MALPHRUS PROVIDED THE COUNCIL WITH THE QUARTERLY FINANCIAL REPORT UPDATE FOR THE FIVE COUNTY FIRE DEPARTMENT. COUNCILMAN GREGORY ASKED FOR THE TOTAL OF THE EXPENSES FOR ALL THE FIRE DEPARTMENTS AND MR. MALPHRUS SAID HE DID NOT ADD THEM TOGETHER, AND THAT THEY WERE BROKEN DOWN BY STATION. MR. MALPHRUS SAID THAT WHEN THE BUDGET WAS DONE, A LOT OF COSTS WAS LUMPED TOGETHER AND THAT IS WHY THE COUNCIL REQUESTED THAT HE TRACK THE EXPENSES. MR. MALPHRUS SAID THAT THE NEW BUDGET WILL HAVE EVERYTHING BROKEN OUT PER STATION. COUNCILMAN GREGORY ASKED IF ANY OF THE EXPENSES WERE OUT OF

LINE AND MR. MALPHRUS RESPONDED THAT THE COOSAWHATCHIE STATION WAS HIGHER BECAUSE A MEDIC UNIT WAS STATIONED THERE. COUNCILMAN GREGORY ASKED IF THE MEDIC UNIT WAS STILL STATIONED AT THE ROSELAND FIRE DEPARTMENT AND MR. DALEY RESPONDED THAT THE MEDIC UNIT WAS MOVED FROM ROSELAND TO COOSAWHATCHIE. COUNCILMAN TYLER ASKED IF THE COUNTY HAD ONLY ONE INDEPENDENT FIRE STATION AND MR. MALPHRUS SAID THE COUNTY'S INDEPENDENT STATION WAS IN LEVY. MR. MALPHRUS SAID THE COUNTY HAD A CONTRACT WITH THE LEVY VOUNTEERS IN THE AMOUNT OF \$330,000.00 AND MARVIN JONES ADDED THAT SINCE LEVY DID NOT HAVE TO FILE A REPORT A DETAILED REPORT IS NOT AVAILABLE. MR. JONES CONTINUED THAT SINCE THIS IS THE MID POINT OF THE BUDGET YEAR, LEVY EXPENSES SHOULD BE ABOUT \$165,000.00. COUNCILMAN GREGORY ASKED IF ANYONE WAS ACCOUNTABLE FOR THE MONEY TO LEVY AND MR. JONES SAID THAT LEVY IS TO PROVIDE THE COUNTY WITH AN AUDIT. MR. JONES SAID THE COUNTY DOES NOT PAY ANY BILLS FOR LEVY FIRE STATION BECAUSE LEVY VOLUNTEER FIRE DEPARTMENT HAS A CONTRACT TO SERVICE THAT AREA. MR. MALPHRUS SAID THAT THE COUNTY ONLY HAS ONE INDEPENDENT FIRE DEPARTMENT; HOWEVER, THE COUNTY HAS A CONTRACT WITH RIDGELAND AND ONE WITH HARDEEVILLE.

NEW BUSINESS:

WILBUR DALEY – APPROVAL OF MEDICAL CONTRACT EXTENSION FOR THE DETENTION CENTER:

MR. MALPHRUS PRESENTED THE CONTRACT AT MR. DALEY'S REQUEST. MR. MALPHRUS PRESENTED THE CONTRACT WITH SOUTHERN HEALTH PARTNERS FOR MEDICAL COVERAGE AT THE DETENTION CENTER. MR. MALPHRUS INFORMED THE COUNTY THAT THE CONTRACT WAS IN THE AMOUNT OF \$220,014.00, WHICH IS A TWO PERCENT INCREASE OVER LAST YEARS CONTRACT. MR. MALPHRUS REQUESTED THAT THE COUNCIL ADD PSYCHIATRIC CARE TO THE CONTRACT AT A COST OF AN ADDITIONAL \$10,500.00. MR. MALPHRUS SAID THAT CURRENTLY INMATES NEEDING THIS TYPE OF TREATMENT ARE SENT TO JUST CARE IN COLUMBIA AT A COST OF \$300.00 PER DAY PER INMATE. MR. MALPHRUS SAID THAT SOUTHERN HEALTH PARTNERS WOULD HAVE SOMEONE AT THE DETENTION CENTER 6 HOURS PER WEEK FOR PSYCHIATRIC CARE AND MR. MALPHRUS SAID THAT HE FELT THIS WOULD BE BENEFICIAL TO THE COUNTY AND IT SHOULD BRING DOWN THE NUMBER OF INMATES BEING SENT TO JUST CARE. COUNCILMAN ETHERIDGE ASKED IF THESE FUNDS WERE INCLUDED IN THIS YEAR'S BUDGET AND MR. MALPHRUS SAID THEY WERE NOT AND THE LINE ITEM THAT COVERS THIS TYPE OF CARE IS ALREADY OVERBUDGET. VICE CHAIRMAN BLACKSHEAR ASKED WHAT THE PERCENTAGE OF INMATES NEEDED THIS TYPE OF CARE. MR. MALPHRUS SAID HE DID NOT KNOW THE PERCENTAGE, HOWEVER, LAST WEEK 9 INMATES ARE AT JUST CARE NOW AND THERE ARE 5 INMATES

THERE THIS WEEK. VICE CHAIRMAN BLACKSHEAR ASKED IF THEY WERE ALL REAL CASES OR WERE SOME OF THEM COP OUTS. MR. MALPHRUS SAID THAT THE COUNTY DOESN'T HAVE ANYONE THERE WHO CAN TELL. COUNCILMAN GREGORY ASKED WHERE THE FUNDS WOULD COME FROM AND MR. MALPHRUS SAID THAT IT COULD BE INCLUDED IN THE BUDGET AMENDMENT HE WAS GOING TO REQUEST LATER IN THE YEAR SINCE THIS LINE ITEM IS ALREADY OVERBUDGET. COUNCILMAN TYLER ASKED HOW OTHER COUNTIES HANDLE THIS TYPE OF SITUATION. MR. MALPHRUS SAID SOME COUNTIES HAVE CONTRACTS, OTHERS HAVE THEIR OWN MEDICAL TEAM, AND SOME DON'T DO ANYTHING. COUNCILMAN GREGORY MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO APPROVE THE MEDICAL CONTRACT IN THE AMOUNT OF \$230,514.00 WHICH INCLUDED THE ADDITION OF THE PSYCHIATRIC CARE AND IT WOULD BE FUNDED BY A BUDGET AMENDMENT. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

DAVID JIROUSEK APPROVAL OF CROSS ENGINEERING TECHNOLOGIES CONTRACT:

THIS ITEM WAS TABLED.

DAVID JIROUSEK – UPDATE ON THE EXCAVATION ORDINANCE:

MR. JIROUSEK SAID DHEC HAD TWO LETTERS REGARDING THE MINE IN TARBORO INCLUDING ONE FROM THE ADMINISTRATOR SINCE THE COUNTY OWNS PROPERTY ADJACENT TO THE MINE. MR. JIROUSEK SAID THAT HE WROTE A LETTER TO THE MINE OWNER AND COPIED DHEC. MR. JIROUSEK SAID THE ORIGINAL APPLICATION FROM THE OWNER WAS FOR A 5 ACRE MINE, 20 FEET DEEP. MR. JIROUSEK SAID THE 2007 ZONING ORDINANCE CALLS FOR A SETBACK OF 1,000 FEET; MR. JIROUSEK ADDED THAT THIS REQUIREMENT WOULD MAKE THE TARBORO MINE IMPOSSIBLE. MR. JIROUSEK SAID THAT HE FELT IN SOME POINT IN TIME, THE OWNER WAS GIVEN A VERBAL AGREEMENT FOR A VARIANCE BY A STAFF MEMBER. MR. JIROUSEK SAID THE 1000 FOOT SETBACK REQUIREMENT STILL APPLIES AND THE OWNER WOULD HAVE TO GO THE BZA AND PERSUE OTHER CHANNELS OF THE COUNTY. MR. JIROUSEK SAID IF THE OWNER GOES AHEAD WITH THE MINING; HE WOULD BE IN VIOLATION AND PENALTY ENFORCEMENT. MR. JIROUSEK SAID THE PLANNING COMMISSION IS WORKING ON A THREE PART SOLUTION RELATING TO SETBACKS, BUFFERS AND THEY WOULD CREATE A NEW ZONING DISTRICT. MR. JIROUSEK SAID THE PLANNING COMMISSION COULD DO AN EXCAVATION ORDINANCE OR DELETE MINING FROM THE RURAL PRESERVATION AREAS OF THE COUNTY. MR. JIROUSEK SAID THAT EACH MINING OPERATION WOULD HAVE TO APPLY FOR REZONING.

COMMITTEE REPORTS:

CHAIRMAN HOOD GAVE THE COUNCIL MEMBERS THEIR COMMITTEE ASSIGNMENTS FOR 2009. CHAIRMAN HOOD SAID THAT A COMMITTEE

CANNOT TAKE ACTION AND THE ONLY VOTE THEY CAN TAKE IS TO BRING THE MATTER TO THE ENTIRE COUNCIL FOR APPROVAL.

CHAIRMAN HOOD DISCUSSED THE COUNCIL'S RETREAT WHICH WILL BE HELD AT CLARKS INN LOCATED IN SANTEE, SOUTH CAROLINA. CHAIRMAN HOOD SAID THE RETREAT WOULD BE FROM FEB. 5, 2009 TO FEB. 7, 2009. CHAIRMAN HOOD ASKED THE COUNCIL MEMBERS TO PROVIDE THE CLERK WITH TOPICS THEY WOULD LIKE TO DISCUSS.

CHAIRMAN HOOD ASKED THE COUNCIL TO REVIEW THE FLYER ON THE TELECOMMUNICATION CONFERENCE AND TO LET THE CLERK KNOW IF THEY WOULD LIKE TO ATTEND.

CHAIRMAN HOOD PROVIDED THE CLERK WITH A COPY OF THE S.C. PROPERTY TAX BY COUNTY BOOKLET AND ASKED HER TO MAKE COPIES FOR ALL THE COUNCIL MEMBERS.

CHAIRMAN HOOD DISCUSSED HIS TRIP TO WASHINGTON, D.C. WITH THE LOBBYIST. CHAIRMAN HOOD SAID THEY VISITED THE CONGRESSMEN AND PROVIDED THEM WITH A HOST OF PROJECTS THAT WERE READY TO GO AND THAT HE HOPED THE COUNTY WOULD GET SOME OF THE STIMULUS FUNDING THAT WAS PROPOSED BY PRESIDENT OBAMA TO JUMP START THE ECONOMY. CHAIRMAN HOOD SAID HE ASKED REPRESENTATIVE BRANTLEY TO WORK WITH THE OTHER REPRESENTATIVES SO THAT SOUTH CAROLINA GETS A SHARE OF THE MONEY. CHAIRMAN HOOD SAID HE ALSO ASKED REPRESENTATIVE BRANTLEY TO ENCOURAGE THE GOVERNOR TO APPLY FOR SOME OF THIS FUNDING.

CHAIRMAN HOOD SAID THAT FEB. 3, 2009 WAS JASPER COUNTY LOBBY DAY IN COLUMBIA AND HE ENCOURAGED THE CITIZENS AND COUNCIL TO ATTEND AND TALK ABOUT THE PROJECT IN JASPER COUNTY.

ADMINISTRATORS' REPORTS:

ANDREW FULGHUM - UPDATE ON LOWCOUNTRY ECONOMIC ALLIANCE REGARDING THE IMPORTANCE OF AIRPORTS:

MR. FULGHUM DISCUSSED THE REPORT SENT TO THE ADMINISTRATORS AND CHAIRMEN OF THE COUNTY COUNCILS. MR. FULGHUM SAID THE REPORT BASICALLY ADDRESSED THE ECONOMIC IMPACT AIRPORTS BRING TO THE REGION. MR. FULGHUM SAID THE ALLIANCE HAS RESEARCHED REGIONAL AIRPORTS AND THE NEW AIRPORT IN JASPER COUNTY WOULD BE A REGIONAL PROJECT AND WORKED ON TOGETHER WITH THE OTHER COUNTIES IN THE REGION.

MR. FULGHUM INFORMED THE COUNCIL THAT THE PRESIDENT OF THE S.C. PORTS AUTHORITY, BERNARD GROSECLOSE, JR. RESIGNED. CHAIRMAN HOOD SAID HE SPOKE WITH SOME REPRESENTATIVES FROM THE UPSTATE AND THEY SUPPORT THE PORT. CHAIRMAN HOOD SAID THE PORT NEEDS TO BE IN THE FOREFRONT AS IT WILL BENEFIT THE ENTIRE STATE.

ANDREA MALLORY DISCUSSED THE SAVANNAH RIVER DREDGING AND THAT THE ARMY CORP OF ENGINEERS WAS CONSIDERING THE DREDGING WITHOUT TAKING THE JASPER COUNTY PORT INTO CONSIDERATION. MS.

MALLORY INVITED EVERYONE TO ATTEND THE ECONOMIC ALLIANCE MEETING IN POOLER, GA. ON FEBRUARY 10, 2009 AT 9:00 A.M.

MR. FULGHUM ASKED THAT THE COUNCIL CONSIDER HEARING ABOUT THE CELL PHONES EVEN THOUGH IT WAS NOT ON THE AGENDA. MR. FULGHUM SAID HE DID NOT KNOW THE DEADLINE WAS BEFORE THE NEXT COUNCIL MEETING OR HE WOULD HAVE PUT IT ON THE AGENDA. MR. FULGHUM SAID THAT HE FELT THEY DID A POOR JOB IN PRESENTING THE CELL PHONES AND THE CELL PHONE POLICY AND WHAT THEY WANTED TO GET ACROSS TO THE COUNCIL WAS THAT THE TAKE OVER OF ALLTEL BY VERIZON IS EMINENT AND VERIZON WANTED TO TALK ABOUT COVERAGE AND THAT THE COUNTY WOULD GET FEDERAL PRICING IF THEY APPROVED THE CONTRACT TODAY AS THE PRICING WILL END ON THURSDAY. LINDSEY GILLIAN DISCUSSED THE COVERAGE AGREEMENT AND THE MERGER AGREEMENT THAT WAS SIGNED BY VERIZON AND ALLTEL ON JANUARY 9, 2009. MS. GILLIAN SAID THAT ALL OF ALLTEL CELL TOWERS IN JASPER COUNTY WOULD NOW BE OWNED BY VERIZON. MS. GILLIAN SAID THAT DUE TO THE MERGER, THE FEDERAL PRICING COULD END AT ANYTIME. MR. FULGHUM SAID IT WOULD BE THE TWO SYSTEMS COMBINED. COUNCILMAN GREGORY SAID IF VERIZON WAS GOING TO OWN ALLTEL, WHY DID THE COUNTY HAVE TO CHANGE. MS. GILLIAN SAID THAT BY HAVING CONTROL OVER AN ACCOUNT THIS SIZE THERE WOULD BE NO DOWN TIME AND THE COUNTY WOULD HAVE AN ACCOUNT REPRESENTATIVE. MS. GILLIAN SAID SHE WANTED TO HELP WITH THE TRANSITION AND BY APPROVING THE CONTRACT TONIGHT; THE COUNTY WOULD GET FEDERAL PRICING. MS. GILLIAN SAID THE FEDERAL PRICING WOULD SAVE THE COUNTY ABOUT \$500.00 PER MONTH. COUNCILMAN ETHERIDGE SAID THAT COUNCIL HAS NOT DISCUSSED THIS AND MR FULGHUM SAID AT THE LAST MEETING THE CONTRACT WOULD SAVE THE COUNTY \$11,000.00 PER YEAR AND NOW MS. GILLIAN IS SAYING IT WILL SAVE THE COUNTY \$6,000.00 A YEAR. CHAIRMAN HOOD SAID THEY WERE ASKING THE COUNCIL TO APPROVE THE CONTRACT BECAUSE OF THE PRICING AND HE DID NOT SEE ANY PROBLEM WITH SIGNING THE CONTRACT WITH VERIZON AND THE COUNCIL COULD APPROVE LATER WHO SHOULD HAVE COUNTY PHONES. VICE CHAIRMAN BLACKSHEAR ASKED IF THIS PRICING WAS ONLY FOR COUNTY PHONES AND MR. FULGHUM SAID THAT WAS CORRECT. COUNCILMAN ETHERIDGE SAID HE HAD NO PROBLEM GOING WITH VERIZON, BUT THE COUNCIL WOULD STILL NEED TO WORK ON THE LIST OF PEOPLE WHO HAVE COUNTY PHONES. COUNCILMAN ETHERIDGE MOTIONED AND VICE CHAIRMAN BLACKSHEAR SECONDED THE MOTION TO ONLY APPROVE THE CONTRACT WITH VERIZON AND THE COUNCIL WILL WORK ON THE LIST OF EMPLOYEES WHO CURRENTLY HAVE CELL PHONES AND WHO WAS TO HAVE A COUNTY PHONE. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

OPEN FLOOR TO THE PUBLIC (3 MINUTE TIME LIMIT PER INDIVIDUAL):

CHAIRMAN HOOD OPENED THE FLOOR TO THE PUBLIC.

AARON SAXON SAID IN DEFENSE OF COUNCILMAN ETHERIDGE HE DID NOT TELL THE PEOPLE ABOUT THE RESOLUTION, THE REASON THE PEOPLE KNEW ABOUT THE RESOLUTION TO PURCHASE THE LAND WAS BECAUSE THE RESOLUTION WAS ON THE INTERNET ON WEDNESDAY OR THURSDAY OF LAST WEEK. MR. SAXON SAID THE PEOPLE IN LEVY CHECK THE INTERNET REGULARLY AND FRIDAY ABOUT 75 PEOPLE WANTED TO KNOW WHAT THE PROPERTY WAS GOING TO BE USED FOR. BEING NO FURTHER COMMENTS CHAIRMAN HOOD CLOSED THE FLOOR TO THE PUBLIC

EXECUTIVE SESSION:

EMPLOYMENT MATTERS

COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS EMPLOYMENT MATTERS. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

RETURN TO REGULAR SESSION:

VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION TO RETURN TO REGULAR SESSION. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

CHAIRMAN HOOD ASKED FOR A MOTION AS A RESULT OF EXECUTIVE SESSION.

COUNCILMAN GREGORY MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO APPROVE THE REQUEST OF THE AUDITOR AND TREASURER TO MAKE UP THE DIFFERENCE IN THEIR SALARY DUE TO THE STATE CUT AND TO PAY THE DIFFERENCE UNTIL THE STATE RESTORES THEIR SALARY. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION TO MAKE THE POSITION REQUESTED BY THE AUDITOR TO TWO PART TIME POSITIONS INSTEAD OF ONE FULLTIME POSITION. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

ADJOURN:

COUNCILMAN GREGORY MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO ADJOURN THE MEETING. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

THE MEETING ENDED AT 10:00 P.M.

RESPECTFULLY SUBMITTED BY:

APPROVED BY:

JUDITH M. FRANK, CCC
CLERK TO COUNCIL

DR. GEORGE M. HOOD
CHAIRMAN