



**JASPER COUNTY COUNCIL
J.C. GOVERNMENT BLDG.
COUNCIL CHAMBERS
OCTOBER 20, 2014
MINUTES**

5:30 P.M.

OFFICIALS PRESENT: Chairwoman Barbara Clark, Vice Chairman L. Martin Sauls, IV, Councilman Henry Etheridge, Councilman Theodus Drayton, Councilman D. Thomas Johnson

STAFF PRESENT: Administrator Andrew Fulghum, Clerk to Council Judith Frank, Director of Administrative Services Ronnie Malphrus, Director of Emergency Services Wilbur Daley, Director of Engineering Services Dale Terry, Planning Director LeNolon Edge

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.

Vice Chairman Sauls called the meeting to order at 5:30 p.m.

Executive Session – Council Conference Room

Executive Session

Discussion of negotiations incident to proposed contract arrangements and proposed purchase or sale of property, receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim – Brown Campbell, Election Issues, Ridgeland Airport and Waste Management and discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other business in the area served by a public body – Prospect Update, Camp Lake Jasper and discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving an employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly nothing, contained in this item shall prevent the public body, in its discretion, from deleting the names of other employees or clients whose records are submitted for use at the hearing – Personnel Matters – Attorney's Office, Administrator-Councilman Etheridge moved and Councilman Drayton seconded the motion to go into executive session for the discussion of negotiations incident to proposed contract arrangements and proposed purchase or sale of property, receipt of legal advice where the

legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim – Brown Campbell, Election Issues, Ridgeland Airport and Waste Management and discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other business in the area served by a public body – Prospect Update, Camp Lake Jasper and discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving an employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly nothing, contained in this item shall prevent the public body, in its discretion, from deleting the names of other employees or clients whose records are submitted for use at the hearing – Personnel Matters – Attorney’s Office, Administrator. The motion carried with all members present voting in favor.

Return to Open Session – Vice Chairman Sauls moved and Councilman Etheridge seconded the motion to return to open session. The motion carried with all members present voting in favor.

Pledge of Allegiance – Councilman Drayton led the Pledge of Allegiance.

Invocation – Vice Chairman Sauls gave the invocation.

Approval of Agenda – Vice Chairman Sauls moved and Councilman Drayton seconded the motion to approve the agenda. The motion carried with all members present voting in favor.

Presentation and Proclamations – There were no presentations or proclamations.

Ordinances

LeNolon Edge – 3rd Reading of the Ordinance To adopt Section 6-72 of the Jasper County Code of Ordinances so as to waive fees for building permit fees for the reconstruction of buildings demolished by a natural disaster which belong to an eleemosynary entity and which was in active, direct use in support of the mission of that entity at the time that it is demolished and to provide definitions – Mr. Edge explained that there were no changes and clarified that if any fees were reimbursed by insurance they would be paid to the County and the entities needed to show proof of insurance. Councilman Johnson moved and Vice Chairman Sauls seconded the motion that this be the 3rd Reading of the Ordinance To adopt Section 6-72 of the Jasper County Code of Ordinances so as to waive fees for building permit fees for the reconstruction of buildings demolished by a natural disaster which belong to an eleemosynary entity and which was in active, direct use in support of the mission of that entity at the time that it is demolished and to provide definitions. The motion carried with all members present voting in favor.

Andrew Fulghum – 3rd Reading of the Ordinance to amend the FILOT agreement with Riverport – Mr. Fulghum explained that this was a restated agreement and at the last meeting

the staff made the requested changes and those changes are included in the document being presented for approval. Councilman Etheridge moved and Vice Chairman Sauls seconded the motion to approve the changes and that this be the 3rd Reading of the Ordinance to amend the FILOT agreement with Riverport. The motion carried with all members present voting in favor.

Ronnie Malphrus – 2nd Reading of the Ordinance authorizing a loan from the South Carolina Public Service Authority to Jasper County, South Carolina to finance the construction of an industrial building in the Cypress Ridge Business/Industrial Park for the economic development of Jasper County; authorizing the execution and delivery of an intergovernmental loan agreement between the South Carolina Public Service Authority and Jasper County and a promissory note from Jasper County to the South Carolina Public Service Authority related thereto; and other matters relating thereto – Mr. Malphrus explained that the County would borrow \$850,000 and there was a \$350,000 grant to build the new spec building. Mr. Malphrus explained that interest only would be paid for 2 years and that it would be paid from funds received from the park or sale of the building. Councilman Drayton moved and Vice Chairman Sauls seconded the motion that this be the 2nd Reading of the Ordinance authorizing a loan from the South Carolina Public Service Authority to Jasper County, South Carolina to finance the construction of an industrial building in the Cypress Ridge Business/Industrial Park for the economic development of Jasper County; authorizing the execution and delivery of an intergovernmental loan agreement between the South Carolina Public Service Authority and Jasper County and a promissory note from Jasper County to the South Carolina Public Service Authority related thereto; and other matters relating thereto. The motion carried with all members present voting in favor.

LeNolan Edge- 1st Reading of the Ordinance regarding the rezoning of 619 Rice Shire Road – Mr. Edge said the applicant requested the zoning be changed to general commercial and the surrounding properties are all zoned residential. Mr. Edge said the property is not used as it is zoned and it is not grandfathered in. Mr. Edge said the Planning Commission recommended denial as it is not consistent with the comprehensive plan or with the other uses in the vicinity. Councilman Etheridge said that you can't make property commercial in the middle of a residential area; Vice Chairman Sauls agreed and said that spot zoning is not allowed. Councilman Johnson asked if there was any feedback from the neighbors and Mr. Edge said he had not received any comments at this point. Councilman Drayton said it was spot zoning and he did not think it should be done. Councilman Etheridge said he spoke with some of the neighbors and they were not aware this was coming up before Council. Chairwoman Clark said the property can be used for other things and Mr. Edge explained the type of uses that were allowed. Councilman Etheridge moved and Councilman Drayton seconded the motion to deny the request. The motion carried with all members present voting in favor.

Andrew Fulghum – 2nd Reading of the Ordinance to approve the 2012 Solid Waste Management Plan – Mr. Fulghum explained that the County is required to adopt a solid waste plan and the plan has been updated and includes any regulatory changes and any inconsistencies have been corrected. Mr. Fulghum said the 1st reading and public hearing have been held. Mr. Fulghum requested the 2nd reading of the ordinance. Councilman Drayton

moved and Councilman Etheridge seconded the motion that this be the 2nd Reading of the Ordinance to approve the 2012 Solid Waste Management Plan. The motion carried with all members present voting in favor.

Andrew Fulghum – 1st Reading of the Ordinance to approve the Hickory Hill Tract Development Agreement (by title only) – Mr. Fulghum presented a draft of the agreement for the development of 437 acres at the Hickory Hill Landfill. Mr. Fulghum said that 3 readings and 2 public hearings insure that the current laws and requirements apply to the property. Mr. Fulghum said the Development Agreement is for a 10 year term. Councilman Drayton moved and Vice Chairman Sauls seconded the motion that this be the 1st Reading of the Ordinance to approve the Hickory Hill Tract Development Agreement (by title only). The motion carried with all members present voting in favor.

LeNolon Edge – 1st Reading of the Ordinance to Amend the Jasper County Zoning Ordinance, as amended, to add conditions for certain North American Industry Classification System (NAICS) Sector 56 uses; to adopt Section 11:7.15, to amend section 11:17.16, and to adopt Section 11:7.17, Section 11.7.18, and Section 11:7.19- Mr. Edge said that Chapter 11 has no conditions and there were some that needed to be put in place. Mr. Edge said this will require input from the Planning Commission and they can address those issues and DHEC was being put on notice regarding any issues or conditions that needed to be added. Mr. Edge said they needed to make sure it was consistent with the solid waste plan and any other documents that will be passed. Councilman Drayton asked if this will bring the County in line with the National System and Mr. Edge responded that it only shows when in the ordinance that needs to be corrected, but it will not bring it into alignment with NAICS. Councilman Etheridge moved and Vice Chairman Sauls seconded the motion that this be the 1st Reading of the Ordinance to Amend the Jasper County Zoning Ordinance, as amended, to add conditions for certain North American Industry Classification System (NAICS) Sector 56 uses; to adopt Section 11:7.15, to amend section 11:17.16, and to adopt Section 11:7.17, Section 11.7.18, and Section 11:7.19. The motion carried with all members present voting in favor.

Resolutions

Marvin Jones – Resolution to express Jasper County’s request that the South Carolina General Assembly increase the allocation to the local government fund to both provide property taxpayers with the relief they have been promised and allow County Government the ability to provide the State and Local Government Services required under State Law - Mr. Jones explained that the South Carolina Association of Counties were encouraging all the Counties to pass a resolution encouraging the General assembly fund local government fund to so that it would be fully funded. Mr. Jones said this has not been done in several years and the County is required to meet unfunded mandates. Councilman Drayton said they needed to stay on their representatives to make sure Jasper County gets its fair share. Councilman Johnson moved and Vice Chairman Sauls seconded the motion to pass the resolution to express Jasper County’s request that the South Carolina General Assembly increase the allocation to the local government fund to both provide property taxpayers with the relief they have been promised

and allow County Government the ability to provide the State and Local Government Services required under State Law. The motion was carried with all members present voting in favor.

Old Business

Andrew Fulghum- Appointment of ten members to the Jasper County Human Affairs Committee – Mr. Fulghum explained that this item was tabled from the last meeting and the Council had previously passed a resolution forming this Committee. Chairwoman Clark announced the members appointed by the Council Members: Pamela Williams, Barbara Pooh, Elmetta White, Mary Ann Rowell, Sue Scott, John Carroll, Nancy Warren, Annette Fields, Vicky Roberts and Melinda Stanley.

New Business

Dale Terry – Approval of bid for Levy Community Center Roof – Mr. Terry requested that the lowest bid for the roof at the Levy Center be approved. Mr. Terry said he received 3 bids and the lowest bid was from Riverside Services in the amount of \$24,875. Councilman Etheridge moved and Vice Chairman Sauls seconded the motion to approve the low bid of \$24,875 from Riverside Services. The motion carried with all members present voting in favor.

Andrew Fulghum – Approval of the Option Agreement between Jasper County and Waste Management of SC, Inc.- Mr. Fulghum explained that the Council discussed this agreement in executive session and the attorney will continue to work on the changes and concerns regarding the 127 acre property on Snake Road. Mr. Fulghum asked for the Council to approve subject to the attorney’s revisions. Councilman Drayton motioned and Councilman Johnson seconded the motion to approve the option agreement between Jasper County and Waste Management of SC, Inc. subject to the attorney’s revisions. The motion carried with all members present voting in favor.

Andrew Fulghum – Approval of the Jasper County Host and Disposal Services Agreement – Mr. Fulghum discussed the agreement and said it established the fees for waste received from outside the County and there were changes that needed to be made. Mr. Fulghum asked the Council to approve subject to the attorney’s final review. Councilman Etheridge motioned and Vice Chairman Sauls seconded the motion to approve the Jasper County Host and Disposal Services Agreement subject to the attorney’s final review. The motion carried with all members present voting in favor.

Committee Reports – Councilman Drayton reported that he attended the Transportation Committee meeting at Red Bluff, the Election Commission Meeting, and meetings regarding the repair of the Old Jasper High School. **Councilman Johnson** reported that he also attended the meeting at Red Bluff and he asked the people from Columbia to take Hwy. 321 home. Councilman Johnson said he also had a meeting with Mr. Terry. **Vice Chairman Sauls** said he attended a workshop and meeting with the City of Hardeeville and a meeting with the Volunteers in Medicine. Vice Chairman Sauls provided the dates and times of the School Board Redistricting meetings and the Jasper County Chamber events. **Councilman Etheridge** said he met with the Planning Commission in Hardeeville regarding the Comprehensive Plan and said

that there are copies of the plan available for the public in the planning department. Councilman Etheridge said he met with CSX and some citizens regarding their property that is land locked. Councilman Etheridge discussed the Transportation Committee meeting at Red Bluff, Hwy. 17 expansion and a report from Colin Battey regarding the Port. **Chairwoman Clark** reported that she attended the STEM Induction, and she attended the SCAC meeting in Columbia in addition to all the other meetings that the other Council members attended. Chairwoman Clark reminded the Council and the public of the Council on Aging Open House.

Administrator's Report – Mr. Fulghum requested approval of a proposal from Thomas & Hutton concerning the spec building in Point South. Mr. Fulghum said it would be paid for with C-Funds. The proposal covered design and construction services at a cost of \$29,000. Councilman Drayton moved and Councilman Johnson seconded the motion to approve the proposal from Thomas and Hutton in the amount of \$29,000. The motion carried with all members present voting in favor.

Open Floor to the Public- Per ordinance 08-17 any citizen of the County may sign to speak before the Council on matters pertaining to County Services and Operations. Presentations will be limited to three (3) minutes and total public input will be limited to 30 minutes – Chairwoman Clark opened the floor to the public. Rev. Chavers thanked the Council for listening to the needs of the people and added that this is a good Council. Being no further comments, Chairwoman Clark closed the open floor.

Adjourn - Adjourn – Vice Chairman Sauls moved and Councilman Etheridge seconded the motion to adjourn the meeting. The motion carried with all members present voting in favor.

The meeting ended at 7:20 p.m.

Respectfully submitted by:

Approved by:

Judith M. Frank, ccc
Clerk to Council

Barbara B. Clark
Chairwoman

