



**JASPER COUNTY COUNCIL
COUNCIL CHAMBERS**

**358 THIRD AVE.
RIDGELAND, SC 29936
OCTOBER 5, 2009
4:00 P.M.**

MINUTES

PRESENT:

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

STAFF PRESENT:

ANDREW FULGHUM, ADMINISTRATOR
WILBUR DALEY, DEP. ADM. EMERGENCY SERVICES
RONNIE MALPHRUS, DEP. ADM. ADM. SERVICES
DALE TERRY, DEP. ADM. ENG. SERVICES
MARVIN JONES, ATTORNEY
JUDITH FRANK, CLERK TO COUNCIL
STEVEN MALPHRUS, DEP. DIRECTOR ES
DAVID JIROUSEK, PLANNING DIRECTOR
SUSAN WAITE, ASSESSOR
HERMAN SMITH, BUILDING DIRECTOR
CHRISTY HERMAN, DEVELOPMENT PROJECT COORDINATOR
HAZEL HOLMES, AUDITOR
PATSYE GREEN, ROD
LISA LAMB, PLANNING AND ZONING COORDINATOR
JOHNNY DAVIS, PARKS AND RECREATION DIRECTOR
ARTHUR BENJAMIN, DETENTION CENTER DIRECTOR

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 4:00 P.M.

PLEDGE OF ALLEGIANCE:

CHAIRMAN HOOD LED THE PLEDGE OF ALLEGIANCE.

INVOCATION:

VICE CHAIRMAN BLACKSHEAR OFFERED THE INVOCATION.

APPROVAL OF THE MINUTES:

VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO APPROVE THE MINUTES. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

PROCLAMATIONS AND PRESENTATIONS:

BJWSA–PRESENTATION OF INTEGRATED WATER RESOURCE MANAGEMENT:

DEAN MOSS MADE A PRESENTATION REGARDING MANAGING WATER RESOURCES AND PLANNING FOR A SUSTAINABLE WATER SUPPLY. MR. MOSS SAID THAT A REVIEW WAS DONE ABOUT THE WATER SUPPLY FOR THIS AREA FOR OVER THE NEXT 50 YEARS AND THAT THE DEMAND FOR WATER WILL BE GREATER DUE TO THE PROJECTED GROWTH. MR. MOSS SAID THAT IN ORDER TO HAVE A SUSTAINABLE SUPPLY OF WATER THE PEOPLE NEED TO BECOME MORE EFFICIENT ON HOW THE WATER IS USED. MR. MOSS SAID THAT THE PEOPLE NEED TO BE WATER EFFICIENT, AND THE WATER NEEDS TO BE RECLAIMED AND REUSED. MR. MOSS SAID THAT ALL THE HOMES IN TRADITIONS WILL WATER THEIR LAWNS WITH TREATED WASTE WATER. MR. MOSS SAID THERE IS A NEED TO LOCATE MORE SOURCES AND REDUCE THE IRRIGATION DEMANDS. MR. MOSS EXPLAINED THAT BJWSA IS LOOKING INTO A RATE STRUCTURE THAT WILL REWARD PEOPLE FOR BEING MORE EFFICIENT AND THE TYPE OF WATER NEEDS TO MATCH WHAT IT IS BEING USED FOR AND MORE STORAGE FOR WATER IS NEEDED. MR. MOSS SAID THE PIPELINE NEEDS TO BE EXPANDED TO CREATE INCENTIVES FOR NEW DEVELOPMENT AND THEY NEED TO CONTINUE TO EDUCATE THE CITIZENS. MR. MOSS EXPLAINED THAT NEW WATER SOURCES WERE NEEDED DUE TO THE PROBLEMS WITH GROUND WATER. MR. MOSS TOLD THE COUNCIL THAT THE EDISTO AND SALKAHATCHIE RIVERS, AS WELL AS, DESALINIZATION OF OCEAN WATER ARE BEING CONSIDERED FOR NEW WATER SOURCES. MR. MOSS INFORMED THE COUNCIL THAT CURRENTLY THE COUNTY IS IN GOOD SHAPE CONCERNING WATER AND THAT MOST PEOPLE DEPEND ON WELLS AND THE TOWN OF RIDGELAND HAS AN AGGRESSIVE WASTE WATER MANAGEMENT PROGRAM. VICE CHAIRMAN BLACKSHEAR ASKED IF THE DIGGING OF THE SAVANNAH RIVER WILL AFFECT THE WATER SUPPLY. MR. MOSS SAID THE DEEPENING OF THE RIVER WILL NOT AFFECT THE WATER QUALITY; HOWEVER THEY WERE INVESTIGATING TO SEE IF IT WILL CAUSE SALT WATER TO GO INTO THE GROUND WATER. MR. MOSS SAID THAT HE DID NOT FORSEEN WATER SUPPLY PROBLEMS IN THE NORTH END OF THE COUNTY, BUT THE SOUTH END MAY HAVE PROBLEMS. MR. MOSS TOLD THE COUNCIL THAT THEY WERE CURRENTLY WORKING ON A PROGRAM WITH THE BUILDERS FOR INCENTIVE PACKAGES TO BUILD GREEN HOMES. CHAIRMAN HOOD SAID HE DID A TOUR OF HOMES WHERE ALL THE HOMES WERE GREEN HOMES AND IT IS IMPORTANT TO EDUCATE THE BUILDERS.

PROCLAMATION – OCTOBER DOMESTIC VIOLENCE AWARENESS MONTH:

CHAIRMAN HOOD READ THE PROCLAMATION. VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO APPROVE THE PROCLAMATION MAKING OCTOBER DOMESTIC VIOLENCE AWARENESS MONTH IN JASPER COUNTY. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

ORDINANCES:

ANDREW FULGHUM- 3RD READING OF THE ORDINANCE REGARDING THE PERRY HOUSE LEASE:

MR. FULGHUM TOLD THE COUNCIL THAT 2 OF THE 3 ISSUES HAVE BEEN ADDRESSED AND THAT THE TENANT WILL BE RESPONSIBLE FOR THE UTILITIES STARTING JULY 1, 2010 AND THAT THE CHAMBER IS INVITED TO REQUEST A-TAX FUNDS FOR REPAIRS. MR. FULGHUM SAID THE LEASE IS FOR A TERM OF FIVE YEARS AND THE CHAMBER BOARD IS AGREEABLE TO THE TERMS OF THE LEASE. COUNCILMAN ETHERIDGE ASKED THAT 2001 BE CHANGED TO 2010. COUNCILMAN TYLER MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION THAT THIS BE THE 3RD READING OF THE ORDINANCE APPROVING THE PERRY HOUSE LEASE AND THAT THE LEASE BE CORRECTED TO READ 2010 NOT 2001. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

ANDREW FULGHUM – 3RD READING OF THE ORDINANCE APPROVING ORGANIZATIONAL REPORTING AFTER THE REDUCTION IN FORCE:

MR. FULGHUM EXPLAINED THAT THIS ORDINANCE WAS NECESSARY TO APPROVE THE ORGANIZATIONAL REPORTING AFTER THE REDUCTION IN FORCE. COUNCILMAN TYLER ASKED IF THERE WERE ANY CHANGES. MR. FULGHUM SAID NO CHANGES WERE MADE. COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION THAT THIS BE THE 3RD READING OF THE ORDINANCE APPROVING ORGANIZATIONAL REPORTING AFTER THE REDUCTION IN FORCE. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

MARVIN JONES – 2ND READING OF THE ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 09-13 ADOPTED BY THE COUNCIL OF JASPER COUNTY, SOUTH CAROLINA ON JUNE 15, 2009; TO DEVELOP A JOINTLY OWNED BUSINESS PARK IN CONJUNCTION WITH BEAUFORT COUNTY AND/OR HAMPTON COUNTY, GEOGRAPHICALLY LOCATED IN JASPER COUNTY AND ESTABLISHED PURSUANT TO SEC. 4-1-170 OF THE SOUTH CAROLINA CODE OF LAWS 1976, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH BEAUFORT COUNTY AND /OR HAMPTON COUNTY TO PROVIDE FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAXES TO THE COUNTIES AND RELEVANT TAXING ENTITIES; AND TO PERMIT A USER FEE IN LIEU OF AD VALOREM TAXATION:

COUNCILMAN ETHERIDGE DISCUSSED THE CHANGE IN PERCENTAGES TO THE COUNTY BECAUSE ALL THE TAXES ON THE 10 ACRES FOR HARDEEVILLE WILL GO TO HARDEEVILLE AND THE COUNTY'S PORTION WILL BE 30.3 % INSTEAD OF 33%. MR. JONES SAID THAT WAS CORRECT. VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION THAT THIS BE THE 2ND READING OF THE ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 09-13 ADOPTED BY THE COUNCIL OF JASPER COUNTY, SOUTH CAROLINA ON JUNE 15, 2009; TO DEVELOP A JOINTLY OWNED BUSINESS PARK IN CONJUNCTION WITH BEAUFORT COUNTY AND/OR HAMPTON COUNTY, GEOGRAPHICALLY LOCATED IN JASPER COUNTY AND ESTABLISHED PURSUANT TO SEC. 4-1-170 OF THE SOUTH CAROLINA CODE OF LAWS 1976, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH BEAUFORT COUNTY AND /OR HAMPTON COUNTY TO PROVIDE FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAXES TO THE COUNTIES AND RELEVANT TAXING ENTITIES; AND TO PERMIT A USER FEE IN LIEU OF AD VALOREM TAXATION. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

DAVID JIROUSEK – 3RD READING OF THE ORDINANCE TO AMEND THE ZONING ORDINANCE TO CONDITIONALLY ALLOW A SECOND SINGLE FAMILY RESIDENTIAL DWELLING PER LOT; TO AMEND THE JASPER COUNTY ZONING ORDINANCE AS AMENDED SO AS TO ALLOW A SECOND SINGLE FAMILY RESIDENTIAL DWELLING UNIT UNDER CERTAIN CONDITIONS WITHIN JASPER COUNTY; TO AMEND SECTION 6:1 TO ADD SECOND SINGLE FAMILY RESIDENTIAL DWELLING UNIT AS A CONDITIONAL USE; TO ADD SECTION 6:2.23 SECOND SINGLE FAMILY RESIDENTIAL DWELLING UNIT; TO AMEND LDR SECTION 8.11 LOTS (E):

MR. JIROUSEK REVIEWED THE ORDINANCE AND EXPLAINED THAT IF A SECOND SINGLE FAMILY DWELLING IS PLACED ON A LOT, IT MUST BE PLACED SO THAT THE PROPERTY CAN BE SUBDIVIDED. COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION THAT THIS BE THE 3RD READING OF THE ORDINANCE TO AMEND THE ZONING ORDINANCE TO CONDITIONALLY ALLOW A SECOND SINGLE FAMILY RESIDENTIAL DWELLING PER LOT; TO AMEND THE JASPER COUNTY ZONING ORDINANCE AS AMENDED SO AS TO ALLOW A SECOND SINGLE FAMILY RESIDENTIAL DWELLING UNIT UNDER CERTAIN CONDITIONS WITHIN JASPER COUNTY; TO AMEND SECTION 6:1 TO ADD SECOND SINGLE FAMILY RESIDENTIAL DWELLING UNIT AS A CONDITIONAL USE; TO ADD SECTION 6:2.23 SECOND SINGLE FAMILY RESIDENTIAL DWELLING UNIT; TO AMEND LDR SECTION 8.11 LOTS (E). THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

DAVID JIROUSEK – 3RD READING OF THE ORDINANCE TO AUTHORIZE JASPER COUNTY TO EXCHANGE A 0.29 ACRE TRACT OF LAND WITH THE RICHARD B. BEDELL REVOCABLE TRUST, FOR A 2.97 ACRE TRACT OF LAND IN ORDER TO BENEFIT THE JASPER COUNTY AIRPORT:

MR. JIROUSEK SAID THAT THE LAND SWAP WAS AGREED TO BY ALL PARTIES INVOLVED AND THAT IT WILL BENEFIT BOTH PARTIES. COUNCILMAN TYLER ASKED IF THE PEOPLE MAKING THE EXCHANGE AGREE TO ALL THE TERMS AND WERE NOT BEING USED. MR. JIROUSEK SAID IT WAS VOLUNTARILY DONE. COUNCILMAN TYLER MOTIONED AND VICE CHAIRMAN BLACKSHEAR SECONDED THE MOTION THE THIS BE THE 3RD READING OF THE ORDINANCE TO AUTHORIZE JASPER COUNTY TO EXCHANGE A 0.29 ACRE TRACT OF LAND WITH THE RICHARD B. BEDELL REVOCABLE TRUST, FOR A 2.97 ACRE TRACT OF LAND IN ORDER TO BENEFIT THE JASPER COUNTY AIRPORT. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

DAVID JIROUSEK - 1ST READING OF THE ORDINANCE TO REVISE THE REQUIREMENTS FOR DEVELOPMENT ADJACENT TO TIDELANDS, RIVERS AND STREAMS IN JASPER COUNTY; TO ADD OR REVISE DEFINITIONS OF THE TERMS CRITICAL AREA, RIPARIAN BUFFER, TIDELAND, AND WETLAND WITHIN ARTICLE 4 OF THE JASPER COUNTY ZONING ORDINANCE; TO AMEND ARTICLE 7:4, AS AMENDED OF THE JASPER COUNTY ZONING ORDINANCE:

MR. JIROUSEK EXPLAINED THAT AFTER REVIEWING THE SECTION OF THE ZONING ORDINANCE REGARDING RIPARIAN BUFFERS THEY FELT THAT IT NEEDED TO BE REVISED BECAUSE IT WAS MORE BURDENSOME THAN INTENDED AND THERE WERE SOME DEFINITIONS THAT NEEDED TO BE ADDED. MR. JIROUSEK STATED THAT THE PROPOSED AVERAGE BUFFER LIMITS ARE INCLUDED IN THE ORDINANCE. MR. JIROUSEK SAID THAT THE STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL. COUNCILMAN ETHERIDGE ASKED WHY SOME LOTS WERE NOT UNDER THE STATE OR FEDERAL LIMITS. MR. JIROUSEK RESPONDED THAT IF AN INDIVIDUAL LOT WAS NOT REGULATED BY THE STATE THEN THIS ORDINANCE MAKES SOME REGULATIONS TO PROTECT THE RIVERS AND STREAMS. MR. JIROUSEK SAID THE MAINTENANCE GUIDELINES HAVE ALSO BEEN TIGHTENED. VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION THAT THIS BE THE 1ST READING OF THE ORDINANCE TO REVISE THE REQUIREMENTS FOR DEVELOPMENT ADJACENT TO TIDELANDS, RIVERS AND STREAMS IN JASPER COUNTY; TO ADD OR REVISE DEFINITIONS OF THE TERMS CRITICAL AREA, RIPARIAN BUFFER, TIDELAND, AND WETLAND WITHIN ARTICLE 4 OF THE JASPER COUNTY ZONING ORDINANCE; TO AMEND ARTICLE 7:4, AS AMENDED OF THE JASPER COUNTY ZONING ORDINANCE. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

DAVID JIROUSEK - 1ST READING OF THE ORDINANCE TO REVISE THE REQUIREMENTS FOR SIGNS IN JASPER COUNTY; TO ADD DEFINITIONS TO TERMS TO ARTICLE 4 OF THE JASPER COUNTY ZONING ORDINANCE; TO REPEAL CERTAIN DEFINITIONS OF TERMS FROM ARTICLE 4 OF THE JASPER COUNTY ZONING ORDINANCE; TO REPEAL ARTICLE 15 OF THE JASPER COUNTY ZONING ORDINANCE TO ADOPT A NEW ARTICLE 15 FOR THE JASPER COUNTY ZONING

ORDINANCE; TO REPEAL CHAPTER 22 OF THE JASPER COUNTY ZONING ORDINANCE; TO REPEAL SECTION 8:5.7 OF THE JASPER COUNTY ZONING ORDINANCE; TO REPEAL SECTION 17:2:2 OF THE JASPER COUNTY ZONING ORDINANCE; AND TO PROVIDE AN EFFECTIVE DATE FOR THIS ORDINANCE:

MR. JIROUSEK SAID THAT HE WORKED WITH THE ATTORNEY AND MR. KITTY ON THIS ORDINANCE AND THAT IT WAS A VERY COMPLICATED ORDINANCE. MR. JIROUSEK DISCUSSED THAT THE PURPOSE OF THIS ORDINANCE WAS TO COMBINE FOUR ORDINANCES THAT WERE NOT CONSISTANT. MR. JIROUSEK EXPLAINED THAT THE ORDINANCE COVERS DEFINITIONS, PERMITTING SYSTEM, GENERAL PROVISIONS, SIGNS NOT NEEDED A PERMIT AND REQUIREMENTS THAT MUST BE MET. MR. JIROUSEK ADDED THAT DIGITAL SIGNAGE IS ALSO COVERED IN THIS ORDINANCE AND THERE ARE SPECIAL REGULATIONS PERTAINING TO THEM. MR. JIROUSEK SAID THAT ANY PROHIBITED SIGN UP NOW ARE NON-CONFORMING AND THEY CANNOT BE REBUILT IF THEY ARE DESTROYED AND TEMPORARY SIGNS HAVE TO BE APPROVED BY THE SIGN COORDINATOR, MR. KITTY. MR. JIROUSEK ADDED THAT THE ORDINANCE INCLUDES REGULATIONS FOR ALL TYPES OF SIGNS AND THE STANDARDS REGULATE THE TYPE, SIZE, RESTRICTIONS AND ZONING AREAS WHERE SIGNS CAN BE PLACED. MR. JIROUSEK INFORMED THE COUNCIL THAT NO NEW BUILD BOARDS CAN BE CONSTRUCTED ON ANY MAJOR COORIDORS EXCEPT FOR I-95 AND FRONTAGE ROAD. SIGN VARIANCES CAN BE CONSIDERED BY THE BOARD OF ZONING APPEALS. COUNCILMAN ETHERIDGE ASKED FOR A WORKSHOP ON THIS ORDINANCE PRIOR TO THE SECOND READING. COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION THAT THIS BE THE 1ST READING OF THE ORDINANCE TO REVISE THE REQUIREMENTS FOR SIGNS IN JASPER COUNTY; TO ADD DEFINITIONS TO TERMS TO ARTICLE 4 OF THE JASPER COUNTY ZONING ORDINANCE; TO REPEAL CERTAIN DEFINITIONS OF TERMS FROM ARTICLE 4 OF THE JASPER COUNTY ZONING ORDINANCE; TO REPEAL ARTICLE 15 OF THE JASPER COUNTY ZONING ORDINANCE TO ADOPT A NEW ARTICLE 15 FOR THE JASPER COUNTY ZONING ORDINANCE; TO REPEAL CHAPTER 22 OF THE JASPER COUNTY ZONING ORDINANCE; TO REPEAL SECTION 8:5.7 OF THE JASPER COUNTY ZONING ORDINANCE; TO REPEAL SECTION 17:2:2 OF THE JASPER COUNTY ZONING ORDINANCE; AND TO PROVIDE AN EFFECTIVE DATE FOR THIS ORDINANCE. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

DAVID JIROUSEK – 1ST READING OF AN ORDINANCE TO APPROVE AMENDING THE JASPER COUNTY ZONING ORDINANCE TO CHANGE ZONING FROM RESIDENTIAL TO RURAL PRESERVATION REQUESTED BY THE HONEY HILL PROPERTY OWNERS' ASSOCIATION:

MR. JIROUSEK EXPLAINED THAT THIS ORDINANCE WAS REQUESTED BY THE HONEY HILL HOMEOWNERS' ASSOCIATION AND THAT IT WAS CONSISTANT WITH THE COUNTY'S COMPREHENSIVE PLAN. MR. JIROUSEK TOLD THE COUNCIL THAT THE PLANNING COMMISSION AND STAFF RECOMMEND APPROVAL. COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION THAT THIS BE THE 1ST READING OF AN

ORDINANCE TO APPROVE AMENDING THE JASPER COUNTY ZONING ORDINANCE TO CHANGE ZONING FROM RESIDENTIAL TO RURAL PRESERVATION AS REQUESTED BY THE HONEY HILL PROPERTY OWNERS' ASSOCIATION. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

DAVID JIROUSEK – 1ST READING OF AN ORDINANCE TO AMEND THE JASPER COUNTY ZONING ORIDINANCE, AS AMENDED SO AS TO REDUCE THE SETBACKS IN THE RURAL PRESERVATION DISTRICT IN JASPER COUNTY; TO AMEND, SO AS TO AMEND SECTION 7:3, TABLE 1 TITLE "SCHEDULE OF LOT AREA, YARD, SETBACK AND DENSITY":

MR. JIROUSEK TOLD THE COUNCIL THAT THIS ORDINANCE WAS TO REDUCE THE SET BACK REQUIREMENTS IN THE RURAL AREAS. MR. JIROUSEK EXPLAINED THAT THE STAFF AND PLANNING COMMISSION FELT THE EXISTING REAR SETBACKS WERE TOO RESTRICTIVE. MR. JIROUSEK SAID SETBACKS ARE GENERALLY THE SAME FOR THE FRONT AND BACK OF THE PROPERTY. VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION THAT THIS BE 1ST READING OF AN ORDINANCE TO AMEND THE JASPER COUNTY ZONING ORIDINANCE, AS AMENDED SO AS TO REDUCE THE SETBACKS IN THE RURAL PRESERVATION DISTRICT IN JASPER COUNTY; TO AMEND, SO AS TO AMEND SECTION 7:3, TABLE 1 TITLE "SCHEDULE OF LOT AREA, YARD, SETBACK AND DENSITY". THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

MARVIN JONES – 1ST READING OF AN ORDINACE FOR LOW COUNTY COUNCIL OF GOVERNMENT FINANCING:

MR. JONES EXPLAINED THAT THE FINANCING WAS FOR EXPANSION AND RENOVATION OF THE LGOG BUILDING. MR. JONES TOLD THE COUNCIL THAT THE COUNTY'S BOND ATTORNEYS WERE REVIEWING THE PROPOSAL. COUNCILMAN ETHERIDGE ASKED WHY LCOG DID NOT GET ITS OWN FINANCING AND MR. JONES SAID THAT THEY DID NOT HAVE THE LEGAL AUTHORITY TO BORROW MONEY. CHRIS BICKLEY, LCOG DIRECTOR, ADDED THAT THE COG DOES NOT HAVE THE AUTHORITY TO PUT OUT FOR A LOAN AND BY USING THE COUNTY'S GOOD CREDIT, THEY CAN GET A BETTER RATE AND BETTER TERMS. MR. BICKLEY SAID THE COUNTY WOULD NOT BE ASSUMING ANY LIABILITY, ALL THEY WERE DOING WAS ALLOWING THE COG TO PIGGYBACK ON THE COUNTY'S GOOD NAME. MR. JONES SAID THAT MR. CANDY, ONE OF THE COUNTY'S BOND ATTORNEY, HAS NOT GIVEN HIM AN ANSWER REGARDING THIS, BUT HE WILL HAVE AN ANSWER BY THE 2ND READING IF THE COUNCIL SHOULD MOVE FORWARD. COUNCILMAN ETHERIDGE SAID HE WAS NOT AGAINST THE PROPOSAL; HOWEVER, HE WANTED TO MAKE SURE THE COUNTY WAS COVERED. MR. JONES SAID THAT SAM HOWELL, ALAN LINKOUS AND JOHN CANDY, THE COUNTY'S BOND ATTORNEYS, ARE LOOKING AT THIS TO SEE IF IT WILL PUT THE COUNTY TAXPAYERS ON THE HOOK AND IF IT WILL AFFECT THE FISCAL INTEGRETU OF THE COUNTY. COUNCILMAN ETHERIDGE ASKED IF THE LEASE WOULD BE IN THE AMOUNT OF THE LOAN PAYMENT. MR. JONES SAID THAT IT WOULD. COUNCILMAN GREGORY MOTIONED AND VICE

CHAIRMAN BLACKSHEAR SECONDED THE MOTION THAT THIS BE THE 1ST READING OF AN ORDINANCE FOR LOW COUNTY COUNCIL OF GOVERNMENT FINANCING. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

RONNIE MALPHRUS – 2ND READING OF THE ORDINANCE TO AMEND THE 2009-2010 JASPER COUNTY BUDGET:

MR. MALPHRUS EXPLAINED THAT THE 1ST READING WAS BY TITLE ONLY AND HE WAS ASKING THAT THE COUNCIL HAVE THE 2ND READING AT THIS MEETING. MR. MALPHRUS SAID THE ORDINANCE IS TO CHANGE THE LOCAL OPTION TAX FACTOR AND INCLUDE THE INTEREST ON THE TAX ANTICIPATION NOTE FOR \$5,000,000.00. COUNCILMAN GREGORY ASKED HOW MUCH INTEREST WOULD HAVE TO BE PAID. THE ESTIMATE THAT MR. MALPHRUS PRESENTED WAS \$55,000.00 - 56,000.00 DEPENDING ON HOW MUCH OF THE \$5,000,000.00 WAS DRAWN DOWN. COUNCILMAN GREGORY ASKED HOW DID HE FIND OUT ABOUT THE OVERBUDGETED AMOUNT? MR. MALPHRUS SAID THEY WERE NOT OVERBUDGET, BUT THE COUNTY DID NOT HAVE THE CASH TO MEET EXPENSES BECAUSE THE TAXES ARE PAID IN DECEMBER AND JANUARY, THE FEES ARE NOT COMING IN, AND THE COUNTY DID NOT HAVE CASH ON HAND FOR THE DAILY EXPENSES AND PAYROLL. COUNCILMAN GREGORY ASKED WHY THE ADMINISTRATION WAS NOT WATCHING THE FIGURES AND THE SPENDING THAT PUT THE COUNTY IN THIS POSITON. MR. MALPHRUS SAID THEY ARE WATCHING THINGS AS MUCH AS THEY CAN, BUT PAYROLL HAS TO BE MET AND CERTAIN BILLS HAVE TO BE PAID. VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION THAT THIS BE THE 2ND READING OF THE ORDINANCE TO AMEND THE 2009-2010 JASPER COUNTY BUDGET. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

RESOLUTIONS:

THERE WERE NO RESOLUTIONS.

OLD BUSINESS:

APPROVAL OF CLOSE-OUT FOR THE JASPER COUNTY GOVERNMENT BUILDING:

MR. FULGHUM EXPLAINED THAT A PUNCH LIST WAS DONE AND THAT SOME OF THE ITEMS ON THE PUNCH LIST HAVE BEEN HANDLED. MR. FULGHUM SAID THE CHANGE ORDERS WERE APPROVED AND THE COUNCIL NEEDED TO APPROVE THE CLOSE OUT AND APPROVE THE LIQUIDATED DAMAGES. MR. FULGHUM SAID THE LIQUIDATED DAMAGES COULD RANGE FROM \$8,500.00 TO \$31,500.00 OR AS LOW A \$0.00. MR. FULGHUM RECOMMENDED THAT THE COUNCIL MOTION TO CLOSE OUT AND THAT THE LIQUIDATED DAMAGES SHOULD BE \$8,500.00 COUNCILMAN GREGORY SAID HE FELT THE COUNCIL SHOULD DO A WALK THROUGH BEFORE ANYTHING IS DONE. CHAIRMAN HOOD COMMENTED ABOUT THE CRACKED MARBLE IN THE LOBBY. COUNCILMAN ETHERIDGE ASKED IF ANYONE MADE A PHYSICAL INSPECTION. MR. FULGHUM SAID THAT IT HAS BEEN DONE AND

EVEN IF IT HAS NOT BEEN FIXED, IT DOESN'T MEAN THAT IT IS NOT UNDER WARRANTY AND THE WARRANTY IS FOR ONE YEAR. CHAIRMAN HOOD SAID HE FELT A WALK THROUGH SHOULD BE DONE AND MONITORED AND A LIST SHOULD BE MADE OF ALL THE THINGS THAT ARE POINTED OUT PRIOR TO ANY CLOSE OUT. COUNCILMAN GREGORY SAID HE FELT A COUNCIL MEMBER SHOULD BE INVOLVED AND THAT THERE WAS NOT MUCH TIME LEFT ON THE WARRANTY. COUNCILMAN GREGORY MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO TABLE THE CLOSE OUT AND LIQUIDATED DAMAGES UNTIL THE COUNCIL DOES THE INSPECTION AND THINGS ARE TAKEN CARE OF. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR. MR. FULGHUM SAID HE WOULD HAVE THE ARCHITECT DO THE WALK THROUGH. CHAIRMAN HOOD SAID HE WANTED TWO COUNCIL MEMBERS AND A BUILDING INSPECTOR TO ACCOMPANY THE ARCHITECT.

NEW BUSINESS:

LAFAYETTE WEBBER – NEIGHBORHOOD CONCERNS:

MR. WEBBER WAS NOT PRESENT.

ARTHUR BENJAMIN -APPROVAL OF REPAIRS AT DET. CENTER:

MR. BENJAMIN PRESENTED TWO CONTRACTS FOR APPROVAL AND A CONTRACT TO INSTALL FENCING. MR. BENJAMIN EXPLAINED THAT THE CONTRACTS WOULD SAVE THE COUNTY MONEY AND THE FENCE WAS REQUIRED AS A RESULT OF A STATE INSPECTION. VICE CHAIRMAN BLACKSHEAR ASKED IF THEY HAD THE FUNDS FOR THIS WORK AND MR. BENJAMIN SAID THE FUNDS WERE IN A SPECIAL ACCOUNT AND THOSE FUNDS CAN ONLY BE USED ON THE DETENTION CENTER. MR. MALPHRUS SAID THIS WAS NOT INCLUDED IN THE BUDGET BECAUSE THERE ARE ONE CENT LOCAL OPTION SALES TAX FUNDS THAT WERE COLLECTED TO PAY FOR THE CONSTRUCTION OF THE DETENTION CENTER AND THE REMAINING BALANCE OF THOSE FUNDS MUST BE USED ON THE DETENTION CENTER. MR. MALPHRUS SAID THAT WHEN THOSE FUNDS HAVE BEEN SPENT, ANY OTHER CONTRACTS, REPAIRS AND EXPENSES WOULD HAVE TO BE IN THE BUDGET. COUNCILMAN GREGORY ASKED IF ANYONE LOCAL COULD DO THE WORK. MR. MALPHRUS RESPONDED THAT THERE WERE NO LOCAL COMPANIES THAT COULD DO THE WORK ON THE LOCK SYSTEM. COUNCILMAN GREGORY SAID HE THOUGHT THE COUNCIL JUST APPROVED REPLACING HVAC AND MR. FULGHUM SAID THEY WERE REPLACED AND THE CONTRACT WAS A SERVICE CONTRACT. COUNCILMAN ETHERIDGE ASKED IF THE LOCAL VENDOR WAS CONTACTED REGARDING THE FENCING AND MR. BENJAMIN SAID HE LEFT A MESSAGE AND WAS WAITING FOR A RETURN CALL. VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION TO APPROVE \$6,493.00 FOR THE FENCING; SIEMENS TO REPLACE ONE HVAC FOR \$12,000.00; AND A SIEMENS SERVICE CONTRACT FOR HVAC IN THE AMOUNT OF \$21,760.00; AND AN AGREEMENT FOR \$1,750.00 PER MONTH FOR THE INTEGRATOR AGREEMENT CONTRACT FOR THE LOCK AND SECURITY SYSTEM; TO BE PAID FOR FROM THE SPECIAL SALES TAX TO BUILD THE DETENTION

CENTER FUND. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

JOHNNY DAVIS – APPROVAL OF PROFESSIONAL SERVICE CONTRACT:

MR. DAVIS SAID THAT HE FORMED A JASPER COUNTY PATHWAY COALITION AND THEIR MISSION IS TO CONNECT THE PROPERTIES IN THE RED DAM AREA WITH A WALKWAY AND BIKE WAY. MR. DAVIS SAID THAT PHASE ONE IS TO CONNECT THE HARDEEVILLE SCHOOL TO THE PARK. MR. DAVIS REQUESTED THAT THE COUNCIL APPROVE A CONTRACT WITH WK DIXON IN THE AMOUNT OF \$2,678.00 FOR A CONCEPTIONAL PLAN. MR. DAVIS SAID THAT HE HAD FUNDS IN HIS BUDGET TO COVER THE EXPENSE. VICE CHAIRMAN BLACKSHEAR ASKED IF THE AREA BEEN ANNEXED INTO THE HARDEEVILLE CITY LIMITS. MR. DAVIS SAID IT IS IN THE HARDEEVILLE CITY LIMITS. COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION TO APPROVE THE PROFESSIONAL SERVICE CONTRACT WITH WK DIXON IN THE AMOUNT OF \$2,678.00 AND THAT IT BE PAID FOR FROM THE PARK DEVELOPMENT LINE IN THE PARKS AND RECREATION BUDGET. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

JOHNNY DAVIS – APPROVAL OF UMPIRE BIDS:

MR. DAVIS SAID HE RECEIVED TWO BIDS AND HE REQUESTED THAT THE COUNCIL APPROVE THE LOW BID FROM COASTAL UMPIRES. MR. DAVIS SAID THE CONTRACT DOES NOT HAVE THE TOTAL AMOUNT LISTED BECAUSE IT IS ON A PER GAME ESTIMATE. COUNCILMAN GREGORY MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO APPROVE THE LOW BID AND ENTER A CONTRACT WITH COASTAL UMPIRES AND THE FEES ARE TO BE PAID FROM THE PARKS AND RECREATION BUDGET. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

LEED CERTIFICATION FOR NEW SPECULATIVE BUILDING:

MR. FULGHUM EXPLAINED THAT THE ARCHITECT SUGGESTED THAT THE NEW SPEC BUILDING BE PRE-LEED CERTIFIED. MR. FULGHUM SAID THE CYPRESS RIDGE BUSINESS INDUSTRIAL PARK DESIGN REVIEW BOARD APPROVED THE DRAWINGS FOR THE NEW SPEC BUILDING. MR. FULGHUM SAID THAT IT WOULD COST AN ADDITIONAL \$22,400.00 FOR THE PRE-LEED CERTIFICATION, BUT THAT HE FELT IT WOULD MAKE THE BUILDING MORE ATTRACTIVE TO THE BUYERS. MR. FULGHUM ASKED THE COUNCIL TO APPROVE THE PRE-LEED CERTIFICATION SUBJECT TO MR. FULGHUM TO ACQUIRE OUTSIDE FUNDING TO PAY FOR IT. VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION TO APPROVE THE \$22,400.00 FOR PRE-LEED CERTIFICATION SUBJECT TO MR. FULGHUM ACQUIRING OUTSIDE FINANCING TO COVER THE \$22,400.00. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

ROAD NAME DESIGNATIONS:

MR. JIROUSEK EXPLAINED THAT THE NAME DESIGNATION FOR ADDISON DRIVE IS ACTUALLY FOR A DRIVEWAY TO BE NAMED FOR EMS REASONS. MR. JIROUSEK SAID THAT TWO HOMES ARE LOCATED ON THIS DRIVEWAY AND BOTH HAVE SIGNED THE PETITION. THE SECOND REQUEST IS FOR POLLY HILL AND IT IS A PRIVATELY MAINTAINED ROAD THAT SERVICES 10 HOMES AND THE RESIDENTS HAVE ALL SIGNED THE PETITION. MR. JIROUSEK TOLD THE COUNCIL THAT BOTH EMS AND THE PLANNING COMMISSION HAVE APPROVE THE NAME DESIGNATIONS. COUNCILMAN GREGORY MOTIONED AND VICE CHAIRMAN BLACKSHEAR SECONDED THE MOTION TO APPROVE THE ROAD NAME DESIGNATIONS AS PRESENTED. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

COMMITTEE REPORTS:

DR. HOOD – ANNOUNCEMENT OF DATE, TIME AND LOCATION OF COMMUNITY MEETING IN BELLINGER AREA REGARDING RESOURCE EXTRACTION ZONING:

CHAIRMAN HOOD ANNOUNCED THAT THERE WOULD BE A COMMUNITY MEETING AT ST. MARK'S CHURCH IN THE BELLINGER HILL AREA ON TUESDAY, OCTOBER 6, 2009 AT 6:00 P.M. TO DISCUSS THE RESOURCE EXTRACTION ZONING REQUEST FOR PROPERTY ON BELLINGER HILL ROAD.

COUNCILMAN GREGORY REQUESTED THAT \$2,500.00 OF THE MONEY FROM THE FORESTRY GO TO THE STAR PROGRAM AT THE RIDGELAND MIDDLE SCHOOL. MR. MALPHRUS SAID THAT THE STATE STATUTE STATES THAT THE FUNDS MUST BE USED FOR EDUCATIONAL PURPOSES. CHAIRMAN HOOD ASKED THE ADMINISTRATOR AND THE ATTORNEY TO CHECK AND SEE IF THE COUNCIL CAN DESIGNATE HOW THE FUNDS ARE TO BE USED. COUNCILMAN TYLER SAID THE FUNDS NEED TO GO TO BOTH SCHOOLS, NOT JUST ONE. COUNCILMAN ETHERIDGE SAID HE WOULD LIKE TO SEE SOME OF THE FUNDS GO TO THE BOYS AND GIRLS CLUB. MR. MALPHRUS TOLD THE COUNCIL THAT HISTORICALLY THEY JUST SENT THE FUNDS TO THE SCHOOL DISTRICT. COUNCILMAN GREGORY SAID THAT THE COUNCIL NEEDS TO DESIGNATE HOW THE FUNDS ARE TO BE USED.

VICE CHAIRMAN BLACKSHEAR SAID AT THE LAST MEETING HE REQUESTED THAT THE STAFF LOOK INTO INSTALLMENT PAYMENT OF TAXES AND THAT IT BE IMPLEMENTED IN JANUARY, 2010. MR. MALPHRUS RESPONDED THAT HE WAS WAITING ON A QUOTE FROM SMITH DATA. MR. FULGHUM SAID THE BUDGET AMENDMENT SHOULD INCLUDE THE AMOUNT. COUNCILMAN GREGORY SAID THAT HE AND VICE CHAIRMAN BLACKSHEAR WERE GOING TO BEAUFORT AND MEET WITH THE BEAUFORT COUNTY TREASURER AND BEAUFORT COUNTY WAS ABLE TO DO IT THEMSELVES BECAUSE THEY HAD A LOT OF PROBLEMS WITH THE SOFTWARE THEY PURCHASED. COUNCILMAN GREGORY TOLD MR. MALPHRUS THAT BEAUFORT COUNTY HAD OVER 2,000 ACCOUNTS. COUNCILMAN GREGORY SAID HE FELT THIS COULD BE DONE IN HOUSE AND IT WOULD SAVE THE COUNTY MONEY. MR. JONES SAID HE WOULD WORK ON AN ORDINANCE BECAUSE AN ORDINANCE WOULD BE NECESSARY IF THERE IS A CHANGE IN HOW TAXES CAN BE PAID.

ADMINISTRATOR'S REPORTS:

MR. FULGHUM SAID HE MET WITH THE ATTORNEY AND THE ENGINEERING SERVICES COMMITTEE REGARDING DRIGGER LANE. MR. FULGHUM SAID THE ATTORNEY WOULD PROVIDE THE COUNCIL WITH A LETTER LISTING THE VARIOUS OPTIONS AND THAT A WORKSHOP CAN BE HELD TO DISCUSS THIS MATTER. COUNCILMAN ETHERIDGE SAID THAT MS. BLACK CONTACTED HIM AND SHE WAS VERY APPRECIATIVE OF WHAT WAS DONE.

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

THERE WERE NO PUBLIC COMMENTS.

EXECUTIVE SESSION:

DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALE OR PURCHASE OF PROPERTY, THE 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 THE CLAIM:

EXECUTIVE SESSION WAS NOT NEEDED.

ADJOURN:

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

THE MEETING ENDED AT 6:15 P.M.

RESPECTFULLY SUBMITTED BY:

APPROVED BY:

JUDITH M. FRANK, ccc
CLERK TO COUNCIL

DR. GEORGE M. HOOD
CHAIRMAN