



**JASPER COUNTY COUNCIL**  
**358 THIRD AVE., RIDGELAND SC. 29936**

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**COUNCIL CHAMBERS**  
**NOV. 5, 2012, 6:00 P.M.**  
**AGENDA**

**6:00 P.M.**  
**Council Chambers**

**Officials Present:** Chairman Samuel Gregory, Vice Chairman Martin Sauls IV, Councilman LeRoy Blackshear, Councilman Henry Etheridge, Councilman Theodus Drayton

**Staff Present:** Administrator Andrew Fulghum, Deputy Administrator Dr. George Hood, Atty. Marvin Jones, Clerk to Council Judith Frank, Director of Administrative Services Ronnie Malphrus, Director of Emergency Services Wilbur Daley, Planning Director LeNolon Edge. Parks and Recreation Director Johnny Davis, Detention Center Director Arthur Benjamin

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 Gregory called the meeting to order at 6:00 p.m.

**Executive Session-** Councilman Etheridge motioned 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- [Be Green; Prospect Update; Da Waste Management](#). The motion carried with all members present voting in favor.

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

**7:00 P.M.**  
Chairman Gregory called the meeting back to ordered at 7:00 p.m.

**Invocation** – Councilman Drayton gave the invocation.

**Pledge of Allegiance** – Chairman Gregory led the Pledge of Allegiance.

**Approval Of The Agenda** – Councilman Blackshear motioned and Councilman Drayton seconded the motion to approve the agenda and to resume executive session. The motion carried with all members present voting in favor.

Vice Chairman Sauls motioned and Councilman Etheridge seconded the motion to resume the 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- [Be Green](#); [Prospect Update](#); [DA with Waste Management](#). The motion carried with all members present voting in favor.

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

**Approval of The Minutes From 10/29/2012** – Councilman Etheridge motioned and Councilman Drayton seconded the motion to approve the minutes of 10/29/2012. The motion carried with all members present voting in favor.

**Proclamations And Presentation - Proclamation Recognizing Beaufort/Jasper/Hampton Comprehensive Health** - Mr. Roland Gardner updated the Council on the work being done by BJHCH in Jasper County. Mr. Gardner discussed grants received and the medical school at the Ridgeland facility. Chairman Gregory presented Mr. Gardner with a proclamation and Mr. Gardner presented the Council with a picture of the BJHCH facility in Ridgeland.

**Frankie Denmark- Military Enhancement Committee** – Mr. Denmark introduced Mr. Ribald who provided the Council with information the task force operation within the Chamber regarding the bases and wanting them to grow. Mr. Ribald said the Congress is using the military as a pawn in the budget and a 10%-15% cut would result in chaos and destruction. Mr. Ribald said they were trying to plan for the future for the regional issues and the people. Mr. Ribald said they needed written resolutions in support of their efforts and they also needed funding support. Chairman Gregory thanked Mr. Ribald for his presentation.

## **Ordinances**

**LeNolon Edge- Public Hearing and 2<sup>nd</sup> Reading of the Ordinance for A Zoning Map Amendment Industrial Development for Waste Management of South Carolina, Inc. Jasper County Tax Map Number 081-00-02-004-** Mr. Edge explained that there were no changes to the ordinance since the last reading and said the parcel contained 127 acres. Chairman Gregory opened the Public Hearing. **Russ Hightower** said the rezoning was the 1<sup>st</sup> step for Waste Management. Mr. Hightower said that landfills have had great opposition, but they also provide jobs for the people in the area and they support 20-30 businesses. Mr. Hightower said he provided the Council with letters from the employees of Waste Management. Mr. Hightower said they have been in the community for 20 years and they provide a valuable and important service to the community. Mr. Hightower said the employees will be hurt as WM is one of the largest employers in the County. Mr. Hightower said that Beaufort County has its own

B/D landfill and the proposed B/D landfill is for Jasper County builders. Mr. Hightower explained that the zoning needed to be changes in order for them to park their trucks on the property. Mr. Hightower said a NO vote would mean that WM could not come back with this for a year and they would take the landfill out of the proposal and the County can restrict the use of the property. Mr. Hightower asked the Council that instead of a NO vote, for the council to approve the rezoning but restrict the uses and the Council could even make it a deeded restriction and WM could just move the trucks there. Mr. Hightower provided a list of the companies that use the landfill. Vice Chairman Sauls asked if it was possible to exclude the landfill. Attorney Jones said that it would be a conditional use and if the property is rezoned then anything that is an allowed cannot be excluded. George Bullwinkle, attorney for Waste Management, said that through the Development Agreement the use can be restricted and it could be in conjunction of the deed restriction. Mr. Jones said that there were multiple ways to do it, but currently they were asking for a zoning change, but the rezoning would not constitute an exception. Chairman Gregory said that this is not good for Jasper County. Mr. Hightower said there was no other way to do this and it could not be written any other way except to follow the rules. Mr. Hightower said he did not think there was another way to move the hauling to this property. Chairman Gregory said the current language is not going to work and the Council was elected to look after the good of the people. Councilman Etheridge said he would not be a hypocrite and he denied this before and he will not approve it just because it is for someone else. Councilman Drayton said he agreed with Councilman Etheridge. Mr. Hightower requested to remove the application for the rezoning; Councilman Etheridge said that if it is withdrawn then the Council cannot act on it. Mr. Hightower said he is withdrawing his request for rezoning. Being no further comments, Chairman Gregory closed the public hearing. No action was taken as the request for rezoning was withdrawn by the applicant.

**LeNolon Edge – Public Hearing and 2<sup>nd</sup> Reading of the Ordinance to Approve the Master Plan Review for Center Point PDD – John Paul II Catholic School** – Mr. Edge said the ordinance was to approve the master plan for the new Catholic High School Campus. Chairman Gregory opened the public hearing. There were no comments. Chairman Gregory closed the public hearing. Vice Chairman Sauls motioned and Councilman Etheridge seconded the motion that this be the Public Hearing and 2<sup>nd</sup> Reading of the Ordinance to Approve the Master Plan Review for Center Point PDD – John Paul II Catholic School. The motion carried with all members present voting in favor.

**Andrew Fulghum – Public Hearing and 2<sup>nd</sup> Reading of the Ordinance to Approve the Jasper County Solid Waste Plan** – Mr. Fulghum explained that the new plan would revise the 1994 plan and would cover the County until 2033. Chairman Gregory opened the public hearing. There were no comments. Chairman Gregory closed the public hearing. Vice Chairman Sauls motioned and Councilman Drayton seconded the motion that this be the public hearing, but to defer action on this ordinance. The motion carried with all members present voting in favor.

**Andrew Fulghum – Public Hearing and 2<sup>nd</sup> Reading of the Ordinance to Adopt a Development Agreement between Jasper County and Waste Management** – No action due to rezoning request being withdrawn.

**Andrew Fulghum – Public Hearing For The Ordinance Authorizing The Execution And Delivery Of A Fee-In-Lieu Of Tax Agreement (The “Agreement”) By And Among Jasper County, South Carolina (The “County”), And Daniel Defense, Inc. (“Daniel”), And Coosawhatchie Creek Investments LLC(“Coosawhatchie”) (Daniel And Together With Coosawhatchie, Collectively, The “Company”)** Mr. Fulghum requested that the council have the public hearing. Chairman Gregory opened the floor to the public. There were no comments. Chairman Gregory closed the floor to the public.

**Marvin Jones – Public Hearing and 3<sup>rd</sup> Reading of the Ordinance to Amend The Local Preference Section of Ordinance 05-04 Purchase and Contract Ordinance to Eliminate The \$2,000 Maximum Addition To The Low Bidder** –Mr. Jones said that the ordinance did not have any changes since the last reading. Mr. Jones explained that the ordinance eliminates the \$2,000 cap and modified the 3 tier steps. Chairman Gregory opened the public hearing. There were no comments. Chairman Gregory closed the public hearing. Councilman Etheridge motioned and Councilman Drayton seconded the motion that this be the public hearing and 3<sup>rd</sup> reading of the ordinance to amend the Local Preference Section of Ordinance 05-04 Purchase and Contract Ordinance to eliminate the \$2,000 Maximum Addition to The Low Bidder. The motion carried with all members present voting in favor.

**Resolutions – Marvin Jones – Resolution Authorizing The Administrator To Execute A Retainer Agreement With W. Ronald Brooks, Esquire To Represent Jasper County, South Carolina In A Class Action Lawsuit To Recover Unpaid Fees From Online Travel Companies** – Mr. Jones explained that the resolution was to authorize the administrator to execute a retainer agreement for the County to be represented in a class action lawsuit regarding fees from online travel. Councilman Drayton asked how much money was involved. Mr. Jones said not very much. Councilman Etheridge commented that it would not cost the County anything except for 20% of whatever is recovered. Councilman Drayton motioned and Vice Chairman Sauls seconded the motion to pass the resolution Authorizing The Administrator To Execute A Retainer Agreement With W. Ronald Brooks, Esquire To Represent Jasper County, South Carolina In A Class Action Lawsuit To Recover Unpaid Fees From Online Travel Companies. The motion carried with all members present voting in favor.

**Old Business- None**

**Appointment To Library Board** – Rescheduled to next Council meeting.

**Wilbur Daley – Approval of Bids for the Firetower Road Fire Station** – Mr. Daley told the Council he received two bids (\$568,939 and \$606,258). Mr. Daley said he spoke with the low bidder to see how the bid could be cut and he said he felt they could come in under \$300,000. Mr. Daley said he was going to go to the Transportation Committee and request \$175,000 for the parking lot. Chairman Gregory said the low bid was \$568,000 and the County has \$275,000 for the project. Mr. Daley said that he was working with the low bidder to get the amount reduced. Councilman Etheridge said the \$578,000 included the parking lot and if they can get it down to \$300,000 where would the other \$25,000 come from. Mr. Malphrus said that they set aside grant matching funds a few years ago and there is enough money left over to cover the \$25,000 and \$250,000 was given to the County for the fire station and the additional \$25,000 would need to be added to the budget. Chairman Gregory asked if the parking lot

was necessary. Mr. Malphrus said it would be pulled out from the bid and they would ask the Transportation Committee to fund the parking lot. Councilman Blackshear asked if public works could do the grading and Mr. Malphrus said the company wants to do it themselves or they won't warrant it. Councilman Drayton asked if cutting the bid 50% would not affect the integrity of the building. Mr. Malphrus said removing the parking lot will cut \$100,000 and it will house the equipment and the trucks and things can be added at a later time. Councilman Etheridge said a lot can be pulled out. Councilman Etheridge motioned and Councilman Drayton seconded the motion to build the fire station if it can be built for under \$300,000 and the council will address the parking lot at a later time. The motion carried with all members present voting in favor.

**Andrew Fulghum – Approval of Change Order for the CRBIP Drainage Project** - Mr. Fulghum presented a change order from Thomas and Hutton and explained that this would meet the requirements of Palmetto Electric that the funds be spent by the end of December, 2012. Councilman Drayton motioned and Vice Chairman Sauls seconded the motion to approve the change order. The motion carried with all members present voting in favor.

**Andrew Fulghum – Presentation of a Professional Service Proposal for the Point South Service District-** Mr. Fulghum told the Council that he solicited 2 proposals and he recommended that the Council move forward with the Miley Associates. Mr. Fulghum said the contract was for \$40,000 and \$200 per hour for any additional work. Mr. Fulghum said this contract could be funded from the Commercial development fund. Councilman Etheridge said he felt a cap should be put on the \$200 per hour. Mr. Fulghum said the Council would have to agree to any additional work and he could not think of anything that would require extra work. Mr. Fulghum said if they went over the \$40,000 he would bring back any additional work for the Council to approve. Councilman Etheridge motioned to approve the professional service contract from Miley Associates in the amount of \$40,000 and any additional work at \$200 per hour must be approved by Council and it is to be paid for from the Commercial Development Account. The motion carried with all members present voting in favor.

**New Business - LeNolon Edge – Approval of Bids for Tree Work and Approval of Bids for Landscaping at CRBIP** – Mr. Edge explained that he received a bid for the landscaping and irrigation in the amount of \$51,000 from the Greenery. Mr. Edge said this bid was under the estimate and under the amount budgeted. Councilman Etheridge asked about the charge of \$5,000 to run a 4 inch sleeve under the road and the \$8,000 to move the dirt for berming. Mr. Edge said the \$8,000 could be removed and the bid would then be \$43,000. Councilman Etheridge asked for clarification of the \$5,000 because he did not think that was correct. Mr. Edge asked the council to approve the bid and he would work on the issues presented by Councilman Etheridge. Vice Chairman Sauls motioned and Councilman Blackshear seconded the motion to approve the bid from the Greenery in the amount of \$43,000. The motion carried with all members present voting in favor.

**Committee Reports** – There were no committee reports.

**Administrator's Report** – Mr. Fulghum said that Dr. Hood would update them on a new program at the Detention Center. Dr. Hood said he attended a program regarding offenders between the ages of 17-25.

Dr. Hood introduced Cathy Morgan who will be administering the program. Ms. Morgan said the program was an intense supervision program and she would be meeting with the individuals weekly and she would also be involved with the support groups. Ms. Morgan said this is a re-entry program and it is to try and develop productive citizens. Dr. Hood said this is a nationally recognized program. Chairman Gregory asked what type of youth offenders would Ms. Morgan be working with. Ms. Morgan said they committed crimes that involved arson or burglary or robbery. Ms. Morgan said the goal of the program is to protect the public and get the youth offenders on the right track. Chairman Gregory asked what happens if they cannot find jobs. Ms. Morgan said this is where the community ties in and trains them and help them get their GED. Dr. Hood said they were working on a plan for Jasper County and it is going to be a challenge.

**Open Floor To The Public –Per Ordinance 08-17 Any Citizen Of The County May Sign To Speak Before The Council Meeting On Matters Pertaining To County Services And Operations. Presentations Will Be Limited To Three (3) Minutes (Total Public Input Will Be Limited To 30 Minutes) –** There were no comments.

**Adjourn-** Vice Chairman Sauls 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 8:30 p.m.

Respectfully Submitted By:

Approved By:

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Judith M. Frank, ccc  
Clerk to Council

Rev. Samuel Gregory  
Chairman