



**JASPER COUNTY COUNCIL
COUNCIL CHAMBERS
March 7, 2016
AGENDA**

Officials Present: Chairman L. Martin Sauls, IV, Vice Chairman D. Thomas Johnson, Councilman Henry Etheridge, Councilman Theodus Drayton

Officials Absent: Councilwoman Barbara B. Clark

Staff Present: Administrator Andrew Fulghum, Attorney David Tedder, and Clerk to Council Judith Frank, Director of Administrative Services Ronnie Malphrus, Planning Director Lisa Wagner

Workshop – Council, Planning Commission, Transportation Committee

Planning Commissioners Present: Dr. Earl Bostick, Alex Pinckney, Randy Waite, Greg Padgett, Thomas Jenkins, Louis Grant, William Young

Transportation Commissioners Present: Rudy Smith, Alex Flint, Leo Gaston, Weldon Wall

Transportation Commissioner Absent: Henry Lawton

Roads and Project Gatherers

The Council and the Board members discussed the special funding for State roads and the roads that are being paved. Mr. Fulghum discussed a transportation facilities sale tax being considered by the Council that would have to be voted for and approved by the citizens of Jasper County. Ms. Wagner explained that the Planning Commission was concerned about the roads and the Planning Commission is charged with planning the roads and how they can be funded and improved. A list of the roads approved by the transportation committee was provided and 27 roads have received funding. Mr. Smith explained that the TC gets about \$80,000 per month and 25% of that goes back to the State for State Roads. Mr. Smith explained that the TC also provides funding to rock the County roads. Mr. Smith said it takes about 56 weeks from the time the TC approves funding until the work is completed by the State. Dr. Bostick asked about Hwy. 321 and Mr. Smith said it would cost about \$1,000,000 per mile to pave it. Councilman Etheridge said that Hwy. 321 is a federal highway and he discussed the widening of Hwy. 17 to four lanes. Mr. Fulghum said that the potential of the transportation facilities sale tax would be to cover projects that will be outlined by the engineers and they will all be put on one map. Ditches were also discussed and Mr. Smith said he cannot account for what the state does with state ditches. Dr. Bostick said the money the County receives is a drop in the bucket compared to what is needed. Mr. Flint asked about the funding for the widening of Hwy. 17 and Councilman Etheridge said it has been funded. Chairman Sauls said the transportation facilities sales tax needs to go on the ballot and it will generate over \$30,000,000 over 10 years and these funds will be used for special projects and will also address money concerns. Mr. Padgett asked if the County would get all the money and Mr. Fulghum said yes, it is a sales tax, not a gasoline tax. Mr. Fulghum said there will be two

referendum questions and if successful it will be earmarked for roads and economic development and industrial projects. Mr. Fulghum said it would open up areas for development and the ordinance would identify what is to be done with the money generated. Dr. Bostick said if it is used for roads he drives on, he would vote for it. Mr. Wall commented that the money would go to upkeep all the roads in Jasper County. Mr. Wall said Hwy. 321 is a federal road and the federal government need to fund the repairs.

Project Gathers – Mr. Moore of Adger Solar discussed the Ridgeland Solar Farm I that will be located on 80 acres in the Town of Ridgeland. Mr. Moore said it would be the largest solar farm in South Carolina and SCE&G is interested in purchasing the electricity from the project. Mr. Moore said they have another site that has been approved. Mr. Moore said the County was involved with both sites and currently they were working with Ridgeland creating a MCIP and a FILOT for Ridgeland Solar Farm I. Mr. Moore said they were working with the County on zoning issues for the County Site. Mr. Tedder said the accessory solar ordinance did not address Solar Farms and he was proposing to come before the planning commission for the best management practices and also to discuss other issues the Council is concerned about. Mr. Tedder said he and Ms. Wagner were working together to give the information to the planning commission at their next meeting. Mr. Tedder said the research material will be provided to the planning commission prior to their meeting and they will discuss it with the developers. Mr. Tedder said another ordinance and public hearings will be needed and there will also be a development agreement needed to be worked out to lock in the financing and to get everything into a format that the Council is comfortable with to move it forward. Mr. Tedder said the Council has special areas of concerns including buffers and buffer screening. Ms. Wagner said the next planning commission meeting will be rescheduled to April 19, and they may need to meet at the end of March as the applicant would like to have the Ridgeland Project phased in by the end of May. Ms. Wagner provides the PC and Council with copies of ordinances from other Counties and some areas do address special exceptions and how they are being handled in other areas. Mr. Tedder said that this will not be a floating zone that will apply to any site, but will be site specific before any applications can be made. Mr. Tedder said that Hampton, Collecton and Allendale also have approved Solar Farms. Mr. Waite asked if any were operating currently and Mr. Moore said they have developed some, but this will be the first solar farm of this size, and they are simple to build and operate. Mr. Fulghum commented that there is a lot of work to be done on the zoning issues.

The workshop adjourned at 5:00 p.m.

Call to Order – Chairman Sauls called the meeting to order at 5:30 p.m.

Executive Session

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 – Project Pullers, Ridgeland Solar Farm I, LLC, Project Sand, Section 30-4-70(a)(5) and 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 – Ridgeland/Claude Dean Airport, Coastal Carolina Hospital, Tax Sale, Signage, Levy Volunteer Fire Department Section 30-4-70 (a)(2). Councilman Etheridge moved and Councilman Drayton seconded the motion to go into executive session for the 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 – Project Pullers, Ridgeland Solar Farm I, LLC, Project Sand, Section 30-4-70(a)(5) and 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 – Ridgeland/Claude Dean Airport, Coastal Carolina Hospital, Tax Sale, Signage, Levy Volunteer Fire Department Section 30-4-70 (a)(2). The motion carried with all members present voting in favor.

Return to Open Session: Councilman Drayton 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 Johnson gave the invocation.

Approval of Agenda- Councilman Etheridge moved and Councilman Drayton seconded the motion to remove the 1st Reading of the Ordinance authorizing and approve the creation of the Joint County Industrial and Business Park pursuant to section 4-1-170 of the Code of Laws of South Carolina 1976, as amended, in conjunction with Hampton County (the “park”) for Project Sand (by title only) and the 1st Reading of the Ordinance authorizing Special Revenue Credits for Project Sand (by title only) and to approve the rest as presented. The motion carried with all members present voting in favor.

Approval of the Minutes – Feb. 1, 2016 – Vice Chairman Johnson moved and Councilman Drayton seconded the motion to approve the minutes as presented. The motion carried with all members present voting in favor.

Presentation and Proclamations

Annmarie Reiley-Kay – Morris Center for Lowcountry Heritage- Ms. Reiley Kay presented the upcoming events at the Morris Center and told the Council that they have had good attendance at the past events. Chairman Sauls thanked Ms. Reiley –Kay on the great job they were doing.

Andrew Fulghum – Proclamation declaring March 21, 2016 as End Racism Day –Mr. Fulghum read the proclamation and a framed copy is to be given to the JC Human Relations Committee.

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. – Gary Breland- speed signs- Mr. Breland, Ms. Moffit and Ms. Conklin discussed Glover Plantation Road and they requested that the Council have speed limit signs installed.

Ordinances

Lisa Wagner- 2nd Reading and Public Hearing of an Ordinance to amend the Official Zoning Map of Jasper County so as to zone or rezone portions of property(1) bearing Jasper County Tax Map Number 038-00-09-053, portions of property (2) bearing Jasper County Tax Map Number 038-00-09-009, and 1.66 acres as shown on Exhibit A, a reconsolidation and subdivision plat prepared by Aliquot Surveying Associates, dated July 22, 2015 located along South Okatie Highway from the Community Commercial Zone and the Rural Preservation Zone to the Community Commercial Zone and the Rural Preservation Zone on the Jasper County Official Zoning Map – Chairman Sauls opened the public hearing; there were no comments; Chairman Sauls closed the public hearing. Ms. Wagner said the property is located near the Pink Pig in Levy. Ms. Wagner said the staff has not received any comments and the staff and Planning Commission recommended approval. Councilman Etheridge moved and Councilman Drayton seconded the motion that this be the 2nd Reading and Public Hearing of an Ordinance to amend the Official Zoning Map of Jasper County so as to zone or rezone portions of property(1) bearing Jasper County Tax Map Number 038-00-09-053, portions of property (2) bearing Jasper County Tax Map Number 038-00-09-009, and 1.66 acres as shown on Exhibit A, a reconsolidation and subdivision plat prepared by Aliquot Surveying Associates, dated July 22, 2015 located along South Okatie Highway from the Community Commercial Zone and the Rural Preservation Zone to the Community Commercial Zone and the Rural Preservation Zone on the Jasper County Official Zoning Map

Andrew Fulghum - 1st reading of the Ordinance authorizing (1) the execution and delivery of a Fee in Lieu of Tax and Incentive Agreement by and between Jasper County, South Carolina (the “County”), Ridgeland Solar Farm I, LLC, acting for itself, and/or one or more affiliates or other project sponsors (the “company”), and, in a limited capacity, Town of Ridgeland, South Carolina, pursuant to which the County shall covenant to accept certain negotiated Fees in Lieu of Ad Valorem taxes with respect to the establishment of certain facilities in the County (the “project”); (2) the benefits of a Multi-County Industrial or Business Park to be made available to the company and the project; (3) certain special source credits in connection with the project; and (4) other matters relating thereto (by title only) - Councilman Etheridge moved and Councilman Drayton seconded the motion that this be the 1st reading of the Ordinance authorizing (1) the execution and delivery of a Fee in Lieu of Tax and Incentive Agreement by and between Jasper County, South Carolina (the “County”), Ridgeland Solar Farm I, LLC, acting for itself, and/or one or more affiliates or other project sponsors (the “company”), and, in a limited capacity, Town of Ridgeland, South Carolina, pursuant to which the County shall covenant to accept certain negotiated Fees in Lieu of Ad Valorem taxes with respect to the

establishment of certain facilities in the County (the “project”); (2) the benefits of a Multi-County Industrial or Business Park to be made available to the company and the project; (3) certain special source credits in connection with the project; and (4) other matters relating thereto (by title only). The motion carried with all members present voting in favor.

Andrew Fulghum – 1st Reading of the Ordinance authorizing and approving (1)development of a Joint County Industrial and Business Park pursuant to Section 4-1-170 of the Code of Laws of South Carolina 1976, as amended, in conjunction with Hampton County (the “park”), such park to be, at the time of its initial development, geographically located in Jasper County and to include certain property now or to be owned and/or operated by Ridgeland Solar Farm I, LLC, or one or more of its affiliates, other related companies, or successors; (2) the execution and delivery of a written park agreement with Hampton County as to the requirement of payments of fee in lieu of ad valorem taxes with respect to park property and the sharing of the revenues and expenses of the park; (3) the distribution of revenues from the park within Jasper County; and (4) other matters related thereto (by title only)- Councilman Drayton moved and Councilman Etheridge seconded the motion that this be the 1st Reading of the Ordinance authorizing and approving (1)development of a Joint County Industrial and Business Park pursuant to Section 4-1-170 of the Code of Laws of South Carolina 1976, as amended, in conjunction with Hampton County (the “park”), such park to be, at the time of its initial development, geographically located in Jasper County and to include certain property now or to be owned and/or operated by Ridgeland Solar Farm I, LLC, or one or more of its affiliates, other related companies, or successors; (2) the execution and delivery of a written park agreement with Hampton County as to the requirement of payments of fee in lieu of ad valorem taxes with respect to park property and the sharing of the revenues and expenses of the park; (3) the distribution of revenues from the park within Jasper County; and (4) other matters related thereto (by title only). The motion carried with all members present voting in favor.

Andrew Fulghum – 1st Reading of the Ordinance authorizing and approve the creation of the Joint County Industrial and Business Park pursuant to section 4-1-170 of the Code of Laws of South Carolina 1976, as amended, in conjunction with Hampton County (the “park”) for Project Sand (by title only)- Remove from agenda.

Andrew Fulghum – 1st Reading of the Ordinance authorizing Special Revenue Credits for Project Sand (by title only)-Removed from agenda.

Resolutions

Resolution authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement by and between Jasper County, South Carolina (the “County”), Ridgeland Solar Farm I, LLC, acting for itself, and/or one or more affiliates, or other project sponsors (the “company”), and, in a limited capacity, Town of Ridgeland, South Carolina, pursuant to which the County shall covenant to accept certain negotiated fees in lieu of ad valorem taxes with respect to the establishment of certain facilities at one or more locations in the county (the

“project”); (2) the benefits of a multi-county industrial or business park to be made available to the company and the project; (3) certain special source revenue credits in connection with the project; and (4) other matters relating thereto – Mr. Tedder explained that this was a normal inducement resolution to set the parameters for the ordinance and at the 2nd reading there will be more clarity under the MCIP as to if it will be a new MCIP or an addition to another one. Mr. Tedder said the FILOT fees will be guaranteed in the DA if the project is sold to a non-taxable entity. Councilman Etheridge asked about 1 or more affiliates and Mr. Tedder said there may be more than one investor. Mr. Moore said the reason for that phrase is it will always be owned by Ridgeland Solar Farm, LLC. Councilman Etheridge asked about the statement dealing with one or more locations in the County and Mr. Tedder said that was just lawyer speak to cover the bases of other projects coming forth and is wrapped into this one. Mr. Tedder said he did not think it meant more than 1 location under this FILOT. Mr. Fulghum said the FILOT will specifically identify the property. Councilman Etheridge said he wanted to be sure this only dealt with one location. Mr. Fulghum said the location will be identified in the FILOT. Mr. Tedder said it could also be referring to different tax parcels within the one location. Vice Chairman Johnson moved and Councilman Drayton seconded the motion to pass the Resolution authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement by and between Jasper County, South Carolina (the “County”), Ridgeland Solar Farm I, LLC, acting for itself, and/or one or more affiliates, or other project sponsors (the “company”), and, in a limited capacity, Town of Ridgeland, South Carolina, pursuant to which the County shall covenant to accept certain negotiated fees in lieu of ad valorem taxes with respect to establishment of certain facilities at one or more locations in the county (the “project”); (2) the benefits of a multi-county industrial or business park to be made available to the company and the project; (3) certain special source revenue credits in connection with the project; and (4) other matters relating thereto. The motion carried with all members present voting in favor.

Old Business – None.

New Business

Andrew Fulghum – Appointment of two members to the Library Board and two members to the Planning Commission- Councilman Etheridge moved and Councilman Drayton seconded the motion to appoint Maureen Pihonak and Elaine Kreiling to the Library Board. The motion carried with all members present voting in favor.

Vice Chairman Johnson moved and Councilman Etheridge seconded the motion to appoint Dr. Earl Bostick and Alex Pinckney to the Planning Commission. The motion carried with all members present voting in favor.

Vice Chairman Johnson- Office Space and Telephone for the J.C. Human Affairs Committee – Vice Chairman Johnson told the Council that Judge Carroll requested the use of the small office space in the Hardeeville Magistrate’s office as an office for the Human Relations Committee and that a phone and answering system be allowed. Vice Chairman Johnson moved and Councilman Etheridge seconded the motion to allow the Human Relations Committee to use

the small office space in the Hardeeville Magistrate's office and that a phone and answering machine be permitted. The motion carried with all members present voting in favor.

Dale Terry-Recommendation from JCTAC for \$150,000 for rocks for dirt roads- Mr. Malphrus explained that the JCTAC recommended approval of \$150,000 for rock for County roads. Councilman Drayton moved and Councilman Etheridge seconded the motion to approve the \$150,000 for rock for County roads as recommended by the JCATC. The motion carried with all members present voting in favor.

Dale Terry – Approval of bid for 6 containers and 1 compactor- Mr. Malphrus presented the bids and asked the Council to approve the bid from Baker Waste in the amount of \$44,425.24. Mr. Malphrus said the money was in the budget for this purchase. Councilman Etheridge moved and Councilman Drayton seconded the motion to approve the bid from Baker Waste in the amount \$44,425.24. The motion carried with all members present voting in favor.

Andrew Fulghum – Notice to proceed with Professional Services for transportation facilities sales tax- Mr. Fulghum explained that the professional services proposal was from Alliance Consulting Engineers and they would work on choices for the transportation facilities sales tax. Mr. Fulghum said the amount was not to exceed \$15,000 and the cost would be split equally between the County, Ridgeland and Hardeeville. Councilman Drayton moved and Councilman Etheridge seconded the motion to approve the Professional Service Contract with Alliance Consulting Engineers in an amount not to exceed \$15,000 and the cost is to be shared equally between the County, Ridgeland and Hardeeville. The motion carried with all members present voting in favor.

Council Members' Comments – Chairman Sauls reported on the upcoming events of the Chamber of Commerce and he provided updates the public on the State of the County, Jasper Port, and the Council Retreat. Chairman Sauls said the Council had a big year planned. Councilman Etheridge reported on the State of the County Breakfast and that there is a lot going on in Jasper County and there are jobs to be had. Councilman Drayton reported on the Senator for the Day Event and said the students all did outstanding. Vice Chairman Johnson discussed the retreat and he said the Council was making progress.

Administrator's Report – Mr. Fulghum reported that the CRBIP has been certified with Commerce and it was a great team effort. Mr. Fulghum said he met with Ms. Waite, the County Assessor regarding the procedure for agricultural use. Mr. Tedder said a timber management plan was also discussed with Ms. Waite. Chairman Sauls requested a joint meeting with the municipalities, the solicitor, the sheriff and the police chiefs.

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

The meeting ended at 7:50 p.m.

Respectfully submitted by:

Judith M. Frank, ccc
Clerk to Council

Approved by:

L. Martin Sauls, IV
Chairman