



**JASPER COUNTY COUNCIL
COUNCIL CHAMBERS
358 THIRD AVE., RIDGELAND, SC 29936
APRIL 4, 2011, 3:00 P.M.
MINUTES**

EXECUTIVE SESSION 3:00P.M. – 4:00 P.M.

OFFICIALS PRESENT: CHAIRMAN LEROY BLACKSHEAR, VICE CHAIRMAN SAMUEL GREGORY, COUNCILMAN HENRY ETHERIDGE, COUNCILMAN THEODUS L. DRAYTON, COUNCILMAN L. MARTIN SAULS IV.

STAFF PRESENT: ADMINISTRATOR ANDREW FULGHUM, DIRECTOR OF ADMINISTRATIVE SERVICES RONNIE MALPHRUS, DIRECTOR OF EMERGENCY SERVICES WILBUR DALEY, ATTORNEY MARVIN JONES, CLERK TO COUNCIL JUDITH FRANK, DIRECTOR OF ENGINEERING SERVICES DALE TERRY, PLANNING DIRECTOR DAVID JIROSUEK

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.

CHAIRMAN BLACKSHEAR CALLED THE MEETING TO ORDER AT 3:00 P.M.

PLEDGE OF ALLEGIANCE- CHAIRMAN BLACKSHEAR LED THE PLEDGE OF ALLEGIANCE.

EXECUTIVE SESSION:

DISCUSSION OF MATTERS RELATING TO THE PROPOSED LOCATION, EXPANSION, OR THE PROVISION OF SERVICES ENCOURAGING LOCATION OR EXPANSION OF INDUSTRIES OR OTHER BUSINESSES IN THE AREA SERVED BY A PUBLIC BODY - [MEMORANDUM OF UNDERSTANDING – PROJECT ROSE](#)

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 - [MEMORANDUM OF AGREEMENT – PROMISE WAY, FIRE SERVICE AGREEMENTS WITH THE MUNICIPALITIES OF HARDEEVILLE AND RIDGELAND](#)

CHAIRMAN BLACKSHEAR ASKED FOR A MOTION TO GO INTO EXECUTIVE SESSION.

COUNCILMAN SAULS MOTIONED AND COUNCILMAN ETHERIDGE 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 BUSINESSES IN THE AREA SERVED BY A PUBLIC BODY - [MEMORANDUM OF UNDERSTANDING – PROJECT ROSE](#) AND 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 - [MEMORANDUM OF AGREEMENT – PROMISE WAY, FIRE SERVICE AGREEMENTS WITH THE MUNICIPALITIES OF HARDEEVILLE AND RIDGELAND](#). THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

COUNCILMAN SAULS MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO GO INTO OPEN SESSION. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**MEETING MINUTES
4:00 P.M.**

CALL TO ORDER- CHAIRMAN BLACKSHEAR CALLED THE MEETING BACK TO ORDER AT 4:00 P.M.

INVOCATION – VICE CHAIRMAN GREGORY GAVE THE INVOCATION.

APPROVAL OF THE AGENDA – COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN SAULS SECONDED THE MOTION TO APPROVE THE AGENDA. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

APPROVAL OF THE MINUTES OF THE 03/15/11, 03/21/11 COUNTY COUNCIL MEETINGS, COUNCIL RETREAT, 3/23/11 BUDGET WORK-

SHOP- COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN DRAYTON SECONDED THE MOTION TO APPROVE THE MINUTES OF 3/15/11, 3/21/11, COUNCIL RETREAT AND 3/23/11 BUDGET WORKSHOP. COUNCILMAN DRAYTON ASKED THAT THE MINUTES OF 3/23/11 REFLECT THE FOLLOWING CHANGES: THAT HE SAID THAT THE COUNTY PAYS THE FIRE CHIEF TO PROVIDE FIRE PROTECTION TO THE CITIZENS OF JASPER COUNTY AND THAT HE SAID THAT IF IT WOULD TAKE A MILLION DOLLARS TO PROVIDE THE PROTECTION THEN THE COUNCIL NEEDED TO PROVIDE THE MILLION DOLLARS. THE MOTION CARRIED TO APPROVE THE MINUTES WITH NECESSARY CORRECTIONS WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

PROCLAMATIONS AND PRESENTATIONS - THERE WERE NO PROCLAMATIONS OR PRESENTATIONS.

ORDINANCES

DAVID JIROUSEK – 2ND READING OF THE ORDINANCE TO AMEND THE ZONING ORDINANCE OF JASPER COUNTY, SOUTH CAROLINA SO AS TO PROVIDE FOR CERTAIN INCENTIVES FOR AFFORDABLE HOUSING; PROVIDE A DEFINITION OF AFFORDABLE HOUSING; AND TO ADOPT SECTION 3:6.2 OF THE JASPER COUNTY ZONING ORDINANCE SO AS TO PROVIDE FOR REFUND OF CERTAIN FEES FOR AFFORDABLE HOUSING – MR. JIROUSEK SAID THAT THE PURPOSE OF THIS ORDINANCES IS TO PROVIDE INCENTIVES AND CREATE A DEFINITION FOR AFFORDABLE HOUSING. MR. JIROUSEK TOLD THE COUNCIL THAT AFFORDABLE HOUSING DOES NOT INCLUDE MOBILE HOMES; STICK BUILT OR MODULAR HOMES APPLY. MR. JIROUSEK EXPLAINED APPLICATIONS FOR REFUNDS WOULD BE REVIEWED CASE BY CASE AND A DEVELOPER WOULD HAVE TO PROVE THAT THE BUYER QUALIFIES FOR THE REFUND. COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN SAULS SECONDED THE MOTION THAT THIS BE THE 2ND READING OF THE ORDINANCE TO AMEND THE ZONING ORDINANCE OF JASPER COUNTY, SOUTH CAROLINA SO AS TO PROVIDE FOR CERTAIN INCENTIVES FOR AFFORDABLE HOUSING; PROVIDE A DEFINITION OF AFFORDABLE HOUSING; AND TO ADOPT SECTION 3:6.2 OF THE JASPER COUNTY ZONING ORDINANCE SO AS TO PROVIDE FOR REFUND OF CERTAIN FEES FOR AFFORDABLE HOUSING. VICE CHAIRMAN GREGORY ASKED WHAT WAS NEEDED TO QUALIFY. MR. JIROUSEK PROVIDED A TABLE THAT LISTED THE FAMILY SIZE AND INCOME NECESSARY TO QUALIFY FOR AFFORDABLE HOUSING. MR. JIROUSEK ADDED THAT THE DEVELOPER WOULD QUALIFY THE BUYER AND IF IT WERE AN INDIVIDUAL, THE LANDOWNER WOULD HAVE TO PROVE TO COUNCIL THAT THEY MEET THE QUALIFICATIONS BASED ON THE CHART. VICE CHAIRMAN GREGORY ASKED ABOUT CREDIT RATINGS. MR. JIROUSEK SAID THAT THE FINANCING WOULD BE DETERMINED BY THE PROFESSIONAL WHO HANDLE THAT END OF THE DEAL LIKE LCOG AND JCNU. COUNCILMAN GREGORY ASKED WHAT THE DEVELOPER NEEDS TO PROVIDE. MR. JIROUSEK SAID THOSE GUIDELINES HAVE NOT BEEN ESTABLISHED YET. VICE CHAIRMAN GREGORY DISCUSSED THE CREDIT RATING STANDARDS

AND COUNCILMAN ETHERIDGE SAID THE INDIVIDUAL WOULD HAVE TO SECURE HIS OWN LOAN. COUNCILMAN DRAYTON SAID IT TROUBLED HIM THAT THIS IS DONE CASE BY CASE AND HOW CAN THEY JUSTIFY APPROVING ONE APPLICANT AND DENYING ANOTHER IF THEY BOTH MEET THE QUALIFICATIONS. MR. JIROUSEK SAID THAT THE FINANCIAL STATE OF THE COUNTY WOULD DETERMINE IF THEY COULD APPROVE REFUNDING THE FEES. VICE CHAIRMAN BLACKSHEAR SAID IF THEY BOTH MEET THE CRITERIA, THEN THEY BOTH NEED TO BE CONSIDERED. COUNCILMAN DRAYTON SAID IF THEY BOTH MEET THE CRITERIA, THEN THEY BOTH HAVE TO BE APPROVED. MR. JIROUSEK SAID HE COULD AMEND THE LANGUAGE. COUNCILMAN DRAYTON ASKED MR. JIROUSEK TO REWORD THE CASE BY CASE SECTION OF THE ORDINANCE. COUNCILMAN SAULS SAID THAT THE COUNCIL WOULD HAVE THE FINAL APPROVAL. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

DAVID JIROUSEK – 2ND READING OF THE ORDINANCE TO AMEND THE JASPER COUNTY ZONING ORDINANCE SO AS TO REVISE USE TABLE 6.1 – MR. JIROUSEK EXPLAINED THAT THE ORDINANCE WAS TO REGULATE THE ALLOWED USES IN THE ZONING DISTRICTS. MR. JIROUSEK TOLD THE COUNCIL THAT THE INTENT OF THE ORDINANCE IS TO ALLOW COMPATIBILITY BETWEEN RESIDENTIAL ZONING AND COMMERCIAL ZONING. MR. JIROUSEK PRESENTED A CHART THAT COVERED THE ALLOWABLE USES IN THE DIFFERENT ZONING DESIGNATIONS. COUNCILMAN DRAYTON MOTIONED AND VICE CHAIRMAN GREGORY SECONDED THE MOTION THAT THIS BE THE 2ND READING OF THE ORDINANCE TO AMEND THE JASPER COUNTY ZONING ORDINANCE SO AS TO REVISE USE TABLE 6.1. VICE CHAIRMAN GREGORY ASKED WHAT WAS THE RATIONAL FOR THE CHANGES. MR. JIROUSEK SAID THAT IT WAS TO BE SURE THAT THE LAND USES ARE COMPATIBLE WITHOUT CONFLICTS AND IT PROHIBITS CERTAIN BUSINESSES FROM COMMUNITY COMMERCIAL. MR. JIROUSEK SAID THAT MOST RURAL AREA WILL HAVE A COMMUNITY COMMERCIAL DISTRICT AND COMMUNITY COMMERCIAL IS FOR VILLAGE SCALE BUSINESSES. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

ANDREW FULGHUM – 1ST READING OF THE ORDINANCE FOR THE CREATION OF MULTI-COUNTY PARK DESIGNATION AT THE CYPRESS RIDGE BUSINESS INDUSTRIAL PARK – MR. FULGHUM EXPLAINED THAT THE COUNTY HAS SEVERAL MULTI-COUNTY PARK AGREEMENTS, BUT NONE OF THE AGREEMENTS ARE FOR THE CRBIP. MR. FULGHUM SAID THE ONLY THING DIFFERENT IN THIS MCIP ORDINANCE AND IT ALLOWS FOR THE COUNTY TO BE MORE CREATIVE AND TO ALLOW THE COUNTY TO ADD OTHER SUBDIVISIONS, LIKE THE MUNICIPALITIES IF THE COUNCIL SO DESIRES. COUNCILMAN SAULS MOTIONED AND COUNCILMAN DRAYTON SECONDED THE MOTION THAT THIS BE THE 1ST READING OF THE ORDINANCE FOR THE CREATION OF MULTI-COUNTY PARK DESIGNATION AT THE CYPRESS RIDGE BUSINESS INDUSTRIAL PARK. COUNCILMAN ETHERIDGE ASKED IF ANYONE ELSE WAS INVITED TO BECOME PART OF

THIS MCIP AND MR. FULGHUM SAID THAT ANOTHER COUNTY MUST PARTNER TO BE PART OF THE MCIP, AND THEY HAVE NOT INVITED ANY MUNICIPALITIES, BUT THIS ORDINANCE WOULD EMPOWER THE COUNCIL TO ADD THEM LATER. COUNCILMAN ETHERIDGE ASKED IF BEAUFORT COUNTY HAS AGREED TO THIS AGREEMENT. MR. FULGHUM SAID IT IS UNDER DISCUSSION. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

RESOLUTIONS

ANDREW FULGHUM - RESOLUTION TO APPROVE THE FIRE SERVICE AGREEMENT WITH THE CITY OF HARDEEVILLE- MR. FULGHUM SAID THE ITEM WAS DISCUSSED IN EXECUTIVE SESSION AND NO ACTION IS NEEDED.

ANDREW FULGHUM - RESOLUTION TO APPROVE THE FIRE SERVICE AGREEMENT WITH THE TOWN OF RIDGELAND - MR. FULGHUM SAID THE ITEM WAS DISCUSSED IN EXECUTIVE SESSION AND NO ACTION IS NEEDED.

OLD BUSINESS

ANDREW FULGHUM - APPOINTMENT OF TWO MEMBERS TO THE LOWCOUNTRY WORKFORCE INVESTMENT BOARD - MR. FULGHUM UPDATED THE COUNCIL AND EXPLAINED THAT THERE WERE TWO MEMBERS THAT NEEDED TO BE APPOINTED TO THE LCWIB. MR. FULGHUM SAID THAT NOLAN EDGE WAS RECOMMENDED FOR THE ECONOMIC DEVELOPMENT REPRESENTATIVE AND EITHER DIANE ECHOLS OR STEVE PALMER WAS RECOMMENDED FOR THE BUSINESS REPRESENTATIVE. COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN SAULS SECONDED THE MOTION TO APPOINT NOLAN EDGE AND DIANE ECHOLS TO THE LCWFIB. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

NEW BUSINESS

W. KING SIMMONS - PROPERTY ISSUES - MR. SIMMONS DISCUSSED ISSUES HE HAS EXPERIENCED SINCE HE PURCHASED PROPERTY AT THE DELINQUENT TAX SALE IN NOVEMBER OF 1994. MR. SIMMONS SAID OWNERSHIP OF THE LAND HAS BEEN DISPUTED AND PEOPLE HAVE BEEN COMING ONTO THE PROPERTY AND THEY HAVE DAMAGED HIS CAMPER. MR. SIMMONS SAID THE AMOUNT OF LAND HAS VARIED EACH TIME HE TALKS WITH SOMEONE. MR. SIMMONS SAID ANOTHER PARCEL HE PURCHASED IN ANOTHER TAX SALE WAS NOT IN THE SYSTEM BECAUSE MS. MOUZON SAID THE PEOPLE REDEEMED THE PROPERTY, BUT SHE COULD NOT SHOW IT TO HIM IN THE SYSTEM. MR. SIMMONS SAID HE HAS SPOKEN WITH MS. MOUZON AND THE ADMINISTRATION. MR. SIMMONS SAID HE HAS WRITTEN LETTERS AND TRIED TO PRESUE THIS IN MAGISTRATE'S COURT. MR. SIMMONS DISCUSSED CONFLICTS HE HAS EXPERIENCED WITH WILLIE LEE AND JOHNNY MICHEAL INVOLVING THE PROPERTY. MR. SIMMONS SAID THE COUNTY IS TRYING TO TAKE AWAY WHAT IS HIS AND HE HAS TAX RECEIPTS TO PROVE HE PAID THE TAXES. CHAIRMAN BLACKSHEAR

TOLD MR. SIMMONS THAT THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY WOULD BE THE PEOPLE TO CONTACT AND HE RECOMMENDED THAT MR. SIMMONS HIRE AN ATTORNEY AND NOT GO TO A MAGISTRATE. CHAIRMAN BLACKSHER SAID MR. SIMMONS SHOULD PURSUE IT IN THE COURTS. CHAIRMAN BLACKSHEAR SAID THE COUNCIL IS NOT AUTHORIZED TO INVESTIGATE THESE MATTERS.

ANDREW FULGHUM – MEMORANDUM OF AGREEMENT – COUNTY ACCEPTANCE OF AVENUE OF PROMISES ROAD INTO THE TOWN OF RIDGELAND FOR PERPETUAL MAINTENANCE AGREEMENT PROVIDED BY HABITAT FOR HUMANITY - MR. FULGHUM SAID THE ITEM WAS DISCUSSED IN EXECUTIVE SESSION AND NO ACTION IS NEEDED.

ANDREW FULGHUM – MEMORANDUM OF UNDERSTANDING – PROJECT ROSE - MR. FULGHUM SAID THE ITEM WAS DISCUSSED IN EXECUTIVE SESSION AND NO ACTION IS NEEDED.

COMMITTEE REPORTS- COUNCILMAN ETHERIDGE SAID IT HAS BEEN THREE YEARS SINCE A MAJOR DEVELOPMENT HAS COME TO THE COUNTY AND HE HOPED THAT THINGS WERE GOING TO PICK UP. COUNCILMAN ETHERIDGE SAID HE RECEIVED A PHONE CALL FROM MAGGIE NEIDERT REGARDING HER MOTHER BEING KILLED BY SOMEONE LEAVING THE GOLD CLUB. COUNCILMAN ETHERIDGE ASKED IF THE COUNTY COULD PASS AN ORDINANCE REGULATING THE OPERATING HOURS OF THOSE CLUBS. COUNCILMAN ETHERIDGE SAID THE PEOPLE ARE LEAVING THE CLUBS IN SAVANNAH WHEN THEY CLOSE AND COME ACROSS THE BRIDGE TO THE CLUBS IN SOUTH CAROLINA BECAUSE THEY ARE OPEN. MR. FULGHUM SAID HE WOULD EXPLORE THIS AND REPORT BACK TO COUNCIL.

COUNCILMAN SAULS REMINDED THE PUBLIC THAT JASPER ON THE MOVE WAS BEING HELD AT TURKEY HILL PLANTATION AND THAT HARDEEVILLE WILL BE CELEBRATING THEIR 100TH YEAR CENTENNIAL ON SATURDAY.

VICE CHAIRMAN GREGORY SAID THE ENGINEERING SERVICES COMMITTEE MET AND THEY WERE GOING TO CONTINUE TO WORK TOWARDS PAVING ROADS IN JASPER COUNTY. VICE CHAIRMAN GREGORY WANTED MR. TERRY TO MAKE AN ANNOUNCEMENT REGARDING THE PIER AT KNOWLES ISLAND; HOWEVER CHAIRMAN BLACKSHEAR SAID MR. TERRY WAS NOT PART OF VICE CHAIRMAN GREGORY'S COMMITTEE.

COUNCILMAN DRAYTON SAID THE ADMINISTRATIVE SERVICES COMMITTEE WOULD MEET ON APRIL 12, 2011 AND HE ASKED THE COUNCIL TO PROVIDE HIM WITH AREAS OF THE PERSONNEL POLICY THAT THEY WANTED TO CHANGE. MR. DRAYTON SAID HE FELT THAT A FORENSIC AUDIT NEEDED TO BE DONE BEFORE THEY START WORKING ON THE FINANCES.

CHAIRMAN BLACKSHEAR TOLD THE COUNCIL THAT THE SCHOOL DISTRICT WANTED THE COUNCIL TO TAKE AN AD FOR \$150 FOR THE MILITARY DAY PROGRAM. CHAIRMAN BLACKSHEAR SAID THE TWO AUDITORIUMS AT THE SCHOOLS WERE BEING NAMED IN HONOR OF GENERAL LLOYD W. NEWTON (RIDGELAND AUDITORIUM) AND GENERAL JACOB E. SMART (HARDEEVILLE

AUDITORIUM). COUNCILMAN DRAYTON MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO APPROVE THE \$150 AD FOR THE PROGRAM. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

ADMINISTRATOR'S REPORT – MR. FULGHUM REPORTED THAT THE COUNTY RECEIVED CBDG FUNDING FOR THE PURRYSBURG SEWER PROJECT AND THE COUNTY HAS TO COMPLY TO MEET CERTAIN REGULATIONS. MR. FULGHUM TOLD THE COUNCIL HE SIGNED AND AGREED TO THE ACTION PLAN.

OPEN FLOOR TO THE PUBLIC-3 MINUTE TIME LIMIT PER INDIVIDUAL- CHAIRMAN BLACKSHEAR OPENED THE FLOOR TO THE PUBLIC. DIRECTOR OF EMERGENCY SERVICES, WILBUR DALEY, ANNOUNCED THE EMS, ALONG WITH BEAUFORT COUNTY EMS, WILL BE DOING AN AIR RESCUE EXERCISE ON APRIL 13, 2011 STARTING AT 9:00 A.M. AND THAT IT WILL LAST MOST OF THE DAY. BEING NO FURTHER COMMENTS CHAIRMAN BLACKSHEAR CLOSED THE FLOOR TO THE PUBLIC.

ADJOURN – COUNCILMAN 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 5:15 P.M.

RESPECTFULLY SUBMITTED BY:

APPROVED BY:

JUDITH M. FRANK, ccc
CLERK TO COUNCIL

LEROY BLACKSHEAR
CHAIRMAN