



**JASPER COUNTY COUNCIL  
HARDEEVILLE CITY HALL  
205 MAIN ST.  
HARDEEVILLE, SC  
AUGUST 18, 2014  
MINUTES**

**OFFICIALS PRESENT** - Chairwoman Barbara Clark, Vice Chairman L. Martin Sauls, IV, Councilman Henry Etheridge, Councilman Theodus Drayton

**OFFICIALS ABSENT** - Councilman D. Thomas Johnson

**STAFF PRESENT** - Administrator Andrew Fulghum, Clerk to Council Judith Frank, Attorney Marvin Jones, Director of Administrative Services Ronnie Malphrus, Director of Engineering Services Dale Terry, Director of Emergency Services Wilbur Daley, Planning Director LeNolon Edge, Director of Parks and Recreation Johnny Davis.

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.

**Miley Presentation-** Dr. Harry Miley explained that he has been working on an analysis that was funded by the County, the City of Hardeeville and 3 developers (Hilton Head Lakes, Sun City and Hampton Point). Dr. Miley presentation was on power point and will be available for the public to view on the County website. Dr. Miley discussed various ways to reduce the taxes of the residents through developer's fees. Dr. Miley explained the differences and reasons why Beaufort County and Jasper County taxes were different. Dr. Miley also explained about incentives for industry. Dr. Miley said that his recommendations were for the short term solutions.

**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 - Litigation Update 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 – Magistrate's Office. Vice Chairman Sauls moved and Councilman Etheridge 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 -

Litigation Update 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 – Magistrate’s Office. The motion carried with all members present voting in favor.

## **Dinner with Hardeeville Council**

**7:00 P.M.**

**Call to Order-** Chairwoman Clark called the meeting to order at 7:00 p.m.

**Pledge of Allegiance-** Councilman Drayton led the Pledge of Allegiance.

**Invocation-** Councilman Etheridge gave the invocation.

**Approval of the Minutes –** Councilman Etheridge moved and Vice Chairman Sauls seconded the motion to approve the minutes of the July 21, 2014 Council Meeting. The motion carried with all members present voting in favor.

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

## **Presentations**

**Rudy Smith-Closure of Garvin Road –** Mr. Rudy Smith provided Council with the history of Garvin Road and that the road was suddenly closed by the State. Mr. Smith said he tried to discuss it with Malzone Russell and Mr. Russell laughed and said it was advertised and it was closed. Mr. Smith said he also spoke with Attorney Steve Bennett and Mr. Bennett said the closure was advertised in the Jasper County Sun. Mr. Smith provided the Council with the circulation of the Jasper County Sun and said only 15 people in that area receive the paper. Mr. Smith provided the Council with signatures from 87 people requesting that the road be opened. Mr. Smith said there is no reason for the road to be closed and asked the Council to help get the road reopened. Mr. Smith said the problem was caused when Plum Creek purchased the property from Westvaco. Mr. Smith said his father was born in 1901 and the road was open all of his father’s life and his life. Roger Warren said he was against the road being closed and he has used it all of his life and he fishes from the bridge. Mr. Warren said he lived in Rivers Hill and Garvin Road is a short cut that he uses. Mr. James Rowell explained how he and his family have used Garvin Road for six generations. Mr. Rowell said he works in the area and transports his machinery on the road instead of traveling the paved roads because it is safer. Vice Chairman Sauls said he investigated and was not aware of the process, and when he spoke with the attorney, he was told nothing could be done because it was a state road. Vice Chairman Sauls said that he felt the County should investigate this further and he will give 100% to see what can be done. Councilman Etheridge said he would like to see this corrected and the Council give it every effort to get it open if the majority of the people want it open, then the Council needed to turn it over to the County Attorney to see what can be done. Councilman

Drayton said it troubled him that Mr. Russell laughed when asked about it and Councilman Drayton said he would support the people in getting the road reopened. Chairwoman Clark thanked Mr. Smith for bringing this to the Council's attention and she was very disappointed in the way Mr. Russell responded and the State should have notified the County if they were going to close the road. Chairwoman Clark asked Mr. Fulghum and Mr. Jones to work on this to get it resolved.

**Dorothy Pace- Request to Place Historical Marker at Sgt. Jasper Park-** Ms. Pace, a Jasper County resident and a member of the Daughters of the American Revolution, requested permission to install a Historical Marker at Sgt. Jasper Park honoring Sgt. Jasper. Councilman Etheridge moved and Vice Chairman Sauls seconded the motion to allow the Historical Marker to be placed at Sgt. Jasper Park. The motion carried with all members present voting in favor. Mr. Davis is to work with Ms. Pace to determine where the Historical Marker will be installed.

**Andrew Fulghum – Presentation of the GFOA Award-** Mr. Fulghum presented Mr. Malphrus with the plaque received from GFOA for outstanding financial reporting.

**Andrew Fulghum- The Barrett Larimore Award –** Mr. Fulghum announced that the County won the regional cooperation award at the SCAC conference. Mr. Fulghum said the County has won the Barrett Larimore Award three times. Mr. Fulghum presented the award to Mr. Daley for working with the other Counties that assisted Barnwell County during the ice storm this past winter.

### **Ordinances**

**Marvin Jones – 1<sup>st</sup> Reading of the Ordinance to create certain limitations on transportation of electrical wire and other building materials, to create offences related thereto and to establish penalties –** Mr. Jones explained that he and Councilman Johnson worked on the ordinance to limit the transportation of wire in order to eliminate the theft of copper and it will help law enforcement. Mr. Jones said the Sheriff will enforce the ordinance and they can stop people with probable cause. Mr. Jones said the people will have to explain where it came from and why they have it. Councilman Etheridge said he would like to add to the ordinance that the people purchasing the wire get the driver's license number of the person selling it. Chairwoman Clark said this is being done to protect the citizens. Councilman Drayton moved and Vice Chairman Sauls seconded the motion that this be the 1<sup>st</sup> Reading of the Ordinance to create certain limitations on transportation of electrical wire and other building materials, to create offences related thereto and to establish penalties. The motion carried with all members present voting in favor.

**Marvin Jones – 1<sup>st</sup> Reading of the Ordinance to provide for the installation of certain infrastructure at The Settings of Mackay Point; to make certain findings in connection therewith; to create The Settings Infrastructure Special Fund; to make appropriations from The Settings Infrastructure Special Fund; to provide for the carryover of The Settings Infrastructure Special Fund balances; to provide for the disbursement of said funds; to provide that disbursements shall be made by the County Treasurer; to provide an affirmation of certain previous obligations and expenditures; to provide that expenditures shall not**

**exceed appropriations; to provide that the Treasurer shall sign checks; to provide for the invalidity of any portion of the Ordinance; and to provide an effective date** – Mr. Jones explained that the County received funds from the bonding companies of the Settings. Mr. Jones added that they needed to get done what the County needed to do and a special fund is needed. Mr. Jones said they needed to create a system for funding from those funds. Mr. Jones said the Council will still secure contracts and this gives the staff the tools to get done what is needed. Councilman Etheridge asked what has been spent and Mr. Jones said \$20,000-\$30,000. Mr. Jones told the Council that the expenditures will not exceed the bond funds. Councilman Etheridge said he would never vote to spend taxpayer's money on the Settings. Mr. Malphrus said it would work the same as the other special revenue funds and that bills will be paid from the general fund and the general fund would be reimbursed from the special account. Councilman Etheridge moved and Vice Chairman Sauls seconded the motion that this be the 1<sup>st</sup> Reading of the Ordinance to provide for the installation of certain infrastructure at The Settings of Mackay Point; to make certain findings in connection therewith; to create The Settings Infrastructure Special Fund; to make appropriations from The Settings Infrastructure Special Fund; to provide for the carryover of The Settings Infrastructure Special Fund balances; to provide for the disbursement of said funds; to provide that disbursements shall be made by the County Treasurer; to provide an affirmation of certain previous obligations and expenditures; to provide that expenditures shall not exceed appropriations; to provide that the Treasurer shall sign checks; to provide for the invalidity of any portion of the Ordinance; and to provide an effective date. The motion carried with all members present voting in favor.

**LeNolon Edge – 3<sup>rd</sup> Reading of the Ordinance to adopted the Exit 8 Master Plan for Jasper County** – Mr. Edge explained that this is a joint project with the City of Hardeeville and Hardeeville has had two readings of their ordinance and are ready for adoption. Vice Chairman Sauls asked if there were any changes since the 2<sup>nd</sup> reading and Mr. Edge said there have not been any changes. Councilman Drayton moved and Vice Chairman Sauls seconded the motion that this be the 3<sup>rd</sup> Reading of the Ordinance to adopt the Exit 8 Master Plan for Jasper County. The motion carried with all members present voting in favor.

**LeNolon Edge – 1<sup>st</sup> Reading of the Ordinance To adopt Section 6-72 of the Jasper County Code of Ordinances so as to exempt from fees certain permits for the reconstruction of churches following destruction by fire-** Mr. Edge explained that he and Attorney Jones prepared the ordinance and it included items to consider. Mr. Edge said that a motion was made to remove the fees, but in 1995 the fee removal was repealed. Mr. Jones said there were a lot of questions that were not resolved and asked the Council to look over the ordinance and the report carefully and at the workshop meeting to include the items for clarification. Vice Chairman Sauls asked if the property is titled in the Church's name, and Mr. Jones said he did not look at recent cases, however, this was one item that needed to be addressed. Pastor Chavers said that in his case the property is in the Church's name and it would be one building. Councilman Etheridge said he had a lot of unanswered questions and felt that a workshop was needed before the 3<sup>rd</sup> reading. Mr. Jones said the building dept. still has to inspect the property and it collects the fees to cover the expenses. Councilman Drayton said they needed to make sure what a church is and Chairwoman Clark said a workshop will be scheduled to clarify everything. Councilman Etheridge moved and Vice Chairman Sauls seconded the motion that this be the 1<sup>st</sup> Reading of the Ordinance to adopt Section 6-72 of the Jasper County Code of Ordinances so as to exempt from fees

certain permits for the reconstruction of churches following destruction by fire. The motion carried with all members present voting in favor.

**Andrew Fulghum – 1<sup>st</sup> Reading of the Ordinance to amend the FILOT agreement with Riverport (by title only)** - Mr. Fulghum explained that the County currently has a FILOT and he was asked to consider to amend and restate the FILOT timeline of 3 years. Mr. Fulghum said the project was not started within the 3 years and there were also changes to a few other items. Mr. Fulghum said the document is with the bond attorney and he requested the 1<sup>st</sup> reading of the ordinance by title only. Vice Chairman Sauls moved and Councilman Etheridge seconded the motion that this be the 1<sup>st</sup> Reading of the Ordinance to amend the FILOT agreement with Riverport (by title only). The motion carried with all members present voting in favor.

### **Resolutions**

**Andrew Fulghum – Resolution declaring the 3<sup>rd</sup> Week of August as Aviation Week in Jasper County-** Councilman Etheridge moved and Councilman Drayton seconded the motion to pass the resolution declaring that Aug. 17-23, 2014 be Aviation Week in Jasper County. The motion carried with all members present voting in favor.

**Old Business - LeNolon Edge – Schedule Workshop for Comprehensive Plan-** Mr. Edge said the Council wanted to have two workshops with the Planning Commission prior to approving the Comprehensive plan. The Council agreed to meet with the Planning Commission for a workshop on Sept. 9, 2014 at 6:30 p.m. in the Council Chambers and on Oct. 14, 2014 in Hardeeville the place and time to be determined.

**New Business -Dale Terry – Rowell Road-** Mr. Jones reviewed a letter received regarding Rowell Road. Mr. Jones said he had concerns with the 3<sup>rd</sup> paragraph of the letter. Vice Chairman Sauls said it was a short road maintained by the state and currently it is blocking the way to a lady's home. Mr. Jones said the owner would have the road surveyed and provide easements and the owner would deed the road over to the County. Councilman Etheridge motioned and Vice Chairman Sauls seconded the motion to accept the road based on the road being deeded to the County along with the survey and necessary easements. The motion carried with all members present voting in favor.

**Committee Reports –** Councilman Drayton reported that he attended the Back to School Event and the Antioch Education Center Graduation. Vice Chairman Sauls reported that he attended the Economic Development Institute and meeting with Hardeeville concerning Exit 8. Vice Chairman Sauls announced the upcoming Chamber of Commerce events. Councilman Etheridge reported on the SCAC Conference and about working together with the other Counties and Municipalities. Chairwoman Clark said she attended all the same events with the exception of the Economic Development Institute. Chairwoman Clark commented that she was glad that the School District was able to give the bus drivers and cafeteria workers a raise.

**Administrator's Report –** Mr. Fulghum provided an update on the Health Dept. Building and that it was projected to be completed by November. Mr. Fulghum said there were other items with the Mary Gordon Ellis Building that needed to be addressed to tie into the new addition

and he would be bringing back a change order for the Council to consider. Mr. Fulghum discussed removing the steeple and Vice Chairman Sauls questioned why it needed to be removed and Mr. Fulghum said to transition the building. Vice Chairman Sauls said the new roof would need to go out to bid. Mr. Fulghum said he would bring it back to Council. Mr. Fulghum discussed site certification for the Commercial Park and that it was a joint effort at a cost of \$65,000 and that a grant has been applied for and they expected to receive up to 75% back from Commerce. Mr. Fulghum said the next level is engineering for the Hardeeville Commerce Park. Mr. Fulghum told the Council that grants for Exit 8 have been applied for and discussed other grant efforts that are underway. Mr. Fulghum said that Mr. Daley has applied for an EMS grant for emergency shelters and Mr. Davis has applied for USDA EDGE financing for improvements to the community centers. Mr. Fulghum said the Town of Ridgeland has applied for a rural infrastructure grant to extend water and sewer into the CRBIP.

**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. There were no comments. Chairwoman Clark closed the floor to the public.

**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 8:30 p.m.

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Judith M. Frank, ccc  
Clerk to Council

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Barbara B. Clark  
Chairwoman