



**JASPER COUNTY COUNCIL  
COUNCIL CHAMBERS  
HARDEVILLE TOWN HALL  
SEPTEMBER 19, 2016  
MINUTES**

**5:30 p.m.**

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

Staff Present: Administrator Andrew Fulghum, Clerk to Council Judith Frank, Attorney David Tedder, Director of Emergency Services Wilbur Daley, Director of Engineering Services Dale Terry, Planning Director Lisa Wagner

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 Sauls called the meeting to order at 5:30 p.m.

**Executive Session – Council Conference Room**

Vice Chairman Johnson 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 –Section 30-4-70 (a) (2) Levy Volunteer Fire Dept., Roy Walker, Inc. and 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 –Section 30-4-70(a)(5) Projects Update, Carolina Metal Castings. The motion carried with all members present voting in favor.

**Return to Open Session**

Councilman Drayton moved and Councilwoman Clark seconded the motion to return to open session. The motion carried with all members present voting in favor.

Chairman Sauls asked if there was any action to be taken due to executive session. Vice Chairman Johnson moved and Councilman Etheridge seconded the motion to authorize the Administrator to use up to \$15,000 from the Economic Development Fund for Project Silver Thunder. The motion carried with all members present voting in favor.

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

**Invocation** – Councilwoman Clark gave the invocation.

**Approval of Agenda** – Councilwoman Clark moved and Councilman Drayton seconded the motion to amend the agenda to include a public hearing on a proposed DA to be considered between Jasper County and Moffett Solar 1, LLC and /or an entity under common ownership to be named by it, and Jasper County regarding TMS 002.001.003 located in Jasper County along Grays Highway and Possum Corner Road between Jasper County and Moffett Solar 1, LLC also known as Adger Solar Farm and to announce a further opportunity for public hearing as a continuation of this public hearing to be held on Sept. 26, 2016 at 6:30 p.m. in the Jasper County Council Chambers, Jasper County Government Building, Ridgeland, SC. The motion carried with all members present voting in favor.

**Approval of the Minutes – 08-15-2016** – Councilwoman Clark moved and Councilman Etheridge seconded the motion to approve the minutes of the 8/15/2016 Council Meeting. The motion carried with all members present voting in favor.

**Presentation and Proclamation** - None

**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 – Chairman Sauls opened the floor to the public. **David Spisso, Hardeeville Mayor Pro-Tem** requested that the Planning Commissions’ recommendations about an overlay district be considered and that a timeline be established and to delay a decision as this request is for spot zoning. Mr. Spisso also requested that the citizens be given information regarding the transportation tax so they understand it. **Ronald Kreiling, Chairman of the Hardeeville Planning Commission**, also addressed the zoning change and said that the Hardeeville Planning Commission met 4 times and met with the Jasper County Planning Commission two times to establish an overlay district which included the parcel bearing Jasper County Tax Map Numbers 040-00-02-015 located at 11578 Speedway Blvd. Mr. Kreiling said the request should be denied because it is spot zoning and the Hardeeville Planning Commission was requested that this request be tabled for 60 days to further evaluate the situation and create an overlay district. **Branan Snowden, Hardeeville Planning Director**, said she met with Ms. Wagner that commercial zoned property is not needed and things needed to be done to enhance the community. **Janet Into** said she owned property on property on Hwy. 17 and she did not agree with her neighbor wanting to open a club. **Tim Padgett** provided pictures of the property on Speedway Blvd and a sketch of where his family owned property and lived. Mr. Padgett said five families live on the property and they were opposed to the rezoning. Mr. Padgett said they were concerned about safety and they were concerned about the undesirables that will come to the area if that kind of business is allowed. Mr. Padgett said there is only 150 feet from his property line to the property and he did not feel that was adequate. Mr. Padgett asked the Council to please stop the rezoning and not to rezone property or any other property that will affect other people’s property. **George Hadwin** told the Council that he owned 35 acres of land and the people do not need

commercial zoned property in this community. Mr. Hadwin said that things should be built to enhance the area, not hurt it. **Lafayette Webber** requested an update on his previous request. Chairman Sauls told Mr. Webber to meet with the Administrator. Being no further comments, Chairman Sauls closed the floor to the public.

#### **Resolutions - None**

#### **Ordinances**

Lisa Wagner – 3<sup>rd</sup> Reading of an ordinance to amend the Jasper County Zoning Ordinance Article 3:2.3. Review and Recommendation by the Planning Commission, Article 3:2.4 and Article 3:2.5 Action by County Council – Ms. Wagner said that the 2<sup>nd</sup> paragraph was removed due to redundancy. Councilwoman Clark moved and Councilman Etheridge seconded the motion that this be the 3<sup>rd</sup> Reading of an ordinance to amend the Jasper County Zoning Ordinance Article 3:2.3. Review and Recommendation by the Planning Commission, Article 3:2.4 and Article 3:2.5 Action by County Council. The motion carried with all members present voting in favor.

Lisa Wagner – 2<sup>nd</sup> Reading of the Ordinance Reading of an Ordinance to amend the Official Zoning Map of Jasper County so as to transfer property bearing Jasper County Tax Map Numbers 040-00-02-015 located at 11578 Speedway Blvd. from the Community Commercial Zone to the General Commercial Zone on the Jasper County Official Zoning Map –Vice Chairman Johnson moved and Councilman Drayton seconded the motion to table this item for 30 days to honor Hardeeville’s request and then schedule the Public Hearing and 2<sup>nd</sup> reading. The motion carried with all members present voting in favor.

Lisa Wagner- 2<sup>nd</sup> Reading of the Ordinance to amend Article 4, *Definitions*, Article 7:5, *Maximum Height* and Article 15, *Sign Standards* – Ms. Wagner said that flags are not regulated or addressed in the Zoning Ordinance. Vice Chairman Johnson asked if it would apply to the American Flag and Ms. Wagner said that it would and the size would be based on the height of the flag pole. Vice Chairman Johnson said he felt the American Flag should be exempt no matter how tall or how large. Mr. Tedder commented that there have been several cases regarding political signage. Vice Chairman Johnson moved and Chairman Sauls seconded the motion that this be the 2<sup>nd</sup> Reading of the Ordinance to amend Article 4, *Definitions*, Article 7:5, *Maximum Height* and Article 15, *Sign Standards* and that the American Flag be exempt from the requirements. The motion carried with all members present voting in favor.

Lisa Wagner – 2<sup>nd</sup> Reading of the Ordinance to amend the Jasper County Zoning Ordinance Article 8:5.8, *Architectural Design and Materials* – Ms. Wagner explained that the provisions of the Highway Corridor Overlay District (HCOD) impose certain architectural design materials and require a 50’ wide continuous landscaped buffer to be established along the highway. The zoning ordinance states, “*Metal not closely resembling a natural material is prohibited*”. Ms. Wagner informed the Council that recently, staff has received two (2) requests to develop property within the Highway 17 Corridor and both property owners have a strong desire to erect metal buildings. In both cases, the properties are adjacent to the municipalities where metal is not prohibited; however, there are special requirements imposed by the municipality

for the use of metal as an exterior finish. Ms. Wagner provided the example, the front of the building may be required to be “adorned” or one may be required to dress up the entire front of the building. In some cases, the municipality may ask that a non-metal siding be used on the exterior that faces the highway. Councilwoman Clark said she felt it is unfair for it to apply to only certain roads and those that are already built are grandfathered in. Ms. Wagner said in 2007 when the Zoning Ordinance was being done, the criteria was established and currently there are no standards and this ordinance would establish the guidelines. Councilwoman Clark said an ordinance was needed to clean up Jasper County. Vice Chairman Johnson asked why standards were higher for smaller buildings than they were for larger buildings. Ms. Wagner said they may be assessor type buildings that are not open to the public. Councilman Etheridge agreed that things needed to be cleaned up in the County. Vice Chairman Johnson moved and Councilwoman Clark seconded the motion that this be the 2<sup>nd</sup> Reading of the Ordinance to amend the Jasper County Zoning Ordinance Article 8:5.8, Architectural Design and Materials and the standards be applied Countywide. The motion carried with all members present voting in favor.

Lisa Wagner – 1<sup>st</sup> Reading of an Ordinance to amend – the Jasper County Zoning Ordinance, as amended, to amend Article 3:5;3, Notice of Hearing - Ms. Wagner informed the Council that Article 3:5.3 of the Jasper County Zoning Ordinance provides basic requirements for processing of public hearing notices. However, requirements are missing from the Jasper County Zoning Ordinance regarding mailing of public hearing notices as required by state law. Ms. Wagner said that the proposed amendment will add requirements for mailing of public hearing notices to property owners who may be affected by zoning map amendments and a section regarding comprehensive map amendments as they relate to posting of properties for a large area. In addition, a new section titled Constructive Notices will be added which is basically a disclaimer in case of a minor defect or error made during the notification of public hearing process. Ms. Wagner listed the proposed changes to include 3:5.3 Notice of Hearing which is the Notice of a public hearing shall be sent by first class mail to the last known address of all property owners within a minimum of 500 feet from all property lines of the subject property (unless the Review and Decision Making Body, after receiving a recommendation from the DSR, directs a larger area to be notified) at least fifteen (15) days prior to the date of the public hearing. The notice shall carry an appropriate descriptive title, and shall state the time, date, and place of the hearing. Ms. Wagner said also added were the comprehensive amendments to the zoning map include cases which it would be unduly burdensome, such as map amendments for more than 20 properties. Posting in this case shall be by posting in a newspaper of general circulation in Jasper County at least 15 days prior to the date of the public hearing, and by placing one (1) sign on each road frontage abutting the affected properties. Ms. Wagner introduced the new section to be added which included the proposed amendment to add 3:5.3.1 Constructive Notice. Ms. Wagner said when minor defects in a notice it shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. In all cases, however, the requirements for the timing of the notice and for specifying the date, time and place of a hearing and the location of the subject property shall be strictly construed. If questions arise regarding the adequacy of notice, the Review and Decision Making Body shall make formal findings regarding whether there was

substantial compliance with the notice requirements of this Ordinance. Councilman Etheridge asked about the 500 ft. requirement and he said he would like that increased to 2,000 feet. Vice Chairman Johnson questioned the cost of notifying people if distance was increased to 2,000 feet. Councilman Etheridge said the people need to know what is happening. Mr. Tedder suggested a review of what other jurisdictions do and he will provide a more comprehensive list at the next meeting. Ms. Wagner said the Public Hearings would be advertised in the newspaper, but not everyone would receive a letter. Ms. Wagner said the property would also be posted in plain view. Councilwoman Clark moved and Councilman Drayton seconded the motion that this be the 1<sup>st</sup> Reading of an Ordinance to amend the Jasper County Zoning Ordinance, as amended, to amend Article 3:5;3, Notice of Hearing. The motion carried with all members present voting in favor.

Lisa Wagner – 1<sup>st</sup> Reading of an Ordinance to amend the Official Zoning Map of Jasper County so as to transfer properties bearing Jasper County Tax Map Numbers 080-03-00-001; 080-03-00-002; 080-03-00-004; 080-03-00-005; 080-03-00-006; 080-03-00-007; 080-03-00-008; 080-03-00-009; 080-03-00-010; 080-03-00-011; 080-03-00-012; 080-03-00-013; 080-03-00-014; 080-03-00-015; 080-03-00-016; 080-03-00-017; 80-03-00-018; 080-03-00-019; 080-03-00-020; 080-03-00-021 located in the Argent Business Park off of Argent Boulevard from the General Commercial Zone to the Mixed Business Zone on the Jasper County Official Zoning Map – Ms. Wagner told the County that the applicant developed a 21 lot commercial subdivision in late 2006. And all roads and infrastructure were constructed and completed in early 2007. Ms. Wagner said the properties are currently undeveloped and the individual lots range in size from .85 acres to 3.19 acres. Argent Business Park is located off of Argent Boulevard. Ms. Wagner explained that the applicant has requested a Zoning Map Amendment to change the zoning designation from General Commercial (GC) to Mixed Business (MB) in order to meet future development needs. Ms. Wagner said that Mixed Business is a hybrid that allows both heavier commercial and lighter industrial uses, it is an ideal district to locate between commercial/retail strip centers allowed in General Commercial and lighter industrial uses. Councilman Etheridge moved and Councilman Drayton seconded the motion that this be the 1<sup>st</sup> Reading of an Ordinance to amend the Official Zoning Map of Jasper County so as to transfer properties bearing Jasper County Tax Map Numbers 080-03-00-001; 080-03-00-002; 080-03-00-004; 080-03-00-005; 080-03-00-006; 080-03-00-007; 080-03-00-008; 080-03-00-009; 080-03-00-010; 080-03-00-011; 080-03-00-012; 080-03-00-013; 080-03-00-014; 080-03-00-015; 080-03-00-016; 080-03-00-017; 80-03-00-018; 080-03-00-019; 080-03-00-020; 080-03-00-021 located in the Argent Business Park off of Argent Boulevard from the General Commercial Zone to the Mixed Business Zone on the Jasper County Official Zoning Map. The motion carried with all members present voting in favor.

Ronnie Malphrus – 2<sup>nd</sup> Reading of the Ordinance to amend the Jasper County Operating Budget for the Fiscal Year 2016-2017 – Mr. Malphrus explained that the ordinance was necessary to fund the salary increases. Councilman Drayton moved and Councilwoman Clark seconded the motion that this be the 2<sup>nd</sup> Reading of the Ordinance to amend the Jasper County Operating Budget for the Fiscal Year 2016-2017. The motion carried with all members present voting in favor.

Andrew Fulghum – 1<sup>st</sup> Reading of the Ordinance regarding a Lease Renewal between Jasper County and JARM (by title only) – Mr. Fulghum explained that the lease with JARM is expired and he provided a draft ordinance for the Council to consider. Mr. Fulghum said the lease will be for 5 years instead of 3 years. Councilwoman Clark moved and Councilman Etheridge seconded the motion that this be the 1<sup>st</sup> Reading of the Ordinance regarding a Lease Renewal between Jasper County and JARM (by title only). The motion carried with all members present voting in favor.

### **Old Business**

Andrew Fulghum - Public Hearing Public Hearing of an Ordinance approving a Development Agreement for the Moffett Solar tract by and between Jasper County and Moffett Solar I, LLC, and/or an entity under common ownership to be named by it, pursuant to the South Carolina Local Government Development Agreement Act and Article IV, Title 20 of the Code of Ordinances of Jasper County, and authorizing the Chairman of Jasper County Council to execute said Development Agreement – Chairman Sauls opened the public hearing. There were no comments. Chairman Sauls closed the public hearing. This public hearing will continue at the special called meeting on Sept. 26, 2016 at 6:00 p.m.

### **New Business**

Ronnie Malphrus – Discussion of Purchase of a chiller for the Courthouse- Mr. Malphrus explained the County has spent over \$20,000 on the current unit and it will take another \$6,000-\$8,000 to repair it now. Mr. Malphrus said he received 2 bids and since it was an emergency, he asked to move forward without the normal procurement policy. Mr. Malphrus asked the Council to approve up to \$50,000 for the new unit. Mr. Malphrus said the money is in the budget under building repairs. Mr. Malphrus asked for approval to move forward with Siemens. Chairman Sauls asked about a warranty and if it was the same brand. and Mr. Malphrus said the warranty was expired and it was the same brand. Chairman Sauls said he would like something with a better warranty. Councilman Etheridge asked if he contacted the factory and Mr. Malphrus said he thought Siemens contacted them. Vice Chairman Sauls said he felt Trane or Siemens should give the County a discount. Mr. Malphrus said he would try. Mr. Malphrus said it will take about 6 weeks to get the unit. Councilwoman Clark moved and Councilman Drayton seconded the motion to approve up to \$50,000 for the new chiller and to authorize Mr. Malphrus to purchase it after checking for any discounts. The motion carried with all members present voting in favor.

**Council Members' Comments- Councilwoman Clark** reported that she attended the 9-11 event in Hardeeville and State of the Port. Councilwoman Clark said she has been contracted about the rundown houses and trailers in Purrysburg and on Stiney Road. Councilwoman Clark said there were a lot of boarded up houses and something needed to be done. **Councilman Drayton** reported that he attended a parade, but due to his health he was not able to attend the other events. **Vice Chairman Johnson** said he also attended the parade and the Port Event. **Councilman Etheridge** said he also attended the 9-11 event and he agreed with Councilwoman Clark regarding the rundown houses. **Chairman Sauls** reminded the public of the upcoming

events. Chairman Sauls said he discussed the zoning change request with the applicant and the applicant said he was not going to build a pool hall/club/bar and that the applicant needed to get together with the planning commission. Chairman Sauls also discussed the Chamber of Commerce Golf Fundraiser and said the money was used for scholarships that are given to 1 senior at each of the three high schools.

**Administrator's Report-** Mr. Fulghum discussed the transportation sales tax effort and that the County has to establish reasonable standards of what the money can be used for so that the County can be reimbursed. Chairwoman Clark moved and Councilman Drayton seconded the motion to authorize the Administrator and the County Attorney to write a letter stating that Jasper County objects to the SDOR proposed regulations. The motion carried with all members present voting in favor.

**Adjourn** – Councilwoman Clark moved and Councilman Etheridge seconded the motion to adjourn. 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

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L. Martin Sauls, IV  
Chairman