



**JASPER COUNTY COUNCIL
COUNCIL CHAMBERS
JASPER COUNTY GOVERNMENT BLDG.
SEPTEMBER 21, 2015**

5:30 p.m.

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

Staff Present: Administrator Andrew Fulghum, Clerk to Council Judith Frank, Attorney David Tedder, Director of Administrative Services Ronnie Malphrus, Director of Emergency Services Wilbur Daley, Director of Engineering Services Dale Terry, Planning Director LeNolon Edge

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- Chairwoman Clark called the meeting to order at 5:30 p.m.

Executive Session – Council Conference Room – Vice Chairman Sauls moved and Councilman Etheridge seconded the motion to go into executive session for 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 – Prospect Gatherers, Project AS/R, INC 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 –Chamber of Commerce Lease, Roland Allen Bob dba Kayninja, Solicitor’s Office Section 30-4-70 (a)(2) 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 – Board Appointments, VA Office Section 30-4-70(a)(1). The motion carried with all members present voting in favor.

Return to Open Session- Vice Chairman Sauls moved and Councilman Drayton 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 – Councilman Etheridge gave the invocation.

Approval of 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.

Approval of the minutes for the 9/08/2015 Workshop- Councilman Etheridge moved and Vice Chairman Sauls seconded the motion to approve minutes. The motion carried with all members present voting in favor.

Presentation and Proclamations - There were no presentations or proclamations.

Ordinances

David Tedder- 3nd Reading of the Ordinance to amend the Jasper County Flood Damage Prevention Ordinance so as to adopt necessary and desirable amendments to the Jasper County Flood Damage Prevention Ordinance adopted October 15, 2007, and thereafter amended on March 16, 2015 by Ordinance 15-01 – Mr. Tedder explained that there were no changes to the ordinance since the last meeting. Mr. Tedder explained that this was a text amendment at the request of DHEC changing the word *or* to *and*. Councilman Johnson moved and Vice Chairman Sauls seconded the motion that this be the 3nd Reading of the Ordinance to amend the Jasper County Flood Damage Prevention Ordinance so as to adopt necessary and desirable amendments to the Jasper County Flood Damage Prevention Ordinance adopted October 15, 2007, and thereafter amended on March 16, 2015 by Ordinance 15-01. The motion carried with all members present voting in favor.

David Tedder – Public Hearing and 3rd Reading of an Ordinance to transfer a Pump Station Site on Old Charleston Highway to BJWSA (TMS 028-00-02-121 (0.052 acre) –Chairwoman Clark opened the public hearing. There were no comments. Chairwoman Clark closed the public hearing. Councilman Etheridge moved and Vice Chairman Sauls seconded the motion that this be the public hearing and 3rd Reading of an Ordinance to transfer a Pump Station Site on Old Charleston Highway to BJWSA (TMS 028-00-02-121 (0.052 acre). The motion carried with all members present voting in favor.

LeNolon Edge – 3rd Reading of the Ordinance to amend the Jasper County Zoning Ordinance, as amended, to add Manufactured Housing as a conditional use in the Community Commercial District and: to amend Article 6:1, Table 6:1, Table1; and to add conditions to Article 11:7 as 11.7.30B- Mr. Edge explained that by amending the ordinance manufactured homes would be allowed in community commercial as a conditional use. Councilman Etheridge moved and Councilman Drayton seconded the motion that this be the 3rd Reading of the Ordinance to amend the Jasper County Zoning Ordinance, as amended, to add Manufactured Housing as a conditional use in the Community Commercial District and: to amend Article 6:1,

Table 6:1, Table1; and to add conditions to Article 11:7 as 11.7.30B. The motion carried with all members present voting in favor.

Andrew Fulghum – Public Hearing and 3rd Reading of the Ordinance to establish a Multi-County Park for AS/R Inc. and Public Hearing and 3rd Reading of the Ordinance to authorize a FILOT agreement for AS/R Inc. – Mr. Fulghum explained the that the MCIP and the FILOT were for AS/R Inc. Mr. Fulghum said the legal description and the property was included and the items needed for the FILOT were listed. Mr. Fulghum also asked for authority for the administrator and the attorney to make adjustments to the FILOT, if needed. Chairwoman Clark opened the public hearing for the Ordinance to establish a Multi- County Park for AS/R Inc. There were no comments. Chairwoman Clark closed the public hearing. Chairwoman Clark opened the public hearing for the Ordinance to authorize a FILOT agreement for AS/R Inc. There were no comments. Chairwoman Clark closed the public hearing.

Councilman Johnson moved and Councilman Drayton seconded the motion that this be the Public Hearing and 3rd Reading of the Ordinance to establish a Multi- County Park for AS/R Inc. the motion carried with all members present voting in favor.

Vice Chairman Sauls leaves the meeting at this time.

Councilman Drayton moved and Councilman Johnson seconded the motion that this be the Public Hearing and 3rd Reading of the Ordinance to authorize a FILOT agreement for AS/R Inc. and to authorize the administrator and the attorney make any necessary adjustment to the FILOT. The motion carried with all members present voting in favor.

Mr. Doug Robertson, president of AS/R, Inc, said he had been looking for a location for over a year and thanked the Council for this opportunity.

LeNolon Edge- LeNolon Edge – 1st Reading of the Ordinance regarding Solar for Residential Use - Mr. Edge explained that this was the same ordinance presented at the workshop and it was for the use of solar as an accessory use in residential. Mr. Edge said there will be two ordinances for solar, one will deal with residential solar use and the other ordinance will deal with solar farms. Mr. Edge said that the updated ordinance for accessory use will be a merger of a couple documents and he will make sure that it works for the County. Mr. Edge reviewed the items included in the draft accessory use solar ordinance and it will give the County more control over how it looks. Mr. Edge said the Planning Commission will need to review it and make their recommendations. Councilman Johnson asked if there was an urgency for this ordinance and not the ordinance that dealt with solar farms. Mr. Edge said he was working on another workshop and the solar farm ordinance needed more work and this accessory solar ordinance was more simple and straightforward and is totally unregulated. Councilman Johnson asked if there were any problems so far because he did not want an ordinance for a solution looking for a problem. Councilman Johnson asked where did the criteria come from and why single out solar for ascetic reasons. Mr. Tedder said they came up with splitting the ordinance and included the common elements to put something out there for the people to consider and there were tax credit deadlines. Mr. Tedder said a public hearing will be held at 2nd reading. Councilman Johnson said he wants to know if this urgent or not and he felt item

#9 (The site plan shall receive approval from any existing homeowner's association or architectural review board of the affiliated neighborhood prior to approval of a building permit) should not be included. Mr. Tedder said the staff wanted to have a pending ordinance and there will be a public hearing at the 2nd reading. Mr. Tedder said if there is a pending ordinance, the people will not be able to make application to install. Councilman Johnson moved and Councilman Drayton seconded the motion that this be the 1st Reading of the Ordinance regarding Solar for Residential Use. The motion carried with all members present voting in favor.

LeNolon Edge -1st Reading of the Ordinance regarding Solar Uses – Solar Farms – Mr. Edge said this was the same ordinance as presented at the workshop and he requested the 1st reading so that they could improve the ordinance and move forward. Councilman Etheridge said there is an urgency concerning solar farms and some people are against them because they could be a detriment and nuisance to the surrounding property owners. Mr. Tedder explained that it is currently unregulated and they needed to move forward so that there is a pending ordinance in place. Mr. Tedder said the Council wanted another workshop and there would be a different scope and standards for a solar farm than there would be for residential solar. Mr. Tedder said that the Council and the Planning Commission can set those standards and create proper conditions. Councilman Etheridge said there are at least 5 questions to one question concerning solar farms to residential solar. Mr. Tedder said the State is pushing for solar and the County needs to have an ordinance in place. Mr. Edge said the ordinance was needed because the County has no standards. Mr. Tedder said standards and proper regulations and conditions needed to be worked on and that could take weeks or months. Mr. Fulghum added that part of the process is to invite people to make suggestions at the public hearings. Councilman Johnson moved and Councilman Etheridge seconded the motion that this be the 1st Reading of the Ordinance regarding Solar Uses –Solar Farms with the understanding that there will be considerable modifications before the 2nd reading. The motion carried with all members present voting in favor.

Councilman Johnson said that there may be a need for more public hearings to allow extra time and get the word to the proponents of the project. Councilman Johnson said they needed to know the science of the project and he would like an expert confirm that the solar farms are not dangerous to the people, animals or the environment. Chairwoman Clark advised the staff to contact other places that have huge solar farms. Chairwoman Clark said the State is working on this and it has to be done right. Mr. Tedder said there would be a public hearing at the 2nd reading .

David Tedder – 1st Reading of the Ordinance to Convey Property to Okatie Club for Communications Tower – Mr. Tedder explained that the communication tower location required a land swap, but it was never completed. Mr. Tedder said this ordinance would complete the transaction. Councilman Etheridge moved and Councilman Drayton seconded the motion that this be the 1st Reading of the Ordinance to Convey Property to Okatie Club for Communications Tower. The motion carried with all members present voting in favor.

David Tedder – 1st Reading of the Ordinance to Lease Property at Sgt. Jasper Park to Roland Allen Bob dba Kayninja (by title only) – Mr. Tedder told the Council that this ordinance was to approve a lease agreement and Mr. Davis was working on a concession for canoe rentals at the Sgt. Jasper Park. Councilman Drayton moved and Councilman Etheridge seconded the motion that this be the 1st Reading of the Ordinance to Lease Property at Sgt. Jasper Park to Roland Allen Bob dba Kayninja (by title only). The motion carried with all members present voting in favor.

David Tedder – 1st Reading of an Ordinance to authorize Jasper County to enter into a Lease Agreement with the Jasper County Chamber of Commerce and the Jasper County Historical Society for the use of the Perry House located at 403 Russell Street in Ridgeland, South Carolina as their offices and a museum. (by title only)- Mr. Tedder explained that the ordinance was being presented by title only and the renewal of the lease will include special terms and they will be included at the 2nd reading. Councilman Etheridge moved and Councilman Johnson seconded the motion that this be the 1st Reading of an Ordinance to authorize Jasper County to enter into a Lease Agreement with the Jasper County Chamber of Commerce and the Jasper County Historical Society for the use of the Perry House located at 403 Russell Street in Ridgeland, South Carolina as their offices and a museum. (by title only). The motion carried with all members present voting in favor.

Resolutions

David Tedder – Resolution to accept property from Okatie Club- Mr. Tedder said the land was needed for an additional buffer and they were given a 30 ft. strip to allow the County to accept the deed and consolidate the landfill. Councilman Etheridge moved and Councilman Johnson seconded the motion to pass the resolution to accept property from the Okatie Club. The motion carried with all members present voting in favor.

Old Business- There was no old business.

New Business

Ken Holt – Update on Runway status at the Claude Dean/Ridgeland Airport – Mr. Holt presented Power Point presentation that was previously presented to the SC Aeronautics Commission. Mr. Holt discussed the four phases of the project and that they were working with 68 landowners in various stages of acquisition. Mr. Holt said he felt good about the progress being made and felt that each phase will take about 1 year each so it should take about 4-5 years for it to be complete.

Andy Fulghum – Approval of Professional Service Contract for Phase I Design Services for Environmental Services at the Claude Dean/Ridgeland Airport- Mr. Fulghum presented a service contract for the Phase 1 design. Councilman Drayton moved and Councilman Etheridge seconded the motion to approve the of Professional Service Contract for Phase I Design Services for Environmental Services at the Claude Dean/Ridgeland Airport. The motion carried with all members present voting in favor.

Councilman Johnson discussion regarding the Solicitor's Office- This item was tabled.

Committee Reports – Councilman Drayton reported that the Class Reunion attendees appreciated the proclamation. **Councilman Johnson** said he had a report on the reorganization of the Solicitor's Office, but that has been tabled. **Councilman Etheridge** reported he attended the Catfish Festival and participated in the parade and activities. **Chairwoman Clark** reported that she attended a meeting in Columbia regarding land use and transportation. She said they discussed turning the roads over to the County and she told them that Jasper County does not have the equipment to do this kind of work. Chairwoman Clark said she also attended the Catfish Festival. Chairwoman Clark encouraged the citizens to go vote for the School Board.

Administrator's Report – Mr. Fulghum said that the Council needed to set up a meeting regarding the Detention Center and a workshop was needed for policy direction regarding transportation tax. Mr. Fulghum said the Fire Plan is being worked on and DSS needed a larger building and County would have to pay for it. Mr. Fulghum thanked the TC for the funding they provided and he thanked the staff and LCOG for working together to get the grant application in on time. Chairwoman Clark said there was a meeting on Oct. 2, 2015 regarding Hwy.17 funding. Mr. Fulghum said that there have been meetings scheduled regarding the Promise Zone.

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. **Barbara Solley** said that she is operating a dog rescue for dogs that other agencies will not take. Ms. Solley said when the animals are better, they place them in homes. Ms. Solley said that her property is zoned residential and she was told she could not have the animals on her property and she had no place to move the animals. Ms. Solley asked for a variance so the animals do not have to be put down. Chairwoman Clark asked her how many dogs did she have and Ms. Solley said she had 46 dogs and Chairwoman Clark asked where do they live and Ms. Solley said they have dog houses and they were going to build a large building that would be sound proofed and she was told a stop workorder was given. Ms. Solley said no one has complained and she has 3 acres behind her home and she has now been told that a person can only have 3 dogs in the residential district. Mr. Edge said that she was given 30 days to remove some of the dogs and to notify his department of the progress. Mr. Fulghum said he provided the Council with a copy of the letter Mr. Edge sent to Ms. Solley. Councilman Etheridge asked if Ms. Solley could be given a 20 day extension to get the dogs placed elsewhere. Mr. Edge deferred the question to Mr. Tedder. Mr. Tedder said that he has not had time to research and he would look into the matter and get back to the Council. Councilman Johnson said he would like a memorandum regarding the state's animal ordinance and he was surprised people were only allowed 3 dogs. Mr. Tedder said he would look into it and also compare with other Counties and animal control was also looking into it. Chairwoman Clark said that she did receive calls complaining about the odor. Ms. Solley said the waste is bagged and taken to the landfill. Ms. Solley said they are the last resort for the animals and they are self funded and she was requesting additional time to save

the dogs and not had to have them put down. Ms. Solley asked if these rules apply to everyone. Ms. Solley said that she would like her property rezoned. Councilman Johnson said she would have to make an application for rezoning. Ms. Solley said that she has already applied. Ms. Edge said Ms. Solley submitted an application for rezoning and she was told it was unlikely that the property would be rezoned to community commercial since there is no other property near her that were general or community commercial, but it was her right to pursue it. Chairwoman Clark asked the administrator and the attorney to work on it and come back to Council with a recommendation. Being no further comments, Chairwoman Clark closed the floor to the public.

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

The meeting ended at 8:45 p.m.

Respectfully submitted by:

Approved by:

Judith M. Frank, ccc
Clerk to Council

Barbara B. Clark
Chairwoman