



**JASPER COUNTY COUNCIL  
COUNCIL CHAMBERS  
SEPTEMBER 26, 2016  
MINUTES**

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

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 6:00 p.m.

Executive Session -Councilman Drayton 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 Moffett 1, LLC and Moffett II, LLC. The motion carried with all members present voting in favor.

Return to Open Session – Councilwoman Clark 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 - Councilwoman Clark gave the invocation.

Approval of Agenda – Councilwoman Clark moved and Vice Chairman Johnson seconded the motion to approve the agenda. The motion carried with all members present voting in favor.

#### Ordinances

Andrew Fulghum – Public Hearing and 3<sup>rd</sup> Reading 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. Councilwoman Clark motioned and Vice Chairman Sauls seconded the motion that this be the Public Hearing and 3<sup>rd</sup> Reading 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. Then motion carried with all members present voting in favor.

Andrew Fulghum –3<sup>rd</sup> Reading of an Ordinance to amend the agreement for establishment of a Multi-County Industrial/Business Park, by and between Jasper County, South Carolina, and Hampton County, South Carolina, providing for the Development of a jointly owned and operated Multi-County/Industrial/Business Park, so as to include additional property (Moffett Solar 1, LLC) in Jasper County as part of the Multi-County Industrial/Business Park – Mr. Fulghum said this ordinance and the following 4 ordinances all relate to the solar farm and they have all had public hearings. Vice Chairman Johnson moved and Councilwoman Clark seconded the motion that this be the 3<sup>rd</sup> Reading of an Ordinance to amend the agreement for establishment of a Multi-County Industrial/Business Park by and between Jasper County, South Carolina, and Hampton County, South Carolina, providing for the Development of a jointly owned operated Multi-County Industrial/Business Park, so as to include additional Property (Moffett Solar 1, LLC) in Jasper County as part of the Multi-County Industrial/Business Park and be adopted with lead for the County Administrator or County Attorney to correct typos and grammar errors. The motion carried with all members present voting in favor.

Andrew Fulghum –3<sup>rd</sup> Reading of an 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”) and Moffett Solar 1, LLC, acting for itself, one or more affiliates, and/or other project sponsors, and previously identified by the County as Project Gatherer (collectively, the Company”), pursuant to which the County shall covenant to accept certain negotiated Fees in Lieu of Ad Valorem Taxes (“FILOT”) with respect to the establishment of certain facilities in the county (the “project”); (2) certain special source revenue credits with respect to the project; (3) providing for the allocation of Fee in Lieu of Ad Valorem Taxes payments made with respect to the project (4) the benefits of a Multi-County Industrial/ Business Park to be made available to the company and the project; and (5) other matters relating thereto; Councilman Drayton moved and Councilwoman Clark second the motion that this be the 3<sup>rd</sup> Reading of an 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”) and Moffett Solar 1, LLC, acting for itself, one or more affiliates, and/or other project sponsors, and previously identified by the County as Project Gatherer (collectively, the company”),

pursuant to which the County shall covenant to accept certain negotiated Fees in Lieu of Ad Valorem Taxes (“FILOT”) with respect to the establishment of certain facilities in the county (the “project”); (2) certain special source revenue credits with respect to the project; (3) providing for the allocation of Fee in Lieu of Ad Valorem Taxes payments made with respect to the project (4) the benefits of a Multi-County Industrial/Business Park to be made available to the company and the project; and (5) other matters relating thereto and be adopted with lead for the County Administrator or County Attorney to correct typos and grammar errors. The motion carried with all members present voting in favor.

Andrew Fulghum – 3<sup>rd</sup> Reading of an 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”) and Moffett Solar II, LLC, acting for itself, one or more affiliates, and/or other project sponsors (collectively, the “Company”), pursuant to which the County shall covenant to accept certain negotiated Fees in Lieu of Ad Valorem Taxes (“FILOT”) with respect to the establishment of certain facilities in the County (the “project”); (2) certain special source revenue credits with respect to the project; (3) providing for the allocation of Fee in Lieu of Ad Valorem Taxes payments made with respect to the project; (4) the benefits of a Multi-County Industrial or Business Park to be made available to the (Company)and the project; and (5) other matters relating thereto – Councilman Drayton moved and Councilwoman Clark seconded the motion that this be the 3<sup>rd</sup> Reading of an 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”) and Moffett Solar II, LLC, acting for itself, one or more affiliates, and/or other project sponsors (collectively, the “Company”), pursuant to which the County shall covenant to accept certain negotiated Fees in Lieu of Ad Valorem Taxes (“FILOT”) with respect to the establishment of certain facilities in the County (the “project”); (2) certain special source revenue credits with respect to the project; (3) providing for the allocation of Fee in Lieu of Ad Valorem Taxes payments made with respect to the project; (4) the benefits of a Multi-County Industrial or Business Park to be made available to the (Company)and the project; and (5) other matters relating thereto and be adopted with lead for the County Administrator or County Attorney to correct typos and grammar errors. The motion carried with all members present voting in favor.

Andrew Fulghum –3<sup>rd</sup> Reading of an Ordinance to further amend the Agreement for establishment of a Multi-County Industrial/Business Park, by and between Jasper County, South Carolina, and Hampton County, South Carolina providing for the development of a jointly owned and operated Multi-County Industrial Business Park, so as to include additional property (Moffett Solar II, LLC) in Jasper County as part of the Multi-County Business Park – Councilwoman Clark moved and Vice Chairman Johnson seconded the motion that this be the 3<sup>rd</sup> Reading of an Ordinance to further amend the Agreement for establishment of a Multi-County Industrial/Business Park, by and between Jasper County, South Carolina, and Hampton County, South Carolina providing for the development Of a jointly owned and operated Multi-County Industrial Business Park, so as to include Additional property (Moffett Solar II, LLC) in Jasper County as part of the Multi-County

Business Park and to be adopted with lead for the County Administrator or County Attorney to correct typos and grammar errors. The motion carried with all members present voting in favor.

Andrew Fulghum-3<sup>rd</sup> Reading of the Ordinance to amend the Official Zoning Map of Jasper County so as to apply the Solar Farm Floating Zone to portions of properties bearing Jasper County Tax Map Numbers 059-00-04-001, 059-00-04-002, and 058-00-06- 003 as the shown on the Jasper Solar Farm Concept Plan, prepared by Thomas & Hutton, dated 5/24/16 and revised 6/30/16, 09/21/16 located along Grays Highway and Possum Corner Road, and approve modifications to the Design and Development Standards as allowed under the Solar Farm Floating Zone Ordinance – Councilwoman Clark moved and Councilman Drayton seconded the motion that this be the 3<sup>rd</sup> Reading of the Ordinance to amend the Official Zoning Map of Jasper County so as to apply the Solar Farm Floating Zone to portions of properties bearing Jasper County Tax Map Numbers 059-00-04-001, 059-00-04-002, and 058-00-06-003 as the shown on the Jasper Solar Farm Concept Plan, prepared by Thomas & Hutton, dated 5/24/16 and revised 6/30/16, 09/21/16 located along Grays Highway and Possum Corner Road, and approve modifications to the Design and Development Standards as allowed under the Solar Farm Floating Zone Ordinance and to be adopted with lead for the County Administrator or County Attorney to correct typos and grammar errors. The motion carried with all members present voting in favor.

#### New Business

Andrew Fulghum– Discussion of Supplemental Agreement to Intergovernmental Agreement between Jasper County and the City of Hardeeville regarding Fire Protection and Emergency Services- Mr. Fulghum explained that the agreement needed to be amended and that Hardeeville would take control of any situations in Levy. Councilman Drayton moved and Councilman Etheridge seconded the motion to authorize the Administrator and the County Attorney to amend the Hardeeville Agreement to an Intergovernmental Agreement. The motion carried with all members present voting in favor.

#### Adjourn

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

The meeting ended at 7:45 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

