



JASPER COUNTY COUNCIL
HARDEEVILLE CITY HALL

COUNCIL CHAMBERS
SEPT. 3, 2013
MINUTES

5:00 P.M. EXECUTIVE SESSION

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

Staff Present: Administrator Andrew Fulghum, Atty. Marvin Jones, Clerk to Council Judith Frank, Director of Administrative Services Ronnie Malphrus

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 Etheridge called the meeting to order at 5:03 p.m.

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 –JASPER OCEAN TERMINAL, RIDGELAND AIRPORT, BROWN CAMPBELL BLDG., PENDING LAWSUITS, PROPERTY IN CYPRESS WOODS BUSINESS INDUSTRIAL PARK, NICKEL PLATE MULTI-COUNTY INDUSTRIAL PARK AGREEMENT; 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 – PROSPECT UPDATE; 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 CLIENT'S RECORDS THAT ARE SUBMITTED FOR USE AT THE HEARING – RESOLUTION OF EEOC COMPLAINT – Vice Chairwoman Clark motioned and Councilman Drayton 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 –Jasper Ocean Terminal, Ridgeland Airport, Brown Campbell Bldg., pending lawsuits, property in Cypress Woods Business/Industrial Park, Nickel Plate Multi-County Industrial Park Agreement; 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 – prospect update; 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 client's records that are submitted for use at the hearing – resolution of EEOC complaint. The motion carried with all members present voting in favor.

RETURN TO OPEN SESSION – The Council returned to open session and took a dinner break. No action was taken.

7:00 P.M.

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

Staff Present: Administrator Andrew Fulghum, Atty. Marvin Jones, Clerk to Council Judith Frank, Director of Administrative Services Ronnie Malphrus, Director of Engineering Services Dale Terry, Director of Emergency Services Wilbur Daley, Planning Director LeNolon Edge,

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CALL TO ORDER –Chairman Etheridge called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE – Chairman Etheridge led the pledge of allegiance.

INVOCATION- Vice Chairwoman Clark gave the invocation.

APPROVAL OF THE AGENDA – Vice Chairwoman Clark motioned and Councilman Sauls seconded the motion to approve the agenda. The motion carried with all members present voting in favor.

PROCLAMATIONS AND PRESENTATIONS - PRESENTATION TO CHIEF DOUG GRAHAM – The Council presented Chief Doug Graham a plaque in appreciation for his 28 years of volunteer service to the Levy/Bellinger Hill fire districts.

ORDINANCES

RONNIE MALPHRUS – PUBLIC HEARING AND 3RD READING OF THE ORDINANCE TO REDUCE THE ROAD MAINTENANCE FEE – Mr. Malphrus explained that the ordinance was being done due to the Council reducing the road maintenance fee in the budget. Mr. Malphrus said that the reduction would start in January, 2014. Chairman Etheridge opened the floor to the public. There were no comments. Chairman Etheridge closed the floor to the public. Vice Chairwoman Clark motioned and Councilman Sauls seconded the motion that this be the Public Hearing and 3rd Reading of the Ordinance to Reduce the Road Maintenance Fee. The motion carried with all members present voting in favor.

ANDREW FULGHUM – PUBLIC HEARING AND 3RD READING OF THE ORDINANCE APPROVING A LEASE AGREEMENT BETWEEN JASPER COUNTY AND THE UNITED WAY OF THE LOWCOUNTRY- Mr. Fulghum explained that the United Way Lease needed to be renewed, however, they would be relocating to the EMS Building and they would pay \$100 towards the utilities. Chairman Etheridge opened the floor to the public. There were no comments. Chairman Etheridge closed the floor to the public. Councilman Johnson motioned and Vice Chairwoman Clark seconded the motion that this be the Public Hearing and 3rd Reading of the Ordinance Approving a Lease Agreement between Jasper County and the United Way of the Lowcountry. The motion carried with all members present voting in favor.

WILBUR DALEY – 2ND READING OF AN ORDINANCE TO ESTABLISH AN EMERGENCY SERVICE FEE- Councilman Johnson motioned and Vice Chairwoman Clark seconded the motion that this be tabled until the 09/16/2013 meeting of the Jasper County Council. The motion carried with all members present voting in favor.

ANDREW FULGHUM – 2ND READING OF AN ORDINANCE TO AMEND THE LEASE AGREEMENT BETWEEN JASPER COUNTY AND HOME TOWN TITLE- Mr. Fulghum reported that this ordinance was to amend the lease and that the tenant would move to the building where the United Way was previously located. Vice Chairwoman Clark motioned and Councilman Drayton seconded

the motion that this be the 2nd reading of the ordinance to amend the lease agreement between Jasper County and Home Town Title. The motion carried with all members present voting in favor.

ANDREW FULGHUM – 2ND READING OF AN ORDINANCE TO RENEW THE LEASE AGREEMENT BETWEEN JASPER COUNTY AND JASPER ANIMAL RESCUE MISSION (JARM) – Mr. Fulghum explained that the original lease was established 7 years ago and the renewal is for 3 years and the agreement identifies the duties and other responsibilities of both parties. Councilman Drayton motioned and Councilman Sauls seconded the motion that this be the 2nd reading of an ordinance to renew the lease agreement between Jasper County and Jasper Animal Rescue Mission (JARM). The motion carried with all members present voting in favor.

RESOLUTIONS

ANDREW FULGHUM – RESOLUTION CONCERNING THE TARBORO COMMUNITY CENTER-ANTIOCH PROJECT – CDBG – Mr. Fulghum explained that the grant application must be completed and filed by Sept. 16, 2013 and the funds from the grant would be used to renovate County owned property for non-profit use. Mr. Fulghum said that they were requesting \$500,000 and the County would enter into a lease agreement with Antioch. Mr. Fulghum discussed the County's financial and in kind commitments. Mr. Fulghum said that the County Council needed to endorse the Antioch Educational Center Expansion Project at the Tarboro site and it will greatly improve the quality of life for the residents of Jasper County and the Council would authorized County Administrator to prepare and submit a Community Development Block Grant (CDBG) Community Enrichment Application for the Antioch Educational Center Expansion Project and to commit funds in the amount of \$71,000 of which \$21,000 will be in kind to meet the matching commitment of the Community Development Program. Councilman Sauls motioned and Councilman Drayton seconded the motion to approve the resolution concerning the Tarboro Community Center Antioch Project –CDBG application. The motion carried with all members present voting in favor. Mr. Fulghum announced that there would be a public hearing at the Tarboro Center on Sept. 11, 2013 at 6:00 p.m.

ANDREW FULGHUM – RESOLUTION CONCERNING THE HARDEEVILLE LIBRARY PROJECT –CDBG Mr. Fulghum explained that it is the County's responsibility to provide a library, but Hardeeville was going to apply for the grant. Mr. Fulghum said the library project will be a team effort and the County will transfer property for the library. Mr. Fulghum said that the County Council supports the application submission of the Hardeeville Library Project because it will greatly improve the quality of life for the residents of Jasper County and that the County Administrator shall be and is authorized to commit funds in the amount of \$150,000 to assist the City of Hardeeville in addressing the additional funding needed to meet the \$890,000 project budget. Chairman Etheridge said the funds would come from the County's grant matching funds in the County budget. Councilman Drayton motioned and Vice Chairwoman Clark seconded the motion to pass the resolution concerning the Hardeeville Library Project – CDBG application. The motion carried with all members present voting in favor.

OLD BUSINESS

COUNCILMAN DRAYTON – RECONSIDERATION OF PROFESSIONAL SERVICE CONTRACT FOR CAPITAL PROJECT SALES TAX PLANNING SERVICES – Councilman Drayton said that he voted against the professional service contract for capital project sales tax planning services and he wanted it on the record that he wanted to change his vote. Councilman Drayton said that he thought the citizens should have the chance to make the decision. Councilman Drayton motioned to reconsider the professional service contract for capital project sales tax planning services. The motion died for lack of a second.

VICE CHAIRWOMAN CLARK – PALM KEY WORKSHOP DATE – Vice Chairwoman Clark said that the Council needed to schedule a workshop for the Palm Key Ordinance prior to the October meeting.

DALE TERRY – UPDATE ON HARDEEVILLE DITCHES – Mr. Terry presented a map of the County ditches and the canals in Hardeeville. Mr. Terry said that he needed funding to rent equipment to clean them. Mr. Terry said that currently they are all draining, but right now there is just more water than they can handle. Mr. Terry said there were 6 beaver dams in the ditches from Stiney Road to Purrysburg Road. Chairman Etheridge asked about the Levy area and Mr. Terry said there are no canals that the County can work because they do not have the right of way or permits to go on the land from the owners, the Corp of Engineers, or the OCRM. Councilman Drayton asked about the gentlemen who made a request at the last meeting. Mr. Terry said that everything down there is draining and the County needs the property owner's permission, but they cannot go through the swamp. Mr. Wright discussed the areas where the water was going and Chairman Etheridge asked Mr. Fulghum to see what can be done to clean the canals.

RONNIE MALPHRUS – APPOINTMENT TO THE A-TAX BOARD – Mr. Malphrus explained that there was one opening on the A-Tax board and John McCoy was present and he would like to be appointed to the Board. Mr. McCoy is the owner of the McDonalds at Point South. Vice Chairwoman Clark motioned and Councilman Johnson seconded the motion to appoint Mr. McCoy to the A-Tax Board. The motion carried with all members present voting in favor. Chairman Etheridge thanked Mr. McCoy for his willingness to serve on the A-Tax Board.

NEW BUSINESS

VICE CHAIRWOMAN BARBARA CLARK – CONSIDERATION OF COUNCIL MEETING TIME – Vice Chairwoman Clark said that she has been approached about having the meetings start at 6:30 p.m. Chairwoman Clark said the people have to get home and tend to their children and they get home to late. Chairman Etheridge said the meetings will be at 7:00 p.m. and the executive session will be prior to the meetings.

COMMITTEE REPORTS- **Councilman Sauls** reported on the meetings he attended and he also discussed the upcoming events of the Chamber of Commerce. **Vice Chairwoman Clark** updated the public on the meeting the Council had regarding the Port and she said she attended several other meetings. **Councilman Johnson** said he attended meetings regarding the Port. Councilman Johnson said that the Port is an American issue and there is a need for people all over to know about it. Councilman Johnson said it was not a turf war, and that the port was needed for the good of America. **Councilman Drayton** proposed that the Council have one meeting a year in Tarboro. Councilman Drayton said he attended the Port meeting. **Chairman Etheridge** reported on his trip to San Francisco with LCOG and he also attended the Port meeting. Chairman Etheridge said he attended a meeting regarding ISO ratings and he told the public he would stay after the meeting to answer any questions they had regarding the capital project sales tax.

ADMINISTRATOR'S REPORT- Mr. Fulghum requested authorization to move forward on an application for a Rural Infrastructure Authority Grant with the City of Hardeeville and BJWSA. Mr. Fulghum said that the County's portion would be \$42,500 which can be paid from the County Commercial Development Account. Mr. Fulghum said the total for the project would be \$584,500. Vice Chairwoman Clark motioned and Councilman Drayton seconded the motion to have the administrator move forward with the application for the Rural Infrastructure Authority Grant with the City of Hardeeville and BJWSA. The motion carried with all members present voting in favor. Dale Terry updated the Council on the grant funds he has received. Mr. Terry said the Waste Tire Grant was for \$31,850 and the grant to repair the containers was for \$5,000.

OPEN FLOOR TO THE PUBLIC - PER ORDINANCE 08-17 ANY CITIZEN OF THE COUNTY MAY SIGN TO SPEAK BEFORE THE COUNCIL MEETING ON MATTERS PERTAINING TO COUNTY SERVICES AND OPERATIONS. PRESENTATIONS WILL BE LIMITED TO THREE (3) MINUTES (TOTAL PUBLIC INPUT WILL BE LIMITED TO 30 MINUTES) - **Mary Donovan** discussed the trash on the property next to her home. Ms. Donovan said this has been going on for 9 years. Ms. Donovan listed the various violations and asked the Council to look into correcting the problem. Chairman Etheridge said the County would have someone out there tomorrow. **Cynthia Rubino** thanked the Council for passing the resolution and the funds for the expansion of the Tarboro Center. Ms. Rubino said they want to do everything right the first time and it will be available to everyone in the County. Ms. Rubino said they have 1,000 signatures in support of the project. **Mr. Wright** discussed the ditches on Hwy. 17 and said that something needs to be done and if Sun City can dig the canals, then the County should be able to cut the canals. Mr. Wright said the Hardeeville and the State are also causing some of the problems. **Kendall Malphrus**, director of the Chamber of Commerce said she was representing the Chamber members and they were not in favor of the Special Project Sales Tax or spending \$75,000 to get it on the

ballot, as they feel it will deter growth. **Denise Davidson** said that the County's failing schools have an impact on economic development and the County needed someone to discuss that at a meeting. Ms. Davidson informed the Council that the School District has not responded to the offer from the Royal Live Oaks Academy and if they accepted the offer, they would have no need to sue the County.

ADJOURN - -Chairwoman Clark motioned and Councilman Sauls 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.

Respectfully Submitted By:

Approved by:

Judith M. Frank, ccc
Clerk to Council

Henry Etheridge
Chairman