



**JASPER COUNTY COUNCIL  
COUNCIL CHAMBERS  
RIDGELAND, SC  
TUESDAY  
SEPTEMBER 6, 2016  
MINUTES**

**5:00 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 Administrative Services Ronnie Malphrus, 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 5:05 p.m.

Executive Session

Councilman Etheridge moved and Councilman Drayton seconded the motion to go into executive session for the 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 –Section 30-4-70(a)(1) EMS 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 –Section 30-4-70 (a) (2) Levy Volunteer Fire Dept., Communications Contract, Yemassee Police Dept. Professional Service Contract –Jasper Ocean Terminal 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) Project Bullet, Jalaram, Inc., Project Silver Thunder. 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 voting in favor.

Vice Chairman Johnson moved and Councilman Drayton seconded the motion to enter into a professional service contract with Ball Maritime Group that is not to exceed \$5,000 and it is to be paid for from the Commercial Development Fund. The motion carried with all members present voting in favor.

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

Invocation – Vice Chairman Johnson gave the invocation.

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

Approval of the Minutes –Councilwoman Clark moved and Councilman Drayton seconded the motion to approve the minutes of the 07/18/2016 and 08/24/2016 Council Meetings. The motion carried with all members present voting in favor.

#### Presentation and Proclamation

Andrew Fulghum – Presentation of GFOA Award to Ronnie Malphrus – Mr. Fulghum presented Mr. Malphrus with GFOA Award for Excellence in financial reporting.

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. **Mr. & Mrs. Youmans** thanked the Council for the financial support of the Pocatigo/Point South Festival. Vice Chairman Johnson and Councilwoman Clark both commented that it was an amazing event and the organization was great. Mr. Youmans said they had over 100 participants in the parade. Councilman Etheridge said he attended the prayer meeting and opening night of the Festival. **Ray Jacobs**, manager of Buckwalter Plantation said he hoped that the developer of the solar farm was going to protect the gopher turtles. **Lafayette Webber** said he attended the last Council Meeting regarding the illegal sale of his property. Mr. Webber said he has been patient for many years and he felt the 4 parcels of property and \$1,000,000 of inventory were taken and he has the documents to prove he paid the taxes. Councilwoman Clark asked Mr. Webber to provide the Clerk to Council with a copy of the documents. Being no further comments, Chairman Sauls closed the floor to the public.

#### Resolutions

Andrew Fulghum - A Day Without Water Resolution – Mr. Fulghum said the resolution highlighted the critical and essential need that water was to quality of life. Councilman Etheridge moved and Councilwoman Clark seconded the motion to pass the Day Without Water Resolution. The motion carried with all members present voting in favor.

David Tedder- Resolution Amending the Employment Agreement between Jasper County and Andrew P. Fulghum – Mr. Tedder explained that he was instructed at the August 24, 2016 Special Called Meeting to prepare a resolution to amend the salary portion and payment of retirement of the County Administrator’s Contract. Mr. Tedder said a date needed to be filled in as to when the change will begin. Councilwoman Clark said it was to go into affect immediately upon approving the resolution. Councilwoman Clark moved and Vice Chairman Johnson seconded the motion to pass the resolution amending the employment agreement between Jasper County and Andrew P. Fulghum and the changes go into effect immediately. Councilman Etheridge said that they were voting on something that was already voted on at the last meeting. Councilman Etheridge said that the Council voted on Aug. 25, 2016 that the increases were to start the 1<sup>st</sup> pay period after October 3, 2016. Councilman Etheridge said that is what was stated in the minutes that the Council just approved. Councilman Drayton said that all the increases were to start at the same time. The motion carried with Chairman Sauls, Vice Chairman Johnson and Councilwoman Clark voting for; Councilman Etheridge and Councilman Drayton voted against.

#### Ordinances

Lisa Wagner – 3<sup>rd</sup> Reading of an Ordinance to amend the Jasper County, South Carolina Comprehensive Plan to add Solar Floating Zone to Chapter 6.4 Future Development Plan Framework – Ms. Wagner said that the State encourages the use of renewable energy and the County needs to amend the comprehensive plan to add the Solar Floating Zone to Chapter 6.4 Future Development Plan Framework. Councilman Etheridge commented that he did not like it, but he knows what is happening at the state level and they are shoving it down our throats. Councilman Etheridge said he did not like making changes to the Comprehensive Plan. Councilwoman Clark moved and Councilman Johnson seconded the motion that this be the 3<sup>rd</sup> Reading of an Ordinance to amend the Jasper County, South Carolina Comprehensive Plan to add Solar Floating Zone to Chapter 6.4 Future Development Plan Framework. The motion carried with all members present voting in favor.

Lisa Wagner – Public Hearing and 2<sup>nd</sup> Reading of an Ordinance to Amend the Jasper County Zoning Ordinance Article 3:2.3. Review and Recommendation by the Planning Commission and Article 3:2.5 Action by County Council – Ms Wagner explained that in accordance with the state law, there is no prescribed time period for Planning Commission’s review and recommendation to be submitted to County Council; however, the state law does require the Planning Commission to review and make recommendation within thirty (30) days regarding any material changes made by County Council which has been remanded back to the Planning Commission. The proposed amendment reflects the South Carolina Local Government Comprehensive Planning Act of 1994. Chairman Sauls opened the public hearing. There were no comments. Chairman Sauls opened the public hearing. There were no comments; Chairman Sauls closed the public hearing. Vice Chairman Johnson moved and Councilwoman Clark seconded the motion that this be the Public Hearing and 2<sup>nd</sup> Reading of an Ordinance to Amend the Jasper County Zoning Ordinance Article 3:2.3. Review and Recommendation by the

Planning Commission and Article 3:2.5 Action by County Council. The motion carried with all members present voting in favor.

Lisa Wagner- Public Hearing and 2<sup>nd</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, 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- Ms. Wagner explained that Moffett Solar, LLC proposes to develop a 150 mega-watt solar farm in the Gillisonville area. The property consists of 1,525 acres with approximately 433 acres of wetlands and 1,092 acres of uplands. The site is generally bound to the west by Grays Highway, to the south by Stock Farm Road, to the east by Chilton Timber and Land Company, and to the north by Possum Corner Road. The project life is anticipated to be 25 – 30 years. The Applicant has requested that the Solar Farm Floating Zone be applied to the subject property (1,525 acres) as depicted on the concept plan. Ms. Wagner said that the concept plan shows a 100' vegetated buffer is proposed along Grays Highway. A 100' vegetated buffer is proposed along a portion of Possum Corner Road in several areas and a 50' buffer consisting of a landscaped berm is proposed along approximately 3,000 linear feet of Possum Corner Road. A 50' agricultural buffer is proposed along forested properties greater than 5 acres and located in the Rural Preservation zoning district. Ms. Wagner also told the Council that the SFFZ ordinance requires a 200' buffer from residential uses unless otherwise addressed through private land covenants and agreements with adjacent property owners setting specific standards for buffers, and fencing/landscaping requirements subject to approval by Jasper County Council. Moffett Solar and Mr. Rentz have reached an agreement which proposes, in lieu of providing the 200' residential buffers, the 25' setbacks, and screening along the adjacent residential property, these areas along with other areas (totaling 211 acres) will be conveyed to Mr. Rentz. Ms. Wagner said the other buffers include a 50' riparian buffer around all wetlands. A 50' buffer around 5 cultural resource areas. A 25' setback has been established along the interior of the buffer yards. The solar farm consists of approximately 9 pods where solar panels will be located. Each pod will be secured by a fence leaving the wetlands undisturbed and creating a wildlife corridor. Ms. Wagner explained that the Proposed Buffer Types schematics prepared for Jasper Solar Farm illustrates two different types of buffer yards to be used for screening purposes. In addition, the solar panels are shown to be less than 10' in height and depict the sight line at maturity from the exterior of the property. Chairman Sauls opened the public hearing. **Lillian Dopson** asked what effect the solar farm would have on the Rock Spring Baptist Church. Councilman Etheridge said that you would not be able to see it from the road. Vice Chairman Johnson said there would also be a landscaped buffer zone. **Robin Johnson** said she was concerned about lighting and how it will affect the people. Chairman Sauls said that Ms. Wagner would get back to her and answer any questions she had. **Ms. Shaffer** voiced the opinion of the Conservation League and that solar energy is clean energy and that she was happy to support the project. Councilwoman Clark said the Council has given this project careful thought and some of the Council members even visited a solar farm in another state. Councilwoman Clark said if the County did not do it, the State

would do it. Councilwoman Clark said there would be 4 employees and that they will have to relocate some Gopher Turtles. Ms. Wagner said there may be some traffic during 6 month construction period. Mr. Moore said a study was done on the wildlife and they have identified where the bald eagles have nests and what effect the solar panels will have on them. Being no further comments, Chairman Sauls closed the floor to the public. Councilwoman Clark moved and Councilman Drayton seconded the motion that this be the Public Hearing and 2<sup>nd</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, 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. The motion carried with all members present voting in favor.

Lisa Wagner – 1<sup>st</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 – Ms. Wagner explained that this application was tabled at previous meetings and the City of Hardeeville has asked for the Jasper County Planning Commission to work with the City of Hardeeville Planning Commission to address zoning and land use of the Highway 17 Corridor. Ms. Wagner told the Council that a Joint Planning Commission meeting was held in July and another joint meeting is scheduled for September 13, 2016. At the August 9, 2016 Jasper County Planning Commission meeting, the Planning Commission prepared a statement for County Council, which states, “Due to the complexity of this area, and the ongoing efforts to coordinate with the City of Hardeeville for an overall plan for the Highway 17 Corridor, the consensus of the Planning Commission is that it may be the best course of action to not re-zone or have annexations in this area until further standards are recommended by the Hardeeville and Jasper County Planning Commissions.” Ms. Wagner provided the following description of the subject property. Ms. Wagner said it consists of 1.21 acres and is located at 11578 Speedway Boulevard and his property is partially developed and has an accessory structure on site which is currently being used as storage. Ms. Wagner said the Applicant has requested a Zoning Map Amendment to change the zoning designation from Community Commercial (CC) to General Commercial (GC) to establish a pool hall/private club. Ms. Wagner told the Council that In accordance with the 2007 Jasper County Zoning Ordinance, drinking places are not allowed in the Community Commercial (CC) District; however, it is allowed in General Commercial (GC). Ms. Wagner said the Zoning Map Amendment application and request is reviewed by considering the following factors: **Comprehensive Plan:** According to the 2014 Jasper County Comprehensive Plan, the recommended development framework of the County "uses a development area concept to manage future growth by encouraging and enhancing growth patterns that have naturally occurred within the County." The Comprehensive Plan generally states that the Hardeeville Development Area is an appropriate location for a full range of land uses of a more urban character, including a wide range of commercial, residential and business activities. However, there is little guidance on land use applications besides these

facts, especially types of uses and appropriateness in certain locations. As such, other factors should be considered. **Adjacent Zoning:** The adjacent parcels are zoned Community Commercial (CC) and Rural Preservation (RP) with Residential (R) nearby. The Hardeeville municipal boundaries are also contiguous to the subject parcel so annexation is an option. **Adjacent Land Use:** Adjacent land uses are commercial, residential, and agriculture and **Traffic and Access:** The property is accessed by Speedway Boulevard which is a four lane divided highway with full median access cuts. Councilman Drayton said this was tabled, but the Council needed to take action on it. Councilman Etheridge said it has been tabled twice and there is a Public Hearing scheduled for Oct. 3, 2016 and the people need to be at that meeting. Councilman Etheridge said this property is adjacent to residential property. Councilwoman Clark moved and Councilman Drayton seconded the motion that this be the 1<sup>st</sup> Reading of the 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. The motion carried with all members present voting in favor.

Lisa Wagner - 1<sup>st</sup> Reading of the Ordinance to amend Article 4, *Definitions*, Article 7:5, *Maximum Height* and Article 15, *Sign Standards* of the Jasper County Zoning Ordinance regarding size and standards for flags and flagpoles (by title only) – Ms. Wagner explained that flags and flag poles were not addressed in the zoning ordinance and a public hearing was scheduled for Oct. 3, 2016. Councilwoman Clark moved and Councilman Drayton seconded the motion that this be the 1<sup>st</sup> Reading of the Ordinance to amend Article 4, *Definitions*, Article 7:5, *Maximum Height* and Article 15, *Sign Standards* of the Jasper County Zoning Ordinance regarding size and standards for flags and flagpoles (by title only). The motion carried with all members present voting in favor.

Ronnie Malphrus – 1<sup>st</sup> Reading of the Ordinance to amend the 2016-2017 Budget Ordinance- Mr. Malphrus explained that the amendment to the budget was for \$300,000 which would be for the compensation increase for the employees and the administrator. Mr. Malphrus said the funds would come from the fund balance for this fiscal year. Vice Chairman Johnson said this will not result in a tax increase. Mr. Malphrus said it would have no effect on the millage. Councilman Etheridge commented that this was for the 3% for the employees and it would be taken from the “cash carry forward”. Councilman Etheridge said that the Administrator’s raise was \$30,000 and he would get the 3% like the employees when the employees got their raise. Mr. Malphrus said that cash wise the \$30,000 can go into effect as of Sept. 5, 2016 and the raise can be done without the budget amendment. Mr. Tedder said the funding for both would be coming from this budget amendment and the current increase for the Administrator can come out of the Administrator’s budget line. Mr. Tedder was directed to get the date of the next pay period after the Oct. 3, 2016 final reading of the ordinance. Councilman Etheridge said that he told Mr. Tedder to refer to the minutes regarding the date the Administrator’s raise was to go into effect and Councilman Etheridge said that Mr. Tedder did not do that. Councilwoman Clark moved and Vice Chairman Johnson seconded the motion that this be the

1<sup>st</sup> Reading of the Ordinance to amend the 2016-2017 Budget Ordinance. The motion carried with all members present voting in favor.

Old Business - None

New Business

Election Commission – Request for permission to use the old Council Chambers in the Mary Gordon Ellis Building as a voting location instead of the EMS Building- Mr. Joseph Arzillo requested permission to move the voting precinct at the EMS Building to the old Council Chambers in the Mary Gordon Ellis Building. Mr. Arzillo said that this would not happen prior to the November Election. Ms. Bostick said new voters registration cards would be issued to show the change. Ms. Bostick said nothing will change until 2017. Councilwoman Clark said she would like to address this after the election because the people do not need to be distracted just prior to the General Election. Councilwoman Clark said she would like to see the Election Commission/Voter’s Registration Office moved to the Mary Gordon Ellis Building. Councilwoman Clark said she heard there were election machines at the Mission Baptist Church and Ms. Bostick said they were locked up. Mr. Arzillo said he wanted to get it started because it needed to be done. No action was taken.

Ronnie Malphrus – Appointment of Member to the A-Tax Board- **Vice Chairman Johnson** moved and Councilwoman Clark seconded the motion to appoint Mr. Uman Patel to the A-Tax Board. The motion carried with all members present voting in favor.

Ronnie Malphrus – Approval of Job Description for Victim’s Advocate – Mr. Malphrus explained that the State did an audit and asked that the job description for the Victim’s Advocate be updated and they wanted the County Council to approve it. **Vice Chairman Johnson** moved and Councilwoman Clark seconded the motion to approve the Job Description for Victim’s Advocate as presented. The motion carried with all members present voting in favor.

Council Members’ Comments – **Councilman Etheridge** reported that he attended the special called meeting and the motion that was made and approved doesn’t seem to matter since it was changed tonight. **Councilwoman Clark** said she attended several meetings. **Councilman Drayton** reported that he attended the parade at Pocatigo. **Vice Chairman Johnson** reported that he attended the Prayer Breakfast with Councilman Etheridge. Vice Chairman Johnson said he reviewed the information provided by Mr. Webber and that he (Vice Chairman Johnson) just typed the deed. **Chairman Sauls** listed the upcoming events in the County. **Councilwoman Clark** asked Mr. Tedder to start a lawsuit with Mr. Walker concerning the roads.

Administrator’s Report- Mr. Fulghum told the Council that the notice for the referendum would come out tomorrow. Mr. Fulghum said that Ms. Johnson spoke with Mr. Berry regarding the water quality testing and he should have reports by the end of the week and he will forward them to Council. A stop light and safety lighting at University Parkway was discussed and **Councilman Drayton** moved and **Vice Chairman Johnson** seconded the motion to approve up to \$6,000 from the Commercial Development Fund for the stop light and safety lighting. 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 8:10 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