



**JASPER COUNTY COUNCIL
COUNCIL CHAMBERS
JASPER COUNTY GOVERNMENT BLDG.
TUESDAY
SEPTEMBER 8, 2015**

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 the 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 Handler Section 30-4-70(a)(5) -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 – Camp Lake Jasper, Coastal Carolina Hospital Section 30-4-70 (a)(2) -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, Administrator 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 Etheridge seconded the motion to return to open session.

Chairwoman Clark stated that the Council evaluated the Administrator and he received an excellent evaluation. Chairwoman Clark said she had to prepare a summary and when it was complete it would be available to the public.

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

Invocation – Vice Chairman Sauls gave the invocation.

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

Approval of the Minutes – 08/11/2015 and 08/17/2015 - Vice Chairman Sauls moved and Councilman Etheridge seconded the motion to approve minutes. The motion carried with all members present voting in favor.

Presentation and Proclamations

September is Senior Center Month Proclamation- Vice Chairman Sauls moved and Councilman Drayton seconded the motion to pass the proclamation that September is Senior Center Month. The motion carried with all members present voting in favor.

LCOG Public Hearing and Resolution

Public Hearing for Consolidated Annual Performance Evaluation Report for The Lowcountry Regional HOME Consortium – Ms. Knight explained that this was the 9th year of funding through HUD and she provided highlights of the projects done in the four counties. Chairwoman Clark opened the public hearing. Mr. Spisso asked if JCNU received funding and Ms. Knight responded that they can apply for the funding. Chairwoman Clark closed the public hearing.

Public Hearing for Jasper County CDBG Application for Clearance Activities - Ms. Knight said the application was for a project to clear 17 properties that were nuisance properties in the county. Ms. Knight said there was a 10% match required. The total grant and match was \$145,000. Chairwoman Clark opened the public hearing. There were no comments. Chairwoman Clark closed the public hearing. Ms. Knight asked the audience to sign the sign in sheet.

Resolution Committing matching funds for Jasper County CDBG Application for Clearance Activities – Councilman Johnson moved and Vice Chairman Sauls seconded the motion to pass the resolution and to authorize the administrator to sign the application and to commit the 10% match. The motion carried with all members present voting in favor.

Presentation of Certificate of Achievement in Financial Reporting for GFOA to Ronnie Malphrus-Mr. Fulghum presented the Certificate of Achievement in Financial Reporting for GFOA Mr. Malphrus. Mr. Fulghum said this was the 14th year Mr. Malphrus has received this award.

Ordinances

LeNolon Edge – 3rd Reading of the Ordinance to amend the official zoning map of Jasper County so as to transfer property bearing Jasper County Tax Map Number 036-00-06-18 located at the intersection of Levy Road and Breezy Lane from the Residential Zone to the Community Commercial Zone on the Jasper County Official Zoning Map – Mr. Edge explained that there were no changes since the 2nd reading and the Planning Commission made no recommendation regarding this zoning change. Councilman Johnson moved and Councilman Etheridge seconded the motion that this be the 3rd Reading of the Ordinance to amend the official zoning map of Jasper County so as to transfer property bearing Jasper County Tax Map Number 036-00-06-18 located at the intersection of Levy Road and Breezy Lane from the Residential Zone to the Community Commercial Zone on the Jasper County Official Zoning Map. Vice Chairman Sauls asked the reason for the change and Mr. Edge said the owner wanted to park his construction trucks there and there would be a fence around the property. Councilman Etheridge said he visited the area again and he spoke with one person and asked him to tell the other neighbors if they had a problem with the zoning change to contact him. The motion carried with all members present voting in favor.

David Tedder- Public Hearing and 2nd 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 DNR requested that two words be changed from or to and. 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 2nd 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 – 2nd Reading of an Ordinance to transfer a Pump Station Site on Old Charleston Highway to BJWSA (TMS 028-00-02-121 (0.052 acre) – Mr. Tedder explained that this is for a CBDG project and the last thing to do to close this project out is to transfer the property the pump station is located on to BJWSA. Councilman Drayton moved and Councilman Johnson seconded the motion that this be the 2nd 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 – Public Hearing and 2nd 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, Table 1; and to add conditions to Article 11:7 as 11.7.30B – Mr. Edge said there were no changes to the ordinance and that the Planning Commission said it was their original intent to allow manufactured

housing in the Community Commercial Zone. Mr. Edge said he added 3 conditions. Vice Chairman Sauls asked if the planning commission requested the conditions. Mr. Edge responded that this is what was presented to the Planning Commission and is what they wanted presented to the Council. Mr. Edge said if manufactured housing is in the Community Commercial District it should be used for residential purposes. Chairwoman Clark opened the Public Hearing. There were no comments. Chairwoman Clark closed the public hearing. Councilman Drayton moved and Vice Chairman Sauls seconded the motion that this be the Public Hearing and 2nd 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, Table 1; 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 Systems, Inc and Public Hearing and 3rd Reading of the Ordinance to authorize a FILOT agreement for AS/R Systems, Inc – Mr. Fulghum explained that there were no changes to either ordinance since the last reading. Chairwoman Clark opened the public hearing for the ordinance to establish Multi- County Park for AS/R Systems, Inc. There were no comments. Chairwoman Clark closed the public hearing. Councilman Drayton moved and Vice Chairman Sauls seconded the motion that this be the Public Hearing and 3rd Reading of the Ordinance to establish a Multi- County Park for AS/R Systems, Inc. The motion carried with all members present voting in favor. Chairwoman Clark opened the Public Hearing for the Ordinance to authorize a FILOT agreement for AS/R Systems, Inc. There were no comments. Chairwoman Clark closed the public hearing. Vice Chairman Sauls moved and Councilman Drayton seconded the motion that this be the Public Hearing and 3rd Reading of the Ordinance to authorize a FILOT agreement for AS/R Systems, Inc. The motion carried with all members present voting in favor.

David Tedder –Public Hearing and 3rd Reading of the Ordinance to amend the Exception Section of Ordinance Number 05-04, PURCHASING AND CONTRACTING ORDINANCE, so as to provide for County Council to make exceptions in extraordinary matters- Mr. Tedder explained that there were no changes to the ordinance since the last reading and that the ordinance allows the Council to allow exceptions in extraordinary matters. 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 the Ordinance to amend the Exception Section of Ordinance Number 05-04, PURCHASING AND CONTRACTING ORDINANCE, so as to provide for County Council to make exceptions in extraordinary matters. The motion carried with all members present voting in favor.

Andy Fulghum – Public Hearing and 3rd Reading of the Ordinance to donate +- 6.74 acres of property within the Cypress Ridge Business/Industrial Park to AS/R Systems, Inc.-Mr. Fulghum explained that the property was being transferred to AS/R Systems, Inc. Chairwoman Clark opened the public hearing. There were no comments. Chairwoman Clark closed the public hearing. Vice Chairman Sauls moved and Councilman Drayton seconded the motion that

this be the Public Hearing and 3rd Reading of the Ordinance to donate +- 6.74 acres of property within the Cypress Ridge Business/Industrial Park to AS/R Systems, Inc. The motion carried with all members present voting in favor.

Resolutions

David Tedder – Resolution concerning the Transportation Committee – Mr. Tedder explained that the Delegation passed a resolution dissolving the Transportation Committee and transferred their authority to the County Council. Mr. Tedder requested a resolution to establish the Jasper County Transportation Advisory Committee and the County Council will appoint the members and it will consist of five members to reflect the County Council. The JCTAC will continue to receive a monthly stipend. Mr. Fulghum asked that they add that the Clerk to Council continue to serve as the secretary to the JCTAC. Councilman Drayton asked why it was necessary to do this and Chairwoman Clark responded that the Delegation feels the Council knows the people better and it is necessary for the Council to have something in place. Chairwoman Clark said the Administrator and the Clerk to Council will still assist the JCTAC and they still will receive a monthly stipend if they attend the meeting. Vice Chairman Sauls moved and Councilman Johnson seconded the motion to approve and amended resolution to include that the JCTAC will continue to receive the monthly stipend, and that the administrator and clerk to council will continue to work with the JCTAC. The motion carried with all members present voting in favor.

David Tedder – Resolution to approve a Memorandum of Understanding between Jasper County and the BJWSA regarding Capital Credits – Mr. Tedder explained that the resolution was to enter into a Memorandum of Understanding with the Beaufort-Jasper Water and Sewer Authority to identify projects and explore cost sharing and funding to expand water and sewer services throughout the County and to implement a water and wastewater credit mechanism whereby Jasper County may receive water and wastewater capacity credits for funds obtained from Jasper County for grant funding. Councilman Johnson moved and Vice Chairman Sauls seconded the motion to pass the resolution to approve a Memorandum of Understanding between Jasper County and the BJWSA regarding Capital Credits. The motion carried with all members present voting in favor.

David Tedder – Public Hearing and Resolution concerning a Special Service Contract for the Settings finding unusual or extraordinary circumstances justifying an exemption from the Purchasing Ordinance, authorizing the Administrator to execute a contract and matters related thereto- Mr. Tedder explained that the property has been abandoned for several years and it has been in litigation for several years. Mr. Tedder said there were 4 bonds totaling \$4,100,000 and Rivers Reach Pocatigo, LLC has submitted a proposal. The new developer is coming forward to complete the remaining required infrastructure using its own funds, supplemented from the bond proceeds obtained by the County Mr. Tedder said that there are provisions contained within the Services Contract providing assurances that the infrastructure will be completed by the New Developer guaranteeing its completion (except as to Phase II West, which is still in litigation). Mr. Tedder said there is a Schedule of Values and/or unit pricing will be consistent with current projects within Jasper County, equal to or

less than the costs as determined by an independent engineer's estimate commissioned by the County in February of 2015, or any shortfall guaranteed by additional bonding or other acceptable surety mechanism and there are inspection rights by both Jasper County and the Beaufort Jasper Water and Sewer Authority. Mr. Tedder said that there are no construction management fees being charged against the bond proceeds by the New Developer; and until the infrastructure is completed within each phase, no additional lots may be sold unless there is a further bond or other acceptable security for infrastructure. Mr. Tedder said the Rivers Reach Pocatigo will not charge a management fee and they would provide for any shortfall of funds. Mr. Tedder said no more lots will be sold until the infrastructure is complete. Rivers Reach, Pocatigo will take over security. Mr. Tedder said the County would not be liable for any of the work being done. Chairwoman Clark opened the public hearing. There were no comments. Chairwoman Clark closed the public hearing. Vice Chairman Sauls moved and Councilman Drayton seconded the motion that this be the Public Hearing and Resolution concerning a Special Service Contract for the Settings finding unusual or extraordinary circumstances justifying an exemption from the Purchasing Ordinance, authorizing the Administrator to execute a contract and matters related thereto. Councilman Johnson abstained from voting. The motion carried with all other members present voting in favor.

Old Business

Wilbur Daley – Authorization to use 911 tax revenues for CAD software upgrade – Mr. Daley requested permission to use 911 funds to continue the enhancement the CAD system at a cost of \$170,000. Mr. Daley said all the funds would come from the 911 tax revenue. Mr. Daley said he was trying to get everything at dispatch upgraded. Councilman Etheridge moved and Vice Chairman Sauls seconded the motion to authorize \$170,000 of the 911 tax revenue for a CAD software upgrade. The motion carried with all members present voting in favor.

Ronnie Malphrus – Approval to establish a Special Account for the Santee Cooper Loan for the Spec Building – Mr. Malphrus explained that Santee Cooper was requiring a special account for the loan spec building. Mr. Malphrus said the account would be created in the amount of \$25,000 and the funds would come from the commercial development fund. Mr. Malphrus said the account would be set up for the St. Peter's Parrish Corporation. Councilman Drayton moved and Councilman Johnson seconded the motion to approve the special account for the Santee Cooper Loan for the Spec Building in the amount of \$25,000 and it will be funded by the commercial development fund. The motion carried with all members present voting in favor.

New Business

Andrew Fulghum – Special Service Proposal for Cypress Ridge Road Extension – Mr. Fulghum informed the Council that the Transportation Committee funded \$128,572.60 for the extension of Cypress Ridge Road. Councilman Johnson moved and Vice Chairman Sauls seconded the motion to approve the special service proposal for Cypress Ridge Road Extension. The motion carried with all members present voting in favor.

Andrew Fulghum – Approval of bids for Yemassee Campground Road Extension –Mr. Fulghum explained that the bids were higher than expected and requested permission to accept the negotiated bid in the amount of \$329,000 from JR Wilson. Mr. Fulghum said that Mr. Terry’s crew would do the clearing. Mr. Fulghum said the \$329,000 was funded by the Transportation Committee. Councilman Johnson moved and Councilman Drayton seconded the motion to approve the negotiated bid from JR Wilson in the amount of \$329,000. The motion was carried with all members present voting in favor.

Ronnie Malphrus – Recommendations regarding Staffing Changes – Mr. Malphrus discussed the Workers Compensation Risk manager position that was funded in the budget and they were asked to hold off on the hiring until the Council reviewed the job description. Mr. Malphrus said that Mr. Benjamin wanted to hire a maintenance coordinator that will perform routine maintenance and also coordinate the larger jobs. Mr. Malphrus said there was no funding in the budget for this position, but it could be paid for from overtime and inmate housing. Mr. Malphrus said there was a lot of turnover and while they would have the funds to cover it this year, \$40,000 would need to be added to next year’s budget. Mr. Malphrus said that the Council approved \$20,000 for at part-time person in IT and Mr. Bostick feels that a full-time person was needed. Mr. Malphrus said that Ms. Bostick agreed to pay \$20,000 from her family court funds to make this a full-time position, but next year it would need to be added to the budget. Mr. Malphrus said the coroner was having a hard time filling the deputy coroner position and two options were discussed with Mr. Sauls and the recommendation was to fund 2 deputy coroner positions at \$20,000 each plus fringe benefits. Mr. Malphrus said there would be a shortfall of \$42,000 and Mr. Malphrus recommended approving up to \$50,000 for two deputy coroner positions and that money would come from the fund balance and would have to be added to next year’s budget. Councilman Etheridge asked if the other counties provided benefits and Mr. Malphrus said he did not know. Councilman Etheridge said that workers comp has been working well and maybe a full-time person was not needed and they could use those funds for the coroner. Councilman Etheridge said he did not have a problem with the suggestion for the IT department. Councilman Drayton said why punish HR because they did a good job. He felt they should approve the Risk Manager. Mr. Fulghum said that he is recommending approval of all the positions requested and he felt they were all needed. Councilman Etheridge moved to go without the risk manager for another year. The motion died for lack of a second. Councilman Drayton moved and Councilman Johnson seconded the motion to approve all the positions. The motion carried with Chairwoman Clark, Councilman Drayton and Councilman Johnson voting for; Councilman Etheridge voted against and Vice Chairman Sauls abstained.

Committee Reports- Councilman Etheridge said that he has been answering citizen’s complaints and working on cleaning up the County. Councilman Etheridge asked about the house near the Talmage Bridge and Mr. Edge said that he was not sure of the status of the septic and no CO was issued. **Vice Chairman Sauls** said he attended several Southern Alliance meetings and he spoke at the City of Hardeeville Breakfast. Vice Chairman Sauls said he attended the ribbon cutting at the Morris Heritage Museum and he announced that the Catfish Festival was Sept. 19, 2015. **Councilman Johnson** said he met with the new Chancellor of USCB

and they discussed that Jasper County's priorities are different from other areas. **Councilman Drayton** reported that he attended the parade at Rivers Hill and he also attended the Point South Festival. Councilman Drayton asked the administrator to get more information on the Promise Zone. **Chairwoman Clark** reported that she attended the opening ceremonies of the Point South Festival and that Gen. Newton also attended. Chairwoman Clark said the citizens at Point South would like a playground. Chairwoman Clark discussed a conference call regarding Project Handler and she announced the open house at the Hardeeville Senior Center. Chairwoman Clark read a letter from a citizen that was concerned about the planes flying over the elementary school and Chairwoman Clark said that Mr. Dean responded to the letter.

Administrator's Report- Mr. Fulghum reported that workshops were needed to go over some important issues and the staff needed some direction from the Council. Mr. Fulghum said he would work with the Chairwoman on those issues. Mr. Fulghum reported that he was working with Hardeeville on a CBDG grant. Mr. Fulghum reported that they received a grant in the amount of \$170,000 and the match was \$34,000. Mr. Fulghum said the grant was for cleaning up some areas of the County. Mr. Tedder reported that the lawsuit with the School District regarding who should pay the fees reached a settlement and the County's portion of the fees is \$14,785. Mr. Tedder said that the School Board voted not to appeal the Court's ruling that the County Council sets the millage for the school district. Mr. Tedder said that a contractor for the Court House order had a calculation error of \$5,500 and it may be appealed.

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 – No one signed up to speak.

Adjourn – Vice Chairman Sauls moved and Councilman Drayton 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

Barbara B. Clark
Chairwoman

