



**JASPER COUNTY COUNCIL
J.C. GOVERNMENT BLDG.
COUNCIL CHAMBERS
OCTOBER 21, 2013
MINUTES**

5:30 P.M.

EXECUTIVE SESSION

OFFICIALS PRESENT: Chairman Henry Etheridge, Vice Chairwoman Barbara Clark, Councilman D. Thomas Johnson, Councilman L. Martin Sauls, IV

OFFICIALS ABSENT: Councilman Theodus Drayton

STAFF PRESENT: Administrator Andrew Fulghum, Director of Administrative Services Ronnie Malphrus, Attorney Marvin Jones, Judith Frank, Clerk to Council, 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 – Chairman Etheridge called the meeting to order.

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 AND PROFESSIONAL SERVICE PROPOSAL 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 - PROJECT UPDATE - Vice Chairwoman Clark motioned and Councilman Sauls 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 and professional service proposal 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 - project update. The motion carried with all members present voting in favor.

DINNER BREAK

RETURN TO OPEN SESSION - Vice Chairwoman Clark motioned and Councilman Sauls seconded the motion to return open session.

Chairman Etheridge said that no action was needed as a result of executive session at this time.

7:00 P.M.

OFFICIALS PRESENT: Chairman Henry Etheridge, Vice Chairwoman Barbara Clark, Councilman D. Thomas Johnson, Councilman L. Martin Sauls, IV

OFFICIALS ABSENT: Councilman Theodus Drayton

STAFF PRESENT: Administrator Andrew Fulghum, Director of Administrative Services Ronnie Malphrus, Attorney Marvin Jones, Judith Frank, Clerk to Council, Director of Emergency Services Wilbur Daley, 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 – Chairman Etheridge called the meeting to order at 7:07 p.m.

PLEDGE OF ALLEGIANCE- Chairman Etheridge led the Pledge of Allegiance.

INVOCATION – Vice Chairwoman Clark gave the invocation.

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

APPROVAL OF THE MINUTES 09/04/2013 - Vice Chairman Clark motioned and Councilman Johnson seconded the motion to approve the minutes of 09/04/2013. The motion carried with all members present voting in favor.

PROCLAMATIONS AND PRESENTATION - BARBARA LING TERRY REQUEST FOR FUNDING FOR VETERAN’S DAY CELEBRATION DINNER AND MEMORABILIA – Ms. Ling Terry, Jasper County VA Officer, requested funds for the 1st Annual Veteran’s Day Celebration. Ms. Ling Terry said when she returned to office last year she was asked why the County does not do anything for the veterans. Ms. Ling Terry said that last year she supported Hardeeville’s Veteran’s Day event. Ms. Ling Terry said she did not include it in her budget because she was told to come at another time with her request. Ms. Ling Terry said they would be honoring 15 WWII veterans and all other veterans. Ms. Ling Terry said she was requesting \$1,875 for a dinner and \$750 for memorabilia. Councilman Sauls asked if there was another Veteran’s Day Celebration at the Farmers Market. Ms. Ling Terry said this is her event. Councilman Sauls asked if she wanted to add the dinner. Vice Chairwoman Clark said she loves the veterans and this Council is about business. Vice Chairman Clark said the event is on Nov. 7, 2013 and it should have been placed in her budget and the Council cannot keep adding funds and if they start with her, others will

follow. Vice Chairwoman Clark told Ms. Ling Terry that she needed to plan in advance, not wait until two weeks prior to the event if she doesn't have the funds. Councilman Johnson asked if it was a ticketed event or was it public financing. Ms. Ling Terry said it was public financing as a way to thank the veterans. Chairman Etheridge asked who told her not to ask for funds at budget time. Ms. Ling Terry said that she omitted it from the budget request and was advised to come back to Council for funding. Ms. Ling Terry said she did not want to move forward if she was not going to be in the position and the delegation told her to go forward with the planning. Chairman Etheridge asked if the Delegation was helping with the funding and Ms. Ling Terry said they were not and she didn't come back to Council for funding because she was not sure of her position. Chairman Etheridge said that regardless if she had the position or not, she should have planned for it. Ms. Ling Terry said she was told the County funds the Delegation. Chairman Etheridge said that the event is now planned and she doesn't know where or how to get the money. Ms. Ling Terry said she will have to readdress the event. Ms. Ling Terry said that invitations were sent out, but no details were provided. She said they could do the celebration, but the dinner would have to be downsized. Ms. Terry said she spoke with Hardeeville and Ridgeland, but there has been no response regarding funding. Chairman Etheridge asked how long this has been being planned and Ms. Ling Terry said planning was started over a year ago.

ORDINANCES

LeNOLON EDGE – 3RD READING OF THE ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF JASPER COUNTY SO AS TO TRANSFER PROPERTIES BEARING JASPER COUNTY TAX MAP NUMBERS 094-00-00-055, 094-00-00-100, 094-00-00-101, 094-00-00-115, 094-05-02-001, 094-05-03-071, 094-05-04-001, 094-06-00-027, 094-06-00-028, AND 094-06-00-031 LOCATED GENERALLY ALONG KNOWLES ISLAND ROAD FROM THE RESIDENTIAL AND RURAL PRESERVATION ZONES TO THE PLANNED DEVELOPMENT DISTRICT ZONE AND TO ADOPT A MASTER PLAN SUBMITTAL FOR THE AFOREMENTIONED PROPERTIES; KNOWN GENERALLY AS PALM KEY – Mr. Edge discussed the changes that were made to the ordinance. Councilman Sauls motioned and Vice Chairwoman Clark seconded the motion to table the discussion and decision on this ordinance until all Council members are present. The motion carried with all members present voting in favor.

RONNIE MALPHRUS – PUBLIC HEARING AND 3RD READING OF AN ORDINANCE FOR A THIRD AMENDMENT TO AND RESTATEMENT OF ORDINANCE NO. 09-09, AS PREVIOUSLY AMENDED AND RESTATED BY ORDINANCE NO. 09-20, AND ORDINANCE NO. 2011-17, AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS RELATING TO THE ACQUISITION, CONSTRUCTION, EQUIPPING, USE, LEASING, AND RENOVATION OF CERTAIN COUNTY FACILITIES; APPROVING THE FORMATION OF THE ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITIES CORPORATION; APPROVING THE ISSUANCE OF ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITIES CORPORATION INSTALLMENT PURCHASE REVENUE BONDS, CERTIFICATES OF PARTICIPATION AND BOND ANTICIPATION NOTES; AUTHORIZING THE REFUNDING, REDEMPTION, OR DEFEASANCE OF CERTAIN OBLIGATIONS FOR DEBT SERVICE SAVINGS; CONSENTING TO THE FORM OF TRUST AGREEMENTS BETWEEN ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITIES CORPORATION AND THE CORPORATE TRUSTEE; THE LEASE OF EQUIPMENT AND VEHICLES AND CERTAIN REAL PROPERTY AND THE BUILDINGS AND OTHER SITE IMPROVEMENTS LOCATED THEREON BY JASPER COUNTY, SOUTH

CAROLINA TO ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITIES CORPORATION, INCLUDING AUTHORIZING THE EXECUTION AND DELIVERY OF A BASE LEASE AGREEMENT, BETWEEN JASPER COUNTY AND ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITIES CORPORATION; AUTHORIZING THE EXECUTION AND DELIVERY OF A PUBLIC FACILITIES PURCHASE AND OCCUPANCY AGREEMENT BETWEEN JASPER COUNTY AND ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITIES CORPORATION; AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT BETWEEN JASPER COUNTY AND ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITIES CORPORATION; AND OTHER MATTERS RELATING THERETO- Mr. Malphrus reviewed the ordinance and said the Council needed to motion to approve the amendment to the ordinance to include \$600,000 to be used to pay down the principal. Chairman Etheridge opened the public hearing. There were no comments. Chairman Etheridge closed the public hearing. Councilman Sauls motioned and Vice Chairwoman Clark seconded the motion to approve the amendment to the ordinance. The motion carried with all members present voting in favor. Vice Chairwoman Clark motioned and Councilman Sauls seconded the motion that this be the public hearing and 3rd reading of the for a third amendment to and restatement of Ordinance no. 09-09, as previously amended and restated by Ordinance no. 09-20, and Ordinance no. 2011-17, authorizing the execution and delivery of certain instruments relating to the acquisition, construction, equipping, use, leasing, and renovation of certain county facilities; approving the formation of the St. Peters Parish/Jasper County Public Facilities Corporation; approving the issuance of St. Peters Parish/Jasper County Public Facilities Corporation installment purchase revenue bonds, certificates of participation and bond anticipation notes; authorizing the refunding, redemption, or defeasance of certain obligations for debt service savings; consenting to the form of trust agreements between St. Peters Parish/Jasper County Public Facilities Corporation and the Corporate Trustee; the lease of equipment and vehicles and certain real property and the buildings and other site improvements located thereon by Jasper County, South Carolina to St. Peters Parish/Jasper County Public Facilities Corporation, including authorizing the execution and delivery of a base lease agreement, between Jasper County and St. Peters Parish/Jasper County Public Facilities Corporation; authorizing the execution and delivery of a public (facilities purchase and occupancy agreement between Jasper County and St. Peters Parish/Jasper County Public Facilities Corporation; authorizing the execution and delivery of a lease agreement between Jasper County and St. Peters Parish/Jasper County Public Facilities Corporation; and other matters relating thereto. The motion carried with all members present voting in favor.

ANDREW FULGHUM – 2ND READING OF AN ORDINANCE TO FURTHER AMEND THE AGREEMENT FOR ESTABLISHMENT OF 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 INDUSTRIAL/BUSINESS PARK, SO AS TO INCLUDE ADDITIONAL PROPERTY IN JASPER COUNTY AS PART OF THE MULTI-COUNTY INDUSTRIAL/BUSINESS PARK

ANDREW FULGHUM -2ND READING OF AN ORDINANCE PROVIDING FOR INFRASTRUCTURE OR SPECIAL SOURCE REVENUE CREDITS TO PROJECT LEADER; AUTHORIZING AN INFRASTRUCTURE CREDIT AGREEMENT BETWEEN JASPER COUNTY AND PROJECT LEADER; PROVIDING FOR THE ALLOCATION OF FEES-IN-LIEU OF TAXES AVAILABLE UNDER THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL/BUSINESS PARK WITH HAMPTON COUNTY; AND OTHER MATTERS THERETO - Mr.

Fulghum explained that the two ordinances were for the same project and the developer will be investing over \$4,000,000 and will create 25 jobs. Mr. Fulghum said the County agreed to place the property in a Multi County Business/Industrial Park with Hampton County. Mr. Fulghum said the County also agreed to a special source revenue credit of 3% over 10 years. Vice Chairwoman Clark motioned and Councilman Sauls seconded the motion that this be the 2nd reading of the ordinance to further amend the agreement for establishment of 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 industrial/business park, so as to include additional property in Jasper County as part of the multi-county industrial/business park. The motion carried with all members present voting in favor.

Vice Chairwoman Clark motioned and Councilman Sauls seconded the motion that this be the 1st reading of an ordinance providing for infrastructure or special source revenue credits to Project Leader; authorizing an infrastructure credit agreement between Jasper County and Project Leader; providing for the allocation of fees-in-lieu of taxes available under the agreement for development of a joint county industrial/business park with Hampton County; and other matters thereto. The motion carried with all members present voting in favor.

ANDREW FULGHUM – 1ST READING OF THE HOME DETENTION AMENDMENT ORDINANCE (BY TITLE ONLY)- Mr. Fulghum said that the Council passed ordinance 2010-21 to approve a home detention program and it was never initiated because the Solicitor was working on another program. Mr. Fulghum said the home detention program would be a huge savings to the County and he was currently soliciting proposals. Councilman Johnson explained that the Detention Center accounts for 14 % of the County's Budget and this program would not apply to the most dangerous people who need to be locked up tight, but to the people with severe health issues. Councilman Johnson said that a person with a severe illness costs the County \$500 per day and the monitoring system is \$7.00 per day and the people using it have to pay for it. Mr. Fulghum said he would be back before Council with a recommendation. Councilman Johnson motioned that this be the 1st reading of the Home Detention Amendment Ordinance (by title only). The motion died for a lack of a second. Vice Chairwoman Clark motioned and Councilman Sauls seconded the motion to table this ordinance until the Council has an opportunity to review the current ordinance and the amendment to the current ordinance. The motion carried with all members present voting in favor.

RESOLUTIONS – NONE

OLD BUSINESS -LeNOLON EDGE- UPDATE ON CODE ENFORCEMENT – Mr. Edge informed the Council that the ISO rating for code enforcement went from an 8 to a 5 for residences. Mr. Edge said this should cause a reduction of insurance rates. Mr. Edge told the Council that it was a team effort by his department. Vice Chairwoman Clark thanked Mr. Edge and his department for doing what is good for the people.

NEW BUSINESS - ANDREW FULGHUM – PROFESSIONAL SERVICE PROPOSAL FOR AIRPORT PROGRAM MANAGEMENT – Mr. Fulghum requested that the Council approve the request and to enter into a professional service contract with Holt Consulting Company, LLC, for the new airport runway project. Councilman Sauls motioned and Councilman Johnson seconded the motion to enter into a professional

service contract with Holt Consulting Company, LLC for the new airport runway project. The motion carried with all members present voting in favor.

RONNIE MALPHRUS – PROCUREMENT OF 911 AUDIO RECORDER – Mr. Malphrus said they were not ready to proceed and asked that this item be tabled. Councilman Sauls motioned and Vice Chairwoman Clark seconded the motion to table the discussion of procurement of the 911 audio recorder. The motion carried with all members present voting in favor. **Wilbur Daley** updated the Council on Volunteers. Mr. Daley said they made 32 contacts at the Gopher Hill Festival and they received only 1 application. Mr. Daley said they have 3 confirmed drivers and an additional application. Mr. Daley said regarding the gentlemen’s comments at the last meeting about an ambulance at the football field, there were three calls back to back and the response time were 3 minutes 57 seconds, 8 minutes 30 seconded and 2 minutes 40 seconds. Mr. Daley said he spoke with the gentlemen and they have scheduled a meeting. Mr. Daley said he was working on acquiring a pole which needs to be 100 feet off of the ground for the radios and pagers. Mr. Daley said he will provide the cost of all the equipment and the installation of the pole. Mr. Daley said the grand opening of the Fire Tower Road Fire Station will be Oct. 25, 2013 at 3:30 p.m. Mr. Daley said they are pushing for volunteers and they are needed in all areas of the County. Vice Chairwoman Clark asked about the 32 contacts and only 1 volunteer. Mr. Daley said that 6 applications went to SLED and they have to run background checks and they are in the process of training some people on operating the tankers. Councilman Sauls asked if the repeater could be placed on an existing structure. Mr. Daley said they looked at the BJHWSA water tower, but because it is metal there would be interference. Chairman Etheridge said if only 1 person out of 32 applied, 832 contacts would be needed to get 36 volunteers. Councilman Sauls asked Mr. Daley to contact the Chamber regarding the Grand Opening of the Fire Tower Road Fire Station.

COMMITTEE REPORTS – **Councilman Johnson** reported on meeting with the SC Ports Authority and during their discussion they assured the County that they were committed to building the Port and the County would “have it built as soon as it was needed”. Councilman Johnson said that Price Segal, a member of the Solicitor’s office helped the County get a person released that had to be guarded while in a comatose state. The guard was costing the County \$36 per hour. **Vice Chairwoman Clark** commented on the appreciation event held by the Alliance. Vice Chairwoman Clark discussed the classes and meeting she attended in Columbia and the Bluffton Southern Region Implementation meeting. **Councilman Sauls** said he also attended the classes and meetings in Columbia. Councilman Sauls updated the public of the up and coming events being hosted by the Chamber of Commerce. **Chairman Etheridge** reported that he also attended the Port Meeting at the Port of Charleston. Chairman Etheridge said the rates at Charleston Port and Savannah Port have been cut and they are getting about ½ of what is paid at the Norfolk Port. Chairman Etheridge said they also met with Gov. Haley and she assured them the same thing that the SC Ports Authority did. Chairman Etheridge said he visited with the Point South Merchants regarding their concerns of old buildings and areas that need to be cleaned up. Chairman Etheridge said he attended the SCAC conference and classes in Columbia. Chairman Etheridge said the Coalition is working on the Flow Control Bill regarding waste and taking out

of state waste into South Carolina. Chairman Etheridge said the waste is coming from as far away as Staten Island and asked that the citizens all get "DON'T DUMP ON SC" bumper stickers. Chairman Etheridge said that he and Councilman Johnson will be attending a Propeller Club Meeting. Mr. Fulghum is doing a presentation.

ADMINISTRATOR'S REPORT- Mr. Fulghum informed the Council that the County's credit rating has gone from an A to an AA- and he congratulated Mr. Malphrus for his work. **Mr. Malphrus** updated the Council on the Delinquent Tax Sale on Nov. 4, 2013. Mr. Malphrus said the sale will start at 10:00 a.m. and they will also be selling the mobile homes with delinquent taxes. **Mr. Edge** informed the Council of a litter pickup from Talmadge Bridge to SCAD Equestrian Center on Friday, October 25, 2013. Mr. Edge said he had about 30 volunteers.

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) - Chairman Etheridge opened the floor to the public. **Barbara Bartoldus** commented on how nice the fence looks at the library and said she would donate the paint to paint the fence. **Denise Davidson** requested that the Council consider term limits for the members of the boards and commissions. Ms. Davidson said there are very many talented people in Jasper County who would like to serve on the boards and commissions and some people have been serving for over 20 years. Chairman Etheridge commented that the County does not have term limits, but everyone interested can ask to be appointed or reappointed. The other individuals who signed up to speak declined until the decision is made regarding the Palm Key Ordinance. Being no further comments, Chairman Etheridge closed the floor to the public.

ADJOURN - ADJOURN Councilman Sauls motioned and Vice Chairwoman Clark 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

