

**JASPER COUNTY COUNCIL
MARY GORDON ELLIS EXECUTIVE BUILDING
COUNCIL CHAMBERS
JUNE 4, 2007
4:00 P.M.**

MINUTES

OFFICIALS PRESENT:

GLADYS JONES, VICE CHAIRMAN
LEROY BLACKSHEAR, COUNCILMAN
FRED TUTEN, COUNCILMAN
HUBERT TYLER, COUNCILMAN

STAFF PRESENT:

ANDREW FULGHUM, ADMINISTRATOR
RONNIE MALPHRUS, DEP. AD. ADM. SER.
STEVE SAGER, DEP. AD. DEV. SER.
STEVEN MALPHRUS, DEP. DIR. ES
JUDITH FRANK, CLERK TO COUNCIL

OFFICIALS ABSENT;

DR. GEORGE HOOD, CHAIRMAN

STAFF ABSENT:

TOM WATSON, DEP. AD. ES
DALE TERRY, DEP. AD. ENG. SER.
MARVIN JONES, ATTORNEY

IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT THE ELECTRONIC AND PRINT MEDIA WERE NOTIFIED.

DURING PERIODS OF DISCUSSION AND/OR PRESENTATIONS THE MINUTES ARE TYPICALLY CONDENSED AND PARAPHRASED.

CALL TO ORDER:

VICE CHAIRMAN JONES CALLED THE MEETING TO ORDER AT 4:00 P.M.

INVOCATION:

COUNCILMAN BLACKSHEAR GAVE THE INVOCATION.

PLEDGE OF ALLEGIANCE:

VICE CHAIRMAN JONES LED THE PLEDGE OF ALLEGIANCE.

APPROVAL OF THE MINUTES:

COUNCILMAN BLACKSHEAR MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO APPROVE THE MINUTES ON MAY 24, 2007 SPECIAL CALLED MEETING. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

PROCLAMATIONS AND PRESENTATIONS:

JAMES LUCAS AND JOE BONEPARTE - UPDATE ON DJJ:

MR. BONEPARTE INTRODUCED MR. LUCAS WHO IS HIS REGIONAL SUPERVISOR. THEY PRESENTED THE COUNCIL WITH INFORMATION REGARDING THE DIFFERENT TYPES OF CONTINUING SERVICES THEY PROVIDE AND THE NUMBER OF OFFENDERS THEY WORK WITH. MR. LUCAS SAID THEY WERE EXPANDING SERVICES ACROSS THE STATE AND WITH THE GROWTH IN JASPER COUNTY HE WANTED TO MAKE SURE THAT THE COUNTY'S NEEDS WERE COVERED. MR. BONEPARTE SAID THEY WERE ALSO WORKING ON AN AFTER SCHOOL CENTER. COUNCILMAN TUTEN ASKED ABOUT HOW PUNISHMENTS ARE DETERMINED AND MR. BONEPARTE SAID THAT THE PUNISHMENT IS BASED ON THE SERIOUSNESS OF THE OFFENSE AND THE FAMILY COURT JUDGE SOMETIMES ASSIGNED THE SERVICES. COUNCILMAN TUTEN ASKED WHAT THEY DO AFTER HOURS. MR. BONEPARTE SAID THEY CLEAN CLASSROOMS, FOOTBALL FIELDS, AND IN THE SUMMER THEY DO TRASH PICKUP AROUND THE COUNTY. MR. LUCAS SAID ANY WORK THEY DO MUST BE FOR A NON-PROFIT ORGANIZATION. MR. LUCAS SAID THEY WERE WORKING ON ESTABLISHING A JOB TRAINING PROGRAM AND THE STATE WOULD PAY THE SALARIES FOR THE OFFENDERS IF A COMPANY WOULD HELP TRAIN THEM. MR. LUCAS SAID THIS PROGRAM IS FOR OFFENDERS FROM 14-18 YEARS OF AGE AND IT SHOULD COME TO JASPER COUNTY IN 2008-2009. COUNCILMAN TYLER ASKED WHAT THEY DID DURING THE DAY AND MR. BONEPARTE SAID THEY WERE IN SCHOOL DURING THE DAY. COUNCILMAN BLACKSHEAR ASKED WHAT WAS CONSIDERED A VIOLENT OFFENSE AND MR. BONEPARTE NAMED VARIOUS OFFENSES. VICE CHAIRMAN JONES ASKED WHO SUPERVISED THE OFFENDERS AND MR. BONEPARTE SAID THE PEOPLE USING THE OFFENDERS WOULD PROVIDE THE SUPERVISION.

RONNIE MALPHRUS - RECOGNITION OF JANICE WILSON - RECYCLE GUY AWARD:

MR. MALPHRUS INTRODUCED JANICE WILSON. MS. WILSON HAS WORKED FOR THE COUNTY SINCE 1999. MR. MALPHRUS AND THE COUNCIL CONGRATULATED MS. WILSON ON WINNING THE 2006 SOUTH CAROLINA RECYCLING GUY AWARD.

PUBLIC HEARINGS AND ORDINANCES:

PUBLIC HEARING AND 3RD READING OF THE ORDINANCE REGARDING THE SALE OF THE LOW COUNTRY GENERAL HOSPITAL TO THE AGAPE GROUP:

VICE CHAIRMAN JONES SAID THAT THE COUNCIL HAD NOT RECEIVED THE REVISED CONTRACT FROM THE ATTORNEY TO REVIEW PRIOR TO THE MEETING AND SO THERE WOULD

NOT BE A 3RD READING OF THIS ORDINANCE UNTIL THE NEXT MEETING. VICE CHAIRMAN JONES SAID THAT THERE WOULD BE ANOTHER OPPORTUNITY FOR PUBLIC INPUT AT THE NEXT MEETING PRIOR TO THE 3RD READING OF THIS ORDINANCE. VICE CHAIRMAN JONES OPENED THE PUBLIC HEARING.

THERESA YOUNIS SAID THAT AGAPE HAD GOTTEN THE CONTRACT TO MR. FULGHUM AND MR. FULGHUM SENT IT ON TO ATTORNEY JONES. MS. YOUNIS SAID THAT THE AGAPE ATTORNEY ONLY RECEIVED THE REVISIONS MADE BY JASPER COUNTY TODAY. MS. YOUNIS SAID THAT THE AGAPE GROUP IS VERY ANXIOUS TO MOVE FORWARD. MR. FULGHUM SAID THAT THE 3RD READING COULD BE AT THE NEXT MEETING, BUT ANOTHER PUBLIC HEARING WOULD BE NEEDED. COUNCILWOMAN JONES SAID THAT THE CONTRACTS WILL BE AVAILABLE FOR THE PUBLIC TO REVIEW AND COMMENT ON AT THE NEXT MEETING PRIOR TO THE 3RD READING. VICE CHAIRMAN JONES SAID THIS WOULD BE ADVERTISED AND THAT THE PUBLIC HEARING IS BEING DONE TODAY ALSO. BEING NO FURTHER COMMENTS, VICE CHAIRMAN JONES CLOSED THE PUBLIC HEARING.

PUBLIC HEARING AND 3RD READING TO AMEND THE 2006-2007 JASPER COUNTY BUDGET:

COUNCILMAN TUTEN ASKED IF ANYTHING WAS ADDED SINCE THE LAST PRESENTATION. MR MALPHRUS SAID THERE WERE REVISIONS TO THE LEGAL FEES, ROADS AND BRIDGES VEHICLES REPAIR LINE, MAINTENANCE CONTRACTS AND POLICE RETIREMENT. MR MALPHRUS SAID THE TOTAL AMENDMENT AMOUNT WAS \$734,886.00. VICE CHAIRMAN JONES COMMENTED THAT THIS WAS \$116,000.00 MORE THAN ORIGINALLY PRESENTED. MR MALPHRUS SAID HE FELT THEY WOULD STILL COME IN UNDER BUDGET AND THIS WILL NOT EFFECT THE TAXES. MR. MALPHRUS SAID THIS INCLUDED \$158,000.00 THAT THE COUNTY RECEIVED AS A DONATION, BUT WAS NOT INCLUDED IN THE BUDGET AND IT HAD TO BE ADDED. VICE CHAIRMAN JONES ASKED ABOUT THE \$3,500 DONATION TO TILLMAN. MR. MALPHRUS SAID THIS MONEY WAS GIVEN TO TILLMAN AND THEY WERE PERMITTED TO SPEND IT IN ADDITION AS TO WHAT WAS BUDGETED AND THAT IT NEEDED TO BE ADDED. VICE CHAIRMAN JONES ASKED WHY THE RETIREMENT AND WORKER'S COMPENSATION WAS SO FAR OFF AND MR. MALPHRUS SAID THAT THERE WAS A WORKER'S COMPENSATION AUDIT AND IT WAS DETERMINED THAT ANOTHER \$50,000 WAS DUE. MR. MALPHRUS SAID THE ORIGINAL THAT WAS CALCULATED WAS BASED ON AN ESTIMATED PAYROLL AND WHEN THEY WENT OVER THE PAYROLL RECORDS, MORE WAS OWED. VICE CHAIRMAN JONES ASKED ABOUT THE ADDITIONAL \$75,000 FOR LEGAL FEES AND MR. MALPHRUS SAID THAT THE INCREASE WAS RELATED TO DEVELOPMENT AND ZONING ISSUES.

VICE CHAIRMAN JONES ASKED ABOUT THE \$175,000 INCREASE TO THE SALARY LINE AT EMS AND MR. MALPHRUS SAID THEY CHANGED THE SHIFTS FROM 12 HOURS TO 24 HOURS, MORE OVERTIME WAS PAID. VICE CHAIRMAN JONES SAID THAT SHE THOUGHT CHANGING WORK SCHEDULES NEEDED TO COME BEFORE COUNCIL.

VICE CHAIRMAN JONES OPENED THE PUBLIC HEARING. THERE WERE NO COMMENTS. VICE CHAIRMAN JONES CLOSED THE PUBLIC HEARING. COUNCILMAN TUTEN MOTIONED AND COUNCILMAN BLACKSHEAR MOTIONED TO AMEND THE 2006-2007 BUDGET IN THE AMOUNT OF \$734,886.00. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

PUBLIC HEARING ON THE ORDINANCE TO APPROVE THE 2007-2008 JASPER COUNTY CAPITAL AND GENERAL OPERATIONS BUDGET:

VICE CHAIRMAN JONES COMMENTED THAT CHAIRMAN HOOD HAS BEEN OUT OF THE COUNTY DUE TO A FAMILY EMERGENCY AND THAT THE COUNCIL HAS NOT HAD ANY WORKSHOPS, BUT THE FINANCE COMMITTEE MET AND HAVE MADE SOME RECOMMENDATIONS FOR THE COUNCIL TO CONSIDER. VICE CHAIRMAN JONES SAID THE COUNCIL WOULD HAVE A WORKSHOP ON JUNE 7, 2007 AT 11:00 A.M. AND ANOTHER PUBLIC HEARING WOULD BE SCHEDULED.

2ND READING OF THE ORDINANCE FOR TRANSFERRING THE CHERRY POINT FIRE DEPARTMENT:

VICE CHAIRMAN JONES SAID THAT THE COUNCIL DID NOT GET THE AGREEMENT IN TIME TO REVIEW IT AND THIS ITEM WILL BE POSTPONED UNTIL THE NEXT MEETING.

2ND READING OF THE ORDINANCE OF JASPER COUNTY SO AS TO CONTINUE THE MORATORIUM ADOPTED SEPTEMBER 18, 2006 BY ORDINANCE 06-27 AND AMENDED FEBRUARY 5, 2007 BY ORDINANCE 07-01, ON CERTAIN APPROVALS UNDER THE JASPER COUNTY ZONING ORDINANCE AND LAND DEVELOPMENT REGULATIONS THROUGH AUGUST 18, 2007:

MR. FULGHUM SAID THAT THIS ORDINANCE WILL AUTOMATICALLY EXPIRE ON THE ADOPTION OF THE ZONING ORDINANCE AND NO LATER THAN AUGUST 18, 2007.

COUNCILMAN BLACKSHEAR MOTIONED AND COUNCILMAN TUTEN SECONDED THE MOTION THAT THIS BE THE 2ND READING OF THE ORDINANCE OF JASPER COUNTY SO AS TO CONTINUE THE MORATORIUM ADOPTED SEPTEMBER 18, 2006 BY ORDINANCE 06-27 AND AMENDED FEBRUARY 5, 2007 BY ORDINANCE 07-01, ON CERTAIN APPROVALS UNDER THE JASPER COUNTY ZONING ORDINANCE AND LAND DEVELOPMENT REGULATIONS THROUGH AUGUST 18, 2007. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

3RD READING OF THE EXCAVATION ORDINANCE:

THE COUNCIL AGREED THAT MORE TIME WAS NEEDED TO STUDY THE ORDINANCE. MR MARSHAL LAWTON, MR. PEARCE, MR. DON WALK, MR. BERT SCHIFLET, FRED MORGAN, KEVIN PARKER, MR. DANZLER, AVERY CLELAND AND GORDON WELLS ALL SPOKE OF CONCERNS AND PROBLEMS CAUSED BY ITEMS IN THE ORDINANCE.

COUNCILMAN TUTEN SAID HE FELT ANYONE WHO WANTED A POND SHOULD BE ABLE TO HAVE A POND AND SIZE SHOULD NOT MATTER.

COUNCILMAN TUTEN MOTIONED TO DO AWAY WITH THE EXCAVATION ORDINANCE AND LET THE STATE HANDLE IT. VICE CHAIRMAN JONES SAID THE MOTIONED WAS OUT OF ORDER BECAUSE THE 3RD READING OF THE ORDINANCE WAS ON THE AGENDA. MR. FULGHUM SAID THE ITEM WAS ON THE AGENDA AND MOTION WAS NOT TO ACCEPT OR REJECT THE

ORDINANCE AND THE STAFF NEEDED DIRECTION. THE MOTION DIED FOR LACK OF A SECOND.

COUNCILMAN BLACKSHEAR MOTIONED THAT THIS ISSUE GO BACK TO THE PLANNING COMMISSION AND ANY PERSON WHO IS INVOLVED IN MINING BE INVITED TO PARTICIPATE AND FOR THE PLANNING COMMISSION TO HAVE A WORKSHOP WITH THE PEOPLE AND THE COUNCIL ON THIS MATTER. COUNCILMAN TUTEN SECONDED THE MOTION. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR. VICE CHAIRMAN JONES ASKED MR. SAGER TO HAVE THE PLANNING COMMISSION ADD THIS ITEM TO THEIR JUNE 12, 2007 MEETING AGENDA. MR. SAGER SAID THAT MEETING WAS TO APPROVE ANY CHANGES TO THE ZONING ORDINANCE.

RESOLUTIONS:

RESOLUTION ORDERING A PUBLIC HEARING TO BE HELD ON THE QUESTION OF ESTABLISHMENT OF THE JASPER COUNTY FIRE-RESCUE PROTECTION DISTRICT:

MR. FULGHUM SAID THAT COUNCIL IS CONSIDERING FORMING A JASPER COUNTY FIRE AND RESCUE DISTRICT AND A PUBLIC HEARING WILL NEED TO BE HELD ON JULY 16, 2007 AND THAT THE PUBLIC HEARING NEEDED TO BE ADVERTISED FOR THREE CONSECUTIVE WEEKS BEFORE THE PUBLIC HEARING COULD BE HELD. MR. FULGHUM SAID THAT THIS IS REQUIRED BY STATE LAW. COUNCILMAN BLACKSHEAR MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO PASS THE RESOLUTION ORDERING A PUBLIC HEARING TO BE HELD ON THE QUESTION OF ESTABLISHMENT OF THE JASPER COUNTY FIRE-RESCUE PROTECTION DISTRICT. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

RESOLUTION EXTENDING THE INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF JASPER AND THE TOWN OF RIDGELAND REGARDING FIRE PROTECTION AND EMERGENCY SERVICES FROM ONE YEAR TO FIVE YEARS:

MR. FULGHUM SAID THIS RESOLUTION WOULD EXTEND THE AGREEMENT UNTIL 2010, BUT IT WOULD BE REVIEWED ANNUALLY. COUNCILMAN BLACKSHEAR MOTIONED AND COUNCILMAN TUTEN SECONDED THE MOTION TO PASS THE RESOLUTION EXTENDING THE INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF JASPER AND THE TOWN OF RIDGELAND REGARDING FIRE PROTECTION AND EMERGENCY SERVICES FROM ONE YEAR TO FIVE YEARS. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

NEW BUSINESS:

RONNIE MALPHRUS - REQUEST FOR FUNDING FOR THE BOLAN HALL LANDING FISHING PIER:

MR MALPHRUS EXPLAINED THAT THERE WERE STATE FUNDS IN THE AMOUNT OF \$28,000.00 FOR THIS PROJECT AND THERE WAS \$35,000.00 IN THE GRANT MATCHING FUNDS THAT WERE TO BE USED FOR THE PIER, AND THESE WERE AVAILABLE TO BE USED ON THE PIER. MR. MALPHRUS ASKED THAT AN ADDITIONAL \$40,000.00 FROM THE BUILDING MAINTENANCE LINE BE APPROVED FOR THIS PROJECT. MR. FULGHUM SAID THAT THE COUNCIL'S ENGINEERING COMMITTEE RECOMMENDED THIS PROJECT FOR APPROVAL. COUNCILMAN TUTEN MOTIONED AND COUNCILMAN BLACKSHEAR SECONDED THE MOTION TO APPROVE \$40,000.00 FROM THE BUILDING MAINTENANCE LINE AND THAT THE \$28,000.00 FROM THE STATE AND \$35,000.00 FROM THE GRANT MATCHING FUNDS BE USED FOR THE CONSTRUCTION OF A FISHING PIER AT THE BOLAN HALL LANDING. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

COMMITTEE REPORTS:

COUNCILMAN BLACKSHEAR AND COUNCILMAN TUTEN DISCUSSED A ROAD IN THE BELLINGER HILL AREA AND THAT IT HAD BEEN REPAIRED AND THAT CLELAND CONSTRUCTION AGREED TO KEEP THE ROAD MAINTAINED WHILE THEY WERE HAULING SAND ON THAT ROAD. COUNCILMAN TUTEN SAID THERE ARE ACTUALLY THREE MINING OPERATIONS HAULING ON THAT ROAD. COUNCILMAN BLACKSHEAR ALSO DISCUSSED A CALL HE RECEIVED ABOUT THE NOISE FROM THE RODEO BEHIND THE DAY'S INN AND THAT THE SHERIFF COMES FOR FIVE MINUTES AND LEAVES. COUNCILMAN BLACKSHEAR SAID HE TOLD HER THAT THE COUNCIL CANNOT TELL THE SHERIFF WHAT TO DO AS HE IS AN ELECTED OFFICIAL. VICE CHAIRMAN JONES SAID THE DEVELOPMENT SERVICES COMMITTEE MET WITH THE HARDEEVILLE MAYOR AND A COUNCIL MEMBER AND STAFF AND DISCUSSED THE ISSUES ON JOINT PLANNING AND THAT THEY ARE TRYING TO ADDRESS CERTAIN PERMITTING PROBLEMS. VICE CHAIRMAN JONES SAID THE COUNTY WILL HOST A JOINT MEETING WITH THE TWO MUNICIPALITY'S COUNCIL AND THEIR PLANNING COMMISSIONS ON JUNE 26, 2007 AT 6:30 P.M. AT THE BLUE HERON NATURE CENTER.

ADMINISTRATOR'S REPORT:

MR FULGHUM REPORTED ON THE RIBBON CUTTING AT THE UNITED FUND OFFICES ON JUNE 11, 2007 AT 10:00 A.M. MR FULGHUM ALSO PRESENTED A LETTER FROM THE SCACDC REGARDING GRANT FUNDING FOR COUNCIL TO ATTEND MEETINGS THAT THE GRANT WOULD COVER THE REGISTRATION AND LODGING. MR FULGHUM ANNOUNCED THAT A NEW STUDENT INTERN WILL BE WORKING IN THE DEVELOPMENT SERVICES DIVISION. THE STUDENT IS CHAUNCEY BARNWELL AND HE IS A LAW STUDENT.

OPEN THE FLOOR TO THE PUBLIC:

VICE CHAIRMAN JONES OPENED THE FLOOR TO THE PUBLIC. RITA THOMAS OF HARDEEVILLE SAID THE COUNTY'S ORDINANCES NEEDED TO BE BETTER WRITTEN SO THE SHERIFF CAN ENFORCE THEM BECAUSE THE CURRENT ORDINANCES ARE UNENFORCEABLE. THERE WERE NO OTHER COMMENTS FROM THE PUBLIC.

CHAIRMAN JONES CLOSED THE FLOOR TO THE PUBLIC.

EXECUTIVE SESSION:

COUNCILMAN TUTEN MOTIONED AND COUNCILMAN BLACKSHEAR SECONDED THE MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS EMPLOYMENT MATTERS, CONTRACTURAL MATTERS AND TO DISCUSS THE POTENTIAL SALE OF COUNTY OWNED PROPERTY. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

RETURN TO REGULAR SESSION:

COUNCILMAN TYLER MOTIONED AND COUNCILMAN TUTEN SECONDED THE MOTION TO RETURN TO REGULAR SESSION. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VICE CHAIRMAN JONES REPORTED THAT NO ACTION WAS NECESSARY.

ADJOURN:

COUNCILMAN TUTEN MOTIONED AND COUNCILMAN BLACKSHEAR SECONDED THE MOTION TO ADJOURN THE MEETING. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

THE MEETING ENDED AT 7:00 P.M.

RESPECTFULLY SUBMITTED BY:

APPROVED BY:

JUDITH M. FRANK, CCC
CLERK TO COUNCIL

GLADYS N. JONES
VICE CHAIRMAN