



*Jasper County Council
Council Chambers
358 Third Ave., Ridgeland, SC
January 6, 2014
Minutes*

7:00 P.M.

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

STAFF PRESENT: Administrator Andrew Fulghum, Clerk to Council Judith Frank, Attorney Marvin Jones, 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.

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

Pledge of Allegiance- Chairman Etheridge led the Pledge of Allegiance.

Invocation- Vice Chairwoman Clark gave the invocation.

Approval of the Minute 12/02/2013 and 12/19/2013- Vice Chairwoman Clark motioned and Councilman Sauls seconded the motion to approve the minutes of 12/02/2013 and 12/19/2013. The motion carried with all members present voting in favor.

Andrew Fulghum - Election of Officers – Chairman -Mr. Fulghum opened the floor for nominations for Chairman. Councilman Etheridge nominated and Councilman Sauls seconded the nomination of Councilwoman Clark for Chairman.

Councilman Drayton nominated Councilman Etheridge and Councilman Etheridge declined. Being no further nominations, Mr. Fulghum closed the nominations for Chairman and called for a vote. All members present voted in favor of Councilwoman Clark for Chairwoman of the County Council.

Vice Chairman – Councilman Johnson nominated and Chairwoman Clark seconded the nomination for Councilman Sauls for Vice Chairman. Being no other nominations, the nominations were closed. Mr. Fulghum called for a vote and Councilman Sauls was elected Vice Chairman with all members present voting in favor.

Mr. Fulghum congratulated Chairwoman Clark and Vice Chairman Sauls on behalf of the staff.

Vice Chairman Sauls thanked Councilman Etheridge for serving as Chairman and said that Councilman Etheridge is dedicated to this County and attended every meeting and has gone above and beyond what his duties required. Vice Chairman Sauls said that Councilman Etheridge is always prepared for the meetings and works very hard for the County. Councilman Etheridge commented that the only thing that changed tonight was his title and he told the people to call him for whatever they needed and he wanted to help all the people of Jasper County. Chairwoman Clark said that she enjoys working with this Council and they were all of one accord and want to share information with the public.

Proclamations and Presentations -Bluffton/Jasper Volunteers in Medicine-Karen Lavey, Executive Director – Joan Hayward explained that Mr. Renty Kitty and Martin Sauls III serve on the board of directors of the Bluffton/Jasper Volunteers in Medicine. Ms. Hayward said that Bluffton/Jasper Volunteers in Medicine is a free clinic that was opened in Bluffton in 2011 and that they have about 1,400 patients. Ms. Heyward explained that they provide free medical care for individuals who do not have insurance and are low income families. Ms. Heyward told the Council that they are funded by grants and donations. Ms. Heyward said that transportation is a problem and the people need to know what is available at the Clinic. Councilman Johnson suggested a billboard paid for by the County. Ms. Heyward said she visited a few sites and events in Ridgeland to

tell the people about the Clinic. Vice Chairman Sauls suggested she get in touch with Hardeeville and perhaps having a spot on their TV station. Vice Chairman Sauls also suggested that they contact the two Chambers of Commerce in Jasper County. Chairwoman Clark said that Mr. Fulghum was very enthusiastic about the Clinic and the Council will work on this.

Ordinances

LeNolon Edge – Public Hearing and Second Reading of the ordinance to amend the Official Zoning Map of Jasper County so as to Transfer a Property Bearing Jasper County Tax Map Number 080-00-03-021 Located on Green Acres Road from the Residential Zone to the General Commercial Zone on the Jasper County Official Zoning Map- Mr. Edge explained that the request was to change the zoning from residential to general commercial so the owner could expand the business located on the 2.6 acres. Chairwoman Clark opened the public hearing. **Tom Morgan** said he owned parcels across the street from the property in question and he was not aware of any other property around him zoned general commercial and he is zoned residential. Mr. Morgan asked if anyone has gone out and looked at the property. Councilman Etheridge and Vice Chairman Sauls said they did. Mr. Morgan provided a description of the activities happening and the state of the land. Mr. Morgan asked the Council to not let this happen. Mr. Morgan said that the people live there live quietly and this is not what they are used to or want. Mr. Morgan said this is a single land County road that the County maintains and big trucks are traveling the road. **Tammy Hass** said she also lives there and she agreed with Mr. Morgan. Ms. Hass said that 18 wheel trucks often block the road and there is a lot of noise 7 days a week at all hours of the day. Ms. Hass said it is a mess and creates a lot of noise. Ms. Hass said she has lived there 20 years and loved it and she asked for help to stop this and she would like to see them move somewhere else. Ms. Hass said she has damaged her car due to the dirt they have dumped on the road. **Mr. Britton** said he lives on Green Acres Road and he has never seen anything like what is going on here. Mr. Britton said he has never seen an organization that puts their workers in such hazardous situations. Mr. Britton played a tape recording of the noise and said that his eyes are bothered by the chemicals used that are in the air from the kiln

drying system. Mr. Britton read the effects of quick lime that is being used. Mr. Britton said these logs are going to Florida and asked if the County collects any taxes or fees from this company. **Barbara Bartoldus** asked why a map was not provided so the people can see where the houses are located. Mr. Edge did a Google search for map of the location and Ms. Bartoldus said the map he was providing was from 2009 and did not show the current condition of the land and all the trees showing on the map have been removed. Ms. Bartoldus said this is heavy industrial and she has spoken with the Planning and Zoning Department and wanted to know how this business has been operating for over one year without proper zoning. Ms. Bartoldus said the people in this area have no value to their property. Ms. Bartoldus asked if anyone from the Planning Commission went out and looked at this. **Marcie Beech** said she has lived there for 18 years and she loved the wood around her and now it is totally gone. Ms. Beech said that there is no longer any peace and quiet. Ms. Beech said there are piles of unusable wood, debris and junk piles there. Ms. Beech said they are asking for 2.6 acres to be rezoned, but they have ruined 15 acres. Ms. Beech said there are more snakes due to the rotting wood and that the kiln caught fire and burned all night long. Ms. Beech said the equipment is constantly running and the people have no peace and her property no longer is worth anything. **Mr. Craig Smith** showed the Council the location of where he is living and explained that the trees showing on the map are all gone since Dec. 2012. Mr. Smith said he spoke with the owner who is a very hard working individual and he asked how this has been allowed to be operating without the proper zoning. Mr. Smith asked the Council not to approve this request for rezoning and to put restrictions on the operations. Being no further comments, Chairwomen Clark closed the public hearing. Vice Chairman Sauls motioned and Councilman Etheridge seconded the motion to table this ordinance. Councilman Drayton asked if the person making the zoning request was present and Vice Chairman Sauls said the owner lives in Alabama. The motion carried with all members present voting in favor.

Andrew Fulghum – 3rd Reading of the Ordinance Banning Texting while Driving – Mr. Fulghum said that this ordinance will amend the County’s Code of Ordinances and will go into effect as soon as it is passed. Vice Chairman Sauls motioned and

Councilman Drayton seconded the motion that this be the 3rd Reading of the Ordinance Banning Texting while Driving. Councilman Johnson asked that the ordinance be amended that this would not be for a custodial arrest and the subject to seizure. Vice Chairman Sauls motioned and Councilman Drayton rescinded their original motion and seconded and Councilman Johnson motioned and Councilman Drayton motioned that the ordinance be amended to include that this would not be for a custodial arrest and the subject to seizure. The motion carried with all members present voting in favor. Councilman Johnson motioned and Councilman Drayton motioned that this be the 3rd Reading of the Ordinance Banning Texting while Driving. The motion carried with all members present voting in favor.

Andrew Fulghum – 3rd Reading of the Ordinance Granting a County Easement for Airport Road Property – Mr. Fulghum asked for the 3rd reading of the ordinance Granting a County Easement for Airport Road Property. Mr. Fulghum said it would be a non-exclusive easement and the ordinance authorizes the Administrator and the Council Chairman to execute the papers. Councilman Etheridge motioned and Vice Chairman Sauls seconded the motion that this be the 3rd Reading of the Ordinance Granting a County Easement for Airport Road Property. The motion carried with all members present voting in favor.

Marvin Jones – 2nd Reading of the Ordinance Amending Jasper County Ordinance 2010-21 Adopting the Home Detention Program (HDP)- Mr. Jones explained that the ordinance was to amend ordinance 2010-21 and that it added that this is on a case by case basis and the Administrator or his delegee in contract with the contracting entity which may be charged with administering all or a portion of the HDP be authorized to issue all necessary rules and regulations for the implementation and that no right of private action is authorized. Mr. Jones said this was a 3rd party cost and regulations are subject to Court orders. Councilman Drayton asked about lawsuits and Mr. Jones said no one has the right to home detention and they cannot sue the County if they do not get it. Councilman Etheridge motioned and Vice Chairman Sauls seconded the motion that this be the 2nd Reading of the Ordinance Amending Jasper County Ordinance

2010-21 Adopting the Home Detention Program (HDP). The motion carried with all members present voting in favor.

Andrew Fulghum – 2nd Reading of the Ordinance Providing for the Conveyance of Real Property to Royal Live Oak Academy of the Arts and Sciences and Other Matters Relating Thereto – Mr. Fulghum explained that the Council held a special meeting on 12/19/2013 and accepted the property by resolution. Mr. Fulghum said an ordinance is necessary to transfer the property to Royal Live Oaks Academy of the Arts and Sciences. Mr. Fulghum said the ordinance also authorizes the Council Chairman and the Administrator to execute the documents. Councilman Johnson motioned and Vice Chairman Sauls seconded the motion that this be the 2nd Reading of the Ordinance providing for the Conveyance of Real Property to Royal Live Oaks Academy of the Arts and Sciences and Other Matters Relating Thereto. The motion carried with all members present voting in favor.

Resolutions

Ronnie Malphrus – Resolution to Update Authority of Signatures on the Farmers’ Market Checking Account – Mr. Malphrus explained the Farmer’s Market coordinator has changed and that the bank requires a resolution to change names on the checking account. Vice Chairman Sauls motioned and Councilman Etheridge seconded the motion to pass the Resolution to Update Authority of Signatures on the Farmers’ Market Checking Account. The motion carried with all members present voting in favor.

Old Business- There was no old business.

New Business-Ronnie Malphrus – Business Personal Property Tax Audit Proposal- Tax Management Associates (TMA) - Vice Chairman Sauls motioned and Councilman Drayton seconded the motion to table this proposal. The motion carried with all members present voting in favor.

Marvin Jones – Approval of Engagement Letter from Vaux and Marscher, P.A. Re: Mortgage Electronic Registration System (MERS) Litigation- Mr. Jones explained that assigned mortgages are not always recorded. Mr. Jones said that this proposal would not be any out of pocket expense to the County and it would

be paid for with a 45% contingency fee. Councilman Drayton asked if this was the standard way to do this. Mr. Jones said it was 45% after fees. Councilman Etheridge said this is hard to monitor and Mr. Jones said it is not being done unless it is brought it. Vice Chairman Sauls motioned and Councilman Etheridge seconded the motion to approve the of Engagement Letter from Vaux and Marscher, P.A. Re: Mortgage Electronic Registration System (MERS) Litigation. The motion carried with all members present voting in favor.

Arthur Benjamin – Recommendation of Electronic Monitoring Service Proposal for Home Detention Program – Mr. Benjamin explained that a committee reviewed the proposals and that they recommended Offender Management from Cummings, Ga. Mr. Benjamin explained how the monitoring would be used and that Offenders Management has offices in Beaufort and Bluffton. Mr. Benjamin said the company was also working with the Solicitor’s Office. Mr. Benjamin said he would like the company to put on the devices. Mr. Benjamin said the inmates pay for the monitoring for home detention; the County does not pay. Vice Chairman Sauls motioned and Councilman Etheridge seconded the motion to approve the proposal from Offender Management in the amount of \$10 per inmate with \$0.75 being paid to the County. The motion carried with all members present voting in favor.

Wilbur Daley – Presentation of Debris Management Proposal – Mr. Daley asked the council to approve the proposal from Crowder Gulf. Mr. Daley said the County only pays when the service is needed. Mr. Daley said they received 6 proposals and each company was rated. Vice Chairman Sauls asked if FEMA pays for this in the event of a disaster. Mr. Daley said the County is reimbursed by FEMA. Vice Chairman Sauls motioned and Councilman Drayton seconded the motion to approve the proposal from Crowder Gulf. The motion carried with all members present voting in favor.

Dale Terry – Presentation of Bids for New Roof for Magistrate’s Office – Mr. Terry said put the roof for the magistrate’s office back out for bid since he only received 1 bid the first time. Mr. Terry said he received 4 bids and asked the Council to approve the low bid from Riverside Services in the amount of \$19,875. Vice Chairman Sauls motioned and Councilman Etheridge seconded the motion to approve the bid from Riverside Services in the amount of \$19,875.00. The motion carried with all members present voting in favor.

Committee Reports – Councilman Drayton reported on the Port Meeting he attended and he said he is confident that the County will have a Port as soon as it is needed. Councilman Drayton said that may be by 2020. Vice Chairman Sauls reported that he attended the meeting in Tarboro. Councilman Etheridge said the Council needed to send a letter of support for the Purrysburg Cemetery. Councilman Etheridge said he appreciated the people coming in and voicing their concerns during the public hearing and he asked the public when they see something wrong to bring it the Council’s attention. Chairman Clark said that history was made this evening when she was elected the 1st woman Chair of the County Council. Chairwoman Clark said she was ready to go to work.

Administrator’s Report – Mr. Fulghum said the Council was provided the information and he would answer any questions.

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. Chairwoman Clark opened the floor to the public. Ms. Rigg had signed up to speak, but she was not present. Being no further comments, Chairwoman Clark closed the floor to the public.

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, Solid Waste Disposal Services, Ridgeland Airport, Property at Cypress Ridge Business Industrial Park; 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 Pioneer, Project 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 clients whose records are submitted for use at the hearing – Personnel Matters – Magistrate’s Office- Councilman Etheridge motioned and Vice Chairman 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, Solid Waste Disposal Services, Ridgeland Airport, Property at Cypress Ridge Business Industrial Park; 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 Pioneer, Project 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 clients whose records are submitted for use at the hearing – Personnel Matters – Magistrate’s Office. The motion carried with all members present voting in favor.

Vice Chairman Sauls leaves the meeting at this time.

Return to open session: Councilman Johnson motioned and Councilman Drayton seconded the motion to return to open session. The motion carried with all members present voting in favor.

Chairwoman Clark asked if any action was needed as a result of Executive Session. Councilman Etheridge motioned and Councilman Johnson seconded the motion

that the Chief Magistrate be granted an additional \$1,000 per month for additional services pending the Jasper County Magistrate Office being fully staffed and to increase Judge Badgett to 30 hours per week until the end of the fiscal year 2013-2014. The motion carried with Councilmen Etheridge, Drayton and Johnson voting for; Chairman Clark did not vote.

Adjourn- Councilman Johnson motioned and Councilman Etheridge seconded the motion to adjourn the meeting. The motion carried with all members present voting in favor.

The meeting ended at 10:00 p.m.

Respectfully submitted by:

Approved by:

Judith M. Frank, ccc
Clerk to Council

Barbara B. Clark
Chairwoman

