



**JASPER COUNTY COUNCIL  
358 THIRD AVE., RIDGELAND SC. 29936**

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**COUNCIL CHAMBERS  
AUGUST 19, 2013  
MINUTES**

**4:30 P.M. EXECUTIVE SESSION**

**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, Director of Administrative Services Ronnie Malphrus, Attorney Marvin Jones, Building and Planning Director LeNolon Edge, Director of Emergency Services Wilbur Daley

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 at 4:30 p.m.

**EXECUTIVE SESSION** – Councilman Drayton motioned and Vice Chairwoman Clark 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, Brown Campbell Bldg., pending lawsuits, Riverport; and the discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by a public body – prospect, update on TICO. The motion carried with all members present voting in favor.

**RETURN TO OPEN SESSION** – Vice Chairwoman Clark motioned and Councilman Drayton seconded the motion to return to open session. The motion carried with all members present voting in favor.

Councilman Sauls motioned and Councilman Johnson seconded the motion to grant the County Administrator the authority to accept state and federal grant funds for the airport. The motion carried with all members present voting in favor.

**DINNER BREAK**

**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, Director of Administrative Services Ronnie Malphrus, Attorney Marvin Jones, Building and Planning Director LeNolon Edge, Director of Emergency Service Wilbur Daley

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 at 7:00 p.m.

**PLEDGE OF ALLEGIANCE** – Councilman Drayton led the Pledge of Allegiance.

**INVOCATION** – Vice Chairwoman Clark gave the invocation.

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

**APPROVAL OF THE MINUTES—7/15/2013, 7/24/2013, 08/08/2013** – Vice Chairwoman Clark motioned and Councilman Sauls seconded the motion to approve the minutes of the 7/15/2013, 7/24/2013, 08/08/2013. The motion carried with all members present voting in favor.

**PROCLAMATIONS AND PRESENTATIONS- JOE FRAGALE AND SAUNDRA LIGON – HUMAN AFFAIRS COMMISSION**-Mr. Fragale explained that Ms. Ligon was to meet with Hampton Council and could not be present at this meeting. Mr. Fragale explained that the Human Affairs Commission has nine board members and they are outreaching to counties. Mr. Fragale said that the Human Affairs Commission was formed in 1973 and he listed the various incidents that they make sure that there is not discrimination in public housing. Mr. Fragale encouraged the Council to create a committee for the County and he provided a handout to the Council.

**NATHANIEL WRIGHT – WATER PROBLEMS AND DRAINAGE** - Mr. Wright discussed the drainage problems in Hardeeville along Highway 17. Mr. Wright said the new truck stop is releasing water into the ditches and their engineers did not research where the water would go. Mr. Wright said the PDA dug the ditches in the 1940's and they are never cleaned out. Chairman Etheridge commented that he, Vice Chairwoman Clark and a staff member met with Mr. Wright and they were working on the problem. Vice Chairwoman Clark added that it is not the County maintained ditches that are causing the problem, but it is the state maintained ditches that are not being cleaned out. Vice Chairwoman Clark said the water is not moving and Mr. Terry is going to investigate the situation. Vice Chairwoman Clark said the problem will not be solved overnight, but it is being worked on.

**ANDREW FULGHUM – PROCLAMATION RECOGNIZING SOUTH CAROLINA AVIATION WEEK** – Mr. Fulghum explained that it is Aviation Week and Chairman Etheridge read and presented a copy of the

proclamation to the FAA, State Government and the local aviation committee. Chairman Etheridge commented that he was looking forward to a new runway in the near future.

## ORDINANCES

**LeNOLON EDGE – PUBLIC HEARING AND 2<sup>ND</sup> 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 presented the ordinance and stated that a request for a zoning change from residential and rural preservation to the a planned development district and to adopt a master plan for the property that consisted of 65 acres. Mr. Edge said 136 units and a wellness center are included in the development. Chairman Etheridge opened the public hearing. **Barbara Bartoldus** - Ms. Bartoldus said the documents provided were done by Ms. Rigg and taken word for word from the County's books. Ms. Bartoldus said the documents were not prepared by an attorney or an engineer. Ms. Bartoldus said the documents refer to sections that refer to the joint planning district and the Town of Ridgeland and the joint planning district no longer exists. Chairman Etheridge said that the Town of Ridgeland is not involved. Mr. Edge said that Ms. Bartoldus had the development agreement and it is not included because it does not apply to this development. Ms. Bartoldus asked why Mr. Edge provided her with this information if it did not apply. Ms. Bartoldus said that no traffic study was done and the documents were all done by Ms. Rigg. Ms. Bartoldus said the PDD is extremely important and it needs to be done by a professional. **Charles Lieder** commented that Thomas and Hutton and West Jones aided by Ms. Rigg prepared the document. **Linda Davenport** commented that she lives on Knowles Island and said the Council said a traffic study was to be done and an impact study also needed to be done. Being no further comments, Chairman Etheridge closed the public hearing. Councilman Johnson motioned and Vice Chairman Sauls 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 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 and that the approval is contingent upon satisfactory information being provided and that the property be used for the purpose being presented and for nothing else. Chairman Etheridge said that a workshop will be held prior to the 3<sup>rd</sup> reading of this ordinance. Mr. Fulghum presented five written comments in favor of the project. The written comments were from Rebecca and Michael Hargrave, Sam Smith, Annie Hutton, Mr. Donovan and Cindy Rigg. Councilman Drayton said that the workshop will be held prior to the seconded Council meeting in September and for Mr. Edge to contact Ms. Rigg and tell her what information is needed. The motion carried with all members present voting in favor.

**RONNIE MALPHRUS – 2<sup>ND</sup> READING OF AN ORDINANCE TO REDUCE THE ROAD MAINTENANCE FEE –** Mr. Malphrus explained that the Council approved reducing the road maintenance fee when they passed the budget and an ordinance was needed to make it official. Mr. Malphrus said the change would be effective January 1, 2014. Councilman Drayton motioned and Councilman Johnson seconded the motion that this be the 2<sup>nd</sup> reading of an ordinance to reduce the road maintenance fee. The motion carried with all members present voting in favor.

**ANDREW FULGHUM – 2<sup>ND</sup> READING OF A LEASE AGREEMENT WITH JASPER COUNTY AND THE UNITED WAY OF THE LOW COUNTRY-**Mr. Fulghum said the ordinance was to lease a new location for the United Way Office. Mr. Fulghum said that the lease was for 3 years and it will be \$100 per month to help defray the cost of the utilities and insurance. Councilman Drayton motioned and Vice Chairwoman Clark seconded the motion that this be the 2<sup>ND</sup> reading of a lease agreement with Jasper County and the United Way of the Low Country. The motion carried with all members present voting in favor.

**WILBUR DALEY – 1<sup>ST</sup> READING OF AN ORDINANCE FOR AN EMERGENCY SERVICE FEE (BY TITLE ONLY)-** Mr. Daley explained that an ordinance is needed to be able to bill for responding to vehicle accidents and vehicle fires. Mr. Daley said they ordinance does not cover Jasper County citizens. Mr. Daley said that many other counties are already doing this. Councilman Johnson motioned and Councilman Sauls seconded the motion that this be the 1<sup>st</sup> reading of an ordinance for an emergency service fee (by title only). The motion carried with all members present voting in favor.

**ANDREW FULGHUM – 1<sup>ST</sup> READING OF AN ORDINANCE TO AMEND THE LEASE AGREEMENT ORDINANCE JASPER COUNTY AND HOME TOWN TITLE (BY TITLE ONLY) –** Mr. Fulghum explained that an ordinance was needed to change the lease agreement with Home Town Title since they will be moving to a new location. Mr. Fulghum said the ordinance is to authorize an amendment to the previous ordinance. Mr. Fulghum said that Home Town Title would be moved to 306 3<sup>rd</sup> Ave., Ridgeland. Councilman Drayton motioned and Vice Chairwoman Clark seconded the motion that this be the 1<sup>st</sup> reading of an ordinance to amend the lease agreement ordinance between Jasper County and home Town Title (by title only). The motion carried with all members present voting in favor.

**ANDREW FULGHUM – 1<sup>ST</sup> READING OF AN ORDINANCE TO RENEW THE LEASE AGREEMENT BETWEEN JASPER COUNTY AND JASPER ANIMAL RESCUE MISSION (JARM) –** Mr. Fulghum explained that the original lease began in 2007 and it has been renewed in 3 year terms. Mr. Fulghum said this lease would also be for a 3 year term. Vice Chairwoman Clark motioned and Councilman Drayton seconded the motion that this be the 1<sup>st</sup> reading of an ordinance to renew the lease agreement between Jasper County and Jasper Animal Rescue Mission (JARM). The motion carried with all members present voting in favor.

**ANDREW FULGHUM – 2<sup>ND</sup> READING OF THE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN JASPER COUNTY AND LOWCOUNTRY BIOMASS, LLC, WHEREBY JASPER COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH LOWCOUNTRY BIOMASS, LLC; PROVIDING FOR PAYMENT BY LOWCOUNTRY BIOMASS, LLC OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; PROVIDING FOR CERTAIN SPECIAL SOURCE REVENUE OR INFRASTRUCTURE CREDITS; PROVIDING FOR THE ALLOCATION OF FEE-IN-LIEU OF TAXES PAID BY LOWCOUNTRY BIOMASS, LLC, UNDER THE AGREEMENT FOR ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK; AND OTHER MATTERS RELATING THERETO –** Mr. Fulghum explained that

the FILOT is the second phase of the MOU. Mr. Fulghum said the 1<sup>st</sup> reading was by title only. Mr. Fulghum provided the Council with a breakdown over 20 years. Mr. Fulghum said that the County Auditor, Hazel Holmes, was part of the process. Councilman Sauls motioned and Vice Chairwoman Clark seconded the motion that this be the 2<sup>nd</sup> reading of the authorizing the execution and delivery of a fee-in-lieu of tax agreement by and between Jasper County and Lowcountry Biomass, LLC, whereby Jasper County will enter into a fee-in-lieu of taxes arrangement with Lowcountry Biomass, LLC; providing for payment by Lowcountry Biomass, LLC of certain fees in lieu of *ad valorem* taxes; providing for certain special source revenue or infrastructure credits; providing for the allocation of fee-in-lieu of taxes paid by Lowcountry Biomass, LLC, under the agreement for establishment of multi-county industrial/business park; and other matters relating thereto. The motion carried with all members present voting in favor.

**RESOLUTIONS – There were no resolutions.**

**OLD BUSINESS -RONNIE MALPHRUS – MARKETING AGREEMENT FOR COUNTY OWNED BILLBOARDS –**

Mr. Malphrus explained that the County owned 1 billboard located north of Exit 8. Mr. Malphrus said the County inherited the billboards from the Development Board. Mr. Malphrus said that the lease was terminated and they solicited proposals. Mr. Malphrus asked the Council to approve entering into a lease agreement with Adams Sign Company for \$3,000 per year for the double sign and \$2,000 per year for the single sign. Mr. Malphrus said the lease would be for 3 years. Councilman Sauls motioned and Councilman Drayton seconded the motion to enter into a lease agreement with Adams Sign Company for \$3,000 per year for the double sign and \$2,000 per year for the single sign. Mr. Malphrus said the lease would be for 3 years.

**NEW BUSINESS RONNIE MALPHRUS – APPOINTMENT OF MEMBER TO THE A-TAX BOARD -**

Councilman Drayton motioned and Councilman Sauls seconded the motion to table this until the next meeting when the applicant could be present.

**JEANINE BOSTICK – REQUEST TO PURCHASE VOTING MACHINES –**

Jeanine Bostick said the number of precincts has increased and 12 additional voting machines and 20 flash cards were needed. Ms. Bostick said the cost was \$27,300. Mr. Malphrus said that during the budget workshop this was discussed and the line for part-time employees was for \$40,000 for the primary and there should only be a primary in June and the entire amount would not be needed for the primary. Mr. Malphrus said that they budget money every year whether there is an election or not. Mr. Malphrus said that they would only need about \$18,500 for the primary and runoff and he proposed using the \$21,500 to purchase the machines. Mr. Malphrus said it was not enough to purchase 12 machines, but it would put them very close. Councilman Sauls motioned and Councilman Drayton seconded the motion to approve spending \$21,500 from the part-time employee line in the voter’s registration budget to purchase voting machines. The motion carried with all members present voting in favor. Ms. Bostick said that additional funds were needed for the maintenance contract and the licenses are void if this is not done. Ms. Bostick said the State previously paid for this. Rev. Sheftall said that in order to be state compliant they have to have the machines and the maintenance contract. Chairman Etheridge said he would check into it. Councilman Drayton said they needed to come up with an additional \$7,000. Councilman Johnson said if the number of machines increase then the maintenance contract will also increase. Ms. Bostick said the maintenance contract will increase and the machines that they would be getting would be refurbished machines.

**ANDREW FULGHUM – PROFESSIONAL SERVICE CONTRACT FOR CAPITAL PROJECT SALES TAX PLANNING SERVICES** – Mr. Fulghum said the Council had a workshop concerning the capital project sales tax and the proposal from the Alliance and he had needed direction if the Council wanted to move forward. Mr. Fulghum said that the cost of the proposal is \$75,000 and could be paid for from the commercial development fund. Councilman Drayton asked if the money would be used for a spec building. Mr. Fulghum said a committee would be appointed to determine what the funds would be used for and the voters would know what they were voting for. Councilman Sauls said that he researched this and he is against it. Councilman Sauls said that Jasper County would have the highest sales tax in the State of South Carolina. Councilman Drayton said that he agreed with Councilman Sauls. Vice Chairwoman Clark said the County was between a rock and a hard place. Vice Chairwoman said that when you look at the money needed for industrial development and that a portion of the tax would be paid by people passing through Jasper County. Vice Chairwoman Clark said the Council would vote if this should go on the ballot and the citizens would decide if they wanted it. Councilman Johnson said he was concerned that the tax could be a deal breaker for a company looking to locate here. Councilman Johnson said a 12% increase is not a trivial thing and in many cases the companies may decide to locate elsewhere. Chairman Etheridge said he looked at it and studied it. Chairman Etheridge said he has been taking economic classes and he keeps hearing that the County does not have sites of buildings ready. Chairman Etheridge said that this capital project sales tax could create \$16,000,000 and the County tax payers would pay 70% and others would be paid 30%. Chairman Etheridge said these funds could be used for needed infrastructure and recreation. Chairman Etheridge said that this would go on the ballot and the citizens would make the final decision. Councilman Sauls motioned and Councilman Drayton seconded the motion not to pursue the Capital project sales tax for referendum in 2013 and not to approve the professional service contract for capital project sales tax planning services. The motion carried with Councilmen Sauls, Drayton and Johnson voting in favor; Vice Chairman Etheridge and Vice Chairwoman Clark voted against.

**RONNIE MALPHRUS – EXPENSE REDUCTION AND REVENUE ENHANCEMENT CONSULTING PROPOSAL AND AGREEMENT-** Mr. Malphrus explained that the proposal was for a review of utilities, business licenses, A & H tax, franchise fees and other revenue sources to make sure that the County received the proper amount and that they also look at ways to reduce costs. Mr. Malphrus said that the cost of the service is 50% of what they find and save for 2 years. Mr. Malphrus said that he felt it was a good proposal. Vice Chairman Clark motioned and Councilman Sauls seconded the motion to approve the proposal and agreement from Bob Segal, CPA as presented by Mr. Malphrus. The motion carried with all members present voting in favor. Councilman Drayton asked if the County would have the final decision and Mr. Malphrus said the County would have the final say and if a recommendation is made and the Council does not do it, then the County does not owe any money. Mr. Malphrus said they pay only on what is saved and only upon collection. Mr. Malphrus said the money has to be in the bank before the County owes any money.

**ANDREW FULGHUM - APPOINTMENT TO LOWCOUNTRY REGIONAL TRANSPORTATION AUTHORITY (LCRTA)** - Mr. Fulghum said that the Council is responsible for appointing a member to the LCRTA Board and Jenny Carter has served on behalf of the County for 10 years. Mr. Fulghum said that she has agreed to continue to service. Vice Chairwoman Clark motioned and Councilman Sauls seconded the motion to appoint Jenny Carter to the LCRTA. The motion carried with all members present voting in favor.

**COMMITTEE REPORTS** – **Councilman Sauls** reported on the meetings he attended and the Chamber Events. Councilman Sauls discussed the School District scoring 27% out of 100% and being ranked last in

the State. Councilman Sauls said that companies won't locate in the County because of the schools. Councilman Sauls read two quotes from Superintendent Washington and he said the school board and the school district need to be accountable. Councilman Sauls said that the schools have received a "F" for two years and every year they get more money, but this year the County cut their budget. Councilman Sauls said that the school system is broke and it needs fixing and the school board and superintendent need to be held accountable. Councilman Sauls said that \$14,900 was charged to the school district's American Express. Councilman Sauls said that more money need to be spent in the classrooms, not on travel. Councilman Sauls said that school district needs to set goals and try to achieve it. Councilman Sauls said that the people need to hold the people who hold the checkbook accountable. Councilman Sauls said that people in all areas of the County are talking about this and saying amend the budget and cut another ½ mil from the school district. **Vice Chairwoman Clark** said that she is always hearing about the school system and people asked where they can find the scores for the school and she said the information can be found on the web. Vice Chairwoman Clark said she attended a rally and the speaker was excellent and she hoped he shed some light on what needs to be done in the schools. Vice Chairwoman Clark said she also visited the Charter School and attended the SCAC conference. Vice Chairwoman Clark discussed attending a meeting at ACE and a meeting with Senator Tom Davis and Rep. Herbkershman and they were very positive of what they wanted to see. Vice Chairwoman Clark said she will meet with the delegation members to let them know what the County needs. **Councilman Johnson** said he attended the SCAC conference and the attorney's conference. Councilman Johnson discussed the Port. **Councilman Drayton** said he attended SCAC, ACE, and said he has completed Level I classes and he feels the Level II classes were very informative. Chairman Etheridge reported that he met with Waste Management about the new contract and he attended two planning commission meetings. Chairman Etheridge said that he visited the Boeing Plant in Charleston, the SCAC conference, Economic Development classes in Spartanburg and asked the people to visit the nursing home.

**ADMINISTRATOR'S REPORT** – Mr. Fulghum provided a written update for information and said that Mr. Terry will appear at the next meeting regarding the ditches in the County. Mr. Fulghum said he was working with Hardeeville on the application for a CDBG grant for the library and the County's portion would be \$150,000 in funds and in kind work. Mr. Fulghum discussed the Tarboro Community Center and its CBDG project. Mr. Fulghum said that Mr. Malphrus was looking for a way to meet the 10% match.

**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. **Linda Davenport** said she was a licensed pilot and was happy to hear what was happening at the airport. Ms. Davenport said that nothing is going to change in Jasper County until something is done at the schools. Ms. Davenport said that things are going from bad to worse at the schools. Ms. Davenport said the Charter School increased from 38% to 50%. Ms. Davenport said the 50% was still a failing grade, but they are improving. Ms. Davenport said that the superintendent is paid \$200,000 a year for a disaster. Ms.

Davenport said she participated in career day and she interacted with 300-350 children and not one of them could fly a plane. Ms. Davenport said the children are out of control and they are a generation of children who will fail and the County Council needs to step up and do something. Ms. Davenport said the citizens of Jasper County pay more money per person in taxes than any other county in the state. Vice Chairwoman Clark said that the Council sets the mills for the schools and they have no control over how they spend it. Ms. Davenport said they have new buildings and they are still going to hell in a basket and the schools need to start stressing education. Being no further comments, Chairman Etheridge closed the floor to the public.

**ADJOURN** - Councilman Sauls motioned and Vice Chairwoman Clark seconded the motion to adjourn. The motion carried with all members present voting in favor.

The meeting ended at 9:30 p.m.

Respectfully Submitted By:

Approved by:

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Judith M. Frank, ccc  
Clerk To Council

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Henry Etheridge  
Chairman

