

**JASPER COUNTY COUNCIL
MARY GORDON ELLIS EXECUTIVE BUILDING
COUNCIL CHAMBERS
JANUARY 7, 2008
3:00 P.M.**

MINUTES

OFFICIALS PRESENT:

DR. GEORGE M. HOOD, CHAIRMAN
GLADYS JONES, VICE CHAIRMAN
LEROY BLACKSHEAR, COUNCILMAN
FRED TUTEN, COUNCILMAN
HUBERT TYLER, COUNCILMAN

STAFF PRESENT:

ANDREW FULGHUM, ADMINISTRATOR
RONNIE MALPHRUS, DEP. AD. ADM. SER.
DALE TERRY, DEP. AD. ENG. SER.
MARVIN JONES, ATTORNEY
JUDITH FRANK, CLERK TO COUNCIL

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 HOOD CALLED THE MEETING TO ORDER AT 3:00 P.M.

PLEDGE OF ALLEGIANCE:

CHAIRMAN HOOD LED THE PLEDGE OF ALLEGIANCE.

INVOCATION:

COUNCILMAN TUTEN GAVE THE INVOCATION.

EXECUTIVE SESSION:

EXECUTIVE SESSION WAS CANCELLED AND APPEALS WERE MADE IN OPEN SESSION.

ESPY LUMBER AND BUILDERS WHOLESAL CARPET APPEALED THE WAY THAT THEY WERE CHARGED FOR THEIR BUSINESS LICENSE IN JASPER COUNTY. ATTORNEYS FOR BOTH COMPANIES WERE PRESENT AND THE DISCUSSION WAS RECORDED BY A COURT RECORDER. MARVIN JONES, COUNTY ATTORNEY, EXPLAINED HOW THE APPEALS HEARING WOULD BE PRESENT WITH MR. KITTY, JASPER COUNTY BUSINESS LICENSE COORDINATOR PRESENTING FIRST FOLLOWED BY ATTORNEY CROW AND ATTORNEY HATE. MR. JONES SAID THE COUNCIL WOULD NEED TO GIVE A WRITTEN DECISION TO THE PARTICIPANTS. MR. KITTY STATED THAT BUILDER'S WHOLESAL CARPET AND ESPY LUMBER DO A LOT OF WORK IN THE SURROUNDING AREAS OF JASPER COUNTY AND THAT HE RECEIVES A STATEMENT FROM THE STATE THAT INFORMS HIM OF THE AMOUNT THEY PAY TAXES ON TO THE STATE. MR. KITTY SAID THAT THEY CAN DEDUCT THE FEES THAT THEY PAY TO THE OTHER COUNTIES, BUT SINCE THEIR BUSINESS IS LOCATED IN JASPER COUNTY THIS IS WHERE THE SALE TAKES PLACE AND THIS IS WHERE THE BUSINESS LICENSE FEES SHOULD BE PAID AND THEY NEEDED TO LET THE OTHER COUNTIES KNOW THEY PAID THE FEES TO JASPER COUNTY. COUNCILMAN TUTEN ASKED IF THEY PAY TAXES IN BEAUFORT COUNTY AND JASPER COUNTY AND IF THEY HAVE BUSINESS LICENSES IN BOTH COUNTIES. MR. KITTY SAID THAT THEY DELIVER THE GOODS TO THE OTHER COUNTIES, BUT THE BUSINESS IS LOCATED IN JASPER COUNTY WHERE THEY HAVE A BUSINESS LICENSE AND THAT IS WHERE THEY SHOULD PAY THE FEES. MR. KITTY SAID IF THEY CHARGE AN INSTALLATION OR DELIVERY FEE, THAT TAX AND BUSINESS LICENSE FEE SHOULD BE PAID TO THE AREA WHERE THE ITEMS ARE DELIVERED AND INSTALLED. MR. KITTY SAID THE COMPANIES NEED TO SEPARATE THE AMOUNT AND DETERMINE WHERE THE FUNDS SHOULD GO. MR. JONES SAID THAT THEY START WITH THE GROSS AND THEY DEDUCT WHAT IS PAID TO ANOTHER AREA. MR. JONES SAID THAT IF A PRODUCT IS DELIVERED TO JASPER COUNTY, THEN THE COUNTY ONLY GETS THE PORTION FOR THE DELIVERY AND THE OTHER AREA GETS THE SALE. COUNCILMAN BLACKSHEAR ASKED IF THE PROCEDURE WAS WITHIN THE REALMS OF THE LAW AND MR. JONES SAID THAT HE AGREED WITH THE WAY MR. KITTY WAS CALCULATING THE FEES. BUILDERS WHOLESAL CARPET WAS REPRESENTED BY MR. CROW. MR. CROW SAID THAT MOST SALES DO NOT OCCUR IN JASPER COUNTY, BUT

THEY TAKE PLACE WHERE TITLE IS PASSED AND THE TITLE PASSES WHEN DELIVERY IS MADE AND DELIVERY IS ALSO PART OF THE SALE AND THAT BUILDERS WHOLESAL CARPET PAYS TAX IN OTHER AREAS. MR. CROW SAID THAT ACCORDING TO STATE LAW, IT IS WHERE THE TITLE TO THE PROPERTY IS GIVEN AND MONEY MADE IS WHERE THE TAXES ARE PAID. MR. CROW SAID THEY FEEL THE SALE DOES NOT TAKE PLACE IN JASPER COUNTY, BUT WHERE THE DELIVERY AND TRANSFER OF TITLE TAKES PLACE AND THAT HAPPENS IN THE OTHER JURISDICTIONS. MR. CROW HAD MS. SPARROW, AN EMPLOYEE OF BUILDERS WHOLESAL CARPET SWORN IN BY THE COURT RECORDER. COUNCILMAN BLACKSHEAR ASKED IF THE COMPANY WAS LOCATED IN JASPER COUNTY AND IF THEY HAD A BUSINESS LICENSE IN OTHER COUNTIES. MR. CROW SAID THAT THEY HAVE A LOCATION IN JASPER COUNTY AND THEY ALSO HAVE BUSINESS LICENSES WHERE THE SALES ARE MADE. MR. CROW SAID THAT THEY PAY 100% OF TAXES AND THEY ARE ALLOCATED TO THE AREAS WHERE THE SALE TAKES PLACE.

MR. CROW ASKED MS. SPARROW WHAT HER POSITION WAS WITH BUILDERS WHOLESAL CARPET AND MS. SPARROW SAID THAT SHE WAS A CORPORATE ACCOUNTANT AND MR. CROW ASKED IF SHE FILED FOR THE COMPANY STATEWIDE AND MS. SPARROW SAID THAT SHE FILED FOR FIVE BRANCHES OF THE COMPANY AND PAID LICENSE FEES TO 25 DIFFERENT ENTITIES. MR. CROW ASKED IF ANY OTHER AREAS CHARGED THEIR FEES THE WAY JASPER COUNTY CHARGES THEIR FEES AND MS. SPARROW SAID NO. MR. CROW OFFERED DIFFERENT EXHIBITS THAT SET OUT THE PROCESS AND THE GROSS AMOUNT PAID TO JASPER COUNTY. MR. CROW SAID THE FORM AND CHECK WERE SUBMITTED AND RETURNED. MR. CROW SAID THEY REFILED AND PAID UNDER PROTEST. MR. CROW ASKED IF MS. SPARROW FILED THE 2006-2007 APPLICATION ACCORDING TO HOW THE LAW WAS WRITTEN AND MS. SPARROW SAID THAT SHE DID AND MR. CROW ASKED WAS SHE CONTACTED BY JASPER COUNTY AND MS. SPARROW SAID THAT JASPER COUNTY DID NOT CONTACT HER. MS. SPARROW SAID SHE PREPARED HER FORMS FROM THE SALES TAX REPORT SHE RECEIVED FROM CORPORATE ACCOUNTING. MR. CROW ASKED IF SHE SENT IT TO JASPER COUNTY AND THE STATE AND MS. SPARROW ANSWERED YES. MARVIN JONES, ATTORNEY FOR JASPER COUNTY, ASKED IF BUILDERS WHOLESAL CARPET HAD AN OFFICE IN JASPER COUNTY. MS. SPARROW SAID THAT THEY HAVE A BRANCH IN JASPER COUNTY. MR. JONES ASKED IF EVERYTHING WAS SHIPPED FROM THIS LOCATION AND MS. SPARROW SAID THAT THE VAST MAJORITY OF IT IS. MR. JONES ASKED IF ORDERS WERE TAKEN IN JASPER COUNTY AND MS. SPARROW SAID THAT THERE WAS A SHOWROOM. MR. JONES ASKED IF THE ORDERS COME THROUGH THE SHOWROOM AND MS. SPARROW STATED THAT SHE DID WORK IN PRODUCTION, BUT THAT THE BUILDERS HAD THEIR OWN SAMPLES AND SHOWROOMS. MR. JONES ASKED IF AFTER THE SALE IS MADE DOES THE ORDER COME TO AND BE FILLED IN JASPER COUNTY? MS. SPARROW SAID THAT IT IS ADMINISTERED IN JASPER COUNTY. MR. JONES SAID THAT WHEN THERE IS AN ORDER IS THERE A CONTRACT AND MS. SPARROW SAID SHE COULD NOT SPEAK TO THAT, SHE DID NOT KNOW ABOUT A CONTRACT. COUNCILMAN BLACKSHEAR ASKED IF BUILDER'S WHOLESAL CARPET PROVIDES THE SAMPLES AND WHERE DID THEY GET THE SAMPLES. MS. SPARROW SAID THE SAMPLES COME FROM THE SUPPLIERS. COUNCILMAN BLACKSHEAR ASKED IF THE COMPANY OR THE SUPPLIERS SUPPLY THE SAMPLES TO THE BUILDERS. MS. SPARROW RESPONDED THAT THE COMPANY SUPPLIED THE MATERIAL AND INSTALLATION TO THE BUILDERS. COUNCILMAN BLACKSHEAR ASKED HOW THE BUILDERS GOT THEIR SAMPLES AND MS. SPARROW SAID SHE DID NOT KNOW. VICE CHAIRMAN JONES ASKED WHY THE COMPANY WAS NOT SENT A LETTER FROM THE COUNTY IN 2006 SINCE THEY GOT A LETTER THE OTHER YEARS. MR. KITTY SAID THAT HE SENDS RENEWALS OUT EVERY YEAR AND HE ASKED MS. SPARROW HOW LONG THEY HAVE BEEN LOCATED IN JASPER COUNTY AND SHE RESPONDED ABOUT 3 OR 4 YEARS. MR. KITTY SAID THAT THEY ONLY GOT THE MONEY THAT WAS DUE TO JASPER COUNTY. VICE CHAIRMAN JONES ASKED WHY IT WAS NOT SENT BACK IN 2006 IF IT WAS NOT CORRECT. MR. KITTY SAID HE ALWAYS VOIDS THE CHECK AND SENDS IT BACK, BUT HE MAY HAVE KEPT THE CHECK IF THEY SAID THEY WERE GOING TO SEND THE REMAINDER. ATTORNEY CROW CALLED MR. BILL LEWIS. MR. LEWIS WAS SWORN IN BY THE COURT RECORDER. MR. LEWIS SAID HE HAS BEEN VICE PRESIDENT OF BUILDERS WHOLESAL CARPET SINCE 1996. MR. LEWIS SAID THAT BUILDERS WHOLESAL CARPET OPERATED A BRANCH IN JASPER COUNTY AND EACH BRANCH HAS A CORPORATE SALES MANAGER THAT SELLS TO DIFFERENT CORPORATE ACCOUNTS. MR. LEWIS SAID THEY SELL THE MATERIALS, DELIVERY, AND INSTALLATION AND WHERE THE MATERIAL IS INSTALLED, THAT IS WHERE THE TITLE PASSES. MR. LEWIS SAID THE SAMPLES

COME FROM THE DISTRIBUTORS AND FROM A PERSON WHO DELIVERS THE SAMPLES FROM THEIR COLUMBIA OFFICE. MR. CROW ASKED WHO WERE THE COMPANIES CUSTOMERS AND MR. LEWIS RESPONDED THAT THEY DEAL 100% WITH BUILDERS AND THE SALE IS WHEN THE MATERIAL IS INSTALLED AND APPROVED. MR. CROW ASKED IF ANY SALES ARE MADE OR COMPLETED IN JASPER COUNTY AND MR. LEWIS RESPONDED THAT NO ONE COMES TO THE SHOWROOM. MR. CROW ASKED IF THE COMPANY OWNED PROPERTY IN AND PAID TAXES TO JASPER COUNTY. MR. LEWIS SAID THEY OWN AND PAY TAXES ON 40 VEHICLES IN JASPER COUNTY. MR. CROW ASKED IF THE COMPANY WAS TRYING TO AVOID PAYING TAXES IN JASPER COUNTY AND MR. LEWIS SAID THEY WERE NOT TRYING TO AVOID PAYING TAXES AND BEAUFORT COUNTY MAKES THEM PAY TWICE AS MUCH BECAUSE THEY ARE NOT A RESIDENT BUSINESS OF BEAUFORT COUNTY. MR. CROW ASKED IF BEAUFORT COUNTY HAS SAID HE PAYS THE CORRECT AMOUNT OF TAXES. MR. LEWIS SAID THAT THEY HAVE NEVER BEEN CHALLENGED IN ANY OTHER AREA EXCEPT FOR JASPER COUNTY. MR. JONES ASKED MR. LEWIS IF HE EXPECTED TO BE CHALLENGED IF HE PAID TOO MUCH MONEY IN TAXES AND MR. LEWIS SAID THEY HAVE THE SAME SITUATION IN ALL FIVE BRANCHES AND NO ONE HAS EVER SAID ANYTHING. MR. JONES ASKED IF THEY HAVE WRITTEN CONTRACTS AND MR. LEWIS SAID YES THERE WERE WRITTEN CONTRACTS WITH THE BUILDERS, HIS COMPANY DID NOT DEAL WITH THE HOMEOWNERS. MR. JONES ASKED IF THEY PROVIDE A BREAKDOWN OF WHAT THEY PAY IN OTHER AREAS AND MR. LEWIS SAID HE DID NOT KNOW IF THEY DID THAT. MR. CROW ASKED IF HE WAS EVER ASKED TO PROVIDE A CONTRACT WITH THE BUILDERS AND MR. LEWIS SAID NO. MR. CROW ASKED THE COUNCIL TO REVIEW THE AREAS HE HIGHLIGHTED, THE ATTORNEY GENERAL'S OPINION, AND THE REVENUE RULING OF THE TAX COMMISSION. MR. CROW SAID THAT STATE LAW STATES THE GROSS INCOME IS MADE WHERE THE SALE IS MADE AND THE SALE IS MADE WHERE DELIVERY OF TITLE IS MADE. MR. CROW CONTINUED THAT SOUTH CAROLINA LAW REQUIRES THE COMPANIES ARE REQUIRED TO GIVE CREDIT FOR BUSINESS LICENSES TAXES PAID IN OTHER COUNTIES. MR. CROW SAID THAT BUILDERS WHOLESAL CARPET SHOULD BE ALLOWED TO DEDUCT WHAT IT PAYS TO OTHER JURISDICTIONS. MR. CROWN SAID NO OTHER JURISDICTION TREATS BUSINESS LICENSES THE WAY JASPER COUNTY TREATS THEM. MR. CROW SAID THEY SHOULD PAY TAX ON WHAT OCCURS IN JASPER COUNTY AND BUILDERS WHOLESAL CONTRACT DOES WHAT THE LAW REQUIRES. VICE CHAIRMAN JONES ASKED IF ONLY WHAT IS INSTALLED IN JASPER COUNTY AND PURCHASED OVER THE COUNTER IN JASPER COUNTY IS WHAT THEY FELT TAX WAS OWED. MR. LEWIS SAID THEY MUST REPORT TO THE STATE WHICH JURISDICTION THE TAX IS OWED AND THAT SALES DO NOT OCCUR IN JASPER COUNTY.

MR. HATE, ATTORNEY FOR ESPY LUMBER SAID THAT HE HAD TWO REPRESENTATIVES FROM HIS CLIENT WITH HIM AND THAT MR. CROW HAD LAID OUT THE PARTICULARS AND THAT ESPY LUMBER'S CLAIM WAS SIMILAR TO BUILDER'S WHOLESAL CARPET'S CLAIM. MR. HATE SAID THAT ESPY TAKES ORDERS AND DELIVERS TO THE SITES IN DIFFERENT JURISDICTIONS. MR. HATE SAID THAT ESPY LUMBER HAS BEEN PAYING UNDER PROTEST BECAUSE JASPER COUNTY DOES NOT COLLECT THE LICENSE FEES LIKE EVERYONE ELSE. MR. HATE SAID HE HAS SET FORTH A LEGAL ARGUMENT IN THE MEMORANDUM HE GAVE TO THE COUNCIL. NANCY PHILLIPS, CONTROLLER FOR 11 YEARS AT ESPY LUMBER, WAS SWORN IN BY THE COURT RECORDER. MR. HATE ASKED IF MS. PHILLIP WAS THE POINT PERSON FOR ESPY LUMBER AND MS. PHILLIPS RESPONDED THAT SHE WAS THE POINT PERSON. MS. PHILLIPS SAID THAT SHE FILES WITH THE STATE AND THE COUNTY AND SHE WAS NOTIFIED BY MR. KITTY THAT SHE WAS NOT FILING WITH THE COUNTY CORRECTLY. MR. HATE PROVIDED THE COUNCIL WITH CONFIDENTIAL INFORMATION FOR THE COUNCIL TO REVIEW. MS. PHILLIPS SAID THE FORMS COVERED THE GROSS SALES AND HOW THEY WERE BROKEN DOWN AND WHERE THE BUSINESS LICENSES FEES WERE PAID. MR. HATE ASKED HOW THE SALES WERE MADE AND MS. PHILLIPS SAID THAT THE MATERIAL IS SOLD AND DELIVERED TO BUILDERS AND THE FEES ARE REPORTED WHERE THE MERCHANDISE IS DELIVERED. MS. PHILLIPS SAID THAT SHE HAS BEEN SENDING A LETTER OF PROTEST WITH THE APPLICATIONS TO JASPER COUNTY SINCE 2003. MS. PHILLIPS SAID SHE FILED IN 2002, BUT SHE DID NOT PAY THE FEES UNDER PROTEST IN 2002. MR. HATE DISCUSSED VARIOUS EXHIBITS HE PROVIDED TO THE COUNCIL THAT COVERED THE YEARS 2002-2007 AND BACKUP DOCUMENTS PROVIDED BY MS. PHILLIPS REGARDING THE TAXES PAID TO OTHER JURISDICTIONS AND A COPY OF THE CHECK TO COVER THE TAXES PAID TO THE OTHER JURISDICTIONS. MR HATE SAID THAT ESPY PAID JASPER COUNTY \$6,693.15 AND OF THAT AMOUNT \$5,368.04 WAS PAID UNDER

PROTEST. MR. HATE ASKED FOR A RECOMMENDATION FROM THE COUNCIL. CHAIRMAN HOOD SAID THAT THE ATTORNEY WILL REVIEW THE DOCUMENTS AND HE WILL MAKE A RECOMMENDATION TO THE COUNCIL. MR. KITTY PRESENTED COUNCIL WITH THE REPORTS THAT HE GETS FROM THE STATE THAT REFLECT THE SALES MADE IN JASPER COUNTY. MR. KITTY SAID HE ONLY GETS THE STATE INFORMATION ON THE SALES OF THE BUSINESSES LOCATED IN JASPER COUNTY AND THE LAW DOESN'T BREAK IT DOWN AND THE DOCUMENTS HE PRESENTED TO COUNCIL HAS WHAT THE INTERNAL REVENUE SAID THEY REPORTED. COUNCILMAN TYLER ASKED IF JASPER COUNTY COULD COMPETE WITH BEAUFORT COUNTY REGARDING RECORD KEEPING AND MR. KITTY SAID THAT HE KEEPS GOOD RECORDS AND HE CAN COMPETE WITH ANYONE AND THE DOCUMENTS HE PRESENTED STATE THAT THE SALES WERE MADE IN JASPER COUNTY. MR. KITTY SAID THERE ARE OTHER LUMBER COMPANIES AND CARPET COMPANIES IN JASPER COUNTY AND THEY ALL ABIDE BY THE JASPER COUNTY ORDINANCE.

APPROVAL OF THE MINUTES:

COUNCILMAN BLACKSHEAR MOTIONED AND COUNCILMAN TUTEN SECONDED THE MOTION TO APPROVE THE MINUTES OF DECEMBER 17 AND DECEMBER 20, 2007. VICE CHAIRMAN JONES ASKED IF THE EMERGENCY ORDINANCE INCLUDED BOTH MUNICIPALITIES AND ATTORNEY JONES SAID NO, IT ONLY REFERRED TO HARDEEVILLE. VICE CHAIRMAN JONES ASKED HOW RIDGELAND COULD ENFORCE THE COUNTY'S ZONING WHEN THEY DID NOT APPROVE IT. ATTORNEY JONES SAID THEY WILL NEED TO APPROVE IT. MR. FULGHUM SAID THE EMERGENCY ORDINANCE PUT THE COUNTY'S ZONING INTO PLAY IN BOTH JOINT PLANNING AREAS. VICE CHAIRMAN JONES ASKED IF RIDGELAND CAN STILL ADMINISTER ZONING AND PLANNING PERMITS. MR. JONES SAID THE EMERGENCY ORDINANCE AMENDED THE EFFECTIVE DATE SO THE NEW ZONING REQUIREMENTS ARE IN EFFECT IN BOTH JOINT PLANNING AREAS. VICE CHAIRMAN JONES ASKED IF THE MUNICIPALITIES HAVE TO APPROVE THE COUNTY'S ZONING. ATTORNEY JONES SAID THAT RIDGELAND CAN ADMINISTER THE ZONING AND PLANNING PERMITS FOR THE NEXT 60 DAYS AND RIDGELAND WOULD NEED TO ADOPT THE COUNTY'S ZONING AND PLANNING REQUIREMENTS. VICE CHAIRMAN JONES ASKED WHY RIDGELAND WAS NOT INCLUDED AND ATTORNEY JONES SAID THAT HE THOUGHT THE COUNCIL WANTED TO WITHDRAW THE AUTHORITY FROM HARDEEVILLE ONLY AND THAT THE MAYOR OF RIDGELAND PERSUADED THE COUNCIL NOT TO PENALIZE RIDGELAND AND ANYTHING THEY APPROVE MUST BE BASED ON THE COUNTY'S REQUIREMENTS. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

ELECTION OF CHAIRMAN:

CHAIRMAN HOOD TURNED THE MEETING OVER TO THE ADMINISTRATOR. MR. FULGHUM ASKED FOR NOMINATIONS FOR CHAIRMAN. COUNCILMAN BLACKSHEAR NOMINATED DR. HOOD. COUNCILWOMAN JONES ASKED TO CLOSE THE NOMINATIONS. MR. FULGHUM CALLED FOR THE VOTE. ALL MEMBERS PRESENT VOTED IN FAVOR. CHAIRMAN HOOD WAS ELECTED CHAIRMAN.

ELECTION OF THE VICE CHAIRMAN:

CHAIRMAN HOOD ASKED FOR NOMINATIONS FOR VICE CHAIRMAN. COUNCILMAN TYLER NOMINATED COUNCILMAN TUTEN. COUNCILWOMAN JONES ASKED THAT THE NOMINATIONS BE CLOSED. CHAIRMAN HOOD CALLED FOR THE VOTE. CHAIRMAN HOOD, COUNCILMEN TUTEN, BLACKSHEAR, AND TYLER VOTED FOR; COUNCILWOMAN JONES VOTED AGAINST. COUNCILMAN TUTEN WAS ELECTED VICE CHAIRMAN. CHAIRMAN HOOD THANKED THE COUNCIL FOR THEIR CONFIDENCE AND SAID HE WOULD STAY COMMITTED TO THE GOOD OF JASPER COUNTY. VICE CHAIRMAN TUTEN THANKED THE COUNCIL FOR ELECTING HIM VICE CHAIRMAN AND SAID HE WAS HOPEFUL TO WORK TOGETHER.

PUBLIC HEARING FOR THE ORDINANCE AMENDING THE ZONING ORDINANCE TO RESCIND CEDED PLANNING AND ZONING AUTHORITY TO THE MUNICIPALITIES:

CHAIRMAN HOOD OPENED THE PUBLIC HEARING. THERE WERE NO COMMENTS. CHAIRMAN HOOD CLOSED THE PUBIC HEARING.

PUBLIC HEARING FOR A RE-ZONING REQUEST FOR PROPERTY LOCATED ON HIGHWAY 462 ALSO KNOWN AS COOSAW SCENIC DRIVE AND IDENTIFIED

BY TAX MAP NUMBER 086-00-02-054. THE PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL AND THE APPLICANT IS REQUESTING GENERAL COMMERCIAL ZONING AND 1ST READING OF THE ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF JASPER COUNTY SO AS TO TRANSFER THAT PROPERTY DESIGNATED AS TMS# 086-00-02-054 FROM THE RESIDENTIAL ZONE TO THE GENERAL COMMERCIAL ZONE:

LISA LAMB, PLANNING AND ZONING COORDINATOR, EXPLAINED THAT SHE HAD RECEIVED OVER 20 LETTERS FROM CITIZENS WHO OPPOSED THE REZONING AND SHE PRESENTED THEM FOR THE RECORD. MS. LAMB STATED THAT SUN TRUST BANK MADE THE REQUEST IN FEB. OF 2006 FOR ROY WALKER TO THE PLANNING COMMISSION AND AT THAT TIME 27 LETTERS AGAINST THE ZONING CHANGE WERE PRESENTED AGAINST THE REZONING. MS. LAMB SAID THE PLANNING COMMISSION DID NOT MAKE A FAVORABLE DECISION. MR. FULGHUM SAID THE SUBSEQUENT REQUEST FROM SUN TRUST BANK (WHO IS NOW THE OWNER OF THE PROPERTY SINCE THEY FORECLOSED ON THE PROPERTY) THAT A STAFF ERROR WAS THE REASON THAT THE REQUEST DID NOT GO TO THE PLANNING COMMISSION BEFORE IT CAME TO COUNCIL. ATTORNEY ROBERTS OF SUNTRUST BANK SAID THAT THE PLANNING COMMISSION IS AWARE OF THE PROBLEM AND THAT A COMMERCIAL BUILDING HAS BEEN BUILT ON THE PROPERTY. MS. ROBERTS SAID THE BANK TRIED TO SUBMIT IT LAST FALL BEFORE THE ZONING WAS CHANGED. MS. ROBERTS SAID THE OWNER DEFAULTED ON THE LOAN, AND IT WAS ALSO PART OF A LAWSUIT AS THE BUILDING WAS NOT BUILT ON THE CORRECT PIECE OF PROPERTY. THE SITUATION WAS RESOLVED, BUT THE PROPERTY THE BUILDING WAS BUILT ON WAS NOT ZONED THE SAME AS THE PROPERTY IT SHOULD HAVE BEEN BUILT ON SO THAT IS WHY THEY NEED A ZONING CHANGE. MS. ROBERTS SAID THE PROPERTY NO LONGER FALLS UNDER ANY EXCEPTIONS AND THE ZONING NEEDS TO BE CHANGED SO THE BUILDING CAN BE USED. COUNCILWOMAN JONES STATED THAT THE BUILDING WAS NEVER OCCUPIED AND A BUSINESS WAS NEVER OPERATED OUT OF THE BUILDING. MS. ROBERTS SAID THAT BANK OWNS THE 2 ACRES WITH A COMMERCIAL BUILDING ON IT THAT CANNOT BE USED AND THAT IS WHY THEY ARE REQUESTING A ZONING CHANGE. MR. FULGHUM SAID THE ENTIRE AREA, INCLUDING THE TWO ACRES OWNED BY THE BANK, IS ZONED RESIDENTIAL. VICE CHAIRMAN TUTEN ASKED WHY THE BANK WOULD LOAN MONEY ON THE WRONG PIECE OF PROPERTY. MS. ROBERTS SAID THE CONTRACT THAT THE BANK HAD WAS INCORRECT. VICE CHAIRMAN TUTEN ASKED IF THE PROPERTY WAS PREVIOUSLY OWNED BY ROY WALKER AND MS. ROBERTS SAID THAT IT WAS. MS. LAMB LISTED VARIOUS USES FOR THE BUILDING. MS. LAMB SAID THE PROPERTY WAS PERMITTED IN 2000 AND IT HAS BEEN EMPTY FOR ABOUT FIVE YEARS. KIM THOMAS, CHAIRMAN OF THE PLANNING COMMISSION SAID THIS WAS DISCUSSED AT THE LAST PLANNING COMMISSION MEETING AND SINCE A STAFF ERROR CAUSED THE DELAY, THE PLANNING COMMISSION OFFERED TO HAVE IT GO DIRECTLY TO COUNCIL, BUT SHE WANTED THE COUNCIL TO KNOW THAT THE PLANNING COMMISSION WAS NOT IN FAVOR OF THE REZONING. CHAIRMAN HOOD OPENED THE PUBLIC HEARING. GLENN STORCK, PAST CHAIRMAN OF THE PLANNING COMMISSION, SAID THAT THE PLANNING COMMISSION REVIEWED THIS PROPERTY WHEN IT WAS OWNED BY GEPHART. MR. STORCK EXPLAINED THAT THE BUILDING WAS CONSTRUCTED ON THE WRONG LOT AND THE PLANNING COMMISSION DID NOT AGREE TO CHANGE THE PROPERTY TO COMMERCIAL. MR. STORCK SAID THE PLANNING COMMISSION DID NOT RECEIVE ANY LETTERS IN FAVOR OF THE CHANGE. COUNCILMAN BLACKSHEAR ASKED IF THE BUILDING WAS LOCATED ON THE PROPERTY. MR. STORCK SAID IT WAS BUILT ON THE WRONG PIECE OF LAND. CHAIRMAN HOOD ASKED IF THE OWNERS EVER SWITCHED OWNERSHIP OF THE PROPERTY AND ATTORNEY ROBERTS SAID THAT DID OCCUR. BEING NO FURTHER COMMENTS, CHAIRMAN HOOD CLOSED THE PUBLIC HEARING. COUNCILWOMAN JONES SAID THAT THERE HAVE BEEN MANY RESIDENTS THAT DO NOT WANT THE PROPERTY'S ZONING CHANGED AND SHE FELT THE COUNCIL NEEDED TO HONOR THE REQUEST OF THE CITIZENS. COUNCILMAN TYLER SAID THAT HE AGREED WITH COUNCILWOMAN JONES. COUNCILWOMAN JONES SAID THAT UNLESS A COUNCIL MEMBER MAKES A MOTION TO CHANGE THE ZONING THE REQUEST WILL DIE FOR LACK OF A MOTION. THE ZONING WAS NOT CHANGED.

2ND READING OF THE ORDINACE TO ADOPT THE ABANDONED MOBILE HOME ACT:

MR. FULGHUM SAID THIS ORDINANCE REPEALS THE SECTION OF THE CURRENT COUNTY CODE DEALING WITH ABANDONED MOBILE HOMES AND IT ADOPTS THE NEW STATE CODE. HERMAN SMITH SAID THAT IN JUNE, 2007 THE STATE

ADOPTED A NEW LAW WHICH PROVIDES A SPECIFIC PROCESS TO BE FOLLOWED AND IT ALSO ADDRESSES HOW THE COSTS OF REMOVING THE ABANDONED MOBILE HOME WOULD BE HANDLED. COUNCILWOMAN JONES MOTIONED AND COUNCILMAN BLACKSHEAR MOTIONED THAT THIS BE THE 2ND READING OF THE ORDINANCE TO ADOPT THE ABANDONED MOBILE HOME ACT. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

CHAIRMAN HOOD EXPLAINED THAT THE MOBILE HOMES WOULD BE ABANDONED AND NO ONE WOULD BE LIVING IN THEM, AND THAT SOME PEOPLE HAVE BEEN DUMPING OLD HOMES IN THE COUNTY.

2ND READING OF THE ORDINANCE TO EXTEND THE CONTRACT FOR THE SALE AND PURCHASE OF REAL ESTATE BY AND BETWEEN JASPER COUNTY AND GSM PROPERTIES:

ATTORNEY JONES UPDATED THE COUNCIL ON THE AGREEMENT WITH AGAPE SENIOR AND HE SAID THAT SINCE THE LAST COUNCIL MEETING HE HAS BEEN WORKING ON THE CONTRACT WITH AGAPE'S ATTORNEY. ATTORNEY JONES SAID THAT CERTAIN AREAS OF THE AGREEMENT HAVE BEEN CHANGED AND HE WAS NOT SATISFIED WITH THE CONTRACT AS IT WAS PRESENTED. ATTORNEY JONES SAID THAT THE COMPLETION DATE, NUMBER OF BEDS ARE NOT AS THE COUNCIL REQUESTED AND THE PORTION CONCERNING THE ROAD AND ACCESS FOR RIDGELAND BAPTIST CHURCH HAS BEEN REMOVED. MR. JONES SAID THAT A PORTION OF THE ROAD IS NOT PART OF THE STATE SYSTEM AND IT NEEDS TO BE ADDED TO THE STATE SYSTEM. MR. JONES SAID 200 FEET OF THE ROAD IS ON THE PROPERTY BEING CONVEYED TO AGAPE. MR. JONES SAID HE HAS RECEIVED GOOD REPORTS AND HE FELT ALL THE ISSUE COULD BE WORKED OUT.

ATTORNEY JONES SAID HE WOULD LIKE SPECIFIC INSTRUCTIONS FROM THE COUNCIL AS TO WHAT NEEDS TO BE IN THE CONTRACT. COUNCILWOMAN JONES ASKED IF THE ROAD MR. JONES WAS DISCUSSING WAS THE ROAD THAT IS USED TO GET TO THE OTHER PROPERTIES BEHIND AND AROUND THE PROPERTY BEING SOLD. ATTORNEY JONES SAID THE SURVEY GIVEN TO AGAPE SHOWS THE STATE RIGHT OF WAY ENDS 200 FEET FROM THE STATE ROAD SYSTEM AND HE WAS CONCERNED ABOUT THE DEFINITION OF THE PROJECT, HOWEVER, HE HAS HAD GOOD RESPONSES ON THE ROADWAY. VICE CHAIRMAN TUTEN SAID HE WAS CONCERNED ABOUT THE RIGHT OF WAY FOR RIDGELAND BAPTIST CHURCH AND HE WANTS TO BE ABSOLUTELY SURE THAT IT IS INCLUDED. VICE CHAIRMAN TUTEN ASKED IF IT COULD BE WORKED OUT WITH THE STATE. MARVIN JONES SAID THEY WOULD HAVE TO SECURE USE OFF THE ROADWAY AND GET THE STATE TO TAKE IT OVER. VICE CHAIRMAN TUTEN SAID THAT HE WAS UPSET THAT THINGS WERE TAKEN OUT OF THE CONTRACT. COUNCILMAN BLACKSHEAR ASKED IF THERE WAS A LAW THAT IF A ROAD HAS BEEN USED FOR SO LONG THAT IT REMAINS THE WAY IT IS AND COUNCILMAN BLACKSHEAR ASKED ATTORNEY JONES TO INVESTIGATE IT AND GET IT WORKED OUT AND THAT THE COUNTY DOES NOT HAVE TO SELL THAT PART OF THE LAND. VICE CHAIRMAN TUTEN SAID HE WANTED TO BE NOTIFIED IF THEY HAVE TO FIGHT IT AND ATTORNEY JONES SAID THAT THE COUNTY WOULD NOT HAVE TO FIGHT IT, AS IT CAN BE WORKED OUT. VICE CHAIRMAN TUTEN ASKED FOR A TIMETABLE AS TO WHEN THIS IS GOING TO BE DONE AND HE WANTED TO SEE IT DONE NOW, WHICH IS WHY HE VOTED FOR IT. COUNCILMAN TYLER SAID THAT THE COUNCIL SHOULD GIVE THE ADMINISTRATOR A TIMETABLE TO GET THINGS DONE. CHAIRMAN HOOD ASKED THE ADMINISTRATOR TO WORK WITH AGAPE ON A TIMETABLE PRIOR TO THE 3RD READING. COUNCILWOMAN JONES MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION THAT THIS BE THE 2ND READING OF THE ORDINANCE TO EXTEND THE CONTRACT FOR THE SALE AND PURCHASE OF REAL ESTATE BY AND BETWEEN JASPER COUNTY AND GSM PROPERTIES. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

UPDATE ON MEETING WITH MUNICIPALITIES:

MR. FULGHUM REPORTED THAT HE HAD SET UP A TENTATIVE DATE OF JAN. 23, 2008 AT 4:00 P.M. IN THE COUNCIL CHAMBERS. MR. FULGHUM SAID THAT HE SET THE MEETING SO THAT THE COUNCIL WOULD BE MEETING WITH BOTH MUNICIPALITIES AT THE SAME TIME.

RONNIE MALPHRUS – APPROVAL OF FUEL CARD THROUGH THE STATE PURCHASING CONTRACT WITH MANSFIELD OIL:

MR. MALPHRUS ASKED THE COUNCIL TO APPROVE A CONTRACT WITH MANSFIELD OIL TO PROCURE FUEL CARDS AND MANSFIELD OIL IS ON THE STATE CONTRACT. MR. MALPHRUS EXPLAINED THAT IF THE SHERIFF'S DEPUTIES ARE

IN ANOTHER AREA OF THE COUNTY, THEY HAVE TO COME BACK TO PUBLIC WORKS TO GET FUEL. MR. MALPHRUS SAID THE FUEL CARD CAN BE USED ANYWHERE AND THEY WOULD GET THE STATE CONTRACT PRICING WHICH CHANGES WEEKLY. COUNCILMAN BLACKSHEAR ASKED HOW MANY CARDS DID MR. MALPHRUS PLAN ON ORDERING. MR. MALPHRUS SAID HE WAS NOT SURE, BUT HE THOUGHT AROUND 30 CARDS AND THEY WOULD BE FOR EMERGENCY SERVICES, THE SHERIFF'S DEPARTMENT, THE DETENTION CENTER AND PARKS AND RECREATION. COUNCILWOMAN JONES ASKED HOW YOU DETERMINE IF THEY ARE BEING USED ONLY FOR THE COUNTY VEHICLE. MR. MALPHRUS SAID THE CARD WOULD HAVE AN ID ON IT, BUT THERE ARE NO GAURANTEES THAT IT WON'T BE USED PERSONALLY, BUT HE CAN TRACK THE USE ONLINE. COUNCILWOMAN JONES SAID THAT EACH DEPARTMENT HEAD SHOULD BE RESPONSIBLE FOR THEIR EMPLOYEES. MR. MALPHRUS SAID THEY WOULD BE RESPONSIBLE. VICE CHAIRMAN TUTEN SAID A DAILY LOG FOR EACH PIECE OF EQUIPMENT IS NEEDED. MR. MALPHRUS SAID THE CARDS CAN BE RESTRICTED AND MONITORED. MR. FULGHUM SAID THERE WOULD BE RAMIFICATIONS FOR MISUSE OF THE CARDS. MR. MALPHRUS ALSO ASKED THAT THE ADMINISTRATOR BE AUTHORIZED TO SIGN THE NECESSARY DOCUMENTS. COUNCILMAN BLACKSHEAR MOTIONED AND VICE CHAIRMAN TUTEN SECONDED THE MOTION TO HAVE THE ADMINISTRATOR SIGN THE NECESSARY DOCUMENTS FOR THIS PROGRAM AND THAT THE CARDS ARE TO BE USED ONLY FOR FUEL IN COUNTY VEHICLES. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR. COUNCILWOMAN JONES SAID THAT SHE FELT THE CARDS SHOULD BE LIMITED AND CHAIRMAN HOOD SAID A COVER LETTER SHOULD BE GIVEN WITH EACH CARD.

RONNIE MAPLPHRUS – APPROVAL TO ENTER INTO A CONTRACT THROUGH THE STATE PURCHASING CONTRACT FOR THE DEPARTMENTS ON THE COURT MANAGEMENT SYSTEM TO ACCEPT CREDIT CARDS:

MR. MALPHRUS EXPLAINED THAT THE CLERK OF COURT AND MAGISTRATES COURT ARE ON THE NEW MANAGEMENT SYTEM AND THEY WOULD LIKE TO BE ABLE TO TAKE CREDIT CARDS FOR PAYMENT. MR. MALPHRUS ASKED THE COUNCIL TO APPROVE ENTERING INTO A CONTRACT WITH S.C. INTERACTIVE TO ACCEPT CREDIT CARD PAYMENTS. MR. MALPHRUS SAID THERE WOULD BE NO COST TO THE COUNTY AND A FEE WOULD BE CHARGED TO THE PERSON MAKING THE CHARGE AND THAT FEE GOES TO THE STATE. COUNCILWOMAN JONES ASKED IF THE TREASURER CAN BE ADDED TO THE CONTRACT. MR. MALPRHUS SAID THAT HE WAS WORKING ON THAT. MR. MALPHRUS ASKED THAT THE ADMINISTRATOR BE AUTHORIZED TO SIGN THE DOCUMENTS. COUNCILWOMAN JONES MOTIONED AND VICE CHAIRMAN TUTEN SECONDED THE MOTION TO APPROVE THE CONTRACT WITH S.C. INTERACTIVE AND THAT THE ADMINISTRATOR IS AUTHORIZED TO SIGN THE NECESSARY DOCUMENTS. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

PRESENTATION OF THE FARMERS' MARKET BIDS:

MR. MALPHRUS EXPLAINED THAT ALL THE BIDS WERE MUCH HIGHER THAN EXPECTED FOR THE RENOVATION OF THE FARMERS' MARKET. MR. MALPHRUS SAID THAT THE BIDS WERE OPENED ON DEC. 13, 2007 AND THE LOWEST BID WAS IN THE AMOUNT OF \$824,999.84 AND WAS MADE BY AUSTIN BUILDERS. MR. MALPHRUS SAID THAT THE COUNTY CURRENTLY HAD \$350,000.00 FOR THE PROJECT AND HE WAS ASKING THE COUNCIL TO APPROVE THE ADMINISTRATION TO NEGOTIATE WITH THE LOWEST BIDDER AND COME UP WITH A REVISED SCOPE OF WORK TO GET THE PROJECT MOVING FORWARD. MR. MALPRHUS SAID HE WOULD BRING BACK TO COUNCIL THE REVISED SCOPE OF WORK AND THE COST FOR THE COUNCIL TO APPROVE. MR. MALPHRUS SAID THAT AUSTIN BUILDERS WANTED REASSURANCE THAT THE COUNTY WOULD ONLY BE NEGOTIATING WITH THEM. VICE CHAIRMAN TUTEN SAID HE MET WITH SENATOR PINCKNEY AND COUNCILMAN TYLER PRIOR TO THE MEETING AND THE SENATOR SAID HE FELT HE COULD GET THE COUNTY ANOTHER \$5,000.00-\$10,000.00 FOR THE PROJECT. VICE CHAIRMAN TUTEN SAID THIS PROJECT NEEDS TO BE COMPLETED EVEN IF JUST THE BARE BONES ARE DONE. COUNCILWOMAN JONES ASKED HOW MUCH MONEY WAS AVAILABLE. MR. MALPHRUS SAID THE SENATOR PROCURED A \$200,000.00, THE COUNTY PUT UP \$66,000.00 AND THE TOWN OF RIDGELAND WAS DONATING BRINGING WATER AND SEWER TO THE FACILITY (VALUED AT \$10,000.00) AND THE COUNTY RECEIVED A GRANT IN THE AMOUNT OF \$121,000.00. MR. MALPHRUS SAID THAT PART OF THOSE FUNDS HAS BEEN SPENT FOR PLANNING AND ARCHITECTUAL WORK. VICE CHAIRMAN TUTEN MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO

APPROVE MR. MALPHRUS NEGOTIATING WITH AUSTIN BUILDERS TO LESSEN THE SCOPE OF WORK FOR THE FARMERS' MARKET.

MILTON WOODS ASKED THAT THE ADMINISTRATION CHECK INTO AUSTIN BUILDER BEFORE THEY NEGOTIATE ANY FURTHER WITH THEM AS HE WAS CONCERNED THAT AUSTIN BUILDERS WERE THE SAME BUILDERS WHO HAD DONE SOME BUILDING WITHOUT PROPER PERMITS. CHAIRMAN HOOD ASKED MR. MALPHRUS TO INVESTIGATE AND REPORT BACK TO COUNCIL. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

COMMITTEE REPORTS:

VICE CHAIRMAN TUTEN REPORTED THAT THE ISO RATING IN THE 5 MILE RADIUS OF RIDGELAND IS NOW A RATING OF 5. VICE CHAIRMAN TUTEN SAID THAT THERE WAS A LEAK AT THE EMS BUILDING AND HE GOT IN TOUCH WITH DALE TERRY AND ASKED HIM TO GET A PRICE TO FIX IT CORRECTLY. VICE CHAIRMAN TUTEN SAID THAT MR. TERRY HAD ALREADY PUT 5 GALLONS OF TAR ON THE ROOF. VICE CHAIRMAN TUTEN SAID THAT HE HAD A COMPLAINT FROM THE COPE FAMILY FROM GRAYS ABOUT THE RESIDUE FROM THE TARPS PLACED ON THE OLD GRAYS SCHOOL LITTERING HIS YARD. VICE CHAIRMAN TUTEN SAID HE CONTACTED MR. TERRY AND TOLD HIM TO HAVE HIS PEOPLE CLEAN UP THE AREA. VICE CHAIRMAN TUTEN SAID THAT THE COVERING SERVED THEIR PURPOSE AND THEY ARE TEARING AND LITTERING THE AREA.

VICE CHAIRMAN TUTEN REPORTED THAT THE PILINGS WERE PULLED OUT FROM THE OLD FISHING PIER AT BOLAN HALL AND THE NEW FISHING PIER HAS BEEN STARTED AND THAT THE DEPARTMENT OF NATURAL RESOURCES IS OVERSEEING THE CONSTRUCTION.

ADMINISTRATORS' REPORT:

MR. FULGHUM INFORMED THE PUBLIC THAT THE STATE OF THE COUNTY ADDRESS WOULD BE HELD ON JANUARY 17, 2008 AT 8:00 A.M. AT THE ACADEMY FOR CAREER EXCELLENCE.

MR. FULGHUM SAID THAT THE CHAIRMAN OF THE PLANNING COMMISSION WAS PRESENT TO UPDATE THE COUNCIL ON THE EXCAVATION ORDINANCE AND THE TREE ORDINANCE. KIM THOMAS SAID THE PLANNING COMMISSION WOULD LIKE MORE DIRECTIONS AS TO WHAT THE COUNCIL WANTS TO ADDRESS IN THE TREE ORDINANCE. MS. THOMAS SAID THAT THE MEETING WAS CHANGED UNTIL JANUARY 15, 2008. MS. THOMAS SAID THAT THE AD HOC COMMITTEE FOR THE EXCAVATION ORDINANCE PRESENTED THE ORDINANCE TO THE PLANNING COMMISSION, THE ATTORNEY AND ATM AND THEY MADE COMMENTS AND RETURNED IT TO THE AD HOC COMMITTEE AND THEY WERE WAITING TO HEAR FROM THEM. MS. THOMAS SAID MS. LAMB HAS BEEN WORKING WITH THEM. VICE CHAIRMAN TUTEN SAID THAT TOMMY RHODES INQUIRED ABOUT NAMING THE ANNEX BUILDING FOR MS. INGRAM. CHAIRMAN HOOD SAID THE CLERK WAS LOOKING INTO IT. CHAIRMAN HOOD SAID THAT THE COUNCIL HAD DECIDED TO NAME ALL THE BUILDINGS JASPER COUNTY AND THAT INSIDE ROOMS COULD BE NAMED FOR INDIVIDUALS OR PLAQUES IN THEIR HONOR COULD BE PLACED INSIDE THE BUILDING. COUNCILWOMAN JONES SAID THAT THIS ISSUE CAME UP WHEN SOME OF THE CITIZENS WANTED TO NAME THE DETENTION CENTER FOR SHERIFF FLOYD WHO DIED IN THE LINE OF DUTY WHILE WORKING FOR JASPER COUNTY. COUNCILWOMAN JONES SAID THAT AT THAT TIME THE COUNCIL AGREED TO NOT NAME THE COUNTY BUILDINGS FOR PEOPLE. VICE CHAIRMAN TUTEN SAID THAT THE COUNCIL CAN CHANGE THAT AND CHAIRMAN HOOD SAID IT WOULD TAKE A MAJORITY VOTE TO CHANGE IT.

OPEN THE FLOOR TO THE PUBLIC (THREE MINUTE TIME LIMIT PER INDIVIDUAL):

CHAIRMAN HOOD OPENED THE FLOOR TO THE PUBLIC.

THERESA YOUNIS, OF AGAPE, ADDRESSED THE ISSUES WITH THE CONTRACT AND EXPLAINED THAT THEY HAD AGREED TO LOOK AT APRIL 1 FOR THE WORK TO BEGIN AND IF THAT WAS TAKEN OUT OF THE CONTRACT, THEN SHE WOULD WORK ON GETTING IT DONE SINCE SHE FELT THAT THEY WOULD BE ABLE TO DO IT. MS. YOUNIS SAID THAT SHE TOURED THE BUILDING WITH THE ARCHITECTS AND THE CONSTRUCTION COMPANY LAST WEEK AND THEY SAID THEY COULD GET STARTED BY APRIL 1, 2008. MS. YOUNIS SAID THAT REGARDING DRAGGING OUT THE CONTRACT, AGAPE DID NOT MAKE A PRESENTATION UNTIL JULY AND THEY DID THEIR DUE DILIGENCE IN A TIMELY MATTER AND THEY SENT A LETTER ON OCTOBER 14, TO SET A CLOSING FOR NOVEMBER, AND NOW THEY HAVE TO GO THROUGH THE 3 READINGS OF THE ORDINANCE AND THEY WILL BE READY. MS. YOUNIS ADDRESSED THE MATTER OF THE ROAD AND SAID THAT

THE ROAD ACCESS WAS REVEALED IN THE SURVEY THEY WERE WAITING FOR TO CLOSE AND THAT CAUSED A MESS WITH THE CLOSING DATE. MS. YOUNIS SAID SHE GAVE THE SURVEY TO ATTORNEY JONES SO THAT THE COUNTY WOULD BE AWARE OF THE SITUATION. MS. YOUNIS SAID THE ROAD IS A CONCERN AND THE ATTORNEYS WILL ADDRESS IT. MS. YOUNIS EXPLAINED THAT SHE CAN COMMIT TO ASSISTED LIVING BEDS, BUT THE STATE DETERMINES HOW MANY SKILLED NURSING BEDS ARE NEEDED AND DHEC WOULD HAVE TO ISSUE A CERTIFICATE OF NEED, SO SHE CANNOT PROMISE THE SKILLED NURSING BEDS UNTIL THEY HAVE THAT CERTIFICATE AND SO THE SKILLED NURSING BEDS CANNOT BE IN THE CONTRACT. MS. YOUNIS SAID THAT 3 COMPANIES HAVE BEEN CONTACTED ABOUT THE ASBESTOS AND THEY ARE LOOKING AT HOW LONG IT WILL TAKE TO REMOVE IT AND HOW MUCH IS IN THE BUILDING. MS. YOUNIS SAID THERE IS ALSO SOME RADIO ACTIVE MATERIALS AND BIO-HAZARDOUS WASTE IN THE BUILDING THAT NEED TO BE DEALT WITH. MS. YOUNIS SAID THEY HAVE ALSO REQUESTED A PROPOSAL FOR THE REMOVAL OF THOSE ITEMS. MS. YOUNIS SAID THAT THERE WERE 31 BEDS AT THE OLD HOSPITAL AND SPACE FOR ANOTHER 30 BEDS IS GOING TO BE BUILT. MS. YOUNIS SAID A COURTYARD HAS BEEN DISCUSSED WITH THE ARCHITECTS AND THEY ARE GOING TO DETERMINE WHAT CAN BE DONE. MS. YOUNIS SAID THAT SHE KNOWS THEY WILL BE ABLE TO REACH AN AGREEMENT IN THE WORDING AND THAT SHE WILL MEET WITH THE ATTORNEYS ON THE OTHER ISSUES. MS. YOUNIS SAID THE APRIL 1 DATE IS SOMETHING SHE CAN COMMIT TO AND AS TO THE SPECIFIC NUMBER OF BEDS SHE CANNOT SAY WHAT THAT NUMBER WILL BE BECAUSE DHEC DETERMINES HOW MANY WILL BE ALLOWED.

DOUG GRAHAM SAID HE BROUGHT A REQUEST FOR THE COUNCIL TO APPROVE AND WAS TOLD THE ES COMMITTEE WOULD CHECK INTO IT AND REPORT BACK TO COUNCIL. MR. GRAHAM SAID THAT HE WAS ASKED TO SERVE ON THE 1% MONEY COMMITTEE AND IT IS JUST A FORMALITY FOR THE COUNCIL TO APPROVE IT. MR. GRAHAM SAID THE COMMITTEE WAS NOT GOING TO MEET UNTIL FEBRUARY AND DIDN'T SEE WHAT THE PROBLEM WAS AND WHY COUNCIL COULD NOT APPROVE IT TONIGHT.

BEING NO FURTHER COMMENTS, CHAIRMAN HOOD CLOSED THE FLOOR TO THE PUBLIC. CHAIRMAN HOOD SAID THE 1% MONEY WILL BE PLACED ON THE AGENDA OF THE NEXT COUNCIL MEETING. COUNCILWOMAN JONES ASKED IF THE COUNCIL HAD TO APPROVE THE 1% MONEY AND MR. GRAHAM SAID THAT MR. GRAHAM BROUGHT THE COMMITTEE TO COUNCIL AND THEY CANNOT DO ANYTHING UNTIL COUNCIL APPROVES IT.

ADJOURN:

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

THE MEETING ENDED AT 5:50 P.M.

REPECTFULLY SUBMITTED BY:

APPROVED BY:

JUDITH M. FRANK, CCC
CLERK TO COUNCIL

FRED TUTEN
VICE CHAIRMAN