

**JASPER COUNTY COUNCIL
MARY GORDON ELLIS EXECUTIVE BUILDING
COUNCIL CHAMBERS
JUNE 18, 2007
7:00 P.M.**

MINUTES

OFFICIALS PRESENT:

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

STAFF PRESENT:

ANDREW FULGHUM, ADMINISTRATOR
RONNIE MALPHRUS, DEP. ADM. ADM. SERV.
STEVE SAGER, DEP. ADM. DEV. SERV.
DALE TERRY, DEP. ADM. ENG. SERV.
TOM WATSON, DEP. ADM. EMER. SERV.
JUDITH FRANK, CLERK TO COUNCIL

OFFICIALS ABSENT:

DR. GEORGE M. HOOD, CHAIRMAN

STAFF ABSENT:

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 7:00 P.M.

PLEDGE OF ALLEGIANCE:

VICE CHAIRMAN JONES LED THE PLEDGE OF ALLEGIANCE.

INVOCATION:

COUNCILMAN TYLER GAVE THE INVOCATION.

VICE CHAIRMAN JONES WELCOMED THE CITIZENS TO THE MEETING AND SHE THANKED THE PLANNING COMMISSION FOR ALL THEIR HARD WORK DONE AND PERSONAL TIME THAT THEY DEVOTED TO COMPLETING THE ZONING ORDINANCE AND LAND USE REGULATIONS.

APPROVAL OF THE MINUTES:

COUNCILMAN BLACKSHEAR MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO APPROVE THE MINUTES OF MAY 21, 2007 AND JUNE 4, 2007. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

PROCLAMATIONS AND PRESENTATIONS:

INTRODUCTION OF CHAUNCEY BARNWELL- SUMMER INTERN:

MR SAGER INTRODUCED MR. CHAUNCEY BARNWELL, A LAW STUDENT, WHO WILL BE DOING A SUMMER INTERNSHIP WITH THE COUNTY. HE IS CURRENTLY WORKING IN THE DEVELOPMENT SERVICES DEPARTMENT. MR. BARNWELL THANKED EVERYONE FOR PROVIDING HIM WITH THIS OPPORTUNITY.

PUBLIC HEARINGS AND ORDINANCES:

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

MR. MALPHRUS DISCUSSED THE CHANGES TO THE BUDGET SINCE THE PREVIOUS READING. MR MALPHRUS SAID THAT THE CHANGES WILL NOT EFFECT THE MILLAGE. MR. MALPHRUS SAID HE NEEDED TO ADD \$40,000.00 FOR NEW PERSONNEL, THE EMS RETIREMENT LINE NEEDED TO BE INCREASED BY \$40,000.00 AND MAINTENANCE CONTRACT LINE NEEDED TO BE INCREASED BY \$25,000.00. MR. MALPHRUS SAID THAT THE REVENUE LINE FROM EMS WAS INCREASED BY \$80,000.00 AND \$25,000.00 WOULD BE DEDUCTED FROM THE LEVY FIRE DEPARTMENT LINE. MR. MALPHRUS SAID THAT \$150,000.00 OF THE \$300,000.00 DEVELOPMENT FEES WOULD BE MOVED TO A SEPARATE ACCOUNT AND THAT THE STATE AID LINE WOULD BE INCREASED BY \$100,000.00 AND

THE BUILDING PERMIT LINE WOULD BE INCREASED BY \$50,000.00 TO COVER THIS CHANGE. MR. MALPHRUS SAID THE REASON FOR THE SEPARATE ACCOUNT IS SO THAT THE CONSULTING FEES AND LEGAL FEES ASSOCIATED WITH DEVELOPMENT CAN BE PAID FROM THIS ACCOUNT AND THEY WOULD BE EASIER TO TRACK. MR. MALPHRUS SAID THE BUDGET TOTAL IS \$36,183,607.00 AND THAT WOULD BE 233 MILLS. MR. FULGHUM ASKED MR. MALPHRUS TO DISCUSS THE SOLICITOR'S REQUEST AND THE RECOMMENDATION FROM THE FIRE COMMITTEE REGARDING THE DISPATCHER'S POSITION. MR. MALPHRUS SAID THAT THE SOLICITOR HAS HIRED A FULL TIME ATTORNEY FOR JASPER COUNTY AND HE REQUESTED ADDITIONAL FUNDING TO HELP COVER A PORTION OF THE EXPENSE. THE SOLICITOR SUGGESTED THAT TO COVER THE ADDITIONAL EXPENSE THAT THE DIVISION OF THE FUNDS COLLECTED FROM BOND ESCHEATMENT BE CHANGED. CURRENTLY, THE COUNTY GETS 50% AND THE SOLICITOR'S OFFICE GETS 25%, THE SOLICITOR SUGGESTED REVERSING THE PERCENTAGES AND THEN HE COULD USE HIS PORTION TO FUND THE NEW POSITION. MR. MALPHRUS SAID THIS WILL NOT AFFECT THE BUDGET. COUNCILMAN TYLER ASKED WHAT DEVELOPMENT FUNDS WOULD BE REDUCED. MR. MALPHRUS SAID THAT CURRENTLY ALL THE DEVELOPERS' FEES GO INTO THE GENERAL FUND AND HE WANTED TO PUT 50% OF THOSE FUNDS INTO A SPECIAL ACCOUNT SO THAT HE COULD TRACT THE EXPENDITURES BETTER. COUNCILMAN TUTEN ASKED HOW LONG THE SOLICITOR WANTED THE 50% OF THE REVENUE FROM THE BOND ESCHEATMENT. MR. MALPHRUS SAID THAT IT IS AN UNCERTAIN FUNDING SOURCE AND THAT IT WOULD BE A PERMANENT CHANGE. COUNCILMAN TUTEN ASKED IF IT WOULD SPEED UP GETTING THE PEOPLE OUT OF JAIL. MR. MALPHRUS SAID HE WAS NOT SURE OF THAT, HOWEVER, HE FELT IT WOULD HELP. COUNCILMAN TUTEN ASKED HOW MUCH WAS A MILL WORTH SO THAT THE PUBLIC WOULD KNOW AND MR. MALPHRUS SAID IT WAS WORTH \$100,000.00, VICE CHAIRMAN JONES SAID SHE SPOKE WITH THE SOLICITOR AND THE CLERK OF COURT AND THEY BOTH AGREED IT WOULD MOVE THINGS ALONG FASTER. COUNCILMAN TUTEN ASKED MR. MALPHRUS TO CONTACT THE SOLICITOR AND TO PUT A LIMIT ON THE ESCHEATMENT MONEY. MR. MALPHRUS SAID THAT ONE DISPATCHER POSITION WAS APPROVED AND THAT A CHIEF DISPATCHER WAS ALSO REQUESTED. MR. MALPHRUS SAID THE DIFFERENCE IS \$7,000.00 AND THAT THE FIRE COMMITTEE HEARD THE REQUEST AND THEY RECOMMENDED HIRING A CHIEF DISPATCHER AND THAT THE EMERGENCY SERVICES TOTAL BUDGET WOULD NOT CHANGE, BUT THEY WOULD HAVE TO ALLOCATE THE \$7,000.00 TO COVER THE INCREASE FROM WITHIN THEIR BUDGET. VICE CHAIRMAN JONES ASKED IF THEY WOULD WORK DISPATCH AND NOT JUST SUPERVISE. MR. WATSON SAID THEY WOULD WORK AS A DISPATCHER AND HE WOULD FUND THE DIFFERENCE FROM WITHIN HIS BUDGET. VICE CHAIRMAN JONES ASKED WHY WERE THEY REQUESTING TO MOVE ONLY 50% OF THE DEVELOPMENT FEES INTO A SEPARATE ACCOUNT AND MR. MALPHRUS SAID THAT PART OF THE FUNDS ARE APPLIED TO FEES AND PART IS COUNTY REVENUE AND WOULD STAY IN THE GENERAL FUND. VICE CHAIRMAN JONES ASKED WHY THE INCREASE OF 11 MILLS. MR. MALPHRUS SAID THAT MOST OF THE INCREASE IS BECAUSE THE ADMINISTRATION GAVE THE COUNCIL A BARE BONES BUDGET AND THE COUNCIL ADDED SOME ITEMS AND THERE IS ALSO THE 5.5 MILLS INCREASE FOR THE SCHOOLS. VICE CHAIRMAN JONES ASKED WHY THE SCHOOL ' BUDGET WAS BEING INCREASED 5 MILLS. MR. MALPHRUS SAID THE MINIMUM EFFORT IS \$11,250,000.00 AND THE SCHOOL HAS ASKED FOR A 5.5 MILLS INCREASE BECAUSE THE AMOUNT THEY RECEIVE IN THE 2007-2008 BUDGET WILL EFFECT THE AMOUNT THEY CAN RECEIVE FROM THE STATE IN THE FUTURE WHEN THE STATE TAKES OVER FUNDING THE SCHOOLS. VICE CHAIRMAN JONES ASKED THAT IN THE 2008-2009 BUDGET WOULD THE COUNTY HAVE TO BUDGET FOR THE SCHOOLS. MR. MALPHRUS SAID THAT THERE WOULD BE SOME DEBT SERVICES THAT WOULD NEED TO BE COVERED, BUT THE NEW STATE TAX WOULD PAY FOR THE SCHOOL. VICE CHAIRMAN JONES SAID THAT SHE WAS NOT IN FAVOR OF INCREASING THE BUDGET, AND NOW IT HAS BEEN INCREASED OVER \$600,000.00 AND THAT THE ADMINISTRATION FOUND \$180,000.00 TO PUT INTO THE BUDGET AND SHE FELT THERE WAS STILL EXTRA MONEY IN THE BUDGET TO COVER SOME OF THE INCREASES. MR. FULGHUM SAID THAT THE LIBRARY WAS REQUESTING AN ADDITIONAL \$21,424.00 TO KEEP THE LIBRARY OPERATING THE WAY IT IS NOW. MR. FULGHUM SAID THAT THE HOURS THE LIBRARY IS OPEN WILL HAVE TO BE CUT IF THEY DO NOT RECEIVE THE ADDITIONAL FUNDING.

VICE CHAIRMAN JONES OPENED THE PUBLIC HEARING.
MR. FREDDY BRANTLEY SUGGESTED PUTTING A CAP ON THE FUNDING RECEIVED BY THE SOLICITOR.
BEING NO FURTHER COMMENTS VICE CHAIRMAN JONES CLOSED THE PUBLIC HEARING.

PUBLIC INPUT AND 3RD READING OF THE ORDINANCE TO APPROVE THE SALE OF THE LOW COUNTRY GENERAL HOSPITAL PROPERTY TO THE AGAPE GROUP:

MR. SAGER SAID THAT THE COUNTY STILL DID NOT HAVE THE CONTRACT BECAUSE IT WAS STILL BEING WORKED ON BY THE ATTORNEYS AND ATTORNEY JONES HAS BEEN ILL AND NOT ABLE TO REVIEW THE DOCUMENTS. MR. SAGER SAID THE PURCHASE PRICE WAS \$189,300.00 FOR 6.31 ACRES AND THEY WILL DEPOSIT \$20,000.00 OF WHICH \$10,000.00 WOULD BE FORFEITED IF THE BUYER DID NOT FINALIZE THE DEAL. MR. SAGER SAID THE TIME INSPECTION PERIOD WAS SHORTENED TO 90 DAYS FOLLOWED BY 30 DAYS TO CLOSE. MR. SAGER SAID THAT THERE WOULD BE A FIVE YEAR NO FLIP CLAUSE. BUT THEY COULD ASSIGN THE RIGHTS WITH APPROVAL OF COUNTY COUNCIL AFTER FIVE YEARS, MR. SAGER SAID THAT WAS NOT CLEAR TO HIM AND IT MAY BE AN ITEM THAT NEEDS TO BE WORKED OUT. COUNCILMAN TYLER ASKED HOW LONG SHOULD THE COUNTY HAVE TO WAIT FOR A COMMITMENT FROM THE BUYER. MR. SAGER SAID THAT FROM THE DATE THE CONTRACT IS SIGNED, THEY WILL HAVE 90 DAYS TO INSPECT AND THEY CAN EITHER DROP THE DEAL OR CLOSE WITHIN 30 DAYS. COUNCILMAN TYLER ASKED IF THE COUNTY HAS A COMMITMENT FROM THE COMPANY. MR. SAGER SAID THAT SINCE THE COUNTY'S ATTORNEY IS ILL IT HAS NOT BEEN REVIEWED AND THE COUNTY ATTORNEY NEEDS TO REVIEW IT BEFORE THE COUNCIL GETS THE FINAL CONTRACT. COUNCILMAN TUTEN ASKED ABOUT THE \$10,000.00 AND WHEN THEY WOULD HAVE TO START CONSTRUCTION. MR. SAGER SAID THAT THE COUNTY WOULD KEEP THE \$10,000.00 IF THE BUYER DID NOT GO THROUGH WITH THE DEAL AND THEY WOULD HAVE TO START CONSTRUCTION WITHIN THREE YEARS. VICE CHAIRMAN JONES ASKED MR. SAGER TO EXPLAIN THE NOTICE TO SELLER CLAUSE AND MR. SAGER SAID HE WAS NOT CLEAR ON IT AND HE THOUGHT IT RELATED TO THE PENALTY CLAUSE.

VICE CHAIRMAN JONES OPENED THE FLOOR TO THE PUBLIC.

THERESA YOUNIS, REPRESENTATIVE FOR THE AGAPE GROUP, SAID THAT THIS PROCEDURE HAS BEEN FRUSTRATING FOR EVERYONE AND THAT THEIR ATTORNEY RECEIVED THE CHANGES TO THEIR CONTRACT FROM THE ATTORNEY ON JUNE 5, 2007 AND RETURNED THE CONTRACT TO HIM ON JUNE 11, 2007 AND SINCE THAT TIME ATTORNEY JONES HAS BEEN ILL. MS. YOUNIS SAID THEY ARE VERY SINCERE IN THEIR EFFORT AND MR. FULGHUM HAS ALSO RECEIVED THE CONTRACT. MS. YOUNIS SAID THEY ARE STILL ON TRACK WITH THEIR ORIGINAL PROPOSAL FOR AN ASSISTED LIVING FACILITY AND HOPE TO MOVE FORWARD AS FAST AS THEY CAN. MS. YOUNIS SAID THEY ARE ALSO COMMITTED TO PROVIDING SKILLED NURSING AND REHABILITATION SERVICES AND SEVERAL OTHER SERVICES. MS. YOUNIS SAID THAT THE COMPANY ALREADY HAS A PRESENCE IN THE COMMUNITY AND ARE PROVIDING HOSPICE CARE TO ABOUT 30 CITIZENS OF JASPER COUNTY. MS. YOUNIS SAID THEY ARE VESTED IN THE COMMUNITY AND 2 OF THEIR NURSES ARE RESIDENTS OF JASPER COUNTY. MS. YOUNIS SAID THEY ARE MOVING FORWARD AS QUICKLY AS THEY CAN. COUNCILMAN TYLER THANKED MS. YOUNIS FOR HER UPDATE.
BEING NO FURTHER COMMENTS, VICE CHAIRMAN JONES CLOSED THE FLOOR TO THE PUBLIC.

PUBLIC HEARING FOR THE ORDINANCE TO TRANSFER THE CHERRY POINT FIRE STATION:

MR. FULGHUM SAID THAT A SURVEY AND LEGAL DESCRIPTION IS NEEDED AND THE ACTUAL SALES CONTRACT. MR. FULGHUM SAID THE SALES CONTRACT WAS BEING PREPARED BY THE HARDEEVILLE ATTORNEY, MR. TEDDER. MR. FULGHUM SAID THE SALES AGREEMENT WILL SPELL OUT WHAT IS INCLUDED IN THE SALE. MR. FULGHUM SAID THAT HE DID NOT HAVE ALL THE INFORMATION NEEDED FOR THE 2ND READING OF THIS ORDINANCE.

COUNCILMAN TYLER ASKED IF AN AMBULANCE WOULD BE HOUSED AT THE CHERRY POINT FIRE STATION AND MR. WATSON SAID ONE IS NOT THERE NOW, BUT IF A NEW ONE IS APPROVED IT WILL BE STATIONED THERE PER THE AGREEMENT WITH HARDEEVILLE.

VICE CHAIRMAN JONES OPENED THE PUBLIC HEARING:

J.W. HARPER ASKED IF THE COUNTY HAD PLANNED ON BUILDING ANOTHER STATION A FEW MILES FROM THIS STATION. VICE CHAIRMAN JONES SAID THAT THE CONTRACT STATES THAT THE FUNDS FROM THE SALE OF THE CHERRY POINT STATION BE USED TO BUILD THE OTHER STATION. VICE CHAIRMAN JONES SAID WHY SELL THIS ONE AND HOW CAN THEY TELL THE COUNTY HOW TO USE THE FUNDS. MR FULGHUM SAID THE COUNTY WANTED TO BUILD A FACILITY THERE AND THAT WAS THE REASONING THAT THE COUNTY CAN MOVE THE FIREMEN AND EQUIPMENT TO AREAS THAT ARE NOT INCORPORATED IN THE RURAL AREAS. MR FULGHUM SAID A STRUCTURE NEEDS TO BE IN PLACE SO THAT WHEN THEY ANNEX A STATION IS ALREADY THERE. VICE CHAIRMAN JONES SAID IF THE NEW STATION IS TO BE A JOINT STATION THEN WHY DON'T THEY PUT UP HALF THE FUNDING FOR THE STATION. MR. FULGHUM SAID HARDEEVILLE WILL PROVIDE THE EQUIPMENT FOR THE JOINT STATION. VICE CHAIRMAN JONES ASKED WHAT WILL BE EXPECTED. MR FULGHUM SAID THE COUNTY WAS ONLY AGREEING TO KEEP AN AMBULANCE THERE AND NO EXPENDITURES. MR FULGHUM SAID THE FUNDS FROM THE SPECIAL TAX DISTRICT WILL COVER MOST OF THE COST. VICE CHAIRMAN JONES ASKED THAT THE FINAL CONTRACT HAVE ALL THE SPECIFICS IN IT PRIOR TO THE 3RD READING. MR. TYLER ASKED IF THE FIRE STATION BELONGS TO HARDEEVILLE WITH THE FIVE MILE RADIUS INCREASE IN ALL DIRECTIONS FOR SERVICES. MR FULGHUM SAID THEY WILL SERVE THAT AREA CURRENTLY BEING SERVED BY THE CHERRY POINT FIRE DEPARTMENT AND THE FIVE MILE RADIUS. KEITH HORTON ASKED IF THE CHERRY POINT FIRE STATION IS FULLY STAFFED AND VICE CHAIRMAN JONES SAID THAT IT WAS AT ONE TIME, BUT IS NOT NOW. MR. HORTON ASKED WHY IT WAS NOT FULLY STAFFED AND MR. WATSON RESPONDED THAT ORIGINALLY 12 PEOPLE WERE ASSIGNED THERE. MR HORTON ASKED ABOUT THE LOW CALL VOLUME AND STATED THAT THE COUNTY PAID A LOT TO HAVE THE STATION BUILT AND NOW THE COUNCIL IS COMMITTING TO BUILD ANOTHER FIRE STATION IN AN AREA WITH A LOW NUMBER OF RESIDENTS. COUNCILMAN TUTEN SAID THAT THE 1% SPECIAL FIRE DISTRICT TAX WILL PAY TO KEEP AN AMBULANCE IN THE CHERRY POINT FIRE STATION AND THE FIRE EQUIPMENT WOULD BE GOING TO ROBERTVILLE AND THE COUNTY WOULD BE USING THOSE RESOURCES TO COVER THE ENTIRE COUNTY. MR. TUTEN SAID THAT A NEW FIRE STATION CANNOT BE BUILT FOR THE \$250,000.00, BUT THE COUNTY WILL BE ABLE TO PROVIDE BETTER FIRE PROTECTION FOR THE PEOPLE IN THE NORTHERN END OF THE COUNTY. COUNCIL TUTEN SAID HE WOULD LIKE TO SEE THREE MORE FIRE STATIONS BUILT, BUT RIGHT NOW THE COUNTY DOES NOT HAVE THE RESOURCES TO BUILD THEM. MR. FULGHUM SAID THAT THE EXISTING CHERRY POINT FIRE STATION WAS FUNDED BY DEL WEBB AND THE NEW DEVELOPMENT AGREEMENT BETWEEN HARDEEVILLE AND DEL WEBB WILL PROVIDE EQUIPMENT FOR THE STATION. VICE CHAIRMAN JONES SAID SHE WAS NOT AGAINST SELLING THE CHERRY POINT FIRE STATION TO HARDEEVILLE, HOWEVER, SHE WANTED TO MAKE SURE THAT JASPER COUNTY'S INTERESTS ARE PROTECTED. BEING NO FURTHER COMMENTS, VICE CHAIRMAN JONES CLOSED THE PUBLIC HEARING.

PUBLIC HEARING AND 3RD READING OF THE ORDINANCE OF JASPER COUNTY 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 ORDINANCE AND LAND DEVELOPMENT REGULATIONS THROUGH AUGUST 18, 2007:

VICE CHAIRMAN JONES SAID THAT THE PLANNING COMMISSION MET WITH THE COUNCIL AND SINCE THE MEETING RAN LATE AND THE ATTORNEY NEEDS TO REVIEW THE CHANGES ONCE THE CONSULTANTS INCORPORATED THEM, THE PLANNING COMMISSION HAS REQUESTED THAT THE MORATORIUM BE EXTENDED TO SEPTEMBER 18, 2007. MR. FULGHUM SAID THAT THE MORATORIUM WOULD END IMMEDIATELY AFTER THE ZONING ORDINANCE AND LAND USE REGULATIONS WERE PASSED. VICE CHAIRMAN JONES OPENED THE PUBLIC HEARING. THERE WERE NO COMMENTS AND VICE CHAIRMAN JONES CLOSED THE PUBLIC HEARING. COUNCILMAN BLACKSHEAR ASKED TO HEAR FROM THE CHAIRMAN OF THE PLANNING COMMISSION. MS. THOMAS SAID THAT SINCE THE ATTORNEY HAS BEEN ILL AND HAS NOT REVIEWED THE CHANGES THE PLANNING COMMISSION WAS REQUESTING THE MORATORIUM BE EXTENDED UNTIL SEPTEMBER 18, 2007. MS. THOMAS SAID THERE HAVE BEEN MANY MEETINGS, WORKSHOPS AND COMMUNITY VISITS TO GET TO THIS POINT. MS. THOMAS SAID SHE FELT THE DOCUMENT WAS READY TO COME TO COUNCIL WITH THE RECOMMENDATION TO APPROVE FROM THE

PLANNING COMMISSION. COUNCILMAN BLACKSHEAR ASKED FOR MS. THOMAS TO RELATE THE CHANGES. MS. THOMAS SAID THE CONSULTANTS WERE PRESENT AND THEY WOULD RELATE THE CHANGES. COUNCILMAN TUTEN ASKED IF THE AD HOC COMMITTEE FOR THE EXCAVATION ORDINANCE HAS BEEN FORMED. MS. THOMAS SAID THAT IT HAD NOT BEEN FORMED. COUNCILMAN TUTEN ASKED WHO WAS RESPONSIBLE FOR APPOINTING THE MEMBERS AND MS. THOMAS SAID THE PLANNING COMMISSION WILL CALL EVERYONE WHO IS WILLING TO SERVE, BUT THEY CANNOT ALL BE ON THE COMMITTEE, BUT THEY WILL BE NOTIFIED OF THE MEETINGS. MS. THOMAS SAID THIS WILL BE ON THE NEXT AGENDA. COUNCILMAN TUTEN SAID HE WANTED TO MAKE SURE THAT THE COMMITTEE REPRESENTS THE POPULATION. COUNCILMAN TUTEN ASKED ABOUT THE TREE ORDINANCE. MS. THOMAS SAID THAT IT IS ALSO WITH THE AD HOC COMMITTEE. MR. FULGHUM SAID THE PLANNING COMMISSION HAS THE AUTHORITY TO APPOINT AN AD HOC COMMITTEE, AND THE OTHERS WILL BE INVITED TO ALL THE MEETINGS. COUNCILMAN BLACKSHEAR MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION THAT THIS BE THE 3RD READING OF THE ORDINANCE OF JASPER COUNTY 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 ORDINANCE AND LAND DEVELOPMENT REGULATIONS THROUGH AUGUST 18, 2007. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

PUBLIC HEARING AND 2ND READING OF THE ZONING ORDINANCE AND THE LAND DEVELOPMENT REGULATIONS:

MR. FULGHUM EXPLAINED THAT THE 2ND READING COULD NOT BE HELD BECAUSE THE ATTORNEY HAS NOT REVIEWED IT. THE CONSULTANTS PRESENTED A LIST OF CHANGES AND THAT LIST IS ATTACHED AND MADE PART OF THE MINUTES. COUNCILMAN BLACKSHEAR ASKED ABOUT ONE UNIT PER LOT AND WHAT WAS THE SIZE OF THE LOT. MR. CROASMUM SAID IT DEPENDED UPON WHICH ZONE IT WAS LOCATED IN AND R-30 ELIMINATED THE SIZE OF THE LOT AND IT IS ZONED STRAIGHT RESIDENTIAL AND THE LOT SIZE WOULD BE DETERMINED BY WHAT WAS WORKABLE AND ACCEPTABLE. MR. CROASMUM SAID THERE WOULD BE NO MINIMUM LOT SIZE FOR PARCELS UNDER 25 ACRES. VICE CHAIRMAN JONES OPENED THE PUBLIC HEARING. J.W. HARPER ASKED ABOUT CHANGING THE SIZE FOR CEMETERIES TO 30 ACRES. MR. CROASMUM EXPLAINED THAT WAS THE STATE'S REQUIREMENT FOR A STANDARD CEMETERY, HOWEVER, THIS DID NOT APPLY TO A CHURCH CEMETERY. MR. HARPER ASKED ABOUT TREES AND HE WAS TOLD THAT THE PDD COULD CUT DOWN TREES, BUT THE REGULAR CITIZENS CANNOT.

TOMMY LAVENDAR SAID THAT HE WAS WORKING WITH THE LANDFILLS AND HE WANTED TO BE INCLUDED WHEN THEY SET UP THE AD-HOC COMMITTEE FOR THE EXCAVATION ORDINANCE. MR. LAVENDAR SAID HE WAS VERY CONCERNED WITH SEVERAL SECTIONS OF THE ORDINANCE AND THAT CERTAIN SECTIONS CONFLICTED WITH STATE REQUIREMENTS.

JIM WILLIAMS ASKED FOR A CLARIFICATION OF THE DSR AND WANTED TO KNOW WHO THAT PERSON WOULD BE AND HOW HE WOULD BE CHOSEN. MR. WILLIAMS ASKED IF A HOME WAS DESTROYED WOULD THE OWNER OF THE PROPERTY BE ABLE TO REPLACE IT WITH A HOME OF A DIFFERENT SIZE. (MR. WILLIAMS COMMENTS ARE ATTACHED AND MADE PART OF THE MINUTES)MR. SAGER RESPONDED THAT IF A HOUSE IS DESTROYED, ANY SIZE HOUSE CAN BE BUILT, HOWEVER IF THE DWELLING IS ABANDONED AND IT IS A NON-CONFORMING USE TO HAVE THE AREA IS ZONED, THEN THE NEW DWELLING WOULD HAVE TO CONFORM TO THE ZONING. VICE CHAIRMAN JONES SAID THAT SHE READ THAT THE DSR WORKS WITH THE ECONOMIC DEVELOPMENT DIRECTOR. MR. SAGER SAID THE DSR COULD BE SEVERAL PEOPLE AND THE PERSON COULD BE DESIGNATED BY THE RANGE OF THE SERVICES PROVIDED BY THE STAFF MEMBERS. MR. FULGHUM SAID THE DSR IS PLACED SO AS IT GREW THE ORDINANCE WOULD NOT HAVE TO BE CHANGED. VICE CHAIRMAN JONES SAID THE INTENTION IS THAT THE DSR IS NOT THE DEPUTY ADMINISTRATOR OF ECONOMIC DEVELOPMENT. MR. SAGER SAID TYPICALLY IT IS NOT. BEING NO FURTHER COMMENTS, VICE CHAIRMAN JONES CLOSED THE FLOOR TO THE PUBLIC.

1ST READING OF THE ORDINANCE TO CREATE A PDD FOR TELFAIR PLANTATION:

MR. SAGER SAID THAT AT THE MAY 25, 2007 MEETING OF THE JASPER COUNTY PLANNING COMMISSION THE PLANNING COMMISSION REVIEWED THE PDD AND RECOMMENDS COUNCIL APPROVAL. MR. SAGER SAID THAT 70 HOUSES WILL BE BUILT

ON 560 ACRES AND THE DEVELOPMENT AGREEMENT INCLUDES \$225,000.00 OF VOLUNTARY FEES OF WHICH \$137,000.00 WILL GO FOR ROADS, \$35,000.00 FOR SCHOOLS, \$22,000.00 FOR PARKS AND \$7,000.00 FOR THE LIBRARIES. COUNCILMAN TUTEN SAID THAT THE 500 PLUS ACRES CONSISTS OF A LOT OF WETLANDS AND ONLY ABOUT 160 ACRES WERE NOT WETLANDS AND THE 70 HOMES WOULD BE BUILT ON THE 160 ACRES. VICE CHAIRMAN JONES ASKED ABOUT PHASE TWO AND THE 88 HOMES. MR. SAGER SAID THAT PHASE TWO WAS FOR 16 HOMES AND PHASE ONE WAS FOR 70 TO 72 HOMES FOR A TOTAL OF BOTH PHASES OF 88 HOMES. COUNCILMAN TUTEN MOTIONED AND COUNCILMAN BLACKSHEAR SECONDED THE MOTION THAT THIS BE THE 1ST READING OF THE ORDINANCE TO APPROVE A PDD FOR THE TELFAIR PLANTATION. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

1ST READING OF THE ORDINANCE TO ENTER INTO A DEVELOPMENT AGREEMENT WITH TELFAIR PLANTATION:

MR. SAGER SAID THIS DEVELOPMENT AGREEMENT FOR TELFAIR WOULD RESULT IN \$225,000.00 OF VOLUNTARY FEES. VICE CHAIRMAN JONES EXPLAINED THAT THE PDD IS A ZONING CHANGE AND THE DA EXPLAINS WHAT WILL BE DONE BEYOND THE ZONING. VICE CHAIRMAN JONES ASKED ABOUT COMMERCIAL AND RETAIL DEVELOPMENT IN THE PROJECT. MR. SAGER SAID THE PDD WOULD ALLOW IT, BUT THIS DEVELOPMENT WILL HAVE NO COMMERCIAL OR RETAIL BUSINESSES. MR. FULGHUM SAID ALL PDD DEVELOPMENTS WILL PAY SIMILAR FEES. COUNCILMAN BLACKSHEAR MOTIONED AND COUNCILMAN TUTEN SECONDED THE MOTION THAT THIS BE THE 1ST READING OF THE ORDINANCE TO ENTER INTO A DEVELOPMENT AGREEMENT WITH TELFAIR PLANTATION. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

RESOLUTIONS:

RESOLUTION TO ROLLOVER 2006 BANS FOR COURTHOUSE ANNEX PROJECT:

MR MALPHRUS EXPLAINED THAT THESE WERE SPECIAL SOURCE BOND ANTICIPATION NOTES TO FUND THE COURTHOUSE ANNEX BUILDING AND HE WANTED TO ROLL THEM OVER FOR AN ADDITIONAL YEAR TO JULY, 2008 SO THAT THEY CAN GET THE PROJECT BIDS IN AND KNOW HOW MUCH WAS GOING TO BE NEEDED. COUNCILMAN BLACKSHEAR ASKED IF THIS WOULD SLOW THE PROGRESS DOWN AND MR. MALPHRUS SAID IT WOULD NOT AND THE PROJECT CAN MOVE FORWARD ANYTIME. VICE CHAIRMAN JONES ASKED WHEN THE BIDS WOULD GO OUT. MR. SAGER SAID THE FINAL COST ESTIMATE IS \$5,200,000.00 FOR THE CONSTRUCTION PORTION OF THE PROJECT. MR. SAGER SAID THE CONSTRUCTION AND BIDDING PROCESSES ARE ON TARGET AND 100% OF THE BID DOCUMENTS ARE SET TO COME TO THE COUNTY FOR BIDDING BY AUGUST 15, 2007. THE BID DOCUMENTS WILL BE PRESENTED FOR COUNCIL APPROVAL AT THE SEPT. 4, 2007 MEETING. MR.SAGER SAID HE EXPECTED CONSTRUCTION TO BE COMPLETED BY DECEMBER, 2008. MR. FULGHUM ASKED IF THE COUNCIL WANTED TO APPROVE THE BID DOCUMENTS WHEN THEY WERE COMPLETE AND COUNCILMAN TYLER SAID HE WANTED TO BE UPDATED ON THE BID DOCUMENTS. COUNCILMAN TUTEN MOTIONED AND COUNCILMAN BLACKSHEAR SECONDED THE MOTION TO PASS THE RESOLUTION TO ROLLOVER THE 2006 BANS FOR THE COURTHOUSE ANNEX PROJECT. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

RESOLUTIONS:

RESOLUTION CONCERNING ASSIGNMENT AND ASSUMPTION OF RIGHTS AND OBLIGATIONS UNDER DEVELOPMENT AGREEMENT BETWEEN LIVE OAK GROUP, LLC AND JASPER COUNTY COUNCIL:

VICE CHAIRMAN JONES SAID THAT SHE CHECKED WITH SEVERAL ATTORNEYS AND THEY SAID THAT SINCE THIS DEVELOPMENT AGREEMENT WAS ORIGINALLY APPROVED BY ORDINANCE IT'S ASSIGNMENT OR ASSUMPTION OF RIGHTS AND OBLIGATIONS MUST ALSO BE DONE BY ORDINANCE. MR FULGHUM SAID THE ATTORNEY RECOMMENDED DOING THIS BY RESOLUTION AND HE SPOKE WITH THE APPLICANT AND THEY HAVE ASKED THAT THIS ITEM BE DEFERRED UNTIL THE ATTORNEY IS PRESENT. VICE CHAIRMAN JONES SAID SHE SPOKE WITH THREE ATTORNEYS AND THEY SAID IT MUST BE DONE BY ORDINANCE. THIS ITEM WAS TABLED TO A FUTURE MEETING.

NEW BUSINESS:

RONNIE MALPHRUS – APPROVAL OF 2006-2007 BUDGET TRANSFERS:

MR. MALPHRUS ASKED THE COUNCIL TO APPROVE THE TRANSFER OF FUNDS THAT ARE NECESSARY TO GET THE BUDGET READY FOR THE AUDIT. VICE CHAIRMAN JONES

ASKED IF THE FUNDS WERE IN ADDITION TO THE \$700,000.00 BUDGET AMENDMENT AND MR. MALPHRUS SAID THAT THESE WERE TRANSFERS WITHIN THE BUDGET FROM ONE DIVISION TO ANOTHER DIVISION. COUNCILMAN BLACKSHEAR MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO APPROVE THE 2006-2007 BUDGET TRANSFERS IN THE AMOUNT OF \$112,228.00. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR. (TRANSFERS ARE ATTACHED AND MADE PART OF THE MINUTES).

STEVE SAGER – APPROVAL OF ENGINEERING DESIGN CONTRACT FOR EMERGENCY GENERATOR AT THE ANNEX BUILDING:

MR. SAGER PRESENTED THE CONTRACT FOR THE DESIGN FOR THE EMERGENCY GENERATOR IN THE NEW ANNEX BUILDING. TOTAL FOR THE ADDITIONAL SERVICES IS \$12,000.00 AND THE TOTAL FOR THE DESIGN FEES FOR THE GENERATOR AND THE GENERATOR WOULD BE LESS THAN \$100,000.00. MR. SAGER SAID THAT THE \$12,000.00 THAT HE WAS ASKING THE COUNCIL TO APPROVE WOULD BE AN AMENDMENT TO THE WATSON- TATE CONTRACT. MR. SAGER SAID THE COST WOULD BE FUNDED BY THE BOND FUND. COUNCILMAN TYLER MOTIONED AND COUNCILMAN BLACKSHEAR SECONDED THE MOTION TO APPROVE THE ENGINEERING DESIGN CONTRACT IN THE AMOUNT OF \$12,000.00 FOR THE EMERGENCY GENERATOR AT THE COURTHOUSE ANNEX BUILDING. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

RONNIE MALPHRUS – APPROVAL OF WILBUR SMITH CONTRACT FOR PROFESSIONAL SERVICES AT THE JASPER COUNTY AIRPORT:

MR. MALPHRUS ASKED THAT THE COUNCIL APPROVE \$5,470.00 FOR ENGINEERING SERVICES FOR A PROJECT TO UPGRADE THE AIRPORT TO GET STARTED. MR. MALPHRUS SAID THIS WOULD BE PAID FROM AN FAA GRANT AND THE COUNTY WOULD HAVE TO PAY A 2 ½ % MATCH, AND ANOTHER GRANT WILL PAY FOR THE REPAIRS. COUNCILMAN BLACKSHEAR MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO APPROVE THE WILBUR SMITH CONTRACT FOR PROFESSIONAL SERVICES AT THE JASPER COUNTY AIRPORT IN THE AMOUNT OF \$5,470.00 AND THAT IT BE PAID FOR WITH GRANT FUNDS AND GRANT MATCHING FUNDS. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

JOHNNIE DAVIS – APPROVAL OF THE CONSULTANT SERVICES CONTRACT WITH CLEMSON UNIVERSITY FOR RECREATION PLAN:

MR. DAVIS REQUESTED THAT THE COUNCIL APPROVE THE PROPOSAL FROM CLEMSON UNIVERSITY TO DEVELOP A PLAN TO EXPAND AND IMPROVE THE RECREATION PLAN. MR. DAVIS SAID THE ATTORNEY REVIEWED THE PLAN AND CLEMSON HAS ALREADY SIGNED THE CONTRACT FOR SERVICES. COUNCILMAN TYLER ASKED IF THE PLAN WOULD ENCOMPASS THE ENTIRE COUNTY AND MR. DAVIS SAID THAT IT WOULD. MR. DAVIS SAID THAT A PLAN WILL BE DEVELOPED TO IMPROVE THE ACTIVITIES AND FACILITIES THROUGHOUT THE COUNTY AND THEY WILL MEET WITH THE CITIZENS IN THE DIFFERENT COMMUNITIES TO DETERMINE THEIR NEEDS AND WHAT THEY WANT IN THEIR AREA. COUNCILMAN TUTEN MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO APPROVE THE CONTRACT FOR CONSULTANT SERVICES WITH CLEMSON UNIVERSITY FOR RECREATION PLANS IN THE AMOUNT OF \$16,200.00. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

RONNIE MALPHRUS – APPROVAL OF CLOSING FARMERS’ MARKET ACCOUNT:

MR. MALPHRUS ASKED TO BE ALLOWED TO CLOSE THE FARMERS’ MARKET ACCOUNT WHICH CURRENTLY HAS \$1,212.40 AND TO PUT THE FUNDS IN THE NEW FARMERS’ MARKET GRANT ACCOUNT. COUNCILMAN BLACKSHEAR MOTIONED AND COUNCILMAN TUTEN SECONDED THE MOTION TO APPROVE THE CLOSING OF THE FARMERS’ MARKET ACCOUNT AND TO PUT THE FUNDS (\$1,212.40) INTO THE FARMERS’ MARKET GRANT ACCOUNT. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR. COUNCILMAN TUTEN ASKED WHAT WAS THE HOLD UP ON THE FARMERS’ MARKET AND MR. SAGER SAID THE ARMY CORP OF ENGINEERS’ INSPECTION OF THE WETLANDS HELD THINGS UP, BUT THE DESIGN PLANS ARE COMPLETE EXCEPT FOR SOME SMALL DETAILS THAT NEED TO BE WORKED OUT AND HE WILL PRESENT THE PLANS AT THE NEXT COUNCIL MEETING.

COMMITTEE REPORTS:

THERE WERE NO COMMITTEE REPORTS.

ADMINISTRATORS' REPORTS:

MR. FULGHUM REPORTED THAT HE SPOKE WITH ATTORNEY JONES' OFFICE AND THAT HE WAS EXPECTED TO BE BACK AT WORK SOON.

MR. FULGHUM DISCUSSED A PETITION TO PAVE PRICE COURT AND THAT THE PETITIONER REQUESTED THAT IT BE BROUGHT TO COUNCIL, AND MR. FULGHUM SAID HE WILL HAVE THE ENGINEERING COMMITTEE DEAL WITH IT.

MR. FULGHUM SAID THE DELEGATION OFFICE REQUESTED AN ADDITIONAL \$9,123.00 TO COVER A SHORTFALL THIS YEAR. MR. FULGHUM SAID THE FUNDS COULD COME FROM THE EMERGENCY FUND. COUNCILMAN TYLER MOTIONED AND COUNCILMAN TUTEN SECONDED THE MOTION TO APPROVE \$9,123.00 TO COVER THE SHORTFALL IN THE DELEGATION OFFICE AND THAT THE FUNDS COME FROM THE EMERGENCY FUND. THE MOTION CARRIED WITH COUNCILMEN TUTEN, TYLER AND BLACKSHEAR VOTING FOR; VICE CHAIRMAN JONES VOTED AGAINST.

MR. SAGER SAID THAT THE COUNTY RECEIVED A GRANT IN THE AMOUNT OF \$280,000.00 TO REBUILD AND RESURFACE THE RUNWAY AT THE JASPER COUNTY AIRPORT. MR. SAGER SAID THAT MR. DEAN AND THE ADMINISTRATOR HELD A PRESS CONFERENCE REGARDING THE GRANT. MR. SAGER SAID THE AIRPORT HAS RECEIVED OVER \$500,000.00 IN GRANTS IN THE PAST THREE YEARS. COUNCILMAN TYLER ASKED IF THE AIRPORT GENERATED ANY INCOME AND MR. FULGHUM RESPONDED THAT THE AIRPORT IS SELF SUFFICIENT AND HE WOULD TAKE COUNCILMAN TYLER ON A TOUR OF THE FACILITIES AT THE AIRPORT.

OPEN FLOOR TO THE PUBLIC (3 MINUTE TIME LIMIT PER INDIVIDUAL):

VICE CHAIRMAN JONES OPENED THE FLOOR TO THE PUBLIC.

J.W HARPER ASKED ABOUT THE DONUT AREA AROUND THE MUNICIPALITIES AND THAT THE CITIZENS NEED TO KNOW WHERE THE LINES AND THE MUNICIPALITIES HAVE BEEN GIVEN THE AUTHORITY TO CHANGE THE LAWS OUTSIDE OF THEIR TOWN OR CITY LIMITS. MR. HARPER SAID THE LARGE LAND OWNERS PAY LITTLE TAXES AND THE LITTLE LANDOWNERS CARRY THE BURDEN AND WHEN THE LARGE LANDOWNERS SELL THEIR PROPERTY THE TAXES ARE GOING TO SKYROCKET. MR. HARPER SAID SOMEONE HAS TO START LOOKING OUT FOR THE LITTLE PEOPLE OF THE COUNTY.

DEL DAVIDSON SAID THE TREE ORDINANCE SHOULD APPLY TO THE DEVELOPERS AND TO LEAVE THE REST OF JASPER COUNTY ALONE. HE THANKED THE COUNCIL FOR DOING A GOOD JOB.

DOUG COOK SAID THAT THE STIPULATIONS STILL WON'T WORK ON A HALF ACRE AND ASKED IF THE ZONING ORDINANCE AND LDR HAS HAD A SECOND READING. VICE CHAIRMAN JONES SAID THERE HAS NOT BEEN A SECOND READING AND THEY WOULD LOOK AT THE HALF ACRE LOT INFORMATION AGAIN.

KEITH HORTON ADDRESSED THE SALE OF THE HOSPITAL AND FEELS THE COUNTY SHOULD NOT SELL IT BECAUSE IN A FEW YEARS THE COUNTY IS GOING TO BE LOOKING FOR LAND TO BUILD COUNTY GOVERNMENT BUILDING ON AND THAT WHILE THE COMPANY THAT WANTS TO BUY IT WOULD BE PROVIDING A GOOD SERVICE, HE DID NOT THINK THE COUNTY SHOULD SELL IT. HE ALSO ASKED THE COUNTY TO CHECK THE BUYERS OUT TO MAKE SURE THEY CAN AFFORD TO DO WHAT THEY SAY THEY ARE GOING TO DO AND NOT FLIP IT LIKE THE BUTTERFLY KINGDOM.

BEING NO FURTHER COMMENTS VICE CHAIRMAN JONES CLOSED THE FLOOR TO THE PUBLIC.

EXECUTIVE SESSION:

EMPLOYMENT MATTERS

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

RETURN FROM EXECUTIVE:

COUNCILMAN BLACKSHEAR MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO RETURN TO REGULAR SESSION.

VICE CHAIRMAN JONES REPORTED THAT THE COUNCIL DISCUSSED CONTRACTUAL MATTERS AND SHE INSTRUCTED THE ADMINISTRATOR TO MOVE FORWARD.

COUNCILMAN BLACKSHEAR MOTIONED AND VICE CHAIRMAN JONES SECONDED THE MOTION TO HAVE THE ADMINISTRATOR PREPARE A RESOLUTION TO SWITCH THE CLERK TO COUNCIL BACK UNDER THE SUPERVISION OF COUNTY COUNCIL. THE MOTION CARRIED WITH COUNCILMEN TUTEN AND BLACKSHEAR AND VICE CHAIRMAN JONES VOTING FOR; COUNCILMAN TYLER VOTED AGAINST.

ADJOURN:

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

THE MEETING ENDED AT 10:55 P.M.

RESPECTFULLY SUBMITTED BY:

APPROVED BY:

JUDITH M. FRANK, CCC
CLERK TO COUNCIL

GLADYS N. JONES
VICE CHAIRMAN