



**JASPER COUNTY COUNCIL  
COUNCIL CHAMBERS  
358 THIRD AVE.  
RIDGELAND, SC 29936  
OCTOBER 19, 2009  
6:00 P.M.**

**MINUTES**

CHAIRMAN HOOD EXPLAINED THAT THE COUNCIL WAS GOING INTO EXECUTIVE SESSION AND THE FORMAL OPENING OF THE MEETING WOULD BE AT 7:00 P.M.

**EXECUTIVE SESSION:**

COUNCILMAN TYLER MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO GO INTO EXECUTIVE SESSION FOR DISCUSSION OF MATTERS RELATING TO 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 AND 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. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**RETURN FROM EXECUTIVE SESSION:**

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

CHAIRMAN HOOD SAID THAT NO ACTION WAS NECESSARY AND THAT THE COUNCIL WILL DO AN EVALUATION OF THE COUNTY ADMINISTRATOR, ANDREW FULGHUM.

**PRESENT:**

DR. GEORGE M. HOOD, CHAIRMAN  
LEROY BLACKSHEAR, VICE CHAIRMAN  
HENRY ETHERIDGE, COUNCILMAN  
REV. SAMUEL GREGORY, COUNCILMAN  
HUBERT TYLER, COUNCILMAN

**STAFF PRESENT:**

ANDREW FULGHUM, ADMINISTRATOR  
WILBUR DALEY, DEP. ADM. EMERGENCY SERVICES  
RONNIE MALPHRUS, DEP. ADM. ADM. SERVICES  
MARVIN JONES, ATTORNEY  
JUDITH FRANK, CLERK TO COUNCIL  
STEVEN MALPHRUS, DEP. DIRECTOR ES  
DAVID JIROUSEK, PLANNING DIRECTOR  
SUSAN WAITE, ASSESSOR  
HERMAN SMITH, BUILDING DIRECTOR

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 7:00 P.M.

**PLEDGE OF ALLEGIANCE:**

CHAIRMAN HOOD LED THE PLEDGE OF ALLEGIANCE.

**INVOCATION:**

VICE CHAIRMAN BLACKSHEAR GAVE THE INVOCATION.

**APPROVAL OF THE MINUTES:**

COUNCILMAN GREGORY MOTION AND COUNCILMAN TYLER SECONDED THE MOTION TO APPROVE THE OF MINUTES FROM 10/5/2009 COUNCIL MEETING, 9/21/2009 COUNCIL WORKSHOP AND RECEIVE FOR INFORMATION 9/28/2009 EMERGENCY SERVICES COMMITTEE MEETING, 9/28/2009 ENGINEERING SERVICES COMMITTEE MEETING, 9/28/2009 DEVELOPMENT SERVICES COMMITTEE MEETING, 10/6/2009 ADMINISTRATIVE SERVICES COMMITTEE MEETING, 10/8/2009 ADMINISTRATIVE SERVICES MEETING, 9/14/2009 TRANSPORTATION COMMITTEE MEETING, COUNCILMAN ETHERIDGE QUESTIONED THAT THE PERCENTAGES WERE INCORRECT IN THE MULTI-COUNTY PARK AGREEMENT. COUNCILMAN ETHERIDGE SAID THE UNDERSTOOD THAT THE COUNTY WAS TO GET 36 1/3% AND MR. JONES SAID THE COUNTY WILL CONTINUE TO GET 33 1/3% AND HARDEEVILLE'S AMOUNT WILL INCREASE BY 3%. VICE CHAIRMAN BLACKSHEAR ASKED THAT THE WORKSHOP MINUTES BE AMENDED AS HE DID NOT ATTEND THE WORKSHOP. THE CLERK MADE THE NECESSARY CORRECTIONS. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**PROCLAMATIONS AND PRESENTATION:**

**BETH MCNAIR – AHJ ANNUAL REPORT:**

MS. MCNAIR REPORTED THAT THE GOOD NEWS WAS THAT MORE PEOPLE

ARE USING BOTH LIBRARIES, BUT THE BAD NEWS WAS THAT DUE TO THE 9% CUT IN FUNDING, THE HOURS THE LIBRARIES ARE OPEN HAS ALSO BEEN CUT. MS. MCNAIR SAID THAT PEOPLE ARE TURNED AWAY BECAUSE OF THE SHORTER HOURS. COUNCILMAN GREGORY ASKED HOW MUCH WAS THEIR BUDGET CUT AND MR. MCNAIR RESPONDED \$12,700.00. CHAIRMAN HOOD ASKED IF A VOLUNTEER COULD KEEP THE LIBRARY OPEN AND MS. MCNAIR SAID THAT A TRAINED PERSON MUST BE THERE. COUNCILMAN ETHERIDGE ASKED IF THE LIBRARY DEPENDED SOLELY ON THE COUNTY. FOR INCOME AND MS. MCNAIR SAID THAT THEY ALSO GET STATE AID.

**ORDINANCES:**

**MARVIN JONES - 3<sup>RD</sup> READING AND PUBLIC HEARING OF THE ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 09-13 ADOPTED BY THE COUNCIL OF JASPER COUNTY, SOUTH CAROLINA ON JUNE 15, 2009; TO DEVELOP A JOINTLY OWNED BUSINESS PARK IN CONJUNCTION WITH BEAUFORT COUNTY AND/OR HAMPTON COUNTY, GEOGRAPHICALLY LOCATED IN JASPER COUNTY AND ESTABLISHED PURSUANT TO SEC. 4-1-170 OF THE SOUTH CAROLINA CODE OF LAWS 1976, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH BEAUFORT COUNTY AND /OR HAMPTON COUNTY TO PROVIDE FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAXES TO THE COUNTIES AND RELEVANT TAXING ENTITIES; AND TO PERMIT A USER FEE IN LIEU OF AD VALOREM TAXATION:**

MARVIN JONES EXPLAINED THAT HAMPTON COUNTY HAS HAD THREE READINGS OF THE SAME ORDINANCE AND THAT MR. LUCAS WAS PRESENT TO ANSWER ANY QUESTIONS. MR. LUCAS SAID THAT SEMPLER AND THE TOWN OF HARDEEVILLE REQUESTED SOME TECHNICAL CHANGES AND THAT IS WHY THE ORIGINAL ORDINANCE IS BEING AMENDED. COUNCILMAN ETHERIDGE ASKED ABOUT THE 10 ACRES GIVEN TO HARDEEVILLE FOR ECONOMIC DEVELOPMENT AND WOULD THE COUNTY'S PERCENTAGE CHANGE TO 36 1/3% AND MR. LUCAS RESPONDED THAT COUNTY'S PERCENTAGE WOULD STAY AT 33 1/3%, HOWEVER, THE CITY OF HARDEEVILLE'S PERCENTAGE WILL GO DOWN TO 30%. CHAIRMAN HOOD OPENED THE PUBLIC HEARING. THERE WERE NO COMMENTS. CHAIRMAN HOOD CLOSED THE PUBLIC HEARING. COUNCILMAN TYLER MOTIONED AND VICE CHAIRMAN BLACKSHEAR SECONDED THE MOTION THAT THIS BE THE PUBLIC HEARING AND 3<sup>RD</sup> READING OF THE ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 09-13 ADOPTED BY THE COUNCIL OF JASPER COUNTY, SOUTH CAROLINA ON JUNE 15, 2009; TO DEVELOP A JOINTLY OWNED BUSINESS PARK IN CONJUNCTION WITH BEAUFORT COUNTY AND/OR HAMPTON COUNTY, GEOGRAPHICALLY LOCATED IN JASPER COUNTY AND ESTABLISHED PURSUANT TO SEC. 4-1-170 OF THE SOUTH CAROLINA CODE OF LAWS 1976, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH BEAUFORT COUNTY AND /OR HAMPTON COUNTY TO PROVIDE FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD

VALOREM TAXES TO THE COUNTIES AND RELEVANT TAXING ENTITIES; AND TO PERMIT A USER FEE IN LIEU OF AD VALOREM TAXATION. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**MARVIN JONES - 3<sup>RD</sup> READING AND PUBLIC HEARING OF THE ORDINANCE AMENDING JASPER COUNTY ORDINANCE 09-18 RELATED TO A REFERENDUM REGARDING A CHANGE IN THE METHOD OF ELECTING COUNTY COUNCIL MEMBERS, AND THE NUMBER OF COUNTY COUNCIL MEMBERS, AND FORMULATING THE REFERENDUM QUESTIONS AND RELATED MATTERS TO POSTPONE THE DATE OF THE REFERENDUM:**

COUNCILMAN GREGORY SAID THAT THERE WERE SOME ITEMS HE WOULD LIKE TO DISCUSS PRIOR TO THE THIRD READING. CHAIRMAN HOOD OPENED THE PUBLIC HEARING. THERE WERE NO COMMENTS. CHAIRMAN HOOD CLOSED THE PUBLIC HEARING. COUNCILMAN GREGORY MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO TABLE THE VOTE UNTIL THE NEXT COUNCIL MEETING ON THE ORDINANCE AMENDING JASPER COUNTY ORDINANCE 09-18 RELATED TO A REFERENDUM REGARDING A CHANGE IN THE METHOD OF ELECTING COUNTY COUNCIL MEMBERS, AND THE NUMBER OF COUNTY COUNCIL MEMBERS, AND FORMULATING THE REFERENDUM QUESTION AND RELATED MATTERS TO POSTPONE THE DATE OF THE REFERENDUM. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**WILBUR DALEY-3<sup>RD</sup> READING AND PUBLIC HEARING OF THE ORDINANCE TO PROHIBIT TAMPERING WITH CERTAIN SIGNS AND TRAFFIC CONTROL DEVICES:**

COUNCILMAN GREGORY QUESTIONED WHY THE COUNCIL NEEDED TO PASS AN ORDINANCE TO COVER SOMETHING THAT THERE WAS ALREADY A LAW COVERING IT. MR. DALEY SAID THE ORDINANCE WOULD GIVE THE SHERIFF THE AUTHORITY TO ISSUE FINES. MR. DALEY SAID THAT SHERIFF JENKINS SAID HE WOULD SUPPORT THIS ORDINANCE. CHAIRMAN HOOD OPENED THE PUBLIC HEARING. THERE WERE NO COMMENTS. CHAIRMAN HOOD CLOSED THE PUBLIC HEARING. COUNCILMAN TYLER MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION THAT THIS BE THE PUBLIC HEARING AND 3<sup>RD</sup> READING OF THE ORDINANCE TO PROHIBIT TAMPERING WITH CERTAIN SIGNS AND TRAFFIC CONTROL DEVICES. THE MOTION CARRIED WITH CHAIRMAN HOOD, VICE CHAIRMAN BLACKSHEAR, COUNCILMAN ETHERIDGE AND COUNCILMAN TYLER VOTING FOR. COUNCILMAN GREGORY VOTED AGAINST.

**DAVID JIROUSEK – 2<sup>ND</sup> READING OF THE ORDINANCE TO REVISE THE REQUIREMENTS FOR DEVELOPMENT ADJACENT TO TIDELANDS, RIVERS AND STREAMS IN JASPER COUNTY; TO ADD OR REVISE DEFINITIONS OF THE TERMS CRITICAL AREA, RIPARIAN BUFFER, TIDELAND, AND WETLAND WITHIN ARTICLE 4 OF THE JASPER COUNTY ZONING ORDINANCE; TO AMEND ARTICLE 7:4, AS AMENDED OF THE JASPER COUNTY ZONING ORDINANCE:**

MR. JIROUSEK EXPLAINED THAT THE STAFF AND THE PLANNING COMMISSION FEEL THE RIPARIAN BUFFER NEEDED TO BE MORE FLEXIBLE AND THAT SOME DEFINITIONS NEEDED TO BE ADDED TO THE ORDINANCE. MR. JIROUSEK TOLD THE COUNCIL THAT THE COUNTY ORDINANCE EXCEEDS THE STATE GUIDELINES. COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION THAT THIS BE THE 2<sup>ND</sup> READING OF THE ORDINANCE TO REVISE THE REQUIREMENTS FOR DEVELOPMENT ADJACENT TO TIDELANDS, RIVERS AND STREAMS IN JASPER COUNTY; TO ADD OR REVISE DEFINITIONS OF THE TERMS CRITICAL AREA, RIPARIAN BUFFER, TIDELAND, AND WETLAND WITHIN ARTICLE 4 OF THE JASPER COUNTY ZONING ORDINANCE; TO AMEND ARTICLE 7:4, AS AMENDED OF THE JASPER COUNTY ZONING ORDINANCE. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**DAVID JIROUSEK – 2<sup>ND</sup> READING OF AN ORDINANCE TO APPROVE AMENDING THE JASPER COUNTY ZONING ORDINANCE TO CHANGE ZONING FROM RESIDENTIAL TO RURAL PRESERVATION REQUESTED BY THE HONEY HILL PROPERTY OWNERS ASSOCIATION:**

MR. JIROUSEK REVIEWED THE ORDINANCE AND TOLD THE COUNCIL THAT ALL MEMBERS OF THE HOMEOWNERS ASSOCIATION WERE IN AGREEMENT WITH THE ZONING CHANGE. MR. JIROUSEK EXPLAINED THAT THREE ADDITIONAL PARCELS WERE ADDED, AND THEY WERE THE PARCELS ENDING IN 074, 075, 077 AND THESE PARCELS ARE COMMON AREAS. COUNCILMAN ETHERIDGE SAID THAT A FEW ADJACENT HOMEOWNERS CONTACTED HIM ABOUT WHAT CAN GO IN THERE IF THE ZONING IS CHANGED. MR. JIROUSEK SAID THAT THE COVENANTS ALREADY REGULATE WHAT CAN GO INTO THE DEVELOPMENT. VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION TO APPROVE THE AMENDMENT TO THE ORDINANCE. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR. COUNCILMAN GREGORY MOTIONED AND VICE CHAIRMAN BLACKSHEAR SECONDED THE MOTION THAT THIS BE THE 2<sup>ND</sup> READING OF AN ORDINANCE TO APPROVE AMENDING THE JASPER COUNTY ZONING ORDINANCE TO CHANGE ZONING FROM RESIDENTIAL TO RURAL PRESERVATION REQUESTED BY THE HONEY HILL PROPERTY OWNERS ASSOCIATION. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**DAVID JIROUSEK – 2<sup>ND</sup> READING OF AN ORDINANCE TO AMEND THE JASPER COUNTY ZONING ORDINANCE, AS AMENDED, SO AS TO REDUCE THE REAR SETBACKS IN THE RURAL PRESERVATION DISTRICT IN JASPER COUNTY; TO AMEND ARTICLE 7 OF THE JASPER COUNTY ZONING ORDINANCE, AS AMENDED, SO AS TO AMEND SECTION 7:3, TABLE 1, TITLED "SCHEDULE OF LOT AREA, YARD, SETBACK AND DENSITY":**

MR. JIROUSEK TOLD THE COUNCIL THAT THIS AMENDMENT WILL ADJUST THE REAR SETBACKS SO THAT THEY WILL BE SIMILAR TO THE FRONT SETBACKS. COUNCILMAN GREGORY MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION THAT THIS BE THE 2<sup>ND</sup> READING OF

AN ORDINANCE TO AMEND THE JASPER COUNTY ZONING ORDINANCE, AS AMENDED, SO AS TO REDUCE THE REAR SETBACKS IN THE RURAL PRESERVATION DISTRICT IN JASPER COUNTY; TO AMEND ARTICLE 7 OF THE JASPER COUNTY ZONING ORDINANCE, AS AMENDED, SO AS TO AMEND SECTION 7:3, TABLE 1, TITLED "SCHEDULE OF LOT AREA, YARD, SETBACK AND DENSITY". THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**MARVIN JONES - 2<sup>ND</sup> READING AND PUBLIC HEARING OF AN ORDINANCE FOR LOW COUNTRY COUNCIL OF GOVERNMENT FINANCING:**

MR. JONES SAID THAT THIS ORDINANCE IS AUTHORIZING ASSISTING LCOG OBTAIN \$900,000.00 FOR FINANCING THE RENOVATION AND ADDITION AT THE LCOG BUILDING AT POINT SOUTH. MR. JONES SAID THAT THE COUNTY'S BOND COUNSEL AND JOHN CANDY REVIEWED THE INFORMATION, AND THEY FEEL IT WILL NOT AFFECT THE COUNTY'S BORROWING POWER OR IMPOSE ANY TAX BURDEN ON THE CITIZENS OF JASPER COUNTY. MR. FLYNN, REPRESENTING LCOG, SAID THAT THE PROJECT IS GREATLY NEEDED, AND THEY HAVE RECEIVED GOOD BIDS ON THE PROJECT. MR. FLYNN SAID THE \$900,000.00 WOULD NOT AFFECT THE CITIZENS TAXES BECAUSE IT WILL BE DONE AS A LEASE PURCHASE AGREEMENT BETWEEN JASPER COUNTY AND LCOG. MR. FLYNN SAID THAT LCOG DOES NOT HAVE THE AUTHORITY FROM THE LEGISLATURE TO BORROW MONEY AND THIS TRANSACTION WILL NOT AFFECT THE COUNTY'S BORROWING POWER. MR. FLYNN SAID THAT THE LCOG WILL LEASE THE BUILDING TO THE COUNTY AND THE COUNTY WILL LEASE IT BACK TO LCOG FOR THE AMOUNT OF THE PAYMENT AND THE COUNTY CAN USE THE BUILDING TO SECURE THE LOAN. COUNCILMAN GREGORY ASKED ABOUT THE LEASE AGREEMENT, AND HE FELT THE COUNCIL SHOULD REVIEW IT. MR. FLYNN SAID THE LEASE AGREEMENT WILL BE FOR 35 YEARS, BUT LCOG WOULD PAY THE MONEY BACK IN 15 YEARS. COUNCILMAN GREGORY ASKED IF THIS WOULD CREATE A HARDSHIP ON THE CITIZENS AND MR. FULGHUM SAID HE WAS SATISFIED WITH THE ATTORNEYS' OPINION. COUNCILMAN ETHERIDGE ASKED WHY ALL FOUR COUNTIES THAT LCOG REPRESENTS ARE NOT SHARING IN THIS ENDEAVOR. MR. BICKLEY SAID IT WAS HARD TO DEAL WITH ONE LET ALONE FOUR AND THE BUILDING IS LOCATED IN JASPER COUNTY. COUNCILMAN ETHERIDGE ASKED IF LCOG HAD THE AUTHORITY TO LEASE PROPERTY, WHY THEY DO NOT HAVE THE AUTHORITY TO GET A LOAN. COUNCILMAN ETHERIDGE ASKED ABOUT A FINANCIAL STATEMENT FROM LCOG AND MR. FULGHUM SAID THAT THE FINANCIAL STATEMENT WAS GIVEN TO THE ATTORNEYS. COUNCILMAN ETHERIDGE SAID IF THEY DEFAULT, THE BANK WILL COME BACK TO THE COUNTY IF THE COUNTY IS NAMED ON THE NOTE. MR. FLYNN SAID THE COUNTY HAS THE BORROWING ABILITY AND LCOG HAS THE STREAM OF FUNDING FOR THE PAYMENTS. CHAIRMAN HOOD SAID THIS WILL NOT AFFECT THE COUNTY'S BORROWING POWER. MR. FLYNN SAID THAT IS NOT A PROBLEM FOR THE LENDING OF THE MONEY. HOWEVER, IF THEY DEFAULT, THAT IS A CONCERN. MR. FULGHUM SAID HE WOULD PROVIDE

THE COUNCIL WITH THE REPORTS FROM THE ATTORNEYS AND MR. CANDY. CHAIRMAN HOOD OPENED THE PUBLIC HEARING. THERE WERE NO COMMENTS. CHAIRMAN HOOD CLOSED THE PUBLIC HEARING. VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION THAT THIS BE THE 2<sup>ND</sup> READING AND PUBLIC HEARING OF AN ORDINANCE FOR LOW COUNTRY COUNCIL OF GOVERNMENT FINANCING. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**RONNIE MALPHRUS – 3<sup>RD</sup> READING OF AND PUBLIC HEARING OF THE ORDINANCE TO AMEND THE 2009-2010 JASPER COUNTY BUDGET:**

MR. MALPHRUS TOLD THE COUNCIL THAT THE ORDINANCE HAS BEEN AMENDED SINCE THE LAST READING TO INCLUDE THE INTEREST ON THE \$5,000,000.00 TAX ANTICIPATION NOTE AND ALSO THE INCLUSION OF \$9,000.00 TO COVER THE COST OF THE SOFTWARE FOR INSTALLMENT TAXES FOR PROPERTY TAX. COUNCILMAN ETHERIDGE STATED THAT THE CASH CARRY FORWARD WAS CHANGED FROM \$505,753.00 TO \$180,753.00. MR. MALPHRUS SAID THAT WAS CORRECT. COUNCILMAN TYLER MOTIONED AND VICE CHAIRMAN BLACKSHEAR SECONDED THE MOTION TO APPROVE THE AMENDMENTS TO THE ORDINANCE. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR. MR. MALPHRUS SAID THAT THE FUNDING FOR INSTALLMENT TAX PAYMENT SOFTWARE WAS ADDED IN, BUT IF THE INSTALLMENT PAYMENTS ARE NOT APPROVED, IT WOULD NOT BE SPENT. COUNCILMAN GREGORY MOTIONED AND VICE CHAIRMAN BLACKSHEAR SECONDED THE MOTION THAT THIS BE THE 3<sup>RD</sup> READING OF AND PUBLIC HEARING OF THE ORDINANCE TO AMEND THE 2009-2010 JASPER COUNTY BUDGET. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**CHAIRMAN HOOD- 1<sup>ST</sup> READING OF AN ORDINANCE TO CREATE ARTICLE III OF CHAPTER 26 OF CODE OF ORDINANCES OF SOUTH CAROLINA RELATED TO PROPERTY TAXES AND SECTION 26-45 AS A PART OF ARTICLE III RELATED TO INSTALLMENT PAYMENT OF PROPERTY TAXES (BY TITLE ONLY):**

CHAIRMAN HOOD EXPLAINED THAT IN ORDER TO MEET THE MANDATE FOR INSTALLMENT PAYMENTS FOR PROPERTY TAX, THE COUNCIL NEEDED TO MOVE AHEAD WITH THE FIRST READING OF THE ORDINANCE. VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION THAT THIS BE THE 1<sup>ST</sup> READING OF AN ORDINANCE TO CREATE ARTICLE III OF CHAPTER 26 OF CODE OF ORDINANCES OF SOUTH CAROLINA RELATED TO PROPERTY TAXES AND SECTION 26-45 AS A PART OF ARTICLE III RELATED TO INSTALLMENT PAYMENT OF PROPERTY TAXES (BY TITLE ONLY). THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**RESOLUTIONS:**

THERE WERE NO RESOLUTIONS.

**OLD BUSINESS:**

**ANDREW FULGHUM – CLOSE OUT OF JASPER COUNTY GOVERNMENT BUILDING AND APPROVAL OF LIQUIDATED DAMAGES:**

MR. FULGHUM SAID THAT THE COUNCIL HAS BEEN OVER THIS ISSUE A FEW TIMES AND THE FINAL CHANGE ORDERS WERE APPROVED AND THE ITEMS HAVE BEEN FIXED. MR. FULGHUM SAID THAT THE COUNTY WAS RETAINING THE FINAL PAYMENT TO THE CONTRACTOR UNTIL EVERYTHING IS HANDLED. MR. FULGHUM TOLD THE COUNCIL THAT THEY NEEDED TO VOTE TO CLOSE OUT THE CONTRACT, AND HE WAS RECOMMENDING THAT THEY APPROVE \$8,500.00 FOR LIQUIDATED DAMAGES. COUNCILMAN GREGORY ASKED WHAT THE \$8,500.00 WILL BE SPENT ON AND MR. MALPHRUS SAID IT WOULD BE DEDUCTED FROM THE FINAL PAYMENT TO THE CONTRACTOR. COUNCILMAN GREGORY SAID IT SHOULD SHOW AS \$8,500.00 THAT WAS NOT SPENT. MR. MALPHRUS SAID THAT WHEN THEY DO THE PERMANENT FINANCING, IF THE MONEY IS NOT NEEDED, THE PERMANENT FINANCING WILL BE REDUCED BY \$8,500.00. COUNCILMAN GREGORY MOTIONED AND VICE CHAIRMAN BLACKSHEAR SECONDED THE MOTION TO APPROVE THE FINAL CLOSE OUT AND APPROVE LIQUIDATED DAMAGES IN THE AMOUNT OF \$8,500.00. THE \$8,500.00 IS TO BE DEDUCTED FROM THE FINAL PAYMENT TO THE CONTRACTOR. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**NEW BUSINESS:**

**JAMIE WOODS-APPROVAL OF NOMINATION TO THE LOW COUNTRY WORK FORCE INVESTMENT BOARD:**

MR. WOODS ASKED THE COUNCIL TO APPROVE THE NOMINATION OF GEORGE SANCHER TO THE LOW COUNTRY WORK FORCE INVESTMENT BOARD. COUNCILMAN GREGORY MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO APPROVE THE NOMINATION OF GEORGE SANCHER TO THE LOWCOUNTRY WORKFORCE INVESTMENT BOARD. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**RONNIE MALPHRUS-PRESENTATION OF SMITH DATA CONTRACT FOR INSTALLMENT TAX PAYMENTS:**

MR. MALPHRUS PRESENTED COUNCIL THE INFORMATION REGARDING THE SMITH DATE CONTRACT FOR INSTALLMENT PAYMENT OF PROPERTY TAX. THE AMOUNT OF THE CONTRACT IS \$8,560.00 FOR A BASIC PROGRAM AND OTHER ITEMS CAN BE ADDED LATER. VICE CHAIRMAN BLACKSHEAR ASKED IF MR. MALPHRUS TRIED TO NEGOTIATE THE PRICE AND MR. MALPHRUS SAID HE DID NOT. VICE CHAIRMAN BLACKSHEAR SAID SINCE THE COUNTY IS THE FIRST ONE TO HAVE THIS DONE, HE FELT THE PRICE SHOULD BE DISCOUNTED TO \$5,000.00. MR. MALPHRUS SAID THAT HE WOULD TRY AND NEGOTIATE THE PRICE, BUT HE THOUGHT THE MAIN CONCERN WAS TO GET IT DONE BY JANUARY. COUNCILMAN GREGORY ASKED IF ANY OTHER COMPANY WAS CONTACTED AND MR. MALPHRUS SAID HE DID CONTACT ANOTHER COMPANY AND THEIR PRICE WAS \$170,000.00 FOR A NEW SYSTEM THAT INCLUDED THE AUDITOR, TREASURER AND DELINQUENT

TAX COLLECTOR. VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION TO APPROVE THE SMITH DATA CONTRACT IN THE AMOUNT OF \$8,560.00 AND THAT FUNDING WOULD COME FROM A BUDGET AMENDMENT. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**ANDREW FULGHUM – APPROVAL OF MOU WITH YEMASSEE REGIONAL PLANNING:**

MR. FULGHUM EXPLAINED THAT MANY JURISDICTIONS MAKE UP THE YEMASSEE AREA AND THERE IS VERY LITTLE COMMUNICATION AND THAT THERE WAS A NEED FOR A REGIONAL PLAN FOR THE AREA. MR. FULGHUM REQUESTED THAT THE COUNCIL APPROVE THE MOU AND APPOINT DAVID JIROUSEK AS THE COUNTY'S REPRESENTATIVE. VICE CHAIRMAN BLACK - SHEAR MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO APPROVE THE MOU AND TO APPOINT DAVID JIROUSEK AS THE COUNTY'S REPRESENTATIVE. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**COMMITTEE REPORTS:**

**CHAIRMAN HOOD – UPDATE ON RIVERS HILL COMMUNITY REQUEST TO SCDOT:**

CHAIRMAN HOOD DISCUSSED A LETTER HE RECEIVED FROM SCDOT CONCERNING THE RIVERSHILL COMMUNITY. CHAIRMAN HOOD SAID THAT THE STATE WOULD SEE WHAT THEY COULD DO IF THE COUNCIL WENT ON THE RECORD THAT THEY SUPPORT THE REQUEST. MR. FULGHUM SAID THAT SCDOT AND PW WENT TO THE AREA AND DID SOME TRIMMING AND CLEANED SOME DITCHES AND THAT A REQUEST WAS SUBMITTED TO THE STATE FOR LIGHTING. CHAIRMAN HOOD SAID THAT THE COUNTY WOULD NOT OBJECT IF THE STATE USED THEIR FUNDS AND THAT THE STATE WOULD BE RESPONSIBLE FOR THE LIGHTING EXPENSES. COUNCILMAN GREGORY COMMENTED THAT THEY WILL GO TO THE TRANSPORTATION COMMITTEE FOR FUNDING AND HE WAS CONCERNED THAT THE REQUEST MAY INTERFERE WITH THE COUNTY'S PROJECTS. VICE CHAIRMAN BLACKSHEAR SAID THAT COUNTY FUNDS OR C-FUNDS SHOULD NOT BE USED.

**CHAIRMAN HOOD – JASPER COUNTY DELINQUENT TAX SALE, JASPER COUNTY GOVERNMENT BUILDING, COUNCIL CHAMBERS NOV. 2, 2009 AT 10:00 A.M.**

CHAIRMAN HOOD ANNOUNCED THAT THE DELINQUENT TAX SALE WILL BE HELD ON NOVEMBER 2, 2009 AT 10:00 A.M. AND NO DELINQUEST TAXES WILL BE ACCEPTED AFTER OCTOBER 30, 2009 AT 5:00 P.M.

**ADMINISTRATOR'S REPORTS:**

MR. FULGHUM SAID HE WILL BE PRESENTING THE ENGINEERING COMMITTEE WITH A RECOMMENDATION HAS TO HOW TO PROCEED WITH DRIGGERS LANE AND OTHER PRIVATE ROADS IN THE COUNTY.

MR. FULGHUM SAID HE ATTENDED A CONFERENCE IN CHARLOTTE IN SEPTEMBER ABOUT THE SHIPPING INDUSTRY.

MR. FULGHUM SAID THAT HE WAS OVERDUE WITH STAFF WORK PLAN, AND HE ASKED THAT THE COUNCIL START WORKING ON THE 2010-2011 BUDGET AND HE WAS WORKING ON AN AGENDA OF REGULAR, SHORT AND PRODUCTIVE MEETINGS.

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

KATHY HIGHTOWER INFORMED THE COUNCIL THAT OCTOBER IS BREAST CANCER AWARENESS MONTH.

ARTHUR MILTON, REPRESENTING RICHARD ROWAN, TOLD THE COUNCIL THAT MR. ROWAN WOULD LIKE TO DO A DEVELOPMENT AGREEMENT WITH JASPER COUNTY. CHAIRMAN HOOD SAID THAT HE COULD NOT READ MR. ROWAN'S WRITING REGARDING THE REQUEST AND THAT THE MATTER HAS BEEN TURNED OVER TO THE ADMINISTRATION. CHAIRMAN HOOD TOLD MR. MILTON THAT DEVELOPMENT AGREEMENTS GO TO THE PLANNING DEPARTMENT AND AT THE COMMUNITY MEETING IN BELLINGER HILL, MR. ROWAN WITHDREW HIS APPLICATION. MR. MILTON SAID THAT MR. ROWAN WOULD LIKE TO DO A DEVELOPMENT AGREEMENT WITH JASPER COUNTY. ANDREA MALLOY, REPRESENTING THE COASTAL CONSERVATION LEAGUE, THANKED THE COUNCIL FOR AGREEING TO THE MOU FOR REGIONAL PLANNING IN YEMASSEE. MS. MALLOY TOLD THE COUNCIL SHE WAS CONCERNED THE RIPARIAN BUFFER ORDINANCE AND THAT ALL OF BEAUFORT COUNTY'S WATERWAYS ARE IMPAIRED. MS. MALLOY DISCUSSED PERVIOUS SURFACES AND HOW THEY AFFECT THE FISH AND OYSTERS.

**ADJOURN:**

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

THE MEETING ENDED AT 8:30 P.M.

RESPECTFULLY SUBMITTED BY:

APPROVED BY:

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JUDITH M. FRANK, CCC  
CLERK TO COUNCIL

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DR. GEORGE M. HOOD  
CHAIRMAN