



**JASPER COUNTY COUNCIL  
J.C. GOVERNMENT BLDG.  
COUNCIL CHAMBERS  
DEC. 2, 2014  
MINUTES**

**5:30 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, 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 5:30 p.m.

**EXECUTIVE SESSION** – Councilman Sauls motioned and Council Drayton seconded the motion to go into executive session for the discussion of negotiations incident to proposed contract arrangements and proposed purchase or sale of property, receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim –Jasper Ocean Terminal, solid waste disposal services, Ridgeland Airport, property at Cypress Ridge Business Industrial Park and the discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other business in the area served by a public body - project update. The motion carried with all members present voting in favor.

**DINNER BREAK**

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

Chairman Etheridge announced that no action was necessary as a result of executive session.

**7:00 P.M.**

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

**STAFF PRESENT:** Administrator Andrew Fulghum, Clerk to Council Judith Frank, Attorney Marvin Jones, Planning and Zoning Coordinator Lisa Lamb, Director of Engineering Services, Dep. Director of EMS Rusty Wells

**STAFF ABSENT:** Director of Administrative Services Ronnie Malphrus, Director of Planning 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.

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

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

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

**APPROVAL OF THE AGENDA** - Vice Chairwoman Clark motioned and Councilman Johnson seconded the motion to remove the presentations by Volunteers in Medicine and the presentation to Ava Cromer approve the agenda. The motion carried with all members present voting in favor.

**APPROVAL OF THE MINUTES** – Councilman Drayton motioned and Councilman Sauls seconded the motion to approve the minutes of the 11/04/2013. The motion carried with all members present voting in favor.

**PROCLAMATIONS AND PRESENTATIONS - PRESENTATION TO DALLAS LASSITER AND BILL STANLEY** – Councilman Sauls presented a plaque of appreciation to Dallas Youngblood for her work as Chairman of the Gopher Hill Festival. Councilman Sauls also presented a plaque of appreciation to William Stanley for his work as Chairman of the Catfish Festival.

#### **ORDINANCES**

**ANDREW FULGHUM –2<sup>nd</sup> READING AND PUBLIC HEARING FOR AN ORDINANCE GRANTING A COUNTY EASEMENT FOR AN AIRPORT ROAD PROPERTY** - Mr. Fulghum explained that MCAS Beaufort owned the property and needed an easement to the property Mr. Fulghum said it would be a non-exclusive agreement to give the owners access to their property. Mr. Fulghum said the ordinance authorizes the Chairman and the Administrator to execute the documents. Chairman Etheridge opened the public hearing; there were no comments; Chairman Etheridge closed the public hearing. Vice Chairwoman Clark motioned and Councilman Sauls seconded the motion that this be the 2<sup>nd</sup> reading and public hearing for an ordinance granting a county easement for an airport road property. The motion carried with all members present voting in favor.

**ANDREW FULGHUM – 2<sup>nd</sup> READING AND PUBLIC HEARING FOR AN ORDINANCE TO BAN TEXTING WHILE DRIVING** – Mr. Fulghum explained that the ordinance was prepared at the request of the Council and that when approved the ordinance would be part of the County’s Code. Chairman Etheridge opened the public hearing. **Robert Lewis** said he was in favor of the ordinance and asked how it would be enforced. Chairman Etheridge said that law enforcement will make the judgment. Being no further comments, Chairman Etheridge closed the floor to the public. Vice Chairwoman Clark motioned and

Councilman Drayton seconded the motion that this be the 2<sup>nd</sup> reading public hearing for an ordinance to ban texting while driving. The motion carried with all members present voting in favor.

**WILBUR DALEY – 3<sup>rd</sup> READING AND PUBLIC HEARING FOR THE ORDINANCE REGARDING EMS FEES –** Rusty Wells reviewed the details of the ordinance and explained the types of charges for the various incidents. Mr. Wells told the Council that a fee schedule has been established and it is part of the ordinance. Mr. Wells said that any County taxpayer without insurance to cover the fees would be excused from paying the fees. Chairman Etheridge opened the public hearing; there were no comments; Chairman Etheridge closed the public hearing. Councilman Drayton motioned and Councilman Johnson seconded the motion that this be the 3<sup>rd</sup> reading and public hearing for the ordinance regarding EMS fees. The motion carried with all members present voting in favor.

**MARVIN JONES – 1<sup>ST</sup> READING OF THE ORDINANCE TO AMEND THE JASPER COUNTY ORDINANCE 2010-21 ADOPTING THE HOME DETENTION PROGRAM –** Mr. Jones explained that this ordinance will amend ordinance 2011-21 and this ordinance is in compliance with state law and orders of the Court. Granting or denial of Home Detention Program (HDP) shall not create a private cause of action by or on behalf of any detainee or any other person or entity. Councilman Johnson motioned and Vice Chairwoman Clark seconded the motion that this be the 1<sup>st</sup> reading of the ordinance to amend the Jasper County Ordinance 2010-21 adopting the home detention program. The motion carried with all members present voting in favor.

**LISA LAMB – 1<sup>ST</sup> READING OF AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF JASPER COUNTY SO AS TO TRANSFER A PROPERTY BEARING JASPER COUNTY TAX MAP NUMBER 080-00-03-021 LOCATED ON GREEN ACRES ROAD FROM THE RESIDENTIAL ZONE TO THE GENERAL COMMERCIAL ZONE ON THE JASPER COUNTY OFFICIAL ZONING MAP-** Ms. Lamb explained that the request was from Debbie Dennis so that they could expand an existing business. Ms. Lamb said it was reviewed by the Planning Commission and it is compatible with the surrounding properties. Ms. Lamb said the owners 080-00-03-022 spoke at the Planning Commission meeting and they have no objections. Councilman Drayton motioned and Councilman Sauls seconded the motion that this be the 1st reading of an ordinance to amend the official zoning map of Jasper County so as to transfer a property bearing Jasper County tax map number 080-00-03-021 located on Green Acres Road from the residential zone to the general commercial zone on the Jasper County official zoning map. The motion carried with all members present voting in favor.

**LISA LAMB - 3<sup>RD</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 –** Ms. Lamb told the Council there were no changes to the ordinance since the last reading. The Council provided a list of questions and these questions were addressed by the applicant and the applicant was present to answer any questions. Councilman Drayton motioned and Councilman Sauls seconded the motion to approve the ordinance. Councilman Johnson said the applicant is still Ms. Rigg and he asked if she would be willing to sign and make the

questions and answers part of the Master Plan and PDD. Freddy Archilazamora asked for what purpose did the Council want them to be part of the Master Plan and PDD. Councilman Johnson responded that there are issues that were addressed that were ambiguous in the master plan and these questions and answers will make sure everyone is thinking the same. Mr. Archilazamora said it would be proof and Councilman Johnson said it was to be included so that everyone will be thinking the same. Mr. Johnson asked for the questions and answers to be signed and returned to Ms. Lamb and made part of the Master Plan and PDD. Ms. Rigg agreed to sign the questions and answers as presented and that they will become part of the Master Plan and the PDD. Councilman Drayton rescinded his motion and Councilman Sauls rescinded his second. Councilman Johnson motioned and Councilman Drayton seconded to amend the Master Plan and PDD to have the questions and answers be signed by the applicant (Ms. Rigg) and the questions and answers are to be made part of the Master Plan and PDD. The motion carried with all members present voting in favor. Councilman Drayton motioned and Councilman Johnson seconded the motion to remove affordable housing from the documents. The motion carried with all members present voting in favor. Councilman Johnson motioned and Vice Chairwoman Clark seconded the motion to approve the ordinance subject to the two amendments. Jesse Acosta told the Council he was a member of the board and they are a 501(3) C to take care of the warriors where the government has failed. Mr. Acosta said the hypobaric chambers are being purchased to heal the warriors and the Nation has donated to make this happen. Mr. Acosta said he was a poly trauma victim and he lost sight in both eyes. Mr. Acosta said he represented the Independence Fund and they will provide services to heal the wounded warriors. Councilman Sauls asked how long they were in existence and Mr. Acosta responded 7 years. Councilman Sauls said that Mr. Acosta said they would be healing the wounded warriors and he asked if they would be rehabilitating them also. Mr. Acosta said it would be a treatment center. Councilman Sauls asked if there would be medical doctors on the staff and Mr. Acosta said there would be medical doctors and they would train others to do the same treatments. Mr. Acosta said they would be open 24 hours a day, 7 days a week. Councilman Sauls asked if the treatment and services were permitted and Mr. Acosta said they were. Councilman Sauls asked where the other facilities owned by the Independence Fund were located. Mr. Acosta said they do not have any other facilities and currently two individuals are being treated on Hilton Head, but currently they were purchasing the equipment to provide these treatments. Vice Chairman Clark said that in 2012 the Independence Fund declared \$52,000 on their tax return and she asked where the income stood at this time. Mr. Acosta said due to the support from Mr. O' Riley and Mr. Waters there is now about \$14,000,000 and climbing. Mr. Acosta said they will also be treating drug addiction. Councilman Sauls said what was presented to the Council and how it was perceived by the Council was that it was to support the veterans, but he wanted to make sure that the veterans and wounded warriors are going to be taken care of and that the Council wanted to make sure that what was developed is for the veterans and wounded warriors. Councilman Sauls said that he didn't want the sympathy card to be played and then everything changes down the road. Councilman Sauls said that he was skeptical and wanted to make sure that everything presented tonight was going to be done and not changed. Councilman Sauls said he respected and thanked Mr. Acosta for his service. Councilman Sauls said he would be more comfortable with this if he had some proof or guarantee regarding the \$14,000,000. Councilman Sauls said he was not sold on the project. Councilman Sauls said he thought it was a great concept, but they don't have the experience. Mr.

Acosta told Councilman Sauls he was blind and could not read his name and said he would like to have his name. Councilman Sauls responded that he was Marty Sauls and Mr. Acosta said he would remember that name. Mr. Acosta told Councilman Sauls that if he was not sold on the project now, nothing will. Mr. Acosta said they do not have a facility yet and he was not here to sell snake oil, but to present the facts. Mr. Acosta said they have no overhead, no offices and all the money goes back to the veterans. Mr. Acosta said that all the Board Members are combat veterans and they uphold the Constitution of the United States. Chairman Etheridge asked if there were other facilities like this and Mr. Acosta said there were not. Mr. Acosta said there were resorts, but they do not provide treatment. Mr. Acosta said there were private facilities and the VA, which may do it. Mr. Acosta said the Independence Fund did research and no one offers what they do and no one receives a salary. Chairman Etheridge asked if they only serve the United States Military and Mr. Acosta said that anyone who falls under terrorism would qualify if they are a reservist in the National Guard. Chairman Etheridge asked if the Independence Center which will be located on the 64 acres at Palm Key, and would it be owned by the Independence Fund. Chairman Etheridge asked if the 2 cottages and additional lots purchased would be owned by the Independence Fund and Mr. Acosta said they would. Mr. Acosta said they would not own any additional property other than the land in the PDD and 2 cottages and 10 additional lots. Chairman Etheridge asked if they had local contractors line up. Mr. Acosta said they have the contractors and Home Depot will donate equipment. Chairman Etheridge asked if they were using local contractors and Mr. Acosta said they were. Mr. Acosta said they will do whatever it takes to serve the veterans. Chairman Etheridge asked if they will start as soon as possible and did they understand that there was a total 6,000 sq. ft. in community commercial in the entire PDD. Mr. Archilazamora said that is correct. Chairman Etheridge said that if they were purchasing the property in phases or all 5 phases at one time and did they understand that they would have to come back for approval of any changes. Mr. Acosta said he would personally come back himself if there were any changes. Vice Chairwoman Clark said that originally the Council was told that this was being done so the soldiers could come and relax and now it has turned into a treatment center. Mr. Acosta said they have been coming to Palm Key for 4 years to have a retreat and what was offered was healing and those cottages would be used for annual events and treatment and nothing has changed. Councilman Sauls asked if any of the existing owners were against this development and Mr. Acosta responded that no one spoke to him. Councilman Sauls asked who was the local contractor and Ms. Rigg said John Tilton has built the majority of the units in the past, but there is no contract and that is the next step after the PDD is approved. Councilman Sauls asked if a real estate agency is involved and Ms. Rigg said her husband is the broker in charge of the property transfer. Councilman Sauls asked who benefits from the sale of the property and Ms. Rigg said the property owner, Marsh Island Development and they will negotiate with the bank and mortgage company. The 5 phases of development were explained as Phase I is the hydroponic clinic on the property owned within the PDD; Phase II is short term housing and some development of the 6,000 sq. ft. of commercial; Phase III is a duplication of Phase II; Phase IV develop areas for families; Phase V is resort side for wounded warriors not comfortable going in to the public. Phase I will include 2,500 sq. ft. of the commercial for the hydroponic clinic where they hope to have 10 chambers. Councilman Sauls asked if once the purchase is made, did they plan on paying property taxes. Ms. Rigg said the state will decide that and they spoke with Susan Waite regarding the taxes. Councilman Sauls said he was concerned about the property taxes and asked if they planned on applying

for the exemption. Mr. Acosta said it would be up to the State, and they will be applying for the exemption. Councilman Johnson commented on Dr. Stevens and his treatments. Councilman Drayton said that he supported the project, but he was taken aback since this is the first time he heard about it being a treatment clinic. Councilman Drayton asked why the Council was not told this before. Councilman Drayton said a treatment center is not a place where you go to relax and they needed to provide clear information and lay it all out so the Council knows what they are asking for. Ms. Rigg said that this has been discussed with Mr. Edge and they have called it a Wellness Center since the beginning. Councilman Drayton said they needed to tell the Council and he never knew anything about it until tonight. Councilman Drayton said this is the type of thing that has caused all the confusion and each time they appear before Council something different is presented. Ms. Rigg said that she has the layout plan and it was up to staff to tell them what can be done. Ms. Rigg said the staff has known from the beginning what was planned. Chairman Etheridge said that the County will have to provide services to the center and taxes are a big concern. Chairman Etheridge asked if they were going to build their own fire station and Mr. Acosta said they can do it all themselves. The motion carried with all members present voting in favor.

#### **RESOLUTIONS – None**

#### **OLD BUSINESS- None**

#### **NEW BUSINESS**

**DALE TERRY – APPROVAL OF BIDS FOR ROCK FOR ROADS-** Mr. Terry requested that the Council approve the low bid from Murray Sand Company in the amount of \$30.40 per ton. Mr. Terry explained that the low bidder withdrew his bid. Vice Chairwoman Clark motioned and Councilman Sauls seconded the motion to approve the bid from Murray Sand Company in the amount of \$30.40 per ton for rocks for the County roads. The motion carried with all members present voting in favor.

**WILBUR DALEY – APPROVAL OF EXPENDITURES FROM 911 FEES –** Rusty Wells provided the information and said that three projects were being presented. Mr. Wells said everything would be paid for from the 911 fees. Mr. Wells said the power supply in the server room, GIS server upgrade and an audio recording system for the 911 Communication Center were the three projects. Mr. Wells said the total cost is \$65,504 and \$44,552 will be reimbursed from the 911 fees. Councilman Drayton motioned and Councilman Johnson seconded the motion to approve the expenditures discussed and they are to be paid for from the 911 fees. The motion carried with all members present voting in favor.

**ANDREW FULGHUM – APPOINTMENT TO THE LOWCOUNTRY WORKFORCE INVESTMENT BOARD –** Mr. Fulghum told the Council that Mr. Julian Carbahal from Be Green Packaging was recommended and he is willing to serve. Councilman Sauls motioned and Vice Chairwoman Clark seconded the motion to appoint Mr. Julian Carbahal from Be Green Packaging to the Lowcountry Workforce Investment Board. The motion carried with all members present voting in favor.

**DALE TERRY – APPROVAL OF BIDS FOR ROOF FOR THE MAGISTRATE’S OFFICE AT THE CORNER OF GREEN STREET AND ADAMS STREET** – Mr. Terry requested that this job be rebid since only one bid was received. Vice Chairwoman Clark motioned and Councilman Sauls seconded the motion to have the roof for the Magistrate’s Office at the corner of Green St. and Adams Street rebid. The motion carried with Chairman Etheridge, Vice Chairwoman Clark, Councilman Sauls and Councilman Drayton voting in favor. Councilman Johnson abstained.

**DALE TERRY – APPROVAL OF BIDS FOR SELF CONTAINED PACKERS** - Mr. Terry requested approval from Bakers Waste in the amount of \$34,242.48. Bakers Waste was the low bidder. Councilman Johnson motioned and Vice Chairwoman Clark seconded the motion to approve the bid from Bakers Waste in the amount of \$34,242.48. The motion carried with all members present voting in favor.

**COMMITTEE REPORTS – Councilman Drayton** discussed the meetings he attended including a meeting about the Port in Charleston, the Intergovernmental Committee. Councilman Drayton said he met with Ms. O’Bannon regarding the CBDG grant for Tarboro and he said they want to resubmit since it was not approved. **Councilman Johnson** reported on the meetings he attended including the Port meeting. **Vice Chairwoman Clark** said she attended the Port meeting, the Southern Carolina Alliance Meeting and the ribbon cutting for the new hardware store in Hardeeville. Vice Chairwoman Clark said she met with the Volunteers in Medicine Director, and she also discussed a CBDG grant for a new roof for the Levy Limehouse Community Center. **Councilman Sauls** updated the public on the events sponsored by the Chamber of Commerce. Councilman Sauls said he attended the ribbon cutting for the new Grayco store, the Southern Carolina Alliance meeting, and that he would be attending the Christmas Parades in Ridgeland and Hardeeville and the Boys and Girls Club Snow Event. **Chairman Etheridge** reported that he attended the Port meeting, and he completed the last class in a series of classes he has been taking on Economic Development. Chairman Etheridge said he also attended the Southern Carolina Alliance Event, the Intergovernmental Government Committee meeting, and he and Councilman Drayton would be attending a Legislative meeting in Charleston.

**ADMINISTRATOR’S REPORT** – Mr. Fulghum reported that the EMS received a grant in the amount of \$13,200 for lighting behind the EMS Building. Mr. Fulghum informed the Council that the County received a refund of \$67,000 from Workers Compensation. Mr. Fulghum told the Council that the Ridgeland Airport Safety Inspection noted a few small items and they are being worked on to rectify them. Mr. Fulghum said there are currently 55 inmates at the Detention Center.

**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** commented that he was very disappointed by the incident that took place at the meeting earlier. Chairman Etheridge said he was not blaming anyone, and that he had a lot of respect for some of the individuals involved and he hoped that it would not happen again. Chairman Etheridge said the Council meeting is not the time or the place for that type of thing to happen. Chairman Etheridge opened the floor to the public. **LeRoy Dinkins** told the Council that he had 89 signatures that agreed that it took EMS 15 minutes and 25 minutes to respond to the ball

field. Mr. Dinkins said the Chief is refusing to admit this. Mr. Dinkins asked the Council get a copy of the official run sheet from 10/05/2013 and the recorded calls from 3:00 p.m. to 8:00 p.m. Mr. Dinkins asked the Council to let him know that the times he reported were correct. Mr. Dinkins said he would like a response from the Council concerning this matter. **Mr. Archilazamora** and **Mr. Gabbard** thanked the Council for approved the PDD and DA at Palm Key. **Linda Davenport** provided the Council with information regarding taxes in Texas and California. Ms. Davenport said one state is thriving and one state is broke due to out of control spending. Ms. Davenport said a budget of \$13,000,000- \$15,000,000 can be accomplished for this County by having the employees share the cost of insurance 50/50, cutting out all overtime and travel and training and put a freeze on hiring. Ms. Davenport said more businesses would move to Jasper County if they did this. Being no further comments, Chairman Etheridge closed the floor to the public.

**ADJOURN - Vice Chairwoman Clark motioned and Councilman Sauls seconded the motion to adjourn the meeting. 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