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**JASPER COUNTY COUNCIL  
COUNCIL CHAMBERS  
358 THIRD AVE., RIDGELAND, SC 29936  
DECEMBER 6, 2010, 4:00 P.M.  
MINUTES**

**OFFICIALS PRESENT** - GEORGE HOOD-CHAIRMAN, LEROY BLACKSHEAR-VICE CHAIRMAN, HENRY ETHERIDGE-COUNCILMAN, REV. SAMUEL GREGORY-COUNCILMAN, HUBERT TYLER-COUNCILMAN

**STAFF PRESENT**-ANDREW FULGHUM-ADMINISTRATOR, RONNIE MALPHRUS DIRECTOR OF ADMINISTRATIVE SERVICES, WILBUR DALEY-DIRECTOR OF EMS, DALE TERRY-DIRECTOR OF ENGINEERING SERVICES, JUDITH FRANK-CLERK TO COUNCIL, SHERIFF JENKINS, MARVIN JONES - ATTORNEY, DAVID JIROUSEK- BUILDING AND PLANNING DIRECTOR, CHRISTY HERMAN-SPECIAL PROJECTS COORDINATOR

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 4:00 P.M.

**PLEDGE OF ALLEGIANCE** - CHAIRMAN HOOD LED THE PLEDGE OF ALLEGIANCE.

**INVOCATION** - VICE CHAIRMAN BLACKSHEAR GAVE THE INVOCATION.

**APPROVAL OF THE MINUTES** - VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION TO APPROVE THE MINUTES FROM THE 11/015/2010 MEETING, THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**PROCLAMATIONS AND PRESENTATION** - THERE WERE NO PROCLAMATIONS OR PRESENTATIONS.

**PUBLIC HEARINGS - THERE WERE NO PUBLIC HEARINGS.**

**ORDINANCES**

**ANDREW FULGHUM – 3<sup>RD</sup> READING OF AN ORDINANCE PROVIDING FOR (I) A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT (“INCENTIVE AGREEMENT”) TO BE ENTERED INTO BETWEEN THE COUNTY AND SLF III-HARDEEVILLE, LLC, ACTING FOR ITSELF, ITS SUCCESSORS, ASSIGNEES, OR TRANSFEREES, ANY AFFILIATES AND OTHER PROPERTY SPONSORS (THE “COMPANY”), WITH RESPECT TO ESTABLISHING AN INDUSTRIAL/BUSINESS ENTERPRISE CONSISTING OF THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF A MIXED USE PROPERTY (“RIVERPORT”), PURSUANT TO WHICH INCENTIVE AGREEMENT THE COUNTY SHALL ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO RIVERPORT; (II) SPECIAL SOURCE CREDITS AS REIMBURSEMENT FOR A PORTION OF CERTAIN COSTS INCURRED IN CONNECTION WITH RIVERPORT; (III) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK TO BE MADE AVAILABLE WITH RESPECT TO RIVERPORT; AND (IV) CERTAIN OTHER MATTERS RELATED THERETO**

**3<sup>RD</sup> READING OF AN ORDINANCE ESTABLISHING A MULTI-COUNTY INDUSTRIAL/ BUSINESS PARK, TO BE KNOWN AS THE RIVERPORT MULTI-COUNTY PARK, IN CONJUNCTION WITH HAMPTON COUNTY, SOUTH CAROLINA, SUCH PARK TO BE GEOGRAPHICALLY LOCATED IN JASPER COUNTY, SOUTH CAROLINA; TO PROVIDE FOR A WRITTEN AGREEMENT WITH HAMPTON COUNTY AS TO THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; TO PROVIDE FOR THE DISTRIBUTION OF REVENUES FROM THE PARK AMONG TAXING ENTITIES HAVING JURISDICTION OVER THE PARK; TO PROVIDE FOR A FEE IN LIEU OF *AD VALOREM* TAXATION; AND OTHER MATTERS RELATED THERETO**

MR. FULGHUM EXPLAINED THAT BOTH ORDINANCES DEALT WITH THE RIVERPORT PROJECT. MR. FULGHUM STATED THAT THE PUBLIC HEARINGS HAVE BEEN HELD. MR. FULGHUM SAID THE COUNCIL RECEIVED UPDATED REDLINED COPIES OF THE ORDINANCES THAT SHOWED ANY CHANGES THAT HAVE BEEN MADE. MR. FULGHUM REMINDED THE COUNCIL THAT A MOTION WOULD BE NEEDED TO APPROVE THE CHANGES IN EACH ORDINANCE AND A MOTION TO APPROVE EACH ORDINANCE WOULD BE NEEDED. COUNCILMAN ETHERIDGE ASKED ABOUT REVENUE AND NON REVENUE INCENTIVE PROPERTY. CHAIRMAN HOOD ASKED FOR A CLARIFICATION OF THE THREE COLORS USED TO THE CHANGES. MR. JONES EXPLAINED THAT THE RED LETTERING WAS FOR ITEMS THAT WERE OMITTED, THE BLUE LETTERING WAS FOR INSERTED LANGUAGE AND THE GREEN LETTERING WAS FOR LANGUAGE THAT WAS MOVED AND PLACED IN OTHER PLACE IN THE DOCUMENTS. MR. JONES SAID THAT A CHANGE WAS MADE REGARDING NON INCENTIVE PROPERTY TO ACCOUNT FOR THE

PERSONAL PROPERTY THAT THE TAX ON THIS TYPE OF PROPERTY IS NOT SPLIT WITH HAMPTON COUNTY. MR. BULLWINKLE SAID THE NON INCENTIVE PROPERTY INCLUDES RESIDENTIAL, BOATS, CARS AND OTHER PERSONAL PROPERTY. COUNCILMAN ETHERIDGE ASKED IF HAMPTON COUNTY WAS AWARE OF THE CHANGE AND MR. BULLWINKLE SAID HAMPTON COUNTY HAS THE ORDINANCE AND GENERALLY THROUGH OUT THE STATE THIS IS HOW IT IS HANDLED. MR. BULLWINKLE SAID HE STILL HAD TO REVIEW THIS WITH HAMPTON COUNTY. CHAIRMAN HOOD ASKED WHAT WERE SPECIAL SOURCE CREDITS AND MR. BULLWINKLE EXPLAINED THAT WOULD BE THE TAXES THAT WOULD BE CREDITED BACK FOR ELIGIBLE IMPROVEMENTS. MR. BULLWINKLE SAID THE \$45,000 IN PLACE OF THE DOLLAR SIGN WAS TO COVER EXPENSES INCURRED BY THE COUNTY AND HARDEEVILLE TO APPROVE THE DOCUMENTS. CHAIRMAN HOOD SAID NO NUMBERS WERE FILLED IN ON EXHIBIT B1 AND MR. JONES EXPLAINED THAT B1 WAS JUST A SAMPLE OF THE FORM THAT WILL BE USED. COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO APPROVE THE AMENDMENTS TO THE ORDINANCE PROVIDING FOR (I) A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT ("INCENTIVE AGREEMENT") TO BE ENTERED INTO BETWEEN THE COUNTY AND SLF III-HARDEEVILLE, LLC, ACTING FOR ITSELF, ITS SUCCESSORS, ASSIGNEES, OR TRANSFEREES, ANY AFFILIATES AND OTHER PROPERTY SPONSORS (THE "COMPANY"), WITH RESPECT TO ESTABLISHING AN INDUSTRIAL/BUSINESS ENTERPRISE CONSISTING OF THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF A MIXED USE PROPERTY ("RIVERPORT"), PURSUANT TO WHICH INCENTIVE AGREEMENT THE COUNTY SHALL ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF AD VALOREM TAXES WITH RESPECT TO RIVERPORT; (II) SPECIAL SOURCE CREDITS AS REIMBURSEMENT FOR A PORTION OF CERTAIN COSTS INCURRED IN CONNECTION WITH RIVERPORT; (III) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK TO BE MADE AVAILABLE WITH RESPECT TO RIVERPORT; AND (IV) CERTAIN OTHER MATTERS RELATED THERETO. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION TO APPROVE THE AMENDMENTS TO THE ORDINANCE AN ORDINANCE ESTABLISHING A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK, TO BE KNOWN AS THE RIVERPORT MULTI-COUNTY PARK, IN CONJUNCTION WITH HAMPTON COUNTY, SOUTH CAROLINA, SUCH PARK TO BE GEOGRAPHICALLY LOCATED IN JASPER COUNTY, SOUTH CAROLINA; TO PROVIDE FOR A WRITTEN AGREEMENT WITH HAMPTON COUNTY AS TO THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; TO PROVIDE FOR THE DISTRIBUTION OF REVENUES FROM THE PARK AMONG TAXING ENTITIES HAVING JURISDICTION OVER THE PARK; TO PROVIDE FOR A FEE IN LIEU OF AD VALOREM TAXATION; AND OTHER MATTERS RELATED THERETO. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION THAT THIS BE THE 3<sup>RD</sup> READING OF AN ORDINANCE PROVIDING FOR (I) A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT ("INCENTIVE AGREEMENT") TO BE ENTERED INTO BETWEEN THE COUNTY AND SLF III-HARDEEVILLE, LLC, ACTING FOR ITSELF, ITS SUCCESSORS, ASSIGNEES, OR TRANSFEREES, ANY AFFILIATES AND OTHER PROPERTY SPONSORS (THE "COMPANY"), WITH RESPECT TO ESTABLISHING AN INDUSTRIAL/BUSINESS ENTERPRISE CONSISTING OF THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF A MIXED USE PROPERTY ("RIVERPORT"), PURSUANT TO WHICH INCENTIVE AGREEMENT THE COUNTY SHALL ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF AD VALOREM TAXES WITH RESPECT TO RIVERPORT; (II) SPECIAL SOURCE CREDITS AS REIMBURSEMENT FOR A PORTION OF CERTAIN COSTS INCURRED IN CONNECTION WITH RIVERPORT; (III) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK TO BE MADE AVAILABLE WITH RESPECT TO RIVERPORT; AND (IV) CERTAIN OTHER MATTERS RELATED THERETO. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION THAT THIS BE THE 3<sup>RD</sup> READING OF THE ORDINANCE ESTABLISHING A MULTI-COUNTY INDUSTRIAL/ BUSINESS PARK, TO BE KNOWN AS THE RIVERPORT MULTI-COUNTY PARK, IN CONJUNCTION WITH HAMPTON COUNTY, SOUTH CAROLINA, SUCH PARK TO BE GEOGRAPHICALLY LOCATED IN JASPER COUNTY, SOUTH CAROLINA; TO PROVIDE FOR A WRITTEN AGREEMENT WITH HAMPTON COUNTY AS TO THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; TO PROVIDE FOR THE DISTRIBUTION OF REVENUES FROM THE PARK AMONG TAXING ENTITIES HAVING JURISDICTION OVER THE PARK; TO PROVIDE FOR A FEE IN LIEU OF AD VALOREM TAXATION; AND OTHER MATTERS RELATED THERETO. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**DAVID JIROUSEK -1<sup>ST</sup> READING OF AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF JASPER COUNTY SO AS TRANSFER A PROPERTY BEARING JASPER COUNTY TAX MAP NUMBER 081-00-01-0014 GENERALLY LOCATED ON SC 462 FROM THE RESIDENTIAL ZONE TO THE INDUSTRIAL DEVELOPMENT ZONE ON THE JASPER COUNTY OFFICIAL ZONING MAP** – MR. JIROUSEK EXPLAINED THAT THE PROPERTY WAS LOCATED AT 305 LOWCOUNTRY DR. (SC-462) AND THE SUBJECT PROPERTY WAS 7.15 ACRES. MR. JIROUSEK SAID THAT THE APPLICANT IS REQUESTING THAT THE ZONING BE CHANGED FROM RESIDENTIAL TO INDUSTRIAL DEVELOPMENT. MR. JIROUSEK TOLD THE COUNCIL THAT THERE IS CURRENTLY A 90,486 SQ. FT. BUILDING ON THE SITE. MR. JIROUSEK SAID THAT THE APPLICANT WAS REQUESTING THE ZONING AMENDMENT TO ENSURE THAT THE STRUCTURE CAN BE USED AS ORIGINALLY INTENDED WHEN LAWFULLY CONTSTRUCTED. MR. JIROUSEK

REVIEWED THE LOCATION, THE ADJACENT LAND USE, TRAFFIC CONDITIONS, AVAILABLE ZONING DISTRICTS AND MUNICIPAL COORDINATION AND GOVERNMENT SERVICES. MR. JIROUSEK INFORMED THE COUNCIL THAT THE PLANNING COMMISSION RECOMMENDED DENIAL OF THE REQUEST BASED ON CONCERNS THAT INDUSTRIAL DEVELOPMENT ALLOWED TOO MANY UNDESIRABLE USES. MR. JIROUSEK ADDED THAT THE STAFF RECOMMENDS APPROVAL OF THIS REQUEST AS THE AREA IS MORE APPROPRIATE FOR USES ALLOWED WITHIN INDUSTRIAL DEVELOPMENT; ECONOMIC DEVELOPMENT GOALS REQUIRE THIS ZONING TO BE IN PLACE FOR REASONABLE USE OF THE BUILDING FOR FUTURE PROSPECTS; DEVELOPMENT STANDARDS IN THE LDR WILL ENSURE QUALITY DEVELOPMENT; AND RESIDENTIAL IS NOT APPROPRIATE FOR THIS AREA BASED ON EXISTING AND PLANNED DEVELOPMENT. MR. RUSSELL PATTERSON, ATTORNEY FOR THE APPLICANT, SAID THE SITE HAS BEEN USED AS AN INDUSTRIAL SITE AND IS A NON-CONFORMING USE TO THE 2007 ZONING ORDINANCE. MR. PATTERSON SAID THE PROPERTY IS DIRECTLY NEXT DOOR TO THE LOWCOUNTRY COMMERCE PARK AND THERE WERE SEVERAL OTHER BUSINESSES IN THE AREA. MR. PATTERSON SAID ALL BUSINESS ACTIVITIES WOULD TAKE PLACE INSIDE THE BUILDING. MR. PATTERSON SAID HE WOULD GET CONSENTS SIGNED BY THE NEIGHBORING RESIDENTIAL PROPERTY OWNERS. COUNCILMAN ETHERIDGE ASKED WHEN THE BUILDING WAS BUILT. MR. PATTERSON RESPONDED THAT THE BUILDING WAS BUILT IN 2003. COUNCILMAN ETHERIDGE ASKED IF BUSINESSES WOULD NEED APPROVAL PRIOR TO MOVING INTO THE BUILDING. MR. JIROUSEK SAID THE BUSINESS WOULD BE ALLOWED TO OPERATE IF THE ZONING PERMITTED THAT TYPE OF BUSINESS. MR. PATTERSON SAID SEVERAL BUSINESSES ARE ALREADY LOCATED IN THE BUILDING. CHAIRMAN HOOD ASKED IF THE PARKING LOT WAS PAVED AND MR. PATTERSON SAID THAT IT WAS PAVED. COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION THAT THIS BE THE 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 081-00-01-0014 GENERALLY LOCATED ON SC 462 FROM THE RESIDENTIAL ZONE TO THE INDUSTRIAL DEVELOPMENT ZONE ON THE JASPER COUNTY OFFICIAL ZONING MAP. VICE CHAIRMAN BLACKSHEAR ASKED THAT THE MOTION INCLUDE THAT THE PROPERTY OWNER WOULD HAVE CONSENT FORMS SIGNED BY NEIGHBORING PROPERTY OWNERS. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR. COUNCILMAN TYLER ASKED WHO WOULD FOLLOW-UP WITH THE PROPERTY OWNERS. CHAIRMAN HOOD ASKED THAT MR. JIROUSEK MAKE THE CONTACTS. MR. FULGHUM SAID THE APPLICANT IS IN THE PROCESS OF MAKING THE CONTACTS AND MR. JIROUSEK CAN FOLLOW UP ON IT.

**DAVID JIROUSEK – 1<sup>ST</sup> READING OF AN ORDINANCE TO AMEND THE JASPER COUNTY LAND DEVELOPMENT REGULATIONS ORDINANCE, AS AMENDED, SO AS REPEAL SECTION 8.8 AND TO AMEND THE JASPER COUNTY CODE SECTION 25-121 TO 25-134 SO AS TO ENSURE**

**CONSISTENCY WITH STATE LAW AND CLEARLY STATE PROCEDURES, POLICIES, REVIEW AND APPROVAL PROCESS FOR ADDRESSING AND ROAD NAMING IN JASPER COUNTY** – MR. JIROUSEK INFORMED THE COUNCIL THAT THE PLANNING AND BUILDING STAFF AND EMS REVIEWED AND REVISED THE ROAD NAMING AND ADDRESSING ORDINANCE DUE TO THE INCONSISTANCY BETWEEN ARTICLE 8.8 OF THE LDR AND SECTION 25, ARTICLE III OF THE JASPER COUNTY CODE OF ORDINANCES. MR. JIROUSEK LISTED THE MAIN REASONS FOR THE REVISIONS AS FOLLOWS- INCONSISTANCY BETWEEN CURRENT ORDINANCES AS THEY RELATE TO THE APPROVAL AUTHORITY (STATE LAW AUTHORIZES THE PLANNING COMMISSION TO APPROVE ROAD NAMES); UNCLEAR PROCEDURAL REQUIREMENTS FOR ROAD NAMING; AND INCREASED PUBLIC NOTICE REQUIREMENTS. MR. JIROUSEK SAID THAT THE STAFF RECOMMENDS APPROVAL OF THE ORDINANCE. COUNCILMAN ETHERIDGE ASKED IF THE ADDRESSING AND ROAD NAMING HAS TO BE ADVERTISED IN THE NEWSPAPER. MR. JIROUSEK RESPONDED THAT IT IS NOT REQUIRED CURRENTLY, HOWEVER, THAT IS BEING ADDED. COUNCILMAN ETHERIDGE ASKED DID THE COUNTY HAVE TO PAY FOR THOSE NOTICES. MR. JIROUSEK SAID THEY DID AND THE NOTICES COST BETWEEN \$75-\$100. VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION THAT THIS BE THE 1<sup>ST</sup> READING OF AN ORDINANCE TO AMEND THE JASPER COUNTY LAND DEVELOPMENT REGULATIONS ORDINANCE, AS AMENDED, SO AS REPEAL SECTION 8.8 AND TO AMEND THE JASPER COUNTY CODE SECTION 25-121 TO 25-134 SO AS TO ENSURE CONSISTENCY WITH STATE LAW AND CLEARLY STATE PROCEDURES, POLICIES, REVIEW AND APPROVAL PROCESS FOR ADDRESSING AND ROAD NAMING IN JASPER COUNTY. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**ANDREW FULGHUM – 3<sup>RD</sup> READING OF THE ORDINANCE TO AMEND THE PROCUREMENT POLICY-** MR. FULGHUM EXPLAINED THAT THE ORDINANCE IS BEING PRESENTED AS CERTAIN SECTIONS OF THE CURRENT ORDINANCE NEED TO BE CHANGED TO BE COMPLAINT WITH FEDERAL AND STATE FUNDING REQUIREMENT. MR. FULGHUM DISCUSSED THE CHANGES. COUNCILMAN ETHERIDGE SAID THE ORDINANCE NEEDED TO BE PASSED, BUT HE REQUESTED THAT THE SECTION THAT AUTHORIZED THE ADMINISTRATOR TO APPROVE PROFESSIONAL SERVICES CONTRACTS BE REMOVED. COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION TO REMOVE THE SECTION OF THE ORDINANCE AUTHORIZING THE ADMINISTRATOR TO APPROVE PROFESSIONAL SERVICE CONTRACT FROM THE ORDINANCE. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR. COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION THAT THIS BE THE 3<sup>RD</sup> READING OF THE ORDINANCE TO AMEND THE PROCUREMENT POLICY WITH THE SECTION OF THE ORDINANCE THAT DEALT WITH AUTHORIZING THE ADMINISTRATOR TO APPROVE PROFESSIONAL SERVICE CONTRACTS REMOVED. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

## **RESOLUTIONS**

### **CHRISTY HERMAN – RESOLUTION DECLARING THE HOUSE LOCATED AT 335 THIRD AVE. AS SURPLUS PROPERTY-**

MS. HERMAN REQUESTED THAT THE COUNCIL DECLARE THE HOUSE AT 335 THIRD AVE. AS SURPLUS AND OF NO VALUE. MS. HERMAN REVIEWED THE HISTORY OF THE HOUSE THAT IS LOCATED ON THE PROPERTY. MS. HERMAN SAID THAT THE COUNCIL APPROVED THE SALE OF THE HOUSE FOR \$5,000.00 TWICE AND BOTH TIMES THE BUYERS DID NOT COMPLETE THE TRANSACTION DUE TO THE COST OF MOVING THE HOUSE. MS. HERMAN SAID SHE HAD AN ARTICLE IN THE PAPER REGARDING THE PROPERTY AND A PERSON STEPPED FORWARD AND SAID THEY WOULD MOVE THE HOUSE DOWN THE STREET ON DEC. 9, 2010. MS. HERMAN SAID THAT MR. POLLIN (THE 2<sup>ND</sup> INDIVIDUAL THE COUNTY AGREED TO SELL THE HOUSE TO) SAID HE WOULD AGREE TO TAKE THE HOUSE AT NO COST. MS. HERMAN SAID SHE SENT HIM A LETTER WITH A DEADLINE OF NOV. 29, 2010 AND SHE DID NOT RECEIVE A RESPONSE FROM HIM UNTIL NOV. 30, 2010. MS. HERMAN RECOMMENDED THAT THE COUNCIL PASS THE RESOLUTION AND AGREE TO ALLOW MR. D. MOSS TO REMOVE THE HOUSE. COUNCILMAN ETHERIDGE ASKED ABOUT THE ORDINANCE THAT WAS DONE TO SELL THE HOUSE. MR. JONES SAID THE PREVIOUS SALES FELL THROUGH SO THERE WAS NO CONTRACT. COUNCILMAN ETHERIDGE ASKED WHAT IS AN ORDINANCE AND MR. JONES SAID THAT AN ORDINANCE IS A POLICY DECLARED BY COUNCIL AUTHORIZING A CONTRACT TO SELL. MS. HERMAN SAID NEITHER CONTRACT WAS EVER SIGNED. MR. JONES SAID THE OTHER ALTERNATIVE FOR THE HOUSE IS TO PUSH THE HOUSE DOWN FOR THE PARKING LOT, BUT IT COULD BE A SUBSTANTIAL COST TO THE COUNTY DUE TO THE ASBESTOS. MR. JONES SAID THE CONTRACTS TO PAVE THE PARKING LOT HAS ALREADY BEEN LET OUT. COUNCILMAN ETHERIDGE ASKED ABOUT LEAVING THE HOUSE WHERE IT IS AND USING IT FOR THE VA OFFICES AND SAVE THE MONEY THEY ARE PAYING TO RENT AN OFFICE. COUNCILMAN ETHERIDGE ASKED IF YOU COULD HAVE SOMEONE OCCUPY THE HOUSE WITH THE ASBESTOS. MS. HERMAN SAID IT WAS HER UNDERSTANDING THAT THE ASBESTOS WAS ON THE OUTSIDE OF THE HOUSE AND MAYBE IN THE ROOF SHINGLES, BUT IT WOULD BE OKAY FOR PEOPLE TO OCCUPY THE HOUSE. MS. HERMAN SAID THAT THE COUNCIL COULD DO WHAT THEY WANTED, BUT THEY WOULD LOOSE A CONSIDERABLE NUMBER OF PARKING SPACES AND THEY WOULD HAVE SEVERAL THOUSAND DOLLARS IN EXPENSES MAKING THE HOUSE ADA COMPLIANT. COUNCILMAN ETHERIDGE SAID HE DID NOT THINK YOU COULD JUST IGNORE AN ORDINANCE. MR. JONES SAID THE ORDINANCE WAS TO AUTHORIZE THE SALE AND THE PEOPLE WON'T SIGN THE CONTRACT UNDER THE TERMS OF THE CONTRACT. COUNCILMAN GREGORY SAID THE COUNCIL NEVER SAID TO DRAW UP A CONTRACT FOR A CERTAIN AMOUNT OF MONEY. MR. GREGORY SAID THE COUNCIL SAID TO GIVE THE HOUSE AWAY TO SOMEONE IN NEED OF A HOME. COUNCILMAN GREGORY SAID MS. HERMAN DREW UP THE CONTRACT AND ASBESTOS WAS NEVER MENTIONED WHEN THE COUNCIL SAID TO GIVE THE HOUSE AWAY, THEY WERE NOT EVEN AWARE OF THE

ADDITIONAL COSTS FROM THE UTILITIES. COUNCILMAN GREGORY SAID THE COUNCIL NEVER SAID ANYTHING ABOUT A CONTRACT AND NOW THE ADMINISTRATION IS COMING AND SAYING TO GIVE THE HOUSE AWAY. MR. JONES SAID HE WAS ASKED TO DO A CONTRACT. COUNCILMAN GREGORY SAID THAT WHAT WAS SAID WAS TO GIVE THE HOUSE TO SOMEONE WHO LOST THEIR HOME AND IT WAS NEVER SAID BY COUNCIL TO HAVE ANYONE ENTER INTO A CONTRACT STATING HOW MUCH THEY WOULD GIVE FOR THE HOUSE. MS. HERMAN SAID SHE WAS REQUIRED TO PUT OUT A PROPOSAL TO SEE IF PEOPLE WERE WILLING TO PAY FOR THE HOUSE. COUNCILMAN GREGORY SAID WHY AREN'T YOU REQUIRED TO DO THAT NOW. COUNCILMAN GREGORY SAID THAT AT THE BEGINNING NO ONE DISCUSSED A LARGE SUM OF MONEY FOR THE HOUSE AND IT SEEMS LIKE THINGS CHANGE AS THEY GO ALONG. MR. JONES SAID THE ALTERNATIVE IS TO COMPLY WITH OSHA. MR. FULGHUM SAID THEY HE HAS BEEN ASKING FOR A DIRECTIVE AND THEY HAVE NOT DONE ANYTHING. MR. FULGHUM SAID WHEN THE PROPOSAL WENT OUT, THE INDIVIDUALS DID NOT HAVE TO PUT ANY AMOUNT OF MONEY, BUT BOTH PEOPLE PUT IN AN AMOUNT THEY WERE WILLING TO PAY AND BOTH SAID THEY COULD NOT AFFORD THE FEES BEING CHARGED BY THE UTILITIES. MR. FULGHUM SAID THAT MR. MOCK WOULD JUST BE MOVING THE HOUSE DOWN THE STREET AND THE UTILITIES WOULD NOT BE INVOLVED. MR. FULGHUM SAID THE CONTRACT FOR THE PARKING LOT IS BEEN AWARDED AND SOMETHING NEEDS TO BE DONE. COUNCILMAN GREGORY SAID HE WAS NOT ANGRY WITH ANYONE, BUT HE KNOWS THE COUNCIL HAS THE RIGHT TO DO WHAT THEY WANT WITH THE HOUSE. MS. HERMAN SAID THAT THERE ARE NO COMMITMENTS TO ANYONE; HER RECOMMENDATION WAS TO LET MR. MOCK HAVE THE HOUSE SINCE THE COUNTY HAD NO USE FOR THE STRUCTURE. COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION TO MEET 30 MINUTES PRIOR TO THE JOINT MEETING ON DEC. 9, 2010 TO CLARIFY THE SITUATION PRIOR TO TAKING ANY ACTION. THE MOTION CARRIED WITH CHAIRMAN HOOD, AND COUNCILMENT ETHERIDGE, GREGORY AND TYLER VOTING FOR. VICE CHAIRMAN BLACKSHEAR VOTED AGAINST.

**OLD BUSINESS-** THERE WAS NO OLD BUSINESS.

### **NEW BUSINESS**

**RONNIE MALPHRUS – DISCUSSION REGARDING A-TAX FUNDS-** MR. MALPHRUS REVIEWED THE STATUS OF THE A-TAX ACCOUNT AND THE FEW OUTSTANDING COMMITMENTS THAT HAVE BEEN MADE. MR. MALPHRUS SUGGESTED THAT INSTEAD OF PEOPLE COMING THROUGH OUT THE YEAR MAKING REQUEST, HE WOULD LIKE TO HAVE THIS A-TAX FUND HANDLED LIKE THE STATE A-TAX FUND. MR. MALPHRUS SAID EVERYONE WOULD COME TO MAKE THEIR REQUESTS AT THE SAME TIME AND THE COUNCIL WOULD BE ABLE TO PRIORITIZE HOW THE FUNDS ARE SPENT. MR. MALPHRUS SUGGESTED THAT THIS BE DONE IN EITHER SEPTEMBER OR OCTOBER EACH YEAR AND THE COUNCIL COULD USE THE PREVIOUS YEAR

AS A GUIDELINE. CHAIRMAN HOOD SAID THAT HE FELT THAT MR. MALPHRUS'S SUGGESTION WAS A GOOD WAY TO HANDLE THE FUNDS.

**DEBORAH WALSH – REQUEST FOR A-TAX FUNDS FOR THE BOARD OF DISABILITIES AND SPECIAL NEEDS CAR SHOW ADVERTISING-** MS. WALSH WAS NOT PRESENT AND MR. BEN ROUNDTREE MADE THE REQUEST FOR \$3,000.00 TO BE USED FOR ADVERTISING FOR THE BOARD OF DISABILITIES AND SPECIAL NEEDS CAR SHOW FUNDRAISING EVENT. MR. MALPHRUS INFORMED THE COUNCIL THAT THERE WERE ENOUGH FUNDS TO COVER THE REQUEST. COUNCILMAN GREGORY MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO APPROVE THE REQUEST OF \$3,000.00 AND IT IS TO BE PAID FROM THE A-TAX FUND. THE MOTION CARRIED WITH CHAIRMAN HOOD, VICE CHAIRMAN BLACKSHEAR, COUNCILMAN GREGORY AND COUNCILMAN TYLER VOTING FOR. COUNCILMAN ETHERIDGE ABSTAINED.

**HENRY LAWTON AND JIMMY BAKER REQUEST FROM TRANSPORTATION COMMITTEE** – MR. LAWTON AND MR. BAKER WERE NOT PRESENT, THIS ITEM TABLED UNTIL THE JANUARY MEETING.

**DAVID JIROUSEK – TASK ORDER CONSIDERATION – JAMESTOWN CID INFRASTRUCTURE ASSESSMENT** – MR. JIROUSEK REQUESTED APPROVAL OF A TASK ORDER FOR THE INFRASTRUCTURE AT THE JAMESTOWN. MR. JIROUSEK EXPLAINED THAT THE APPLICANT, ADAM GOLDSTEIN HAS PARTNERED WITH THE USDA TO BUILD AFFORDABLE HOUSING AT THIS LOCATION AND THE LOCAL GOVERNMENT MUST BE RESPONSIBLE FOR THE ROADS. MR. JIROUSEK SAID THE STUDY IS TO DETERMINE THE CONDITION OF THE CURRENT INFRASTRUCTURE. MR. JIROUSEK SAID IF THE COUNTY WAS TO TAKE OVER MAINTENANCE OF THE ROADS IN THE SUBDIVISION, A SPECIAL TAX WOULD BE CHARGED TO EACH HOME OWNER IN THE SUBDIVISION TO COVER THE COST OF MAINTAINING THE ROADS. MR. JIROUSEK TOLD THE COUNCIL THAT MR. GOLDSTEIN HAS AGREED TO PAY FOR THE STUDY AND HE UNDERSTANDS THAT THERE HAS BEEN NO COMMITMENT FROM THE COUNTY. VICE CHAIRMAN BLACKSHEAR ASKED IF THE PROPERTY WILL BE ANNEXED INTO HARDEEVILLE. MR. JIROUSEK SAID THAT IT WAS VERY UNLIKELY TO BE ANNEXED. COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION TO APPROVE THE TASK ORDER FOR THE JAMESTOWN CID INFRASTRUCTURE ASSESSMENT AND THAT IT IS TO BE PAID FOR BY MR. ADAM GOLDSTEIN. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**CHRISTY HERMAN – CONSIDERATION OF PROFESSIONAL SERVICE CONTRACT FOR THE CBDG PURRYSBURG SEWER PROJECT** – MS. HERMAN SAID THAT REQUESTS WERE SENT OUT FOR ENGINEERING SERVICES FOR THE CBDG PURRYSBURG SEWER PROJECT. MS. HERMAN SAID THE PROPOSALS WERE REVIEWED AND RANKED. MS. HERMAN SAID SHE WAS RECOMMENDING APPROVAL OF B.B. BARBER AS THEY HAD THE

HIGHEST RANKING AND SHE SAID THEY WERE ALSO THE LOWEST BIDDER. MS. HERMAN SAID THERE WAS A \$50,000 MATCH REQUIRED OF THE COUNTY. MS. HERMAN ASKED THAT THE COUNCIL APPROVE ENTERING INTO A PROFESSIONAL SERVICE CONTRACT WITH B.B. BARBER AND THE 1<sup>ST</sup> \$50,000 WOULD BE PAID FROM THE COUNTY'S GRANT MATCH AND ALL OTHER COSTS WOULD BE PAID FROM THE GRANT AND FUNDS FROM BJWSA. COUNCILMAN ETHERIDGE ASKED WHERE THE BIDS WERE FOR THE COUNCIL TO REVIEW. MS. HERMAN SAID SHE DID NOT INCLUDE THEM, BUT COULD PROVIDE THE COUNCIL WITH COPIES. COUNCILMAN ETHERIDGE SAID THE BIDS SHOULD HAVE BEEN PROVIDED TO THE COUNCIL WITH THIS REQUEST AND THE COUNCIL SHOULD SEE ALL THE BIDS FOR ALL THE PROJECTS. VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO APPROVE THE PROFESSIONAL SERVICE CONTRACT WITH B.B. BARBER. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**CHRISY HERMAN - PRESENTATION AND APPROVAL OF BIDS FOR THE LANDSCAPING, IRRIGATION AND MAINTENANCE AT THE COURTHOUSE** – MS. HERMAN PROVIDED THE COUNCIL WITH A SUMMARY OF THE BIDS. SHE EXPLAINED THAT SHE HAD A PRE-BID MEETING WITH 12 COMPANIES AND 6 OF THOSE COMPANIES SUBMITTED BIDS. MS. HERMAN SAID THE WORK WOULD BE AT THE COURTHOUSE AND AROUND THE PARKING LOTS. COUNCILMAN ETHERIDGE ASKED IF THIS COVERED EVERYTHING. MS. HERMAN SAID THERE MAY BE A FEW THINGS THAT ARE STILL NEEDED AND LIGHTS WERE STILL NEEDED. MS. HERMAN SAID THIS BID IS ONLY FOR THE COMPLETE LANDSCAPING INCLUDING IRRIGATION. MS. HERMAN RECOMMENDED THAT THE COUNCIL APPROVE ENTERING INTO A CONTRACT WITH MAZZANNA'S LAWN SERVICE INC. TO INSTALL AN IRRIGATION SYSTEM AND PLANT LANDSCAPING IN THE CAMPUS PARKING LOTS AND COURTHOUSE PROPERTY TO NOT EXCEED \$50,000 WHICH INCLUDES A 5% CONTINGENCY. COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO APPROVE A CONTRACT WITH MAZZANNA'S LAWN SERVICE INC. TO INSTALL AN IRRIGATION SYSTEM AND PLANT LANDSCAPING IN THE CAMPUS PARKING LOTS AND COURTHOUSE PROPERTY AND THE CONTRACT IS EXCEED \$50,000 WHICH INCLUDES A 5% CONTINGENCY AND IT IS TO BE PAID FROM THE COURTHOUSE RENOVATION FUNDS. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**COMMITTEE REPORTS** – THERE WERE NO COMMITTEE REPORTS.

**ADMINISTRATOR'S REPORT** – MR. FULGHUM PROVIDED THE COUNCIL WITH AN UPDATE ON THE GRANTS RECEIVED BY THE COUNTY AND AN UPDATE OF THE UNEMPLOYMENT STATISTICS.

MR. FULGHUM PROVIDED THE COUNCIL WITH AN UPDATE ON CHANGE ORDERS THAT HE APPROVED. MR. FULGHUM SAID THAT CURRENTLY THERE IS ABOUT \$2,300 IN THE COURTHOUSE CONTINGENCY FUND.

**OPEN FLOOR TO THE PUBLIC (3 MINUTE TIME LIMIT PER INDIVIDUAL)** – CHAIRMAN HOOD OPENED THE FLOOR TO THE PUBLIC. ARTHUR MURPHY PRESENTED THE COUNCIL WITH A COPY OF A LETTER FROM THE COUNTY ADMINISTRATOR AND HE FELT THAT SOME THINGS IN THE LETTER NEEDED TO BE ADDRESSED. MR. MURPHY ASKED IF IT WAS COUNTY POLICY FOR CITIZENS TO REMOVE THINGS FROM THE DUMPSTERS. MR. MURPHY SAID HE REQUESTED AND RECEIVED A COPY OF THE COUNTY’S POLICY AND THERE WAS NOTHING IN IT THAT STATED WHAT MR. FULGHUM SAID IN HIS LETTER. MR. MURPHY REQUESTED AN ANSWER FROM THE COUNCIL REGARDING THIS MATTER. BEING NO FURTHER COMMENTS CHAIRMAN HOOD CLOSED THE FLOOR TO THE PUBLIC.

**EXECUTIVE SESSION**

**DISCUSSION REGARDING 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 – INFORMATION TECHNOLOGY**

**DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSE CONTRACTUAL 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**

**DISCUSSION OF MATTERS RELATING TO THE PROPOSED LOCATION, EXPANSION, OR THE PROVISION OF SERVICES ENCOURAGING LOCATION OR EXPANSION OF INDUSTRIES OR OTHER BUSINESSES IN THE AREA SERVED BY A PUBLIC BODY – JASPER OCEAN TERMINAL**

COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO GO INTO EXECUTIVE SESSION FOR DISCUSSION REGARDING 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 - INFORMATION TECHNOLOGY;; DISCUSSION OF MATTERS RELATING TO THE PROPOSED LOCATION, EXPANSION, OR THE PROVISION OF SERVICES ENCOURAGING LOCATION OR EXPANSION OF INDUSTRIES OR OTHER BUSINESSES IN THE AREA SERVED BY A PUBLIC BODY - JASPER OCEAN TERMINAL. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

COUNCILMAN TYLER AND COUNCILMAN GREGORY LEFT THE MEETING DURING EXECUTIVE SESSION.

**RETURN TO OPEN SESSION - VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO RETURN TO OPEN SESSION. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.**

CHAIRMAN HOOD REPORTED THAT THE COUNCIL RECEIVED INFORMATION ON THE I-T POSITION AND ON THE JASPER OCEAN TERMINAL. CHAIRMAN HOOD SAID NO ACTION WAS NEEDED.

**ADJOURN- COUNCILMAN ETHERIDGE 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 6:45 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