



## JASPER COUNTY COUNCIL

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JASPER COUNTY GOVERNMENT BUILDING  
COUNCIL CHAMBERS  
COUNCIL MEETING  
JUNE 15, 2009  
7:00 P. M.  
MINUTES

### **OFFICIALS 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  
RONNIE MALPHRUS, DEP. ADM. ADM. SERVICES  
DALE TERRY, DEP. ADM. ENG. SERVICES  
WILBUR DALEY, DEP. ADM. EMERGENCY SERVICES  
WENDY KELLY, DEP. ADM. DEV. SER.  
MARVIN JONES, ATTORNEY  
JUDITH FRANK, CLERK TO COUNCIL  
STEVEN MALPHRUS, DEP. DIRECTOR ES  
DAVID JIROUSEK, PLANNING DIRECTOR  
SUSAN WAITE, ASSESSOR  
LISA LAMB, PLANNING AND ZONING COORDINATOR  
HERMAN SMITH, BUILDING DEPT. 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 MINUTES:**

COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO APPROVE THE MINUTES OF 5/18/2009 MEETING, 5/27/2009 SPECIAL CALLED MEETING, 5/27/2009 BUDGET WORKSHOP AND 6/1/2009 COUNCIL MEETING. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**PRESENTATIONS AND PROCLAMATIONS:**

**JOSH RHODES AND ROBERT CROOM – SERVICES PROVIDED BY THE SOUTH CAROLINA ASSOCIATION OF COUNTIES:**

MR. RHODES ADDRESSED THE COUNCIL REGARDING THE SERVICES PROVIDED AND AVAILABLE TO THE COUNTY THROUGH THE SCAC. THE SERVICES ARE EDUCATIONAL OPPORTUNITIES, DEBT SET OFF SERVICES, LEGAL ASSISTANCE, RESEARCH, AND THEY KEEP THE COUNTY INFORMED OF LEGISLATION THAT WILL AFFECT THE COUNTIES.

**PROCLAMATION RECOGNIZING ERNEST RHETT:**

CHAIRMAN HOOD PRESENTED MR. RHETT WITH A PROCLAMATION FROM COUNTY COUNCIL RECOGNIZING HIS RETIREMENT.

**PUBLIC HEARINGS AND ORDINANCES:**

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

MR MALPHRUS ASKED THE COUNCIL FOR THE 3<sup>RD</sup> READING OF THE ORDINANCE AND HE TOLD THE COUNCIL THAT ALL THE CHANGES THAT WERE DISCUSSED HAD BEEN INCORPORATED INTO THE BUDGET. COUNCILMAN TYLER ASKED IF THE SCHOOLS WERE SATISFIED WITH THE AMOUNT THEY WERE RECEIVING. MR. MALPHRUS SAID THEY WERE HAPPY WITH IT AND THE AMOUNT LISTED IS THE MAXIMUM AMOUNT THE COUNTY CAN GIVE ACCORDING TO STATE LAW. COUNCILMAN GREGORY ASKED WHEN THE AMOUNT FOR THE SCHOOL WAS APPROVED BECAUSE HE DID NOT RECALL COUNCIL VOTING ON ANY SPECIFIC AMOUNT. MR. MALPHRUS SAID IT WAS DISCUSSED AT A BUDGET WORKSHOP. COUNCILMAN ETHERIDGE ASKED HOW MUCH OF AN INCREASE THE SCHOOL WAS RECEIVING AND MR. MALPHRUS RESPONDED APPROXIMATELY \$1,000,000.00. COUNCILMAN GREGORY ASKED ABOUT THE SCHOOL DEBT AND MR. MALPHRUS RESPONDED THAT IT WAS UP FROM LAST YEAR DUE TO A SHORT FALL IN TAXES. COUNCILMAN ETHERIDGE ASKED ABOUT THE OTHER RESOURCES AND IF THE \$200,000.00 FROM THE COURTHOUSE CAPITALIZATION AND THE \$250,000.00 FROM THE TIMBER WERE INCLUDED AND HE

ASKED WHAT WERE THE ADDITIONAL REVENUES. MR. MALPRHUS SAID THE ITEMS HE MENTIONED WERE INCLUDED AND THE ADDITIONAL REVENUES WERE FROM CIVIL FEES AND FINES. COUNCILMAN GREGORY SAID HE FELT THE COUNCIL SHOULD GET A BREAKDOWN OF THE FINES AND FEES. MR. MALPHRUS INFORMED COUNCILMAN GREGORY THAT THE 1ST EIGHT PAGES OF THE BUDGET WORKSHEETS WERE REVENUE. VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO APPROVE THE AMENDMENTS TO THE ORDINANCE. THE MOTION CARRIED WITH CHAIRMAN HOOD, VICE CHAIRMAN BLACKSHEAR, AND COUNCILMAN TYLER VOTING FOR; COUNCILMEN GREGORY AND ETHERIDGE VOTED AGAINST.

VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO APPROVE THE 2009-2010 BUDGET IN THE AMOUNT OF \$40,238,278.00. THE MOTION CARRIED WITH CHAIRMAN HOOD, VICE CHAIRMAN BLACKSHEAR, AND COUNCILMAN TYLER VOTING FOR; COUNCILMEN GREGORY AND ETHERIDGE VOTED AGAINST.

COUNCILMAN GREGORY ASKED THE ADMINISTRATOR IF THE CHANGES WERE MADE AT THE DETENTION CENTER. MR. FULGHUM ASKED WHAT CHANGES AND COUNCILMAN GREGORY RESPONDED THE LEADERSHIP CHANGES. MR. FULGHUM TOLD COUNCILMAN GREGORY THAT IT WAS NOT HANDLED IN THE BUDGET. COUNCILMAN GREGORY ASKED IF ANYTHING WAS DONE AND MR. FULGHUM RESPONDED THAT SUBJECT WAS NOT A BUDGET ITEM.

**MARVIN JONES- 2<sup>ND</sup> READING OF THE ORDINANCE TO AMEND ARTICLE I, CHAPTER 9 OF CODE OF ORDINANCES OF JASPER COUNTY SO AS TO RE-ESTABLISH THE JASPER COUNTY EMERGENCY SERVICES DEPARTMENT AND TO CONFIRM FOR THE POSITION OF DEPUTY ADMINISTRATOR FOR EMERGENCY SERVICES, TO CLARIFY THE POWERS OF THE DEPUTY ADMINISTRATOR FOR EMERGENCY SERVICES, TO PROVIDE TRAINING, PERFORMANCE REQUIREMENTS, TO PROVIDE FOR CERTAIN ENFORCEMENT AUTHORITY, AND TO DESIGNATE CERTAIN VEHICLES AS EMERGENCY VEHICLES; TO AMEND ARTICLE IV, CHAPTER 9 OF CODE OF ORDINANCES OF JASPER COUNTY SO AS TO PROVIDE CERTAIN FINDINGS AS TO THE JASPER COUNTY FIRE PROTECTION DISTRICTS, TO PROVIDE FOR GENERAL PROVISIONS FOR AND GEOGRAPHIC LIMITATIONS OF THE CHERRY POINT FIRE PROTECTION DISTRICT, THE RURAL JASPER COUNTY FIRE PROTECTION DISTRICT, THE LEVY FIRE PROTECTION DISTRICT, THE RIDGELAND VICINITY FIRE PROTECTION DISTRICT, AND THE**

**HARDEEVILLE VICINITY FIRE PROTECTION DISTRICT; TO ORDER THE PUBLICATION OF CERTAIN NOTICES IN CONNECTION WITH THE ADOPTION OF THIS ORDINANCE; AND TO PROVIDE FOR THE REPEAL OF THE FOLLOWING PREVIOUSLY ADOPTED ORDINANCES OF JASPER COUNTY: JASPER COUNTY CODE §9-121, §9-122, §9-123, §9-124 AND ORDINANCE NO. 02-03 ADOPTED ON THE FOURTH OF MARCH, 2002:**

MARVIN JONES PRESENTED THE ORDINANCE AND EXPLAINED THAT THIS ORDINANCE WOULD ESTABLISH THE JASPER COUNTY FIRE PROTECTION DISTRICT AND IT AMENDS AND REPEALS PREVIOUS ORDINANCES. MR. JONES SAID THE ORDINANCE MAKES CHANGES TO EMERGENCY SERVICES AND MAKES EMERGENCY SERVICES MORE OF AN UMBRELLA OVER ALL THE DISTRICTS. COUNCILMAN ETHERIDGE MOTIONED AND VICE CHAIRMAN BLACKSHEAR SECONDED THE MOTION THAT THIS BE THE 2<sup>ND</sup> READING THE ORDINANCE TO AMEND ARTICLE I, CHAPTER 9 OF CODE OF ORDINANCES OF JASPER COUNTY SO AS TO RE-ESTABLISH THE JASPER COUNTY EMERGENCY SERVICES DEPARTMENT AND TO CONFIRM FOR THE POSITION OF DEPUTY ADMINISTRATOR FOR EMERGENCY SERVICES, TO CLARIFY THE POWERS OF THE DEPUTY ADMINISTRATOR FOR EMERGENCY SERVICES, TO PROVIDE TRAINING PERFORMANCE REQUIREMENTS, TO PROVIDE FOR CERTAIN ENFORCEMENT AUTHORITY, AND TO DESIGNATE CERTAIN VEHICLES AS EMERGENCY VEHICLES; TO AMEND ARTICLE IV, CHAPTER 9 OF CODE OF ORDINANCES OF JASPER COUNTY SO AS TO PROVIDE CERTAIN FINDINGS AS TO THE JASPER COUNTY FIRE PROTECTION DISTRICTS, TO PROVIDE FOR GENERAL PROVISIONS FOR AND GEOGRAPHIC LIMITATIONS OF THE CHERRY POINT FIRE PROTECTION DISTRICT, THE RURAL JASPER COUNTY FIRE PROTECTION DISTRICT, THE LEVY FIRE PROTECTION DISTRICT, THE RIDGELAND VICINITY FIRE PROTECTION DISTRICT, AND THE HARDEEVILLE VICINITY FIRE PROTECTION DISTRICT; TO ORDER THE PUBLICATION OF CERTAIN NOTICES IN CONNECTION WITH THE ADOPTION OF THIS ORDINANCE; AND TO PROVIDE FOR THE REPEAL OF THE FOLLOWING PREVIOUSLY ADOPTED ORDINANCES OF JASPER COUNTY: JASPER COUNTY CODE §9-121, §9-122, §9-123, §9-124 AND ORDINANCE NO. 02-03 ADOPTED ON THE FOURTH OF MARCH, 2002. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**ANDREW FULGHUM – PUBLIC HEARING AND 3<sup>RD</sup> READING OF AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 09-09 AUTHORISING THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS RELATING TO THE ACQUISITION, CON-**

**STRUCTION, EQUIPPING, USE, LEASING, AND RENOVATION OF CERTAIN COUNTY FACILITIES; APPROVING THE ISSUANCE OF ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITIES CORPORATION INSTALLMENT PURCHASE REVENUE BONDS, CERTIFICATES OF PARTICIPATION AND BOND ANTICIPATION NOTES; CONSENTING TO THE FORM OF TRUST AGREEMENTS BETWEEN ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITIES CORPORATION AND THE CORPORATE TRUSTEE; THE LEASE OF EQUIPMENT AND VEHICLES AND CERTAIN REAL PROPERTY AND THE BUILDINGS AND OTHER SITE IMPROVEMENTS LOCATED THEREON BY JASPER COUNTY, SOUTH CAROLINA TO ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITIES CORPORATION, INCLUDING AUTHORISING THE EXECUTION AND DELIVERY OF A BASE LEASE AGREEMENT, BETWEEN JASPER COUNTY AND ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITIES CORPORATION; AUTHORISING THE EXECUTION AND DELIVERY OF A PUBLIC FACILITIES AND OCCUPANCY AGREEMENT BETWEEN JASPER COUNTY AND ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITIES CORP. AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT BETWEEN JASPER COUNTY AND ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITIES CORP.; AND OTHER MATTERS RELATING THERETO:**

MR. FULGHUM EXPLAINED THAT THIS ORDINANCE AMENDS AND RESTATES AN ORDINANCE THAT THE COUNCIL PASSED IN FEBRUARY. MR. FULGHUM SAID THE ORDINANCE IS AMENDED TO INCLUDE PRIOR DEBT OF \$2,950,000.00 AND SECTION 20 WAS AMENDED SINCE THE 2<sup>ND</sup> READING TO INCLUDE NO PERSONAL LIABILITY. MR. JONES SAID THE CHANGE TO SECTION 20 IS IN RESPONSE TO A QUESTION THAT CAME UP OF THE DIRECTORS. MR. JONES SAID THE CHANGE WOULD GIVE THE DIRECTORS THE SAME PROTECTION AND THE COUNTY AND THE COUNTY WILL UNDERWRITE THE COST FOR THE DIRECTORS. CHAIRMAN HOOD OPENED THE PUBLIC HEARING. THERE WERE NO COMMENTS. COUNCILMAN ETHERIDGE ASKED WHEN THE CORPORATION WAS ESTABLISHED. MR. JONES SAID THE CORPORATION WAS ESTABLISHED IN THE ORIGINAL ORDINANCE AND THE BOARD HAS HELD ONE MEETING. COUNCILMAN ETHERIDGE ASKED IF THE COUNTY HAD ALL THE DIRECTORS. MR. FULGHUM RESPONDED THAT THEY HAVE ONE MEMBER AND THE OTHER MEMBER WHO WAS APPOINTED COULD NOT SERVE. MR. FULGHUM SAID THAT HE MET WITH SHERRI DARIEN, WHOSE NAME WAS SUGGESTED. COUNCILMAN GREGORY ASKED IF THE COUNCIL GETS TO VOTE FOR THE OTHER DIRECTOR. CHAIRMAN HOOD SAID THE COUNCIL DOES VOTE AND THIS HAS BEEN DISCUSSED BY COUNCIL.

COUNCILMAN ETHERIDGE ASKED IF THE OTHER MEMBERS OF COUNCIL WOULD HAVE THE OPPORTUNITY TO NOMINATE SOMEONE. CHAIRMAN HOOD SAID AT THE MEETING WHEN HE NOTIFIED THE COUNCIL THAT THE GENTLEMAN FROM SCB&T COULD NOT SERVE, HE ASKED THAT MS. DARIEN BE CONTACTED. CHAIRMAN HOOD SAID ADDITIONAL NAMES SHOULD HAVE BEEN SUGGESTED AT THAT TIME. COUNCILMAN GREGORY SAID HE HAD NOTHING AGAINST MS. DARIEN, BUT HE DID NOT RECALL THE CONVERSATION THAT CHAIRMAN HOOD REFERRED TO. CHAIRMAN HOOD SAID THE COUNCIL VOTED ON HENDERSON AND KILPATRICK AND MR. FULGHUM TOLD THE COUNCIL THAT KILPATRICK COULD NOT SERVE AND CHAIRMAN HOOD ASKED THAT MS. DARIEN BE CONTACTED. VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO AMEND SECTION 20 OF THE ORDINANCE. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN GREGORY SECONDED THE MOTION TO APPROVE THE 3<sup>RD</sup> READING OF AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 09-09 AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS RELATING TO THE ACQUISITION, CON-STRUCTION, EQUIPPING, USE, LEASING, AND RENOVATION OF CERTAIN COUNTY FACILITIES; APPROVING THE ISSUANCE OF ST. PETERS PARISH JASPER COUNTY PUBLIC FACILITIES CORPORATION INSTALLMENT PURCHASE REVENUE BONDS, CERTIFICATES OF PARTICIPATION AND BOND ANTICIPATION NOTES; CONSENTING TO THE FORM OF TRUST AGREEMENTS BETWEEN ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITIES CORPORATION AND THE CORPORATE TRUSTEE; THE LEASE OF EQUIPMENT AND VEHICLES AND CERTAIN REAL PROPERTY AND THE BUILDINGS AND OTHER SITE IMPROVEMENTS LOCATED THEREON BY JASPER COUNTY, SOUTH CAROLINA TO ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITIES CORPORATION, INCLUDING AUTHORIZING THE EXECUTION AND DELIVERY OF A BASE LEASE AGREEMENT, BETWEEN JASPER COUNTY AND ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITIES CORPORATION; AUTHORIZING THE EXECUTION AND DELIVERY OF A PUBLIC FACILITIES AND OCCUPANCY AGREEMENT BETWEEN JASPER COUNTY AND ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITIES CORPORATION; AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT BETWEEN JASPER COUNTY AND ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITIES CORPORATION; AND OTHER MATTERS RELATING THERETO. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**WENDY KELLY - 3<sup>RD</sup> READING OF THE ORDINANCE TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL AND BUSINESS PARK IN CONJUNCTION WITH BEAUFORT COUNTY AND/OR HAMPTON COUNTY, SUCH INDUSTRIAL AND BUSINESS PARK TO BE 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:**

MS. KELLY SAID THAT THIS PROCESS BEGAN ABOUT 3 MONTHS AGO AND THE WAY THE ORDINANCE IS WRITTEN IT WOULD AUTHORIZE THE COUNTY TO ENTER INTO A MULTI-COUNTY INDUSTRIAL AND BUSINESS PARK WITH BEAUFORT COUNTY AND/OR HAMPTON COUNTY. MS. KELLY SAID THAT THE 3<sup>RD</sup> READING OF AN ORDINANCE TO ENTER INTO THIS AGREEMENT WAS ON THE HAMPTON COUNTY COUNCIL MEETING AGENDA. MS. KELLY ADDED THAT THE BEAUFORT COUNTY COUNCIL HAS NOT PLACED THIS TOPIC ON THEIR AGENDA. COUNCILMAN ETHERIDGE POINTED OUT THAT THE PERCENTAGES NEEDED TO BE CORRECTED. COUNCILMAN ETHERIDGE QUESTIONED THE AMOUNT GOING TO THE LOWCOUNTRY ECONOMIC ALLIANCE. COUNCILMAN ETHERIDGE SAID HE FELT THAT WAS A LOT OF MONEY FOR THE ALLIANCE. MS. KELLY SAID THAT THE ORIGINAL INTENT WAS TO FUND THE ALLIANCE THE SAME AMOUNT THAT BEAUFORT COUNTY FUNDED THE ALLIANCE. MS. KELLY POINTED OUT THAT THE COUNCIL COULD CHANGE THE AMOUNT. MS. KELLY SAID THE PROJECTED INCOME FROM THE PARK WOULD BE ABOUT \$5,000,000.00 AND THAT THE COUNTY WOULD GET 1/3 OF THAT. MS. KELLY SAID OF THE \$1,653,538.00 TO THE COUNTY WOULD BE SPLIT WITH \$694,490.00 GOING TO THE COUNTY, \$694,490.00 GOING TO THE SCHOOLS AND \$260,568.00 GOING TO THE ALLIANCE. MS. KELLY SAID THOSE WERE ESTIMATES AND JASPER COUNTY WOULD ONLY HAVE TO SHARE WHAT CAME IN BASED ON 42% TO THE COUNTY AND SCHOOLS AND 16% TO THE ALLIANCE. COUNCILMAN ETHERIDGE MOTIONED TO CHANGE THE PERCENTAGE TO THE ALLIANCE TO 5% AND THE BALANCE IS SPLIT BETWEEN THE COUNTY AND THE SCHOOL. THE MOTION DIED FOR LACK OF A SECOND.

VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO APPROVE THE AMENDMENTS TO THE

ORDINANCE. THE MOTION CARRIED WITH CHAIRMAN HOOD, VICE CHAIRMAN BLACKSHEAR, AND COUNCILMAN TYLER VOTING FOR. COUNCILMAN ETHERIDGE VOTED AGAINST AND COUNCILMAN GREGORY DID NOT VOTE.

COUNCILMAN TYLER MOTIONED AND VICE CHAIRMAN BLACKSHEAR SECONDED THE MOTION TO APPROVE THAT THIS BE THE 3<sup>RD</sup> READING OF THE ORDINANCE TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL AND BUSINESS PARK IN CONJUNCTION WITH BEAUFORT COUNTY AND/OR HAMPTON COUNTY, SUCH INDUSTRIAL AND BUSINESS PARK TO BE 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, 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 AND TO MAKE THE CORRECTIONS AS NOTED. THE MOTION CARRIED WITH CHAIRMAN HOOD, VICE CHAIRMAN BLACKSHEAR, AND COUNCILMAN TYLER VOTING FOR. COUNCILMAN ETHERIDGE VOTED AGAINST AND COUNCILMAN GREGORY DID NOT VOTE.

**STEVEN MALPHRUS – 1<sup>ST</sup> READING OF AN ORDINANCE TO GRANT AN EASEMENT TO HARGRAY (BY TITLE ONLY):**

MR. MALPHRUS EXPLAINED THAT HARGRAY NEEDED AN EASEMENT TO BE ABLE TO BRING CABLE TV AND FIBER OPTICS INTO THE NEW GOVERNMENT BUILDING. COUNCILMAN ETHERIDGE MOTIONED AND VICE CHAIRMAN BLACKSHEAR SECONDED THE MOTION THAT THIS BE THE 1<sup>ST</sup> READING OF AN ORDINANCE TO GRANT AN EASEMENT TO HARGRAY (BY TITLE ONLY). THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**RESOLUTIONS:**

**RESOLUTION REGARDING THE SETTINGS AT MACKAY POINT, LLC:**

MR. JONES EXPLAINED THAT THE RESOLUTION WAS REQUIRED BY THE BONDING COMPANY THAT INSURED THE INFRASTRUCTURE INSTALLATION AT THE SETTINGS AT MACKAY POINT. MR. JONES SAID THE COUNTY HAS RECEIVED SOME COMPLAINTS ABOUT THE INFRASTRUCTURE. MR. JONES TOLD THE COUNCIL THAT A LETTER HAS BEEN SENT TO THE DEVELOPERS OF THE SETTINGS AT MACKAY POINT AND HE AND MR. JIROUSEK MET WITH THE CHIEF OF CONSTRUCTION AND DISCUSSED WHAT THE DEVELOPER PLANNED

TO DO. MR. JIROUSEK TOLD THE COUNCIL THAT THEY DEVELOPED A PLAN OF ACTION AND THE SETTINGS AT MACKAY POINT DEVELOPERS WILL GIVE THE COUNTY MONTHLY STATUS REPORTS AND THAT THEY WILL HAVE A PLAN TOGETHER IN 120 DAYS. MR. JIROUSEK INFORMED THE COUNCIL THAT THE DEVELOPERS OF THE SETTINGS AT MACKAY POINT HAVE A FINANCE PACKAGE PENDING AND THEY ARE WORKING WITH THE DEVELOPERS OF THE FRAMPTON TRACK. COUNCILMAN ETHERIDGE ASKED IF THEY WERE CONVINCED THAT THEY WILL FINISH THE PROJECT. MR. JIROUSEK RESPONDED THAT HE SHOULD KNOW IN 60-90 DAYS. COUNCILMAN ETHERIDGE MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO PASS THE RESOLUTION REGARDING THE SETTINGS AT MACKAY POINT, LLC. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**RESOLUTION TO INCREASE EMS FEES:**

MR. DALEY PRESENTED THE RESOLUTION AND INFORMED THE COUNCIL THAT THEY DID A STUDY OF THE SURROUNDING COUNTIES AND THAT THE COUNTY'S FEES HAVE NOT BEEN INCREASED FOR 2 YEARS. MR. DALEY EXPLAINED THE VARIOUS LEVELS OF SERVICE AND THE SUGGESTED INCREASE OF THE FEES. COUNCILMAN GREGORY ASKED IF IT WAS HARD TO COLLECT THE FEES. MR. DALEY SAID THE INCREASE IN FEES WOULD BRING IN AN ESTIMATED \$161,000.00 TO THE COUNTY. COUNCILMAN GREGORY ASKED IF IT WAS HARD TO COLLECT THE FEES FROM THE PEOPLE WHO USE THE SERVICE. MR DALEY SAID THEY COLLECT MOSTLY FROM INSURANCE. COUNCILMAN GREGORY ASKED MR. DALEY IF HE THOUGHT IT WAS A GOOD TIME TO INCREASE THE FEE SINCE THE ECONOMY WAS DOWN. MR. DALEY SAID HE COULD NOT ANSWER THAT QUESTION. COUNCILMAN GREGORY ASKED IF IT WAS WISE TO DO IT AT THIS TIME SINCE THE ECONOMY WAS DOWN AND MR. DALEY RESPONDED THAT IT WAS NOT A GOOD TIME. COUNCILMAN ETHERIDGE MOTIONED AND VICE CHAIRMAN BLACKSHEAR SECONDED THE MOTION TO APPROVE THE RESOLUTION TO INCREASE THE EMS FEES. THE MOTION WAS CARRIED WITH COUNCILMEN TYLER AND ETHERIDGE, VICE CHAIRMAN BLACKSHEAR AND CHAIRMAN HOOD VOTING FOR. COUNCILMAN GREGORY VOTED AGAINST.

**OLD BUSINESS:**

**MARVIN JONES – APPROVAL OF AMENDED AGREEMENT WITH THE JASPER COUNTY SCHOOL DISTRICT:**

THE CONTRACT HAS NOT BEEN RETURNED FROM THE SCHOOL DISTRICT AND MR. JONES ASKED THAT THIS BE TABLED UNTIL HE HAS RECEIVED AND REVIEWED THE AMENDED LEASE AGREEMENT.

THE COUNCIL AGREED TO TABLE THIS ITEM TO A FUTURE MEETING.

**ANDREW FULGUM – APPOINTMENT OF MEMBER TO THE ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITES CORP.:**

MR. FULGHUM INFORMED THE COUNCIL THAT HE MET WITH MS. DARIEN AND SHE IS WILLING TO SERVE AS A DIRECTOR. COUNCILMAN GREGORY MOTIONED AND VICE CHAIRMAN BLACKSHEAR SECONDED THE MOTION TO APPOINT SHERRI DARIEN TO SERVE AS A DIRECTOR ON THE ST. PETERS PARISH/JASPER COUNTY PUBLIC FACILITIES CORP. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**NEW BUSINESS:**

**RONNIE MALPHRUS – EXTENSION OF AUDIT CONTRACT:**

MR MALPHRUS EXPLAINED THAT BAIRD AND COMPANY HAS BEEN DOING THE COUNTY AUDIT FOR THE LAST THREE YEARS AND THE CONTRACT HAS ENDED. MR. MALPHRUS ASKED THE COUNCIL TO APPROVE AN ADDITONAL YEAR AT A COST OF \$9,500.00 FOR THIS YEAR'S AUDIT AND HE WILL PLACE THE CONTRACT OUT FOR BID FOR THE 2009-2010 AUDIT. COUNCILMAN GREGORY ASKED WHY HE DID NOT LOOK INTO OTHER FIRMS AND WHY WAS IT NOT PUT OUT TO BID THIS YEAR. MR. MALPHRUS SAID HE FORGOT ALL ABOUT IT BECAUSE OF THE BUDGET ISSUES, BUT HE COULD STILL PUT IT OUT TO BID, BUT IT WOULD SLOW DOWN THE AUDIT PROCESS. COUNCILMAN GREGORY MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO EXTEND THE BAIRD AND COMPANY AUDIT CONTRACT FOR ONE YEAR AT \$9,500.00 AND THAT THE 2009-2010 AUDIT BE PLACED OUT FOR BID. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**DAVID JIROUSEK-BZA ANNUAL UPDATE:**

MR. JIROUSEK EXPLAINED THAT THE BZA HELD THREE HEARINGS LAST YEAR AND NOTED THAT VARIANCES WERE GRANTED IN TWO HEARINGS AND IT WAS DECIDED THAT A VARIANCE WAS NOT NEEDED FOR ONE OF THE HEARING REQUESTS. MR. JIROUSEK COVERED THE VARIOUS CONDITIONS UNDER WHICH A VARIANCE CAN BE GRANTED.

**BARBARA JOHNSON – APPROVAL OF EASEMENT REQUEST FROM JASPER COUNTY TO BAYTREE ASSOCIATES FOR HABITAT FOR HUMANITY:**

MS. JOHNSON EXPLAINED THAT THE COUNTY WAS AWARDED A CBDG GRANT FOR THE HABIT OF HUMANITY PROJECT AND THAT AN EASEMENT WAS NEEDED FROM THE OWNERS OF THE BAYTREE

APARTMENTS. MS. JOHNSON TOLD THE COUNCIL THAT THE COST OF THE EASTMENT WAS \$1,900.00 AND THAT HABITAT FOR HUMANITY PAID FOR THE EASEMENT. COUNCILMAN GREGORY MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO APPROVE THE EASEMENT REQUEST FROM JASPER COUNTY TO BAYTREE ASSOCIATES FOR HABITAT FOR HUMANITY. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**ANDREW FULGHUM – CONSIDERATION OF REQUEST FROM ST. ANTHONY CATHOLIC CHURCH TO USE THE OLD SENIOR CENTER IN HARDEEVILLE:**

MR. FULGHUM EXPLAINED THAT THE COUNTY HAD APPROVED THE REQUEST OF ST. ANTHONY'S IN THE PAST AND THAT THE COUNCIL ON AGING PAID THE UTILITES AS THEY WERE STILL USING THE BUILDING. MR. FULGHUM SAID THAT THE REQUEST WAS TO USE THE FACILITES ON WEDNESDAYS, SATURDAYS, AND SUNDAYS FOR RELIGIOUS INSTRUCTION. MR. FULGHUM SAID THAT IF THE COUNCIL AGREES, THE STAFF WILL PREPARE AN AGREEMENT AND ADDRESS THE UTILITES ISSUE. COUNCILMAN ETHERIDGE MOTIONED TO APPROVE THE REQUEST AND THAT ST. ANTHONY'S PAY THE UTILITIES. THE MOTION DIED FOR LACK OF A SECOND.

**COMMITTEE REPORTS:**

THERE WERE NO COMMITTEE REPORTS.

**ADMINISTRATOR'S REPORT:**

MR FULGHUM REPORTED THAT HE RECEIVED A LETTER REGARDING THE WIDENING OF HWY. 17 AND THAT THE CONSTRUCTION COSTS WOULD BE ABOUT \$40,000,00.00 TO \$50,000,000, AND THAT THERE WAS NO FUNDING AVAILABLE AT THIS TIME.

MR. FULGHUM REPORTED THAT THE FREEDOM FUN FESTIVAL WILL BE HELD AT THE FARMERS' MARKET ON JUNE 27, 2009.

MR. FULGHUM REMINDED THE COUNCIL THAT A SPECIAL MEETING NEEDED TO BE CALLED FOR JUNE 22, 2009 AT 2:00 P.M. MR. FULGHUM SAID THAT MEETING WAS BEING CALLED FOR AN EXECUTIVE SESSION TO DISCUSS THE EXPANSION OF INDUSTRY.

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

CHAIRMAN HOOD OPENED THE FLOOR TO THE PUBLIC.

GLADYS WILLIAMS – RIVERHILL COMMUNITY REQUESTS:

MS. WILLIAMS REMINDED THE COUNCIL THAT BACK IN MARCH SHE APPEARED BEFORE COUNCIL AND MADE A REQUEST FOR IMPROVEMENTS IN THE RIVERSHILL COMMUNITY. MS. WILLIAMS SAID SHE MET WITH MR. MALZONE RUSSELL, OF SCDOT, AND HE

GAVE HER A ROUGH ESTIMATE AS TO THE COST TO INSTALL SIDEWALKS IN HER AREA. MS. WILLIAMS INFORMED THE COUNCIL THAT THE ESTIMATE WAS \$420,000.00. MS. WILLIAMS SAID SHE WAS PRESENT TONIGHT TO REQUEST HELP AND SUPPORT FROM THE COUNCIL. CHAIRMAN HOOD TOLD MS. WILLIAMS TO MAKE HER REQUEST TO THE ADMINISTRATOR AND THAT HE WOULD LIKE TO HEAR FROM MR. RUSSELL AND MR. TERRY. MR. FULGHUM SAID HE HAD A COPY OF MS. WILLIAMS' REQUEST LETTER AND HE WOULD MEET WITH HER AGAIN. CHAIRMAN HOOD SAID HE DID NOT KNOW WHERE THE MONEY WOULD COME FROM AND SUGGESTED THAT THE PROJECT MAY QUALIFY FOR CBDG FUNDING. COUNCILMAN ETHERIDGE ASKED IF THE ESTIMATE WAS FOR SIDEWALKS ONLY. MS. WILLIAMS SAID THE ESTIMATE WAS FOR SIDEWALKS, BUT THEY WOULD ALSO LIKE LIGHTS. MS. WILLIAMS SAID THE SIDEWALKS SHOULD BE FIRST FOR THE SAFETY OF THE CHILDREN.

BARBARA BARTOLDUS – REQUEST TO OPEN THE BACK DOOR OF THE JASPER COUNTY GOVERNMENT BUILDING TO THE PUBLIC:

BARBARA BARTOLDUS TOLD THE COUNCIL THAT THE TAXES FROM THE CITIZENS OF JASPER COUNTY ARE PAYING FOR THIS BUILDING AND THEY WANT THE BACK DOOR OPEN. MS. BARTOLDUS SAID THE SECURITY MACHINE IS NOT PLUGGED IN AND IT IS NOT ADA COMPLIANT AS A WHEELCHAIR COULD NOT PASS THROUGH IT, SO SECURITY WAS NOT AN ISSUE AS TO WHY THE BACK DOOR CANNOT BE OPEN. MS. BARTOLDUS SAID IT IS VERY HARD FOR ELDERLY AND HANDICAPPED PEOPLE TO WALK AROUND THE BUILDING AND SHE ASKED THE COUNCIL TO PLEASE OPEN THE BACK DOOR FOR THE PUBLIC.

ROY POWELL – LACK OF RESPONSE TO QUESTIONS:

ROY POWELL SAID HE ASKED NUMEROUS QUESTIONS AT THE PUBLIC HEARING FOR THE BUDGET AND HE GOT ANSWERS TO ABOUT 30% OF THEM TONIGHT. MR. POWELL SAID WHEN HE HAS ASKED QUESTIONS AND HE DOES NOT GET ANSWERS TO HIS QUESTIONS. MR. POWELL SAID THAT MANY OF THE ANSWERS HE DID RECEIVE WERE THAT IT WAS AN ACCOUNTING ERROR. MR. POWELL THANKED COUNCILMAN GREGORY FOR ASKING THE QUESTION IF NOW THE RIGHT TIME TO INCREASE EMS FEES WAS. MR. POWELL SAID HE WOULD LIKE TO KNOW WHAT THE FEES WERE IN THE SURROUNDING COUNTIES THAT JUSTIFIED THE INCREASE. MR. POWELL SAID HE TRIED RE-SEARCHING ONLINE SOME ORDINANCES THAT ARE BEING REPEALED BY THE ORDINANCE PRESENTED TONIGHT TO RE-ESTABLISH THE EMERGENCY SERVICES DEPARTMENT AND HE COULD NOT LOCATE THEM. MR. POWELL SAID HE WILL CALL MRS. FRANK ABOUT THEM SINCE THE COUNTY ATTORNEY HAS NOT RESPONDED TO HIS CALLS.

BEING NO FURTHER COMMENTS, CHAIRMAN HOOD CLOSED THE FLOOR TO THE PUBLIC.

**EXECUTIVE SESSION:**

**CONTRACTUAL MATTERS AND EMPLOYMENT MATTERS:**

VICE CHAIRMAN BLACKSHEAR MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS CONTRACTUAL AND EMPLOYMENT MATTERS. THE MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

**RETURN TO REGULAR SESSION:**

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

COUNCILMAN GREGORY MOTIONED AND COUNCILMAN TYLER SECONDED THE MOTION TO PERMIT ST. ANTHONY'S CATHOLIC CHURCH TO USE THE OLD HARDEEVILLE SENIOR CENTER. THE MOTION WAS CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

CHAIRMAN HOOD SAID THAT NO ACTION WAS NEEDED FOR THE CONTRACTUAL MATTER OR THE EMPLOYMENT MATTER. CHAIRMAN HOOD TOLD THE ADMINISTRATOR TO MOVE FORWARD ON THE CONTRACTUAL MATTER.

**ADJOURN:**

COUNCILMAN GREGORY MOTIONED AND COUNCILMAN ETHERIDGE SECONDED THE MOTION TO ADJOURN. 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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DR. GEORGE M. HOOD  
CHAIRMAN

