



**JASPER COUNTY COUNCIL  
COUNCIL CHAMBERS  
TUESDAY  
JANUARY 2, 2018  
MINUTES**

The meeting was called to Order by Chairman Sauls at 5:00 P.M.

**Officials Present:** Chairman L. Martin Sauls, IV, Vice-Chair D. Thomas Johnson, Councilwoman Barbara Clark, Councilman Theodus Drayton and Councilman Henry Etheridge.

**Officials Absent:** None

**Staff Present:** Administrator Andrew P. Fulghum, Attorney David L. Tedder, Planning Director Lisa Wagner, Director of Engineering Services Dale Terry, Director of Administrative Services Ronnie Malphrus, Project Coordinator Gwen Cooler

Upon motion duly made and seconded, the Council voted unanimously to go into executive session for the purposes of: 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 – Section 30-4-70(a)(5) – Prospect Update

#### **Executive Session**

#### **Return to Open Session**

Councilman Johnson moved and Councilman Etheridge seconded the motion to return to open session. The motion carried with all members present voting in favor.

#### **Pledge of Allegiance**

Councilman Drayton led the Pledge of Allegiance.

#### **Invocation**

Councilman Etheridge led the Invocation.

#### **Approval of Agenda**

Councilman Johnson moved and Councilman Etheridge seconded the motion to approve the Agenda with the exception of amending the Agenda to delete item XII. A, **1st Reading of an Ordinance to amend the Official Zoning Map of Jasper County so as to apply the Solar Farm Floating Zone to properties bearing Jasper County Tax Map Numbers 050-00-06-002, 050-00-06-003, 059-00-01-002, 059-00-01-003, and portions of properties bearing Jasper County Tax Map Numbers 050-00-06-004 and 059-00-01-033 as shown on the Moffett Solar II Concept Plan, prepared by Thomas & Hutton, dated 10/21/17, located along Grays Highway, Firetower Road and Langfordville Road** and to defer the reading of the Minutes. The motion carried with all members present voting in favor.

#### **Approval of the Minutes – Deferred**

## **Election of Officers**

**Administrator Fulghum opens the floor for nominations for Chairman of the Jasper County Council.** Chairman Sauls motions and Councilman Etheridge seconds Councilman Johnson as the Chairman. No further recommendations presented. Motion carries with all members present voting in favor. Congratulations given to the new Chairman. Meeting turned over to the newly appointed Chairman Johnson.

First Order of Business, Chairman Johnson opens the floor for nominations for the Election of Vice-Chair. Councilman Etheridge nominates Councilman Drayton. Councilman Sauls seconds this Motion. No further recommendations presented. Motion carries with all members present voting in favor. Congratulations given to the new Vice-Chairman.

Chairman Johnson excused Vice-Chair Drayton from the remainder of this meeting stating that his leaving is for no reasons dealing with County matters before the Council.

## **Presentations and Proclamations – None**

## **Open Floor to the Public**

**Andre' Dopson** said there is a situation where his club and bar have to close at the same time and it was not so in the past. He is starting off 2018 by attending the meetings. He wants to know and understand the procedure he has to follow in order that the Sheriff's Department will stop coming to his business'. He is also asking for some type of consideration from the Council in their decision of the ordinance regarding bars and night clubs.

Chairman Johnson responds saying he is not familiar with Mr. Dopson's problem and he asks Mr. Dopson to discuss the issue with Mr. Fulghum, the County Administrator, who will pass along the issue to the County Council. Chairman Johnson adds if anyone in the County believes that an Ordinance is wrong or needs changes they should make the Council aware. We don't promise to change it, but we promise to listen.

**David Etheridge** said representing the young people in the County (young citizens standing with him). He asked don't we want the young people to work in Jasper County whether they stay in the County or return to this County after they go off to college? Our youth are the future of Jasper County. The Solar Farms are not going to be creating jobs for the future in the County. We would like the County to target industries that will make their homes here and provide jobs for the future of our youth and for Jasper County. Hunting and fishing is the lowcountry way of life. He encourages Council to keep the natural habitats instead of solar farms and asks Council to target Industries like Coca-Cola and TICO that create jobs here in Jasper County and also make their homes here.

**Don Grant** said the solar farm floating zone the Planning Department has been very helpful in putting up the red signs and providing information. As a significant rural level of service in the Jasper County Comprehensive Plan the first priority listed is to "keep Jasper Rural". All are aware of the first Moffett Solar farm and what it entails. The details are not clear on the new map of the second solar farm. It seems incomplete only showing new addition not and not showing existing. It seems a little bit deceiving not detailed enough for overall picture. He was unable to get the Impact for Moffett Solar Farm and just found out that Turkey Hill Solar is also applying to County for another Solar Farm. He is surprised and very concerned about impact on the County especially the floating solar farms. He asked the County instead

of having floating zones make the zones more fixed and permanent and to keep the citizens aware of what is truly taking place keeping in mind of the three building universal principals in the Comprehensive Plan the first being “Keep Jasper County Rural”. He has great concerns about what potential harm this could do to Grays and Gillisonville communities but also for Jasper County as a whole.

**Resolutions – None**

### **Ordinances**

**Lisa Wagner – 1st Reading of an Ordinance to amend the Official Zoning Map of Jasper County so as to apply the Solar Farm Floating Zone to properties bearing Jasper County Tax Map Numbers 048-00-01-001 and 048-00-02-005 as shown on the Turkey Hill Solar Concept Plan, prepared by Thomas & Hutton, dated 11/21/17, located along Grays Highway**

Ms. Wagner said the Applicant is Turkey Hill Solar requesting rezoning from Rural Preservation to Solar Farm Floating Zone for 880 acres. Turkey Hill Solar is proposing to construct a 75-megawatt solar farm that will be built on a total of 880 acres. It will be located just past the intersection of Highway 278 and Calf Pen Bay Road; the project is on the east and west side of Highway 278 a/k/a Grays Highway. In accordance with the Ordinance of the Solar Farm Floating Zone, a concept plan has been prepared which depicts the project's boundary, the buffer yard setbacks, access road, wetlands, area where the PB panels will be located and a narrative illustrating how the ordinance will be met to secure the Solar Farm Floating Zone designation has been met has been included. The Concept Plan shows a 100' vegetated buffer along Grays Highway and where the site abuts residential property a 200' vegetated buffer is proposed. A fifty-foot agricultural buffer is proposed along forested property greater than five acres and located in the Rural Preservation Zoning District. The Concept Plan shows wetlands and the panels will maintain a fifty-foot undisturbed buffer from the wetlands. This Solar Farm consists of approximately 5 Pods of solar panels. Each Pod is fenced in leaving the wetlands undisturbed and creates a wildlife waterway. The Planning Commission has reviewed the Concept Plan and recommends approval to the County Council of the Turkey Hill Solar Farm Floating Zone for 880 acres as depicted in the Concept Plan. Letters have been mailed out noticing of the January 16<sup>th</sup> hearing and as of today we have not received any phone calls or inquiries in regard to the Turkey Hill Solar Farm.

Attorney Tedder adds when we went to the Planning Commission we advised that the Solar Farm Floating Zone Ordinance also provides that the County Council can require a develop agreement to go along with these which we would do of course which provides a mechanism to add additional safeguards, requirements, other things as part of that process. Which we have not received a development agreement for proposal yet. We presume it will be something similar to what we already have, but the Planning Commission did ask as I recall, Ms. Wagner, although it is not within their prevue to recommend approval of the development agreement they did ask the applicant to consider a ban on widespread use of pesticides and herbicides on the property to protect the wildlife and specifically be required in a particular area and we will bring those comments to you if we get to the development agreement part. Ms. Wagner added and to plant native grasses that would be conducive to wildlife.

Councilman Sauls motioned and Chairman Johnson seconds a motion to approve the First Reading of an Ordinance to amend the Official Zoning Map of Jasper County so as to apply

the Solar Farm Floating Zone to properties bearing Jasper County Tax Map Numbers 048-00-01-001 and 048-00-02-005 as shown on the Turkey Hill Solar Concept Plan, prepared by Thomas & Hutton, dated 11/21/17, located along Grays Highway. Vote ends in a tie with two for and two against. Chairman Johnson defers this item.

**Old Business** – Lisa Wagner reported that tomorrow is the beginning of our appeal period on the Preliminary Flood Maps. FEMA posted the notice in the newspaper last week on December 27<sup>th</sup>, 2017. It will be in the newspaper again tomorrow, which begins the ninety day appeal period. Jasper County needs to file a decision to FEMA within the ninety days to appeal or not to appeal. In order to appeal the data must be submitted to support the appeal; the data must be technical information indicating that the proposed flood hazard determinations are scientifically or technically incorrect; and the appeal data must be submitted to FEMA during the ninety day appeal period. We do not feel that we have adequate time to hire a contractor to do what it would take to submit this appeal. I reached out to Thomas & Hutton as well as AE Com, an engineering firm, they partner with SC Department of Natural Resources and they are the FEMA contractors who do the maps for Jasper County. They both have provided a cost estimate if we were to do a letter or map revision, which would revise the preliminary maps after they have been adopted. It would be a limited study covering approximately eleven miles of the Savannah River; serve two structures, the bridge along I-95 at the State Line and the Railroad Crossing over the Savannah River; with limited detail hydrologic and hydraulic analysis; flood plain mapping; defining the exact flood plain associated with the Savannah River based on the one percent annual chance of flood; five firm panel revisions establishing base flood elevations on the five firm panels; and doing the letter of map revision which includes the FEMA package operation and submittal. The cost estimate from Thomas & Hutton is \$165,000. West of Highway 17 and 321 to the Savannah River is shown as Unnumbered A Zones on the Preliminary Flood Maps from FEMA. Thomas & Hutton is not sure whether there will be any other individual flood studies needed, if that is the case, then their cost estimate would be only \$515,000. AE Com feels certain that they have already done some of this work and they feel that all of that flood plain was shown in the Savannah River flooding and during a revision a flood plain could be delineated if you want an exact and it may eliminate some of the areas. Their cost is \$75,000 to \$85,000 not to exceed \$120,000 if there needed to be more detail modeling done to the map revision. So, we are looking for some direction from the Council or approval for the staff to move ahead for the map revision. There are some large land owners who are eventually going to have to come up with a flood study. We would like to come to the table with those land owners to see if they would help with that cost to pay for the study to be done.

## **Discussion**

Councilman Johnson asked are those mutually exclusive remedies, if we appealed unsuccessfully could we still do a map revision. Attorney Tedder responded he believes the answer is an indirect answer; if we appeal then we can't use the apparent lower cost firm and that would cost us something to get an independent person to do something. If we just go for the map amendment, they are not disqualified from assisting us at that lower cost. Chairman Johnson said other than the deficiencies of the litigation process legally they are not mutually exclusive. Attorney Tedder responds in an administrative setting, this is regulatory rule making in affect, I am not so certain that the concept that you and I are familiar of ratio of collateral estoppel applies. Whether they would say you can't have the mapping revision because you appealed so you are stuck with what you have. It seems to me that if you have new information they should accept it. Chairman Johnson said in before 1993 the State and Federal Government told us we could not have a port, a while later they

told us we could not have a hospital. What they have told you, Ms. Wagner is this is our rules and I strongly believe that The Fourteenth Amendment of the United States Constitution overrules whatever rules they have. If Mr. Tedder and I debate and leave you on the sidelines it is not directed at you. He continues saying I am frustrated and outraged, I believe that we need to stand up because this is the United States of America and those people in Tarboro and Purrysburg are Americans just like those on Hilton Head and if they individually mapped one county or 45 Counties out of, I believe there is one other County they did not individually map. They decided that Jasper County wasn't worth the trouble that makes me want to stand up and do something and not necessarily what they tell us we have to do. Europeans settled in Purrysburg in 1732 and they found out where they could live without flooding. I for one want to meet every deadline and cross every t, but I don't know if I want to spend a quarter of a million dollars but I don't think we have to fold our cards and go home if we don't. Ms. Wagner adds in your packet is information from FEMA about the appeal process and the regulations. Mr. Fulghum asked since this has a deadline could staff try to put together a recommendation for the next Council meeting weaving in all of the comments we heard tonight and come back I know Mr. Tedder had a couple of questions he wanted to research.

Councilwoman Clark motions as a member of the prevailing side and Councilman Sauls seconds the motion that Council reconsider Item XII. B. 1st Reading of an Ordinance to amend the Official Zoning Map of Jasper County so as to apply the Solar Farm Floating Zone to properties bearing Jasper County Tax Map Numbers 048-00-01-001 and 048-00-02-005 as shown on the Turkey Hill Solar Concept Plan, prepared by Thomas & Hutton, dated 11/21/17, located along Grays Highway. Motion passes with all members present voting.

Councilwoman Clark motions and Councilman Etheridge seconds the motion to defer the first reading until after the scheduled public hearing on January 16<sup>th</sup>, 2018, of Item XII. B. 1st Reading of an Ordinance to amend the Official Zoning Map of Jasper County so as to apply the Solar Farm Floating Zone to properties bearing Jasper County Tax Map Numbers 048-00-01-001 and 048-00-02-005 as shown on the Turkey Hill Solar Concept Plan, prepared by Thomas & Hutton, dated 11/21/17, located along Grays Highway. Motion passes with all members present voting.

## **New Business**

Andrew Fulghum – Consideration – The Jasper County Transportation Advisory Committee recommends for approval \$750,000 for the State DOT to pave two roads, namely Pinehaven Road in Tarboro and Macedonia Road in Levy. Councilman Sauls motions and Councilwoman Clark seconds the motion to approve said recommendation. Motion passes with all members present voting.

## **Council Members' Comments**

Councilwoman Clark looks forward to working with the new Chairman and Vice-Chairman; wishes everyone a happy and prosperous new year and looks forward to Ms. Franks' return. She also thanked Jasper County EMS for their service. The death angel has been busy in her family. Pray for our County Administrator as he travels for the final rights of his Mother.

Councilman Etheridge said he slept through the new year but he has been studying these maps and he knows about the solar farms in and around the Gillisonville area and we are going to see what happens. He also looks forward to working with the new Chairman and

Vice-Chairman.

Councilman Sauls said we have been very blessed with Christmas and new years and had a wonderful holiday season. It has been quiet on the Council front and with that I would just like to thank County Council serving as Chairman for the past two years has been a real honor for me. This Council has worked great together and continues to do so. We have accomplished a lot but it was not done without our staff, Andy, Ronnie, David Lisa and the entire County Staff. They do a fabulous job. I can't thank you enough for your support over the past two years. What has been accomplished says so much just in the last two months the Waste management and Coco-Cola, Johnson & Johnson announcement. We continue to work on the Jasper Ocean Terminal and we broke ground on our new 4,300 foot runway. Working with the South Carolina Alliance with prospects, infrastructure plans for our industrial parks and working with the City of Hardeeville and the Town of Ridgeland. There's many good things happening and being born and raised here with family here. I thank you for stepping up to the podium to talk about protecting our environment, our home protecting our way of life. We appreciate all of you coming to the meeting. I look forward to the new Chairs and the new year expecting an exciting 2018.

Chairman Johnson said he hopes everyone had a nice Christmas and a happy new year. He looks forward to working with everyone. He adds a minor comment to both Mr. Etheridge's what we do so much in life is a paradox and what we do as the County Councilman is usually a matter of weighing things and dealing with paradoxes, you all know that I am not too big on slogans but when I needed one my slogan was make Jasper County better not different. Which is a paradox in itself and sometimes it is hard to do both. We appreciate all of you being here. Spread the word get people to come. Let people see for themselves that usually give a more accurate picture than what you hear at the gas station or see on Facebook.

**Administrator's Report** – Mr. Fulgum said we have three separate requests as you can see on your report.

The first is a request is for a meeting on the Library Board, it has not been set yet so we will be circulating that.

The second is recommendations from the School District, Mr. Andrews requests two meetings asking you to attend and participate. The first meeting is on January 11<sup>th</sup>, concerning historical preservation they have invited you to that meeting. The second they are proposing a meeting is a joint meeting which requires your consent obviously, here to talk about economic and impact fees. So, we will be talking with you about schedules in a few days.

The third request is suggested for January 29<sup>th</sup>, if you would please check your calendars for a meeting with the municipalities, specifically to speak of economic development, impact fees and the school budget. So, we will again get back with you and get these items on your calendar. I wanted you to know that we are working on these items. If you have any questions regarding my progress report I will be happy to answer them.

**Adjourn** – Councilman Sauls moved and Councilwoman Clark seconds the Motion to adjourn the meeting. The motion carried with all members present voting.

The meeting ended at 7:40 P.M.

Respectfully submitted:

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Bonnie Lawson  
Acting Clerk to Council

Approved:

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D. Thomas Johnson, Jr.  
Chairman