



**JASPER COUNTY COUNCIL
COUNCIL CHAMBERS
HARDEEVILLE CITY HALL
205 MAIN STREET HARDEEVILLE, SC 29927
MARCH 2, 2020
MINUTES**

Call to Order – Chairman Etheridge called the meeting to order at approximately 5:00 P.M in order to enter into Executive Session.

Officials Present: Chairman Henry Etheridge, Vice Chairwoman Barbara B. Clark, Councilman D. Thomas Johnson, Councilman L. Martin Sauls, IV, Councilman Dr. Curtis Brantley

Staff Present: County Administrator Andrew Fulghum, Acting Clerk to Council Tisha L. Williams, County Attorney David Tedder, Director of Emergency Management Services Chief Frank Edwards, Administrative Services Director Kimberly Burgess, Public Works and Engineering Services Director Dale Terry

Upon Motion by Councilman Brantley as Councilman Johnson seconds to enter into Council Executive Session to discuss matters as listed on the posted Agenda, the Motion passes with all Councilmembers present voting in favor.

Executive Session

Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that a hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing – Clerk to Council

Discussion of negotiations incident to proposed contract arrangements and proposed purchase or sale of property, the receipt of legal advice where the legal advice related 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 – Morgan Tract, Indefinite Delivery Contracts, Discussion of Potential Conflict Waiver, Old Health Dept Building, School District Admin Building

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 – Section 30-4-70(a)(5) – Jasper Ocean Terminal (JOT), Prospect Update

Vice Chairwoman Clark moves and Councilman Sauls seconds the motion to return to Open Session. The Motion passes with all Councilmembers present voting in favor.

Return to Open Session at approximately 6:12 P.M.

Chairman Etheridge asked if there are any matters to be brought forward from Executive Session.

Councilman Johnson stated that there are ((2) matters. The first, Council empowered the County Attorney or County Administrator to sign a conflict waiver regarding the law firm that is working with both the County Council and the School Board relative to Exit 3, Vice Chairwoman Clark seconds the motion – all members present voting in favor.

Council Johnson stated the second matter is, some time ago Council passed a Resolution relative to instituting litigation relative to the Port. Councilman Johnson moved to have the Resolution amended to provide in conclusion #1 that the Chairman of Jasper County Council shall instruct the County Attorney to file a subsequent prosecution of the civil action to any additional allegation or cause of action they may recommend no later than 30 days after reason appears the Exit 3 assurances were false, misleading or inaccurate or that there will be no progress on other conditions, Vice Chairwoman seconds the motion – all members present voting in favor.

Chairman Etheridge moved to have Executive Session come to a close, and opened the floor the Public Hearing and 2nd Reading of an Ordinance scheduled for 6:00pm due to a advertising error.

David Tedder - Public Hearing and 2nd Reading of an Ordinance to Amend Appendix A of the Jasper County Code of Ordinances, Zoning, so as to provide additional requirements and conditions for certain uses, including those included in the North American Industrial Classification System (NAICS) Sector 421930, Recyclable Material; and Sector 56292, Material Recovery Facilities; by including certain additional financial security requirements to provide funds to de-commission, clean-up and close-out facilities, and matters related thereto.

Mr. Tedder stated that this Public Hearing and Ordinance comes about due to the County's experience over the Summer with a recycling facility on Schinger Ave and discover that there were some gaps between DHEC regulations and local county regulation. And while working with DHEC and Lisa Wagner in the Planning Department, a few changes have been brought forward to prevent outdoor storage of recyclables from getting certain volumes of items and requires fencing which the information was featured in the Council's packet. The issue has gone before the planning Commission and it was discussed that there might be a need to close another loop hole that DHEC which is there regulations that require recycling facility to move 75% of the materials on site off each year, but weight or volume was not included, thus it has now been included it must be by volume. Councilman Johnson asked Mr. Tedder to clarify it was 75% of volume or by weight and Mr. Tedder stated that it was by volume. Mr. Tedder stated that DHEC is supportive of the Ordinance and the DHEC attorneys have a listed a few grammatical issues that need to be changed, but other than that the Ordinance is good to go.

Juliana Smith – South Carolina Coastal Conservation League

Mr. Fulghum received an email this afternoon from Ms. Smith stating that she would have liked to have been present at the hearing but submitted written comments: "Jasper County Council Members, Thank you for the opportunity to comment on the behalf of the Coastal Conservation League regarding the proposed ordinance to amend articles 11:7.8, 11:7.18, and 9:3.10 of the Jasper County Code of Ordinances, Zoning, in order to better provide oversight of Recyclable Material and Material Recovery facilities in Jasper County.

In the wake of the fire at the Able Contracting site, it became clear that a mechanism was needed to ensure that the industry bears some responsibility in case a disaster occurs and cleanup is necessary. The State does not currently require a financial bond from these industries, although it can require bonding in its discretion. It is wise for County governments, who are closest to these industries, to address the problem locally. We support the proposed amendment to require a financial bond prior to the issuance of an operating permit or business license for these industries. We also support the additional amendments that take measures to reduce the allowable height limitations of collected waste material piles and tighten regulations regarding non-conforming land use violations. In addition, we recommend considering – either at this time or at a later date – marsh setbacks for these industries. One of the Conservation League and Savannah Riverkeeper’s primary concerns during the Able Contracting fire was minimizing the likelihood of nearby waterway contamination. We recommend adding wetlands to the current setback requirements of at least 1,000 feet in place for neighboring residential uses like churches, schools, and public parks. By pursuing these amendments, Jasper County is not only poised to better protect its residents from bearing the burden of future disasters like the Able Contracting fire, but better equipped to prevent similar situations from ever occurring. We applaud Jasper County’s efforts and support this ordinance.” Councilman Sauls moved to accept the 2nd Reading of the Ordinance as Councilman Johnson seconds the motion. All members present voting in favor.

Chairman Etheridge closed the floor to public hearing and announced a recess of the regular session until 6:30pm. Council entered into recess.

Pledge of Allegiance led by Councilman Brantley and in unison

Invocation given by Councilman Sauls

Approval of Agenda

Councilman Sauls moved as Vice Chairwoman Clark seconds the Motion to approve the Agenda as previously posted and presented. The Motion passes with all Councilmembers present voting.

Approval of the Minutes – February 3, 2020

Councilman Sauls moved to approve the Minutes of February 3, 2020 as Vice Chairwoman Clark seconds the motion. All Members present voting in favor, motion passes to approve the Minutes.

Open Floor to the Public

Per ordinance 08-17 any citizen of the County may sign to speak before the Council on matters pertaining to County Services and Operations. Presentations will be limited to three (3) minutes and total public input will be limited to 30 minutes.

Chairman Etheridge opens the floor to the Public.

David Spisso

Mr. Spisso stated that he wanted to say Happy New Year to all and welcome to Hardeeville, that he’s going “this” on his own and just wanted to come and say hello and Congratulations to Mr. Etheridge for becoming Chairman of the County Council and that he looks forward to working with him as well as Congratulating Bo White for being a part of the City Council. Mr. Spisso stated that he hopes the Council can sense the

transparency that exist in the Chambers and the business that City Council conducts in the chambers and again welcome to Hardeeville. Chairman Etheridge thanked Mr. Spisso.

Chairman Etheridge closes the floor.

Resolutions

Lyn Tindal (Keep Jasper Beautiful) – Resolution Supporting Keep America Beautiful and Establishing Support For Keep Jasper County Beautiful

Ms. Tindal stated that last year Jasper County Council reinforced the start of Keep Jasper County Beautiful program and she has written a grant for the program in which it will be rewarded \$10,000 from Palmetto Pride and Keep America Beautiful and Keep South Carolina Beautiful (those in attendance broke out in applause). Ms. Tindal stated that she's been working diligently with all the municipalities and all the people around Jasper County and they have completed numerous litter drives. Ms. Tindal is asking the County Council for an acceptance of a Resolution supporting their program adding that because she has to submit it to the Keep South Carolina Beautiful. Ms. Tindal announce that they are having a huge litter dive on April 22,2020 and both municipalities will be participating, all law enforcement, the Town of Hardeeville has also been a tremendous help, the Conservation District, as well as the Blue Heron and not to mention that the Jasper County Chamber is also sponsoring the drive and it will be all over Jasper County. Ms. Tindal hopes to have at least 75 volunteers on each end of the County and she hopes that this will be an annual event going forward. Ms. Tindal stated that this program is a teaching and pick up program. Councilman Brantley asked Ms. Tindal is she has received the grant and what would be the purpose of a letter supporting. Ms. Tindal stated that they have not received the grant as of yet but they need the letter accompanying the grant that she is writing.

Councilman Sauls moved as Councilman Johnson seconds the Motion. The Motion passes with all Councilmembers present voting. Councilman Sauls asked Ms. Tindal if the litter pick up is on Earth day and where do they meet, Ms. Tindal stated that on the Ridgeland side, they will meet at the Blue Herron and on the Hardeeville side it will be there at public works. Jennifer with Parks and Recreation sent out a "teaser" and as soon as she returns back next week, Ms. Tindal will send out all the flyers to tell the details. Vest, visors, and gloves will be provided. Vice Chairwoman Clark stated that she was glad to hear about all the great progress that's being made as she saw at last week State Conference that so many Counties were receiving awards from Palmetto Pride and pondered why Jasper hasn't or doesn't receive anything. Ms. Tindal stated that she thinks that she's going to get something on Thursday when she heads up. Vice Chairwoman stated that she was sorry that the County Council will not be there to see her receive it.

Ordinances

Kim Burgess – 3rd Reading of an Ordinance to Provide For the Issuance and Sale of Not Exceeding \$1,308,200.00 General Obligation Bonds and Not Exceeding \$1,308,200.00 General Obligation Bond Anticipation Notes of Jasper County, South Carolina for the Purposes of Defraying the Costs of Acquiring and Constructing the Marsh Cove Fire Substation and Other Public Uses; To Provide For the Payment Thereof; And Other Matters Relating Thereto.

Councilman Sauls moves as Councilman Brantley seconds the Motion, All Members present voting in Favor and the Motion passes.

David Tedder – 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 040-00-02-015 from the Community Commercial Zone to the General Commercial Zone on the Jasper County Official Zoning Map.

Mr. Tedder stated that he's standing in for Ms. Wagner who is out tonight and that this is a zoning request for a parcel of land off of Speedway Blvd at the southside of Hardeeville 11578 Speedway. The request has gone before the Planning Commission last month, and the parcel is owned by Mr. Bostick and was he subject of discussion 18 or 24 months ago which led to some gateway corridor district modifications. Mr. Bostick has brought it back, asking to re-zoned to general commercial. The Comp plan for this property is identified as being Urban Transition, which are areas of unincorporated parts of Jasper County that are partially or entirely out of municipal limits and consideration should be given to the municipality about annexation. The Planning Commission and others have inquired about the annexation, in which the applicant does not want to annex into the City of Hardeeville. At the prior time, it was believed that he had a general commercial zoning. The parcel is 1.21 acres.

Councilman Sauls moves as Councilman Brantley seconds the Motion to approve the 1st Reading of the Ordinance, All Members present voting in Favor and the Motion passes. Chairman Etheridge inquired if the public hearing has been advertised. Mr. Tedder advised that it set up for public hearing, but it has to be that Council approves the ordinance first before the public hearing can be advertised.

New Business

Frank Edwards – Contract Addendum – Stiney Road Fire Station – Thomas & Hutton

Chief Edwards for Council's approval for a contract addendum to Thomas and Hutton for additional construction observation and administration of administrative services for the Stiney Road Fire Station Project in the amount of \$7,600.00.

Councilman Johnson moves as Councilman Brantley seconds the Motion, All Members present voting in Favor and the Motion passes. Chairman Etheridge asked if it was about the water main. Chief Edward advised that there were some issues with the water main and some civil engineering items that needed to be redone because of the weather.

Frank Edwards – Request to Purchase Fire Apparatus for Marsh Cove Fire Station

Chief Edwards requested approval to purchase a 2002 Pierce Kenworth 2,000 gallon tanker from Palmetto Fire Apparatus for \$100,000.00 for the Marsh Cove Fire Station.

Councilman Sauls moves as Vice Chairwoman Clark seconds the Motion, All Members present voting in Favor and the Motion passes. Chairman Etheridge asked Chief Edwards if the money was in the budget in which Chief Edwards answered yes.

Old Business

Andrew Fulghum – Modification of Airport Expenditure Request

Mr. Fulghum stated that he prepared a memo in Council's packet concerning the request made some months ago and he included a copy of the Minutes from that particular meeting where he requested some additional funding to repair some drainage works at what's called the "Heritage Portion" of the airport in the amount of not to exceed \$60,000.00. The County was success in obtaining the Contractor at the time and there were some contract delays to perform the work for the County at no charge and so again County

found themselves with two pieces of work that are not grant eligible at this time and would like to come back and ask Council for consideration since the County did not spend the \$60,000.00, they would like to apply those funds to the two different items. One item is additional paving which is down by the Heritage portion of the Airport and the second item is for additional clearing as the County now has the opportunity to begin Phase 4 orient to the entry road (north area of new airport).

Vice Chairwoman Clark moves as Councilman Sauls seconds the Motion, All Members present voting in Favor and the Motion passes. Chairman Etheridge reiterated that it was not new money and that the funds were approved for something else at the airport and now those funds will be used for the items listed.

Council Members' Comments

Councilman Sauls stated that Southern Carolina Alliance had their annual Retreat last week and it was well attended with great discussion with several different panels, it was very informative with a special facilitator Mike Butler and also the Governor's Chief of Staff Trey Walker was a keynote speaker. Councilman Sauls stated that a lot of discussion was held on the Jasper Ocean Terminal, in a nutshell that Georgia is not ready to "get married" with South Carolina just yet as told by the Governor's Chief of Staff per several meeting with the Governor of South Carolina and the Governor of Georgia meeting with both state's Port Authorities. Councilman Sauls that Council will continue the effort and will not to give up on that. Councilman Sauls also reminder everyone in attendance of the upcoming Jasper County State House Day set for Tuesday March 31, 2020 in Columbia.

Vice Chairwoman Clark stated she attended the Aviation Conference in Myrtle Beach adding that it was great information and she traveled again to Myrtle to the Insurance Trust and Workers Comp meeting. Vice Chairwoman Clark also stated that once she returned she then traveled to Mid-Year Conference and Institute of Governments in Columbia.

Councilman Brantley stated that he attended the SC Association of Counties Mid-Year Conference as well as attended some of the classes that they offered and it was quite information and that he appreciates the opportunity.

Councilman Johnson stated that he attended a meeting in Hardeeville about Exit 3 and ended with the some positive information and it was suggested or requested to make certain steps as a Council in which Council has already done and that he also participated in parts of the Conference in Hilton Head Island hosted by the Southern Carolina Alliance, adding that it was very informative and everyone was receptive to the County's design for the Port.

Chairman Etheridge inquired if the County had the grand opening for the Airport before or after the last Council meeting? Councilman Johnson stated that it was before. Chairman Etheridge stated that he attended the South Carolina Port Authority Meeting and that he asked for minutes from the meetings and they didn't recognize that he was there. Chairman Etheridge stated that he attended the County Conference afterwards and that it was very good and one of the classes he attended was "How to conduct a Meeting as Chairman" and he jokingly said that he believes that it caused him to be a little confused on tonight and apologized. He also attended the Southern Carolina Alliance Meeting and they are set on getting a Port and the Chairman suggested that they form a coalition with all seven counties and he's waiting to see what comes from that. Chairman Etheridge stated that he also attended the Senior Citizens of Jasper County Valentine's Dinner and there was about 240 people there and it was a great meeting/fundraiser and asked everyone in attendance to think about the Jasper Ocean Terminal.

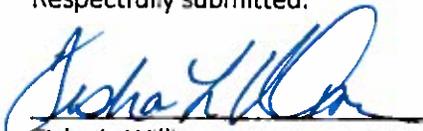
Administrator's Report presented to Council his Administrator's Report as well as asked the Council to consider the list of Appointments needed for many Boards and Committees at the Council's upcoming Council Retreat March 25, 2020. Mr. Fulghum stated that also included in Report is the 2019 Planning Commission and Board of Zoning Appeals as well as a Change Order and that he has not. Vice Chairwoman stated that she did not have any questions regarding the Administrator Report, but inquired those who are in attendance, if anyone would like to serve on any of the available boards to apply so that the opens seats can be filled, as she's been contacted by the New Life Center Board and they are in need of four people to join. Chairman Etheridge asked if the available positions were posted on the website, Mr. Fulghum stated that the Application is listed on the website. Councilman Johnson stated foe those who are unaware that the New Life Center involves addictions and substance abuse so if anyone has those skills to help in serving.

Adjourn

Vice Chairwoman moved and Councilman Brantley seconds the Motion to adjourn. The Motion passes with all Councilmembers present voting in favor. Meeting Adjourned

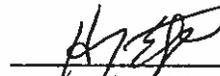
Meeting adjourned at 7:07 P.M.

Respectfully submitted:



Tisha L. Williams
Acting Clerk to Council

Approved:



Henry Etheridge
Chairman