



JASPER COUNTY COUNCIL WORKSHOP AND COUNCIL MEETING

Jasper County Clementa C. Pinckney Government Bldg.
358 3rd Avenue Ridgeland, SC 29936

Tuesday, January 17, 2023

MINUTES

Chairman Sauls called the meeting to order at 5:03PM. Chairman Sauls asked the Clerk to Council to read the Report of Compliance to the Freedom of Information Act. Ms. Simmons, Clerk to Council then read the Clerk's Report of Compliance with the Freedom of Information Act as follows: *In compliance with the Freedom of Information Act, notice of meetings and agendas were posted and furnished to all news media and persons requesting notification.*

Officials Present at the Workshop:

Chairman L. Martin Sauls IV, Vice Chairwoman Barbara B. Clark, Councilman John Kemp and Councilman Coy Garbade.

Staff Present: County Administrator Andrew Fulghum, Clerk to Council Wanda H. Simmons, County Attorney David Tedder, Kimberly Burgess, Russell Wells, Lisa Wagner, and Videographer Jonathan Dunham.

Also Present: Jennifer Tosky

Workshop Topics:

➤ **Jennifer Tosky - Bailey Park PDD Information**

Jennifer Tosky was present to give informational review and updates on the Bailey Park PDD. Chairman Sauls welcomed Ms. Tosky and thanked her for coming. Ms. Tosky discussed the fact there are two parcels which consisted of the Northern parcel and Southern parcel. She noted that the current zoning for the Northern parcel was community commercial and on the Southern parcel it is residential. She said that it appears that is not the best way to utilize the land in the zoning that it is in currently. She said she believes it would be best to rezone it and combine it because back combining it would make over 25 acres and Council could grant a PDD. She also noted that the problem with utilizing the parcels separately as they are currently zoned by the current guidelines would give ingress and egress issues. She reviewed the first request that they made of cancel and then she discussed their proposed request. Council discussed some questions they had, and Ms. Tosky provided answers for those questions. There was some further discussion of the previous request versus the current request versus the current zoning. Chairman Sauls thanked Ms. Tosky for coming to the meeting to provide this information for Council. For additional information on this item please visit https://www.youtube.com/channel/UCBmloqX05cKAsHm_ggXCJIA.

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➤ **Update Airport Commission Board**

Chairman Sauls noted that council had looked at two needed appointments one for Avery Cleveland and another for Canada Smith. Mr. Lucas noted that those were the only vacancies on the board. It was also noted that the name changed to the Airport Commission Board instead of the Aeronautics Commission. It was noted that in the packet council was given a copy of the new ordinance and the old regulations by Mr. Tedder. He also noted that they were asking for The first reading of this ordinance tonight and then they would set up a public hearing. There was some discussion about the two names that have been submitted and Mr. Tedder noted that the two appointment submissions don't qualify currently because they are not residents; however, under the new ordinance it will allow for nonresidents to be on the board. There were some other questions about the drafting of the proposed ordinance and also some discussion regarding the original appointment of the Aeronautics Commission Members as well as the current ordinance. The most recent appointments and the reason for the updated ordinance being requested was discussed. For more information visit https://www.youtube.com/channel/UCBmloqX05cKAsHm_ggXCjIA.

Discussion of all Agenda Items: There was no other agenda item discussion.

Officials Present at the Council Meeting:

Chairman L. Martin Sauls IV, Vice Chairwoman Barbara B. Clark, Councilman Pastor Alvin Adkins, Councilman John Kemp and Councilman Coy Garbade.

The Council Meeting was called to order by Chairman Sauls. The Pledge of Allegiance was given, and Vice Chairwoman Barbara Clark gave the Invocation.

Approval of Agenda:

Councilman Kemp asked that the motion to approve the agenda include to amend the agenda and table Ordinance Item 10C.

Motion to approve as amended: Councilman Adkins

Second: Vice Chairwoman Barbara Clark

Vote: Unanimous

The motion passed.

Approval of the minutes of 10.03.2022; 10.12.2022; 10.17.2022; 10.21.2022:

Motion to approve: Councilman Adkins

Second: Vice Chairwoman Barbara Clark

Vote: Unanimous

The motion passed.

Presentations and Proclamations:

Presentations:

A: Michael Burchstead, Esq. – Presentation regarding Case #2022-CP-27-000-82
Jasper County Election Case

Mr. Burchstead was present to discuss the redistricting in early 2022 and that as a result of that redistricting that Mr. Adkins did not reside in the district where he was elected. He noted that Council has 4 members at large with a residency requirement and 1 at large. He noted that this method had been utilized since 1969. He noted that they were retained in Feb 2022 for this item. He said that their belief at Burr & Foreman LLP., was that Council cannot be declared legal or illegal for office and that they just want to have the court say he was qualified or not qualified. He noted that if they said he was qualified under the declaration judgement act that it went no further. He said Council had still been under redistricting, so the Council drafted an ordinance to include his area in the redistricting. If they said he wasn't qualified; then the questions would become if the new election would be under old districts or the new districts as well as probable other questions. He noted since no judgement had been given, he can be allowed to serve in a de facto status. The drawing in and of his area was proper under the authority of the council; and he can serve and run in the next election. He noted that they just need a court to hear the case. He noted that they were just trying to do what is right for the County and that is pending in the Circuit Court System. He said they had tried to move it along but request was denied so Mr. Adkins' attorney tried to dismiss it and that was also denied. He said as of current, that nothing has been decided and it was simply still in the court system. He noted that in Richmond County it had taken almost 2 years to get an answer, and that the County was protected by the filing. He noted to the Council that he had to be careful not to waive any privilege. He noted that everything he had already said had been said out in the open and that he could not discuss strategy as it was privileged. For more in-depth information on this topic please feel free to go to https://www.youtube.com/channel/UCBmloqX05cKAsHm_ggXCJlA.

Proclamation:

A: David Tedder - Proclamation recognizing February 19th - 25th, 2023 as Childhood Cancer Awareness Week in Jasper County

Mr. Tedder read the proclamation on the floor that recognized the week of February 19th thru February 25th as Childhood Cancer Awareness Week in Jasper County.

Motion to approve: Councilman Kemp

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

Open Floor to the Public per Ordinance 08-17– Any citizen of the County may sign to speak in person at the Council Meeting (before the Council Meeting's 6PM start time on the Sign In Sheet on the Podium), to address Council on matters pertaining to County Services and Operations. Presentations will be limited to three (3) minutes per person and total public input will be limited to 30 minutes.

Steven Schmidt discussed the Ridgeland Claud Dean Airport.

David Pinegar discussed the airport.

Lee Logan discussed the airport.

Rev. Samuel Gregory discussed the prior election concerns.

Resolutions:

A: Kimberly Burgess – Resolution **#R-2023-02** of Jasper County Council confirming the procurement of construction services to renovate the Coroner's office at 1504 Grays Highway Suites B and C per Cleland Building Solutions estimate #EST269 dated January 4, 2023 pursuant to Section 2-412 of the Jasper County Code of Ordinances to provide for emergency procurements.

Ms. Burgess was present to review resolution and address this item with Council confirming the procurement of construction services to renovate the Coroner's office at 1504 Grays Highway Suites B and C.

Motion to approve: Councilman Adkins

Second: Vice Chairwoman Barbara Clark

Vote: Unanimous

The motion passed.

Ordinances:

A: David Tedder – Public Hearing and **2nd reading** of Ordinance **#O-2022-39** Authorizing Certain Amendments, Modifications and Changes to the County's Code of Ordinances; Authorizing the Execution and Delivery of a Consolidated Fire Service Agreement Between Jasper County, South Carolina and Levy Volunteer Fire Department; Authorizing the Appropriation of County Funds Under the Terms of Such Agreement; and Other Matters Relating Thereto. (**1st reading 12.05.2022**).

Mr. Flynn was present to address this request for the ordinance regarding the consolidated Fire Service Agreement Between Jasper County, South Carolina and Levy Volunteer Fire Department. A public hearing was held but not public comments were given so the public hearing was closed.

Motion to approve the 2nd reading of Ordinance #O-2022-39 authorizing certain amendments, modifications and changes to the County's Code of Ordinances; authorizing the execution and delivery of a consolidated Fire Service Agreement between Jasper County, South Carolina and Levy Volunteer Fire Department: Councilman Kemp

Second: Vice Chairwoman Barbara Clark

Vote: Unanimous

The motion passed.

B: Lisa Wagner – Consideration of the **1st reading** of an ordinance to amend the Official Zoning Map of Jasper County so as to transfer a property located at 11421 Gillison Branch Road, bearing Jasper County Tax Map Number 050-00-04-011, consisting of 31.504 acres, from the Rural Preservation Zone to the Resource Extraction Zone on the Jasper County Official Zoning Map.

Ms. Wagner noted that the subject property consisted of 31.504 acres and is located at 11421 Gillison Branch Road. The Applicant has requested a Zoning Map Amendment to have the property designated as

Resource Extraction. The property is currently zoned Rural Preservation. The property is utilized as the applicant's primary residence. The applicant intends to apply for a SCDHEC mining permit in order to create a 5-acre recreational pond and remove the dirt from the site. In accordance with the Jasper County Zoning Ordinance, any mining or excavation activity is only allowed within the Resource Extraction Zone.

According to the 2018 Jasper County Comprehensive Plan, the Future Land Use Map identifies this area as "Rural Conservation," which are areas that seeks to protect and promote the character of Jasper County that largely exists today outside of the municipalities. Non-residential development may be appropriate if it is buffered correctly. The properties immediately adjacent to the site are zoned Rural Preservation and Residential. Within ½ mile radius there are 12-14 properties that are zoned Rural Preservation and approximately 40-43 properties that are zoned Residential. The adjacent land uses are single family residential and undeveloped properties. Within ½ mile radius of the property, there are approximately 20 properties that are developed with single family homes. The subject property is accessed by Gillison Branch Road, which is a two-lane state maintained road classified as a collector road. The intent of the Resource Extraction (RE) Zone as noted is:

To protect, preserve, sustain, and protect activities which specifically extract or harvest natural resources for commercial or industrial purposes, such as mining, excavations, excavation operations and activities, while concurrently ensuring protection of the health, safety, welfare of nearby residents and the value of nearby property. The Resource Extraction District will protect economically important mineral resources of the County for current and future use and will protect existing land uses adjacent to potential lands from undue harm that may result from mineral extraction activity.

Businesses extracting resources are essential activities that may present unique challenges when considering adjacent properties and protection of public health, safety and welfare. However, it is intended that this zoning classification only apply to those portions of the County where the potential for conflict between adjacent current and future land uses and the mineral extraction activities are minimal. Any zoning map amendment to designate a property as RE should be carefully considered by assessing the following factors, including but not limited to: impact on environmentally sensitive areas and critical natural resources; impact on health, safety and welfare of the Jasper County residents; impact on the character of existing communities; impact on adjacent land value; traffic generation and potential mitigation; and any other factors considered essential to address.

In accordance with the Jasper County Zoning Ordinance, the Resource Extraction Zone allows mining and excavation as a conditional use. She also noted Article 6:1, Use Regulations.

In addition to the provisions of Article 14 of the Jasper County Zoning Ordinance, *Excavation Regulations*, other important conditions include the following conditions for specific uses as noted in Article 11;7. She also noted that in 11:7.4, Sector 21: Mining and Mine Operation that:

1. Mining and Mine Operation must have all required state and federal permits and meet the requirements of all State and Federal Statutes and regulations.
2. Mining and Mine Operation must meet the following setbacks.

All excavation activities will be adequately buffered from nearby properties, because the subject property is surrounded on all sides by a larger parcel of land, which is zoned Rural Preservation, and owned by the applicant on all sides except for the property adjacent to the western boundary line.

The Planning Commission reviewed this application at their December 13, 2022 Planning Commission Meeting and recommends re-zoning the property to the Resource Extraction Zoning District.

Motion to approve: Councilman Adkins

Second: Vice Chairwoman Barbara Clark

Vote: Unanimous

The motion passed.

C: David Tedder – 3rd reading of Ordinance #0-2022-38 Authorizing The Execution And Delivery Of A Fee-In-Lieu Of Tax Agreement By And Between Gopher Hill Holdings, LLC Or Its Assigns (The "Sponsor") And Jasper County, Whereby Jasper County Will Enter Into A Fee-In-Lieu Of Tax Agreement With The Company And Providing For Payment By The Sponsors Of Certain Fees-In-Lieu Of *Ad Valorem* Taxes; Providing For Special Source Revenue Credits In Connection With Such Agreement; Authorizing And Approving (1) Development Of A New Joint County Industrial And Business Park Pursuant To Section 4-1-170 Of The Code Of Laws Of South Carolina 1976, As Amended, In Conjunction With Hampton County (The "Park") Such Park To Be Geographically Located In Jasper County; (2) The Execution And Delivery Of A Written Park Agreement With Hampton County As To The Requirement Of Payments Of Fee-In-Lieu Of *Ad Valorem* Taxes With Respect To Park Property And The Sharing Of The Revenues And Expenses Of The Park; And (3) The Distribution Of Revenues From The Park Within Jasper County; And To Authorize The Jasper County Council Chairman Or County Administrator, As Appropriate, To Execute Such Agreements And Other Documents As May Be Necessary And Appropriate To Effect The Fee-In-Lieu Of Tax Transaction And To Provide For Other Matters Relating Thereto. (1st reading 11.21.2022; 2nd reading 12.05.2022) (Project Refurb)

This item was tabled during the approval of the agenda.

D: David Tedder – Consideration of the 1st reading of an Ordinance To amend the Jasper County Code of Ordinances, including Article IV, *Boards and Commissions* of Chapter 2, *Administration*, so as to amend Division 7, *Jasper County Aeronautics Commission*, including provisions regarding the appointment, qualifications, duties, and responsibilities of the Aeronautics Commission; to amend certain provisions of Chapter 29 to the Jasper County Code of Ordinances, *Aviation*, so as to make clarifications and amendments to certain standards, rules and regulations; and providing for corrections and amendments to the Template Leases approved by County Council pursuant to Ordinance 19- and related matters regarding the aeronautical and other activities at the Ridgeland – Claude Dean Airport, and matters related to the foregoing.

Mr. Tedder was present to discuss the first reading of this ordinance to amend the Jasper County Code of Ordinances including Article IV, *Boards and Commissions* of Chapter 2, *Administration*, so as to amend Division 7, *Jasper County Aeronautics Commission*, including provisions regarding

the appointment, qualifications, duties, and responsibilities of the Aeronautics Commission; to amend certain provisions of Chapter 29 to the Jasper County Code of Ordinances, *Aviation*, so as to make clarifications and amendments to certain standards, rules and regulations; and providing for corrections and amendments to the Template Leases approved by County Council pursuant to Ordinance 19- and related matters regarding the aeronautical and other activities at the Ridgeland – Claude Dean Airport. For additional information on this item please refer to https://www.youtube.com/channel/UCBmloqX05cKAsHm_ggXCJlA.

Motion to approve: Vice Chairwoman Clark

Second: Councilman Adkins

Vote: There were four yes votes and Councilman Kemp voted no.
The motion passed.

New Business:

A: [Kimberly Burgess](#) – M.B. Kahn Capital Planning Agreement Extension

Motion to approve to extend the agreement: Councilman Kemp

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

B: [Kimberly Burgess](#) - Presentation of M.B. Kahn Construction Work Authorization # 003- Pratt Memorial Library Renovation with a Project Budget of \$3,000,000.00.

Motion to approve the M.B. Kahn Construction Work Authorization # 003-Pratt Memorial Library Renovation with a Project Budget of \$3,000,000.00: Councilman Adkins

Second: Vice Chairwoman Clark

Vote: Unanimous

The motion passed.

C: [Kimberly Burgess](#) – Change Order #4 in the amount of \$3,000 (credit) for Marsh Cove Fire Station - Billing Correction Decrease.

Motion to approve Change Order #4 in the amount of \$3,000 (credit) for Marsh Cove Fire Station - Billing Correction Decrease: Councilman Adkins

Second: Vice Chairwoman Clark

Vote: Unanimous

The motion passed.

D: [Kimberly Burgess](#) – Change Order #5 for Marsh Cove Fire Station for a cost increase in the amount of \$26364.00.

Motion to approve Change Order #5 for Marsh Cove Fire Station for a cost increase in the amount of \$26364.00 for additional management fees: Councilman Kemp

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

E: Danny Lucas - Ridgeland – Claude Dean Airport USDA Cooperative Service Agreement.

Motion to approve the Ridgeland – Claude Dean Airport USDA Cooperative Service Agreement:

Vice Chairwoman Barbara Clark

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

Old Business:

A: Danny Lucas – Ridgeland – Claude Dean Airport Update

Mr. Lucas provided an extensive update of the Ridgeland – Claude Dean Airport. He noted that the state aeronautics had done their yearly report and review and that they would be addressing the issues that have been brought up. He said a lot of trees have been taken down and they would still be taking out more trees. He discussed grant percentages, the FAA, We discussed the giant Live Oak tree and the fact that it appears to be a threat to helicopters and aircraft. He noted that is the tree was to be kept, Obstruction Lights would need to be placed on it. He said he had been doing a lot of marketing for the airport, the new fuel system was discussed, some rumors were talked about, staffing and lack thereof was also discussed. Council then discussed the current number of staff at the airport. Mr. Lucas noted they had done some repairs, noting there were some runway lights that need to be replaced and said he would check on that warranty. He noted that the AWOS Weather Station they hoped be up in the early Spring of 2023. The Gliders and the Glider Club were discussed noting that this was a Risk Management Issue Mr. Lucas noted. The ramp that is being built was also discussed as well as a discussion of asking the FAA for funding a longer runway. For additional information visit https://www.youtube.com/channel/UCBmloqX05cKAsHm_ggXCJlA .

Council Members Comments: None

Administrator's Report

Mr. Fulghum noted that Council had his report in the packet.

Motion to go into executive session: Councilman Adkins

Second: Vice Chairwoman Clark

Vote: Unanimous

The motion passed.

Executive Session SECTION 30-4-70.

(a) A public body may hold a meeting closed to the public for one or more of the following reasons:

(1) 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 – Auditor; Treasurer

(2) 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 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 – **Consulting Services Proposal - Heather Rath Consulting**

(5) 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 – **Prospect Update; Project Refurb**

Motion to return to regular session: Councilman Kemp

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

Motion from executive session:

Motion to move to authorize the administrator to execute the Consulting and lobbying proposal with Heather Rath consulting as discussed in Executive Session with ½ to be paid out of the Commercial Development Fund and the other 1/2 out of the Emergency Fund in the General Fund – Councilman Garbade

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

Watch the video stream available on the County's website to hear the Council's discussion of a specific topic or the complete meeting at https://www.youtube.com/channel/UCBmloqX05cKAsHm_ggXCJIA.

Adjourn:

Motion to adjourn: Vice Chairwoman Clark

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

The meeting adjourned at 9:00PM.

Respectfully submitted:



Wanda H. Simmons
Clerk to Council



L. Martin Sauls IV
Chairman