



DUE TO THE COVID-19 STATE OF EMERGENCY, A HYBRID MEETING WILL BE CONDUCTED WITH COUNTY COUNCIL IN-PERSON IN CHAMBERS AND **ELECTRONIC**

VIRTUAL ACCESS FOR THE PUBLIC. COUNCIL CHAMBERS WILL NOT BE OPEN TO THE GENERAL PUBLIC, UNLESS YOU HAVE REQUESTED AND BEEN APPROVED FOR IN PERSON PUBLIC HEARING PARTICIPATION.

Watch Live via YouTube at:

https://www.youtube.com/channel/UCBmloqX05cKAsHm_ggXCjIA

To Participate in Public Comment, please email to comments@jaspercountysc.gov or mail to Attn: Clerk to Council P.O. Box 1149 Ridgeland, SC 29936. To be called for Public Comment, please email at the mentioned email address. ***Public Comments must be submitted by Monday, June 7, 2021 at 3:00pm.***

To participate in a **Public Hearing** you may either email to comments@jaspercountysc.gov or request via email or phone by 1:00pm on Monday, June 7, 2021 to speak in person at the Council Meeting. Seating is limited and we will confirm your ability to appear in person and will provide additional information.

Instructions may also be found at the Jasper County website www.jaspercountysc.gov

FOR MORE INFORMATION, PLEASE CALL (843) 717-3696



JASPER COUNTY COUNCIL

HYBRID MEETING

Council in person with Electronic Virtual Access for the Public

Jasper County Clementa C. Pinckney Government Bldg

358 3rd Avenue Ridgeland, SC 29936

June 7, 2021

AGENDA

FY 2021-2022 Budget Workshop: 4:00 P.M.

1. Tim Cramer – Jasper-Ridgeland Youth Baseball (JRYB) League
2. Sheriff Hipp – Jasper County Sheriff's Department
3. Monica Wilson – Jasper County Auditor

5:00 P.M.

I. Call to Order by Chairwoman Barbara B. Clark

Clerk's Report of Compliance with the Freedom of Information Act.

II. Executive Session

SECTION 30-4-70. Meetings which may be closed; procedure; circumvention of chapter; disruption of meeting; executive sessions of General Assembly.

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

(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 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 –

Exit 3; Ridgeland Fire Contract; IGA between Jasper County and the Town of Hilton Head Island for services related to the Palmetto Championship; Local Hospitality and Accommodations Tax Agreement Congaree Club; Proposed Legal Services contract for Jasper Ocean Terminal (JOT) with Burr Forman; Proposed Purchase of Property for Project Fence (421 N. Jasper St., Ridgeland SC.); Nickel Plate MCIP; Denise Smith.

(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 – Jasper Ocean Terminal (JOT); Prospect Update;

ANY EXECUTIVE SESSION MATTER ON WHICH DISCUSSION HAS NOT BEEN COMPLETED MAY HAVE DISCUSSION SUSPENDED FOR PURPOSES OF BEGINNING THE OPEN SESSION AT ITS SCHEDULED TIME, AND COUNCIL MAY RETURN TO EXECUTIVE SESSION DISCUSSION AFTER THE CONCLUSION OF THE OPEN SESSION AGENDA ITEMS

6:30 P.M.

- III. Return to Open Session
- IV. Pledge of Allegiance
- V. Invocation
- VI. Approval of Agenda
- VII. Approval of the Minutes of April 5, 2021:
- VIII. Proclamations and Presentations: None
- IX. 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.
**Please submit Public Comments via email at comments@jaspercountysc.gov or via US Mail at Attention: Clerk to Council P.O. Box 1149 Ridgeland, SC 29936. If you would like to be contacted by phone during Open Floor, please email your name, address and phone number to the email address listed above.*
- X. Resolutions: None
- XI. Ordinances:
 - A. **Lisa Wagner – 3rd reading** Ordinance No. [2021-13](#) to amend the Official Zoning Map of Jasper County so as to transfer a property bearing Jasper County Tax Map Number 028-00-02-127 from the Residential Zone to the Community Commercial Zone on the Jasper County Official Zoning Map. (1655 Becks Ferry Road)
 - B. **Lisa Wagner – 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 083-00-03-058 from the Community Commercial Zone to the Mixed Business Zone on the Jasper County Official Zoning Map. (5851 Lowcountry Drive)
 - C. **Lisa Wagner – 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 067-00-01-002 from the

Planned Development District to the General Commercial Zone on the Jasper County Official Zoning Map. (Argent Blvd. LRTA)

- D. **Lisa Wagner** – **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 038-01-00-003 from the Resource Conservation Zone to the Residential Zone on the Jasper County Official Zoning Map. (186 Macedonia Road)
- E. **David Tedder** – **3rd reading** of Ordinance No. **2021-08** to approve the transfer to the Town of Ridgeland by deed a road right of way generally described as a portion of the road known as Volunteer Park Road lying within the Town of Ridgeland, and to authorize the Jasper County Administrator to execute such deed and other documents as may be necessary and appropriate to effect the transfer (Public hearing date 04.05.2021).
- F. **David Tedder** – Public hearing and **2nd reading** of Ordinance # **2021-15** amending Chapter 4, *Alcoholic Beverages*, of the Jasper County Code of Ordinances, so as to clarify hours of operation and related matters.
- G. **David Tedder** – Public hearing and **2nd reading** of Ordinance # **2021-16** of Jasper County Council to Amend Certain Provisions to the Jasper County Code of Ordinances, to Authorize Meetings to be Held by Telephonic or Other Electronic Means, and Matters Related Thereto
- H. **Andrew Fulghum** – Public hearing and **2nd reading** of Ordinance # **2021-17** to Adopt the 2021-2022 Jasper County Capital and General Operations Budget, to make such amendments to the 2020-2021 Capital and Operational Budget to recognize and ratify transfers as authorized by Section 7 of that Budget, and other matters related thereto.

XII. **New Business:**

- A. **Kimberly Burgess** – Presentation of Jasper County Accommodations Tax Committee Recommendations
- B. **Kimberly Burgess** – Presentation of Local Accommodations and Hospitality Tax Requests
- C. **Kimberly Burgess** – Appointment by Council to the Jasper County Board of Appeals
- D. **Wanda Simmons** – Appointment of Ms. Josephine Anderson by Council to the LCOG Workforce Board
- E. **Wanda Simmons** – Appointment of Mr. Henry Etheridge to The Beaufort-Jasper EOC (BJEOC) Board to represent Chairwoman Barbara B. Clark of the Jasper County Council.
- F. **Wanda Simmons** – Appointment of Councilman John Kemp to the SOLOCO Board.

XIII. **Old Business: None**

XIV. **Council Members Comments**

XV. Administrator's Report

XVI. Possible Return to Executive Session to Continue Discussion on Matters Regarding Agenda Item II.

XVII. Adjourn

***Council may act on any item appearing on the agenda including items discussed in executive session.**

In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, notification of the meeting was posted on the County Council Building at a publicly accessible place and on the county website at least 24 hours prior to the meeting. A copy of the agenda was given to the local news media and posted at the meeting location twenty-four hours prior to the meeting.

***Special Accommodations Available Upon Request to Individuals with Disabilities*
(843) 717-3696**

AGENDA ITEM:

XI-A

Ordinance item A

**STATE OF SOUTH CAROLINA
COUNTY OF JASPER**

ORDINANCE: 2021-13

**AN ORDINANCE
OF JASPER COUNTY COUNCIL**

To amend the Official Zoning Map of Jasper County so as to transfer a property bearing Jasper County Tax Map Number 028-00-02-127 from the Residential Zone to the Community Commercial Zone on the Jasper County Official Zoning Map.

WHEREAS, the owner of the parcel consisting of approximately 1.02 acres bearing Jasper County Tax Map Number 028-00-02-127 located at 1655 Becks Ferry Road, has requested rezoning of the parcel on the Official Zoning Map of Jasper County from the Residential Zone to the Community Commercial Zone and the property owner submitted that request to the Jasper County Planning Commission and County Council; and

WHEREAS, the Jasper County Planning Commission has not concurred with the recommendations of the staff report as reflected in this Ordinance and recommends approval by Council; and

WHEREAS, this matter is now before the Jasper County Council for determination;

NOW THEREFORE BE IT ORDAINED, by the Jasper County Council in council duly convened and by the authority of the same:

1. Jasper County Council finds that in accordance with the staff report and the recommendation of the Planning Commission, the proposed zoning is consistent with the continued pattern of growth in the vicinity and is in harmony with the Jasper County Comprehensive Plan. Good cause having been shown, approximately 1.02 acres bearing Jasper County Tax Map

Number 028-00-02-127, located at 1655 Becks Ferry Road, depicted on the Jasper County Official Zoning Map in the Residential Zone shall be transferred to the Community Commercial Zone.

2. This ordinance shall take effect upon approval by Council.

Ms. Barbara B. Clark
Chairwoman

ATTEST:

Wanda Simmons
Clerk to Council

ORDINANCE: # 2021-13

First Reading: May 3, 2021
Second Reading: May 17, 2021
Public Hearing: May 17, 2021
Adopted: June 7, 2021

Considered by the Jasper County Planning Commission at it's meeting on
April 13, 2021 and recommended for approval.

Reviewed for form and draftsmanship by the Jasper County Attorney.

David Tedder

Date

AGENDA ITEM:

XI-B

Ordinance item B

**STATE OF SOUTH CAROLINA
COUNTY OF JASPER**

ORDINANCE: 2021-_____

**AN ORDINANCE
OF JASPER COUNTY COUNCIL**

To amend the Official Zoning Map of Jasper County so as to transfer a property bearing Jasper County Tax Map Number 083-00-03-058 from the Community Commercial Zone to the Mixed Business Zone on the Jasper County Official Zoning Map.

WHEREAS, the owner of the parcel consisting of approximately 3 acres bearing Jasper County Tax Map Number 083-00-03-058 located at 5851 Lowcountry Drive, has requested rezoning of the parcel on the Official Zoning Map of Jasper County from the Community Commercial Zone to the Mixed Business Zone and the property owner submitted that request to the Jasper County Planning Commission and County Council; and

WHEREAS, the Jasper County Planning Commission has concurred with the recommendations of the staff report as reflected in this Ordinance and recommends approval by Council; and

WHEREAS, this matter is now before the Jasper County Council for determination;

NOW THEREFORE BE IT ORDAINED, by the Jasper County Council in council duly convened and by the authority of the same:

1. Jasper County Council finds that in accordance with the staff report and the recommendation of the Planning Commission, the proposed zoning is consistent with the continued pattern of growth in the vicinity and is in harmony with the Jasper County Comprehensive Plan. Good cause having been shown, approximately 3 acres bearing Jasper County Tax Map Number

083-00-03-058, located at 5851 Lowcountry Drive, depicted on the Jasper County Official Zoning Map in the Community Commercial Zone shall be transferred to the Mixed Business Zone.

2. This ordinance shall take effect upon approval by Council.

Ms. Barbara B. Clark
Chairwoman

ATTEST:

Wanda Simmons
Clerk to Council

ORDINANCE: # 2021-__

First Reading: June 7, 2021

Second Reading: _____

Public Hearing: _____

Adopted: _____

Considered by the Jasper County Planning Commission at it's meeting on
May 11, 2021 and recommended for approval.

Reviewed for form and draftsmanship by the Jasper County Attorney.

David Tedder

Date

AGENDA ITEM:

XI-C

Ordinance item C



**STATE OF SOUTH CAROLINA
COUNTY OF JASPER**

ORDINANCE: 2021-_____

**AN ORDINANCE
OF JASPER COUNTY COUNCIL**

To amend the Official Zoning Map of Jasper County so as to transfer a property bearing Jasper County Tax Map Number 067-00-01-002 from the Planned Development District to the General Commercial Zone on the Jasper County Official Zoning Map.

WHEREAS, the staff has recognized a parcel consisting of 7.24 acres bearing Jasper County Tax Map Number 067-00-01-002 located along Argent Boulevard, was improperly zoned as Planned Development District on the Official Zoning Map and has recommended to the Jasper County Planning Commission re-zoning of the subject parcel to the General Commercial Zone; and

WHEREAS, the property owner has been notified of the zoning map amendment initiated by staff; and

WHEREAS, the Jasper County Planning Commission has concurred with the recommendations of the staff report as reflected in this Ordinance and recommends approval by Council; and

WHEREAS, this matter is now before the Jasper County Council for determination;

NOW THEREFORE BE IT ORDAINED, by the Jasper County Council in council duly convened and by the authority of the same:

1. Jasper County Council finds that in accordance with the staff report and the recommendation of the Planning Commission, the proposed zoning is consistent with the continued pattern of growth in the vicinity and is in

harmony with the Jasper County Comprehensive Plan. Good cause having been shown, approximately 7.24 acres bearing Jasper County Tax Map Number 067-00-01-002, located along Argent Boulevard, depicted on the Jasper County Official Zoning Map in the Planned Development District shall be transferred to the General Commercial Zone.

2. This ordinance shall take effect upon approval by Council.

Ms. Barbara B. Clark
Chairwoman

ATTEST:

Wanda Simmons
Clerk to Council

ORDINANCE: # 2021-__

First Reading: June 7, 2021

Second Reading: _____

Public Hearing: _____

Adopted: _____

Considered by the Jasper County Planning Commission at it's meeting on
May 11, 2021 and recommended for approval.

Reviewed for form and draftsmanship by the Jasper County Attorney.

David Tedder

Date

AGENDA ITEM:

XI-D

Ordinance item D

**STATE OF SOUTH CAROLINA
COUNTY OF JASPER**

ORDINANCE: 2021-_____

**AN ORDINANCE
OF JASPER COUNTY COUNCIL**

To amend the Official Zoning Map of Jasper County so as to transfer a property bearing Jasper County Tax Map Number 038-01-00-003 from the Resource Conservation Zone to the Residential Zone on the Jasper County Official Zoning Map.

WHEREAS, the staff has recognized a parcel consisting of .69 acres bearing Jasper County Tax Map Number 038-01-00-003 located at 186 Macedonia Road, was improperly zoned as Resource Conservation Zone on the Official Zoning Map and has recommended to the Jasper County Planning Commission re-zoning the subject parcel to the Residential Zone; and

WHEREAS, the property owner has been notified of the zoning map amendment initiated by staff; and

WHEREAS, the Jasper County Planning Commission has concurred with the recommendations of the staff report as reflected in this Ordinance and recommends approval by Council; and

WHEREAS, this matter is now before the Jasper County Council for determination;

NOW THEREFORE BE IT ORDAINED, by the Jasper County Council in council duly convened and by the authority of the same:

1. Jasper County Council finds that in accordance with the staff report and the recommendation of the Planning Commission, the proposed zoning is consistent with the continued pattern of growth in the vicinity and is in

harmony with the Jasper County Comprehensive Plan. Good cause having been shown, approximately .69 acres bearing Jasper County Tax Map Number 038-01-00-003, located at 186 Macedonia Road, depicted on the Jasper County Official Zoning Map in the Resource Conservation Zone shall be transferred to the Residential Zone.

2. This ordinance shall take effect upon approval by Council.

Ms. Barbara B. Clark
Chairwoman

ATTEST:

Wanda Simmons
Clerk to Council

ORDINANCE: # 2021-__

First Reading: June 7, 2021

Second Reading: _____

Public Hearing: _____

Adopted: _____

Considered by the Jasper County Planning Commission at it's meeting on
May 11, 2021 and recommended for approval.

Reviewed for form and draftsmanship by the Jasper County Attorney.

David Tedder

Date

AGENDA ITEM:

XI-E

Ordinance item E

**STATE OF SOUTH CAROLINA
JASPER COUNTY**

ORDINANCE #2021 - 08

ORDINANCE OF JASPER COUNTY COUNCIL

To approve the Transfer to the Town of Ridgeland by deed a road right of way generally described and known as Volunteer Park Road lying within the Town of Ridgeland, as well as easements across two parcels belonging to Jasper County in Order to Connect with Live Oak Road, and to authorize the Jasper County Administrator to execute such deeds and other documents as may be necessary and appropriate to effect the transfer.

WHEREAS, the Jasper County (County) and the Town of Ridgeland (Town) have discussed the transfer of certain real property right of way owned by the County which consists of a road and easement area generally known as Volunteer Park Road, consisting of approximately 1.27 acres to the Town, as well as the Easement Areas connecting Volunteer Park Road with Live Oak Road (S-27-348) to the North (as shown on the below mentioned plat), with the Town undertaking the obligation to maintain such road and easement areas; and

WHEREAS, pursuant to the general law of the State of South Carolina, and the plenary grant of authority to county governments under the Home Rule Act, a donation from one political subdivision to another is permissible if the transfer satisfies both a public purpose and the donor's corporate purpose; and

WHEREAS, owning and maintaining public roads has been recognized as a proper governmental purpose, and the provision of public roads by municipalities is an authorized purpose under State law; and

WHEREAS, the Jasper County Administrator recommends and Jasper County finds that the transfer by deed of approximately 1.27 acres, more or less, in order to provide for municipal ownership and maintenance of this road for no consideration, as well as granting the easement areas connecting Volunteer Park Road with Live Oak Road, such areas being 0.17 acres (across TMS # 062-22-01-003) and 0.13 acres (across TMS# 062-62-22-007) is fair and equitable, in the best interests of Jasper County, and both satisfies a public purpose and furthers the Town's purposes;

NOW THEREFORE, BE IT RESOLVED by Jasper County Council, in council duly assembled and by the authority of the same:

1. Jasper County Council hereby adopts the foregoing premises as its findings regarding the Ordinance; and
2. The Jasper County Administrator is further authorized to execute and deliver on behalf of Jasper County a quit-claim deed and easements, and such other documents as may be necessary or desirable to accomplish the transfer of title to the Town of Ridgeland of the right of way property identified as Volunteer Park Road Easement Area 1.27 acres," as well as the granting of easement areas connecting Volunteer Park Road with Live Oak Road, such areas being 0.17 acres (across TMS # 062-22-01-003) and 0.13 acres (across TMS# 062-62-22-007) as more particularly shown on the attached Exhibit "A", being a survey of the areas described herein.
3. This Ordinance shall take effect upon approval of the Council.

Done this _____ day of _____, 2021.

Barbara B. Clark
Chair

ATTEST:

Wanda Simmons
Clerk to Council

A Copy of the referenced Agreement is to be attached hereto prior to adoption and recording.

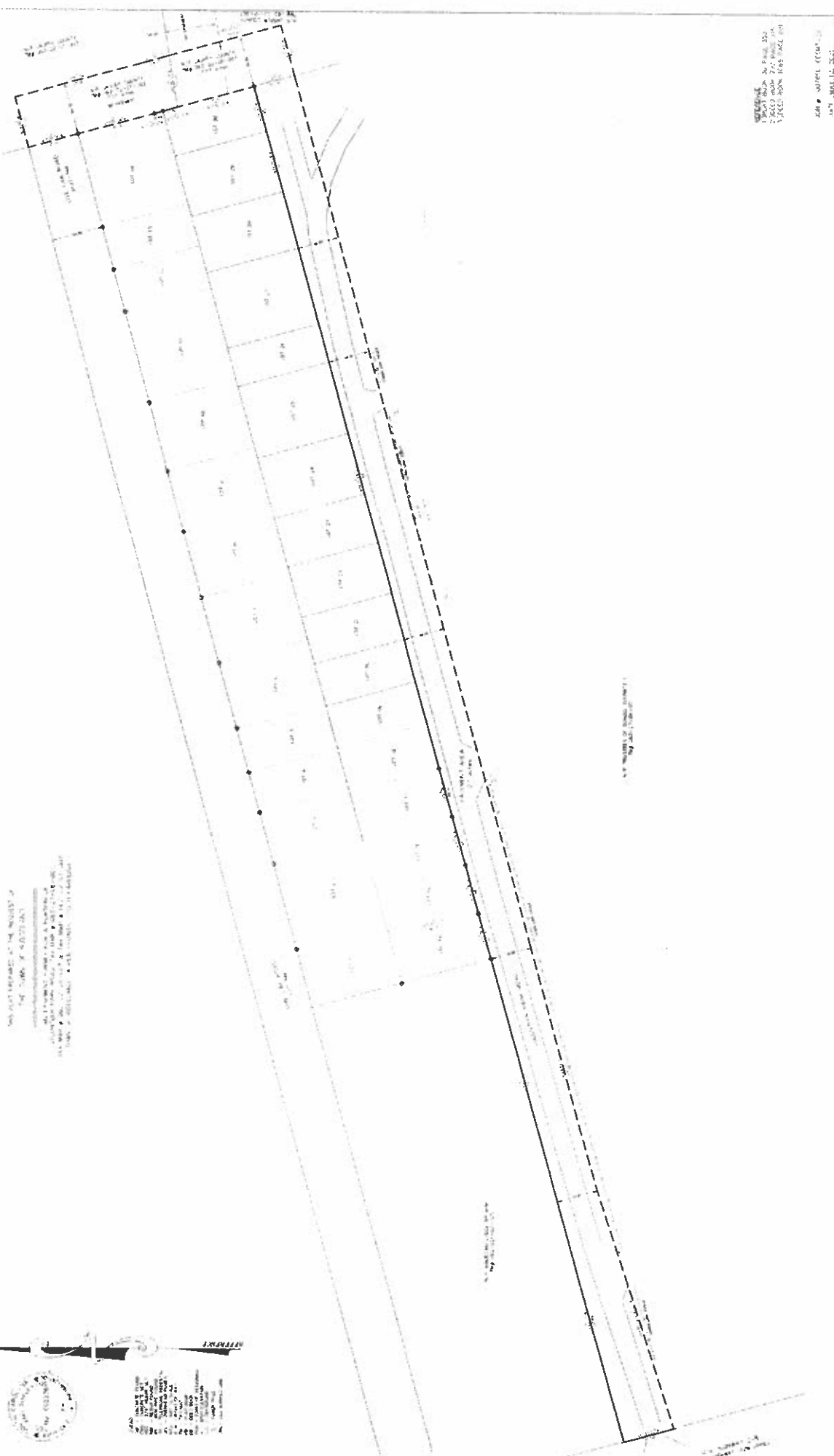
Reviewed for form and draftsmanship by the Jasper County Attorney.

David L. Tedder

Date

1st Reading -
2nd reading -
Public Hearing -
3rd reading -

NOT TO SCALE
 ALL DIMENSIONS SHOWN ARE APPROXIMATE
 DIMENSIONS FOR REFERENCE ONLY
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ATTENTION

FOR THE RECORD OF THE PROJECT, ALL DIMENSIONS SHOWN ARE APPROXIMATE DIMENSIONS FOR REFERENCE ONLY. DIMENSIONS SHOWN ARE APPROXIMATE DIMENSIONS FOR REFERENCE ONLY.

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TEK LAND SURVEYING

1000 W. 10th Street
 Suite 100
 Lincoln, NE 68502
 Phone: (402) 441-1111
 Fax: (402) 441-1112



DATE: 10/10/2019
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AGENDA ITEM:

XI-F

Ordinance item F



**STATE OF SOUTH CAROLINA
COUNTY OF JASPER**

ORDINANCE #2021-15

**AN ORDINANCE
OF JASPER COUNTY COUNCIL**

To amend Chapter 4, *Alcoholic Beverages*, of the Jasper County Code of Ordinances, so as to clarify hours of operation, and related matters.

WHEREAS, the Jasper County Code of Ordinances was previously amended by adding a new Chapter 4 pursuant to ordinance 11-14, adopted June 6, 2011, so as to regulate the hours of operation of commercial establishments between the hours of 2 a.m. and 6 a.m., Monday through Saturday, based upon a City of Charleston Ordinance which had been judicially approved in a South Carolina Case entitled “ Denene, Inc. v. City of Charleston, 359 S.C. 85. 596 S.E. 2d 917 (2004); and

WHEREAS, subsequent to that case, sale of alcohol on Sundays has been authorized pursuant to statutory enactments allowing for such to occur in certain circumstances; and

WHEREAS, the present wording of Section 4-2 of the Jasper County Code of ordinances has led to some confusion and dispute as to the hours of operation as to certain establishments after 2 a.m. on Sunday mornings; and

WHEREAS, in order to provide clarity as to this matter, Jasper County Council desires to remove all doubt as to the hours of operation of establishments serving beer, ale, porter, wine, or alcoholic liquors for on-premise consumption; and

WHEREAS, Jasper County Council is authorized to enact regulations that provide for the general health and welfare of its citizens; and

WHEREAS, Jasper County Council is authorized to enact regulations which are in addition to State law regulating a particular subject; and

WHEREAS, Jasper County Council has determined that it is in the best interests for the general health, welfare, and public safety of the citizens of the County of Jasper that establishments which allow for the on-premises consumption of beer, ale, porter, wine, and/or alcoholic liquors shall be prohibited from operating between the hours of 2:00 A.M. and 6:00 A.M.

NOW THEREFORE BE IT ORDAINED by the Jasper County Council in council duly assembled and by the authority of the same:

Section 1. The Jasper County Code of Ordinances, Chapter 4, is amended by deleting the present Section 4.1 and 4.2 and substituting the following new Sections 4.1, 4.2, 4.3, and 4.4:

Section 4.1: Prohibition.

(A) Unless more restrictively regulated or explicitly authorized by State law, commercial establishments which allow for the on-premises consumption of beer, ale, porter, wine, and/or alcoholic liquors shall be prohibited from operating between the hours of 2:00 A.M. and 6:00 A.M.

(B) The establishments subject to the restriction in the hours of operation set forth in subsection (A) of this Section shall include private or nonprofit clubs, as well as bars, restaurants and night clubs open to the public at large; provided, however, that restaurants whose primary revenue is derived from food operations may provide food service operations during these restricted hours if there is no on-

premises sale or consumption of beer, ale, porter, wine, and/or alcoholic liquors during these hours.

Section 4-3. Grace period for shutting down operations.

As set forth in Section 4-2, there shall be no alcohol sales or consumption at the establishments prohibited from operating between the hours of 2:00 a.m. and 6:00 a.m., and the establishment shall not allow patrons and guests to use the premises, including the exterior of the building or parking lot, for the consumption of alcohol or otherwise continue to congregate after closing. "Operating" does not prohibit the establishment's owner's agents, and employees from pursuing clean-up and other closing operations of the establishment after 2:00 a.m. or before 6:00 a.m., so long as the patrons and guests of the establishment have exited the building. A period of time, not to exceed 30 minutes, shall be allowed for the operators of the establishment to clear the building and premises of patrons and guests. Patrons and guests shall not congregate or remain on the premises beyond this grace period.

Section 4-4. Penalties/Warning.

A. Violations of the provisions of this Chapter 4 shall subject the offender to the penalties as provided in Section 1-8 of the Jasper County Code of Ordinances. Persons in control of the establishment, whether owners, controlling officers, lessees, managers, or employees shall be liable for violation of this Ordinance, and individually subject to the penalty provisions of Section 1-8. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day during which any violation of any of the provisions of this Ordinance is committed or continued. Patrons and guests who violate this ordinance's provisions concerning leaving the

premises shall be subject to the penalty provisions of Section 1-8; provided, however, should the patron or guest have made arrangements for transportation off the premises and such transportation not yet arrived as of the expiration of the grace period provided in Section 4-3 of this ordinance, such patron or guest shall be given a warning instead of a violation upon providing some proof of the arrangement for transportation.

(B) The County Attorney shall be authorized to pursue any additional or alternative civil remedies as available and appropriate to ensure timely and ongoing compliance with this Ordinance, as well as seeking administrative or judicial relief to have such activities to be deemed a public nuisance. In addition, any business establishment found to be in violation of this Ordinance shall be subject to having its business license registration suspended or revoked in accordance with procedures otherwise applicable to such proceedings, including appellate proceedings under the business license ordinance.

Section 2. Severability.

If any section, clause, paragraph, sentence or phrase of this ordinance, or the application thereof to any person or circumstances shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence, phrase or application is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence, phrase or application shall in no way affect the remainder of this ordinance; and it is hereby declared to be the intention of the County Council that the remainder of this ordinance would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.

Section 3. Effective Date.

This Ordinance shall take effect upon approval of third reading by Council.

ORDINANCE CONTINUES ON FOLLOWING PAGE

ATTEST:

Barbara B. Clark
Chair

Wanda Simmons
Clerk to Council

First Reading: May 3, 2021

Second Reading: June 7, 2021

Public Hearing: _____

Adopted: _____

Reviewed for form and draftsmanship by the Jasper County Attorney.

David Tedder

Date

AGENDA ITEM:

XI-G

Ordinance item G

**STATE OF SOUTH CAROLINA
COUNTY OF JASPER**

ORDINANCE #2021-16

**AN ORDINANCE
OF JASPER COUNTY COUNCIL
TO AMEND CERTAIN PROVISIONS TO THE JASPER COUNTY CODE OF
ORDINANCES TO AUTHORIZE MEETINGS TO BE HELD BY TELEPHONIC OR
OTHER ELECTRONIC MEANS, AND MATTERS RELATED THERETO.**

WHEREAS, Jasper County, South Carolina (the “County”) is a political subdivision of the State of South Carolina (the “State”), and as such possesses all general powers granted by the Constitution and statutes of the State to such public entities; and

WHEREAS, , the Freedom of Information Act, which is codified at Title 30, Chapter 4 of the S.C. Code of Laws of South Carolina 1976, as amended (the “S.C. Code”), in Section 30-4-20(e) of the S.C. Code provides that “ ‘Quorum’ unless otherwise defined by applicable law means a simple majority of the constituent membership of a public body;” and

WHEREAS the S.C. Code in Section 30-4-20(d) defines a meeting as “convening a quorum of the constituent membership of the public body, whether corporal or by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power” [emphasis added]; and

WHEREAS, in keeping with the provisions of the S.C. Code, Section 2-35 et. seq. of Jasper County’s Code of Ordinances (the “Code of Ordinances”) defines and describes the requirements for a “quorum” of the County Council of Jasper County, the governing body thereof (the “Town Council”) and further defines and describes the rules of procedure for meetings; and

WHEREAS, in response to the COVID-19 pandemic and a State Declaration of Emergency, County Council declared a local state of emergency, in Resolution/Proclamation 2020-19 adopted on March 16, 2020, and subsequently enacted an emergency ordinance on April 6, 2020, provisions of which temporarily suspended certain procedural rules of the County Council in response to social-distancing guidelines and executive orders, and allowing for electronic and telephonic meetings, whose provisions have been renewed from time to time by adoption of subsequent Emergency Ordinances (collectively, the “Emergency Ordinances”); and

WHEREAS, such telephonic and other electronic meetings have proven successful and effective under the Emergency Ordinances and in light of the current public safety considerations associated with 2019 novel coronavirus, and the potential for future public safety considerations, including those attendant to the adverse weather events that seasonally affect coastal cities, the County Council finds that great benefit may be realized from authorizing meeting by telephonic or other electronic means whenever necessary and convenient for carrying out the business of the County, to include County Council-appointed boards, commissions and committees.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE JASPER COUNTY COUNCIL, in accordance with the foregoing, the Council hereby amends the Code of Ordinances for Jasper County as follows:

SECTION 1. AMENDMENT. Jasper County hereby amends Chapter 2 of the Code of Ordinances for Jasper County, South Carolina, by amending and adding text to allow for the conduct of meetings of the County Council and its Council-appointed boards, commissions and committees electronically and/or telephonically, as shown in Exhibit "A" attached hereto and fully incorporated by reference.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon approval by Council.

ATTEST:

Barbara B. Clark
Chair

Wanda Simmons
Clerk to Council

First Reading: May 3, 2021
Second Reading: June 7, 2021
Public Hearing: June 7, 2021
Adopted: _____

Reviewed for form and draftsmanship by the Jasper County Attorney.

David Tedder

Date

AGENDA ITEM:

XI-H

Ordinance item H



**STATE OF SOUTH CAROLINA
COUNTY OF JASPER
ORDINANCE 2021-17
AN ORDINANCE
OF JASPER COUNTY COUNCIL**

TO PROVIDE FOR THE LEVY OF TAX FOR PUBLIC PURPOSES IN JASPER COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1ST, 2021 AND ENDING JUNE 30TH 2022 AND TO MAKE APPROPRIATIONS FOR SAID PURPOSES; TO ADOPT AND APPROVE THE JASPER COUNTY CAPITAL AND OPERATIONS BUDGET FOR FISCAL YEAR 2021-2022, TO MAKE SUCH AMENDMENTS TO THE 2020-2021 CAPITAL AND OPERATIONAL BUDGET TO RECOGNIZE AND RATIFY TRANSFER AS AUTHORIZED BY SECTION 7 OF THAT BUDGET ORDINANCE, AND OTHER MATTERS RELATED THERETO; TO ADOPT AND APPROVE THE JASPER COUNTY SCHOOL DISTRICT CAPITAL AND OPERATIONS BUDGET FOR FISCAL YEAR 2021-2022; TO PROVIDE FOR THE LEVY OF TAXATION FOR FISCAL YEAR 2021-2022; TO LIMIT THE DISBURSEMENTS BY THE COUNTY TREASURER TO THOSE APPROPRIATED BY LAW; TO PROVIDE THAT EXPENDITURES NOT EXCEED APPROPRIATIONS; TO AUTHORIZE TAX ANTICIPATION NOTES; TO MAKE AUTHORIZATION OF CERTAIN TRANSFERS; TO PROVIDE FOR CONTINUING APPROPRIATIONS FOR SUBSEQUENT YEARS; TO REQUIRE CERTAIN AGENCIES AND DEPARTMENTS TO FILE ACCOUNTINGS; TO REQUIRE THE TREASURER TO SIGN GENERAL FUND CHECKS; TO PROVIDE SPECIAL RULES FOR TRAVEL AND TRAINING DISBURSEMENTS; TO PROVIDE FOR TRAVEL REIMBURSEMENTS; TO PROVIDE COMPLIANCE WITH ACT NO. 317 OF 1990; TO PROVIDE CERTAIN BENEFITS TO COUNCIL MEMBERS; TO PROVIDE FOR COUNTY COMMISSION AND COMMITTEE STIPENDS; TO PROVIDE FOR JURY MILEAGE; TO ADOPT PROPERTY VALUES; AND TO PROVIDE FOR EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED by the Jasper County Council in council duly assembled and by the authority of the same:

SECTION 1. Appropriation for Jasper County Capital and General Operations Budget. There is hereby appropriated from revenues to be collected from the stated sources the following sums for the Jasper County Capital and Operational needs and for the purposes set forth for fiscal year 2021 – 2022:

**JASPER COUNTY
CAPITAL AND GENERAL OPERATIONS BUDGET
FISCAL YEAR 2021-2022**

REVENUES	APPROPRIATIONS
County Property Tax Levy \$ 22,640,000	Emergency Service \$ 12,527,831
L.O.S.T. (Sales Tax) \$ 3,101,200	Sheriff \$ 5,345,560
Fee in Lieu \$ 2,400,000	Detention \$ 3,339,260
State Aid \$ 1,108,952	Engineering Services and Solid Waste \$ 2,556,752
Cash Carry Forward \$ 3,032,328	Agency Appropriations \$ 1,919,240
All Other Revenues \$ 5,556,783	All Others \$ 12,150,620
Total \$ 37,839,263	Total \$ 37,839,263
County Debt Tax Levy <u>\$ 1,913,000</u>	County Debt <u>\$ 1,913,000</u>
County Grand Total \$ 37,752,263	County Grand Total \$ 37,752,263

The detailed Operations Budget containing line by line accounts by department and /or agency is hereby adopted as part of this Ordinance. Management of individual accounts for the functions of elected officials shall be the responsibility of that elected official.

SECTION 2. Appropriation for Jasper County School District Capital and General Operations Budget. There is hereby appropriated to the School Operations Budget the remaining non-appropriated funds collected through School District ad valorem taxation in Fiscal Year 2020-2021, which were in excess of School District funds appropriated by the FY 2020- 2021 budget ordinance. There is further hereby appropriated from revenues to be collected from the stated sources the following sums for the Jasper County School District Capital and Operational needs and for the purposes set forth for fiscal year 2021 - 2022:

**JASPER COUNTY SCHOOL DISTRICT
CAPITAL AND GENERAL OPERATIONS BUDGET
FISCAL YEAR 2021-2022**

REVENUES	APPROPRIATIONS
School Property Operations Tax Levy \$ 16,768,500	School District Operations Tax Levy \$ 16,768,500
School Debt <u>\$ 3,663,400</u>	School Debt <u>\$ 3,663,400</u>
School Grand Total \$ 20,431,900	School Grand Total \$ 20,431,900

SECTION 3. Levy. There is hereby levied upon the taxable property of Jasper County a sufficient number of mills by the County Council from assessment of the property therein which, together with fines, forfeitures and taxes collected by various tax offices and all income of the County shall raise the amount therein appropriated and for the purpose herein stated.

	Millage
County (less Emergency Services)	85.00
Emergency Services	57.00
County Debt	12.00
School	166.00
School Debt	<u>25.00</u>
Total Mills	345.00
 Cherry Point Fire District	 32.00

SECTION 4. Disbursement by Treasurer. The Treasurer is directed to disburse to or on behalf of the activities described in Sections 1 and 2 no more than the amount appropriated and to hold all additional revenues referred to herein and all revenues collected as a result of and through the levied millage, over and above the appropriations stated herein, in an interest bearing account of the County, pending future appropriation by the County Council. In the event that the actual collection of revenue shall be less than the appropriations made in Section 1 or 2, then appropriations shall be reduced to a sum equal to the amount of revenue actually collected.

SECTION 5. Expenditures Not to Exceed Appropriations. Expenditures shall not exceed appropriations without the consent of the County Council. County Council authorization to amend the budget shall be ratified by ordinance through a budget amendment.

SECTION 6. Tax Anticipation Notes Authorized. For the purpose of paying in cash for the foregoing and all other general ordinary County expenses for Fiscal Year 2021-2022 as authorized by this ordinance or by any other appropriation ordinance hereafter passed in and for said fiscal year, the County Council of Jasper County is hereby authorized, empowered, and directed to borrow from time to time as may be necessary on the official note or notes of Jasper County, or other evidence or evidences of indebtedness, in anticipation of the collection of the taxes herein levied, provided that all loans made from private persons, firms, or corporations shall not exceed \$6,000,000 in the aggregate. Such borrowing shall be sold in such manner and upon such terms as the County Administrator shall deem in the best interest of Jasper County, upon the advice of the County's financial advisor and counsel. Such borrowing may take the form of a public or private sale, as deemed appropriate by the Administrator. Such sum or sums so borrowed shall constitute a valid and prior claim against the said taxes herein levied and against Jasper County, and shall also be secured by a pledge of the full faith, credit, and taxing power of Jasper County. The Administrator, and any other officers or staff of Jasper

County as are deemed by the Administrator necessary or convenient to the accomplishment of the borrowing authorized herein, are hereby authorized to execute all agreements, contracts, certificates, undertakings, disclosures, and other documentation as is convenient or necessary to facilitate such borrowing.

SECTION 7. Authorization of Transfers.

(a) The Administrator is hereby authorized to transfer up to \$5,000.00 from within divisions to meet any line item overage of unforeseen expenditure.

(b) Except as provided in Subsection 7 (a), Budget transfers from one division to another division shall be approved by the County Council.

SECTION 8. Continuing Appropriations for Subsequent Year. Should the County Council in any subsequent year fail to enact an appropriation ordinance for Jasper County, the appropriation and tax levy herein set forth shall be the appropriation ordinance for such subsequent year for Jasper County.

SECTION 9. Agencies and Departments to File Accounting. Agencies or departments receiving appropriated funds under this ordinance, at the County Council's request, shall file an accounting for use of such funds. This accounting shall be available for examination or inspection by the citizens of Jasper County.

SECTION 10. Treasurer to Sign Checks. The Jasper County Treasurer shall sign all general fund checks.

SECTION 11. Special Rules for Travel and Training Disbursements. The elected officials or department heads who receive an annual appropriation for travel and training shall be required to present an itemized statement and all appropriate receipts for reimbursement of the same. No official or department head shall be reimbursed in excess of their annual appropriation unless such expenditures are approved in advance by the County Administrator.

SECTION 12. Travel Reimbursements. All Jasper County employees who have reason to travel outside of Jasper County on official County business shall be reimbursed for same with respect to the County mileage rate which is based on the current IRS rate for mileage and the latest approved meal schedule (breakfast \$10.00. lunch \$18.00 and dinner \$32.00). Per Diem can be paid in advance with proper documentation submitted to the finance office. All out of state travel must be approved in advance by the County Administrator.

SECTION 13. Compliance with Act No. 317 of 1990. Section I of the Fiscal Year 2021–2022 Budget Ordinance contains provisions for the rollback against County property tax of \$2,201,852 of local option sales tax revenue for the fiscal year 2021-2022. The \$2,201,852 meets or exceeds the amount required as rollback in Act No. 317, 1990 Acts and Joint Resolutions 1822. All other local option tax discount revenue shall become general fund expenditures, as budgeted in the Fiscal Year 2021-2022 Budget. The local option sales tax discount factor for Fiscal Year 2021-2022 shall be .0007 which determines

the amount of discount on individual tax bills. The factor was determined by using the formula prescribed by Act No. 317, 1990 Acts and Joint Resolutions 1822.

SECTION 14. Council Member Benefits. The Council Members wishing to be on the County Health Insurance Plan may do so under the same guidelines as the other County employees. Council Members, who do not choose to be on the County's Health Insurance Plan, may be compensated with additional benefits not to exceed the value of a County employee's health insurance benefit paid by the County. Additional benefits that may be offered in lieu of health insurance include, but are not limited to, life insurance, dental insurance, existing 401K, new 401K accounts, existing IRA accounts or new IRA accounts, deferred compensation and credit union. These benefits will be limited to those plans already in place by the County and the County Administrator will have full discretion as to which benefits are offered. These benefits may not be exchanged for monetary compensation under any circumstances.

SECTION 15. Commission and Committee Stipends. This budget ordinance limits the payment of stipends to members of the Jasper County Planning Commission to one stipend per month in the amount of \$100.00. These stipends shall be paid providing the member attends the scheduled meeting. A quorum of the committees must be in attendance at the scheduled meeting for the stipend to be paid. The assessment appeals board members will be paid an annual stipend of \$500.00.

SECTION 16. Juror Mileage. The Clerk of Court is hereby authorized and required to reimburse jurors for mileage for each day's attendance upon court at the current IRS rate for mileage.

SECTION 17. Property Values adopted. The property values established by the County Auditor, County Assessor and the South Carolina Department of Revenue, based on Dec. 31, 2020, valuation date are adopted and ordered implemented for tax year 2021.

SECTION 18. Effective Date. This ordinance shall take effect on July 1, 2021.

Jasper County Council

BY:

Barbara Clark, Chairman

Dr. Curtis Brantley, Vice Chairman

L. Martin Sauls IV, Councilman

Alvin Adkins, Councilman

John Kemp, Councilman

ATTEST:

**Wanda Simmons,
Clerk to Council**

First Reading: 5/17/2021
Second Reading: 06/07/2021
Public Hearings: 06/07/2021
Adopted:

Reviewed for form and draftsmanship by the Jasper County Attorney.

David Tedder

Date