



JASPER COUNTY COUNCIL COUNCIL MEETING

Hardeeville City Hall
205 Main St, Hardeeville, SC 29927

November 7, 2022
MINUTES

Officials Present: Chairwoman Barbara B. Clark, Vice Chairman Dr. Curtis Brantley
Councilman L. Martin Sauls, Councilman Pastor Alvin Adkins and Councilman John Kemp.

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:

Chairwoman Clark called the meeting to order at 4:00PM. Chairwoman Clark asked the Clerk to Council to read the Report of Compliance to the Freedom of Information Act. Ms. Simmons, Clerk to Council 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.*

The information below was read for the executive session.

Motion to go into executive session: Councilman Adkins

Second: Councilman Sauls

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 –Appointment Regional Housing Trust Oversight Board; Detention Center; Tax Collector's Office; Information Technology Department**
- (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 –**

Election Matters; Exit 3; Cypress Ridge Spec Building Number 4; Farmers' Market Property Management Agreement; Levy Volunteer Fire Department; Opioid Litigation; Contract Waiver – Project Peach.

(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 Silver Star; Project Refurb

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. PLEASE BE ADVISED THERE MAY BE VOTES BASED ON ITEMS FROM THE EXECUTIVE SESSION.

Return to Open Session

Motion to return to open session: Councilman Adkins

Second: Councilman Sauls

Vote: Unanimous

The motion passed.

Motions coming from executive session:

Motion to approve the request of Gopher Hill Holdings to have David Tedder and Harvey and Battey, PA provide real estate settlement services to both seller and purchaser on the Cypress Ridge Spec Building Number 4, involving Jasper County and Gopher Hill Holdings, consenting to and waiving any dual representation objections: Councilman Sauls

Second: Vice Chairman Dr. Brantley

Vote: Unanimous

The motion passed.

Motion to approve the request of the law firm of Parker Poe for Jasper County to waive potential conflicts of interest arising from their providing legal advice to potential sponsor affiliates at the development project known as Project Peach, NSC as owner in the Project Peach, NSC as owner in the project: Councilman Sauls

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

Motion to approve the recommendations regarding staffing and the proposed retention program for the Detention Center as discussed in Executive Session: Councilman Adkins

Second: Councilman Sauls

Vote: Unanimous

The motion passed.

The Pledge of Allegiance was led by Councilman Sauls and the Invocation was given by Councilman Adkins.

Approval of Agenda:

Motion to approve: Councilman Adkins

Second: Councilman Sauls

Vote: Unanimous

The motion passed.

Approval of the minutes 08.08.2022:

Motion to approve: Vice Chairman Dr. Brantley

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

Presentation of a Resolution by Senator Margie Bright-Matthews to Mr. Edward Pinckney Sr.:

Senator Margie Bright-Matthews read the resolution for Mr. Pinckney's 104th Birthday Celebration. She noted that Mr. Pinckney was 104 years young and that he was a native of Bluffton. She said that Mr. Pinckney was indeed a living legend. County Council noted that they wished to honor the 104th Birthday of Mr. Edward Pinckney Sr. for a Happy Birthday and congratulate him on a life well lived.

Presentations:

A: Sheriff Hipp and Chief Deputy Crosby – Promotion of Lt. Elvin Wright Jr.

Sheriff Hipp and Chief Deputy Crosby were present to make the presentation of the Promotion to Lt. Elvin Wright Jr. Please watch the video stream available on the County's website to view the presentation at https://www.youtube.com/channel/UCBmloqX05cKAsHm_ggXCjIA.

Chairwoman Clark acknowledged Mr. Leroy Sneed who she noted was 91 years old and still works and keeps a garden.

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.

The floor was opened to the public for public comments. There were no public comments.

Resolutions:

A: Andrew Fulghum - A Resolution #R-2022-27 to Ratify Amendments to Agreement Creating a Regional Council of Governments, Article II, Section 2 – Membership and Representation.

Mr. Fulghum presented and read the resolution to ratify amendments to agreement creating a Regional Council of Governments, Article II, Section 2 – Membership and Representation.

Motion to approve: Vice Chairman Dr. Brantley

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

B: Andrew Fulghum – A Resolution #R-2022-28 To Authorize Jasper County To Enter Into A Property Management Agreement With The Jasper County Chamber Of Commerce For Jasper County Farmers' Market.

Mr. Fulghum noted that this resolution adopts the property management agreement with the proposed term until June of 2025. Councilman Sauls thanked Kendall Malphrus and the Chamber of Commerce and Ms. Malphrus thanked Council for entrusting them with their property.

Motion to approve: Councilman Adkins

Second: Vice Chairman Dr. Brantley

Vote: All votes were yes, except for Councilman Sauls who abstained from voting.

The motion passed.

Ordinances:

A: Lisa Wagner – 3rd reading of Ordinance #O-2022-30 to Amend Article 7:5, Maximum Building Height, of the Jasper County Zoning Ordinance, to allow increased building heights in certain areas where there is a public water distribution system and adequate fire-fighting equipment available in such areas, which is capable of fighting a structure fire safely.

Ms. Wagner was present to review and present this request for the amendment of Article 7:5, Maximum Building Height, of the Jasper County Zoning Ordinance, to allow increased building heights in certain areas where there is a public water distribution system and adequate fire-fighting equipment available in such areas, which is capable of fighting a structure fire safely to Council.

Motion to approve: Vice Chairman Dr. Brantley

Second: Councilman Sauls

Discussion: Councilman Kemp noted that he was against this, and that he thought this should be considered on an individual basis and not automatically.

Vote: All votes were yes, except Councilman Kemp who voted no.

The motion passed.

B: Kimberly Burgess – Public hearing and 3rd reading of Ordinance #O-2022-31 amending the FY22/23 budget to provide for the expenditure not to exceed \$800,000.00 dollars from the Fund Balance for the purpose of renovations to the Jasper County Farmers' Market.

Ms. Burgess was present to review and address this request with Council for the 3rd reading of the ordinance to amend the FY22/23 budget to provide for the expenditure not to exceed \$800,000.00 dollars from the Fund Balance for the purpose of renovations to the Jasper County Farmers' Market.

The public hearing was opened and there were no comments, so the public hearing was closed.

Motion to approve: Vice Chairman Dr. Brantley

Second: Councilman Sauls

Vote: All votes were yes, except Councilman Kemp who abstained.
The motion passed.

C: David Tedder - Public hearing and 2nd reading of Ordinance [#O-2022-28](#) To amend the Peninsula Tract Development Agreement as to the C-2 Property to make certain text amendments, extend the Term, and matters related thereto.

Mr. Tedder was present to review and address this item for the 2nd reading of the ordinance to amend the Peninsula Tract Development Agreement as to the C-2 Property to make certain text amendments, extend the Term, and such. He noted that the DA extended the term to 2028 and adds in development fees. Mr. Tedder mentioned that staff recommended approval and that the 2nd public hearing would be held on 11.21.2022 at 6:00pm. The public hearing tonight was opened for public comment, but there were no public comments, so the public hearing was closed.

Motion to approve: Councilman Sauls

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

D: David Tedder - Public hearing and 2nd Reading of Ordinance [#O-2022-34](#) Authorizing The Execution And Delivery Of A Fee-In-Lieu Of Tax Agreement By And Between Freedom Industrial Partners, LLC And Freedom Industrial Partners 2, LLC (The "Sponsors") 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 Other Matters Relating Thereto.

Mr. Tedder was present to review and address this request for the 2nd reading of this ordinance authorizing the execution and delivery of a Fee-In-Lieu Of Tax Agreement by and between Freedom Industrial Partners, LLC And Freedom Industrial Partners 2, LLC and Jasper County. The public hearing for this item was opened but there were no public comments, so the public hearing was closed.

Motion to approve: Vice Chairman Dr. Brantley

Second: Councilman Sauls

Vote: Unanimous.

The motion passed.

E: David Tedder – Public hearing only of Ordinance #O-2022-29 authorizing the sale of TMS 063-30-03-010, approximately 11 acres, to P & S Properties LLC and to authorize the Jasper County Administrator to execute such deeds and other documents as may be necessary and appropriate to effect the sale

This item was for public hearing only. The public hearing was opened, there were no public comments so the public hearing was closed.

F: David Tedder – Public hearing only of Ordinance #O-2022-32 authorizing the sale of TMS 048-00-01-029, approximately 10.62 acres, a portion of TMS 048-00-01-012, approximately 12.40 acres, and TMS 048-00-01-032, approximately 2 acres, to Gopher Hill Properties, LLC, or its assigns, and to authorize the Jasper County Administrator to execute such contracts, deeds and other documents as may be necessary and appropriate to effect the sale. *(no vote will be taken on this item).*

This item was for public hearing only. The public hearing was opened, there were no public comments so the public hearing was closed.

G: David Tedder – Public hearing and 2nd reading of Ordinance #O-2022-35 Authorizing And Approving The Development Of A Jointly Owned And Operated Multi-County Industrial/Business Park In Conjunction With Hampton County (The “Park”), Such Industrial/Business Park To Be Geographically Located In Jasper County (The “County”) And Established Pursuant To Section 4-1-170 Of The Code Of Laws Of South Carolina 1976, As Amended (The “Act”); Providing For A Written Park Agreement With Hampton County To Provide For The Expenses And The Distribution Of Fees In Lieu Of Ad Valorem Taxes For The Park; Providing For The Establishment and/or Expansion Of Certain Facilities By P & S Properties M, LLC, Acting For Itself, One Or More Affiliates, and/or Other Project Sponsors (Collectively, The “Company”) In The County (The “Project”) To Be Included In The Park; Providing For The Benefits Of A Multi-County Industrial Or Business Park To Be Made Available To The Company And The Project; And Other Matters Relating Thereto

Mr. Tedder was present to review and address this request. He noted that this item was for 2nd reading and would authorize and approve the development of a jointly owned and operated Multi-County Industrial/Business Park in conjunction with Hampton County and would be geographically located in Jasper County. The public hearing was opened, but there were no public comments so the public hearing was closed.

Motion to approve: Vice Chairman Dr. Brantley

Second: Councilman Adkins

Vote: Unanimous.

The motion passed.

H: David Tedder – Public hearing and 2nd reading of Ordinance #0-2022-36 Authorizing The Execution And Delivery Of An Infrastructure Credit Agreement To Provide For Infrastructure Credits To P & S Properties M, LLC; And Other Related Matters.

Mr. Tedder was present to review and address this request. He noted that this item was for 2nd reading and would authorize the execution and delivery of an infrastructure credit agreement to provide for infrastructure credits to P & S Properties M, LLC. The public hearing on this item was opened, but there were no public comments so the public hearing was closed.

Motion to approve: Vice Chairman Dr. Brantley

Second: Councilman Adkins

Vote: Unanimous.

The motion passed.

I: Andrew Fulghum – Consideration of the 1st reading of an Ordinance To Authorize Jasper County To Enter Into A Memorandum Of Understanding/Lease Agreement With The Polaris Tech Charter School For The Lease Of The Athletic Facilities At The Airport Field Complex.

Mr. Fulghum was present to address and review this request with Council. He discussed the previous MOU the County had entered into with Polaris Tech Charter School during COVID. This ordinance he noted would authorize Jasper County to enter into a memorandum of understanding/lease agreement with the Polaris Tech Charter School for the lease of the athletic facilities at the airport field complex.

Motion to approve: Councilman Adkins

Second: Councilman Sauls

Vote: Unanimous

The motion passed.

New Business:

A: Andrew Fulghum – Appointment of Representative to Serve on the Regional Housing Trust Oversight Board.

Mr. Fulghum was present to address this request with Council for the appointment of Ms. Michelle Gaston to serve on the Regional Housing Trust Oversight Board.

Motion to approve: Councilman Sauls

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

B: Kimberly Burgess – Presentation of the Quotation and Lease terms for the Personal Protective Equipment for the Fire Department.

Ms. Burgess was present to review and address this request. Personal Protective Equipment (PPE) is integral for the safety and well-being of firefighters when responding to a call. Currently, the County has a shortage of PPE and the budget allows for the purchase of approximately ten (10) sets of gear

annually. However, the number of sets of gear is reduced each time there is a price increase. There is an alternative method of purchase which allows for the purchase of sixty (60) sets of gear through a lease purchase program offered by Community Leasing Partners which will keep the annual payment within the budgeted amount. The lease will be non-bank qualified, and there are no documentation fees or closing costs.

She noted that staff recommended that the Council accept the proposal from Rhinehart Fire Services and the proposed financing method which is a lease purchase offered by Community Leasing Partners and that the Council authorize the County Administrator to enter into a lease purchase agreement for the purchase of the equipment.

Motion to approve the Quotation, Lease and Terms: Vice Chairman Dr. Brantley

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

C: Kimberly Burgess – Presentation of Proposals for Copier Leases and / or Rental Agreement.

Jasper County has had a rental agreement with Lowcountry Office Solutions for approximately seven (7) years for Xerox Copiers. Many of the rental agreements are up for renewal and there are a few departments that have not had a copier printer scanner and now need one. Although the current copiers our own state contract several local vendors were contacted and asked to provide the county with a proposal for copiers in order to determine if there was a significant difference in pricing. Local vendors were chosen because of the proximity for service calls. Three vendors including low country office solutions submitted proposals. Only low country office solutions parentheses Xerox parentheses provided a rental agreement in which the county paid only for copies. The other proposers each had a monthly fee in addition to a price per copy. The staff recommendation is that council accept the proposal from low country office solutions for Xerox copiers using state contract pricing and allow the director of administrative services to enter into any necessary agreements for the replacement and addition of copiers for county services.

Motion to return to approve: Vice Chairman Dr. Brantley

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

At this time Senator Margie Bright-Matthews was given the opportunity by Chairwoman to speak on any issues. Senator Bright-Matthews talked some about the Senate returning to session, different issues and bills that were in the forefront. For more information on this discussion, please watch the video stream available on the Jasper County website at https://www.youtube.com/channel/UCBmloqX05cKAsHm_ggXCJIA.

Old Business: None

Council Members Comments:

Councilman Kemp reminded everyone to get out and vote tomorrow.

M -11.07.2022

Vice Chairman Dr. Brantley reminded everyone that tomorrow was their last chance to vote in this election.

Councilman Sauls noted that 19% of the residents had already voted and encouraged everyone else to vote. He mentioned the Scholarship Golf Tournament and said they had raised a lot of money and that each high school would receive a \$1000 scholarship. Councilman Sauls reminded everyone of Big Thursday on 11.17.2022 at the Farmer's Market.

Administrator's Report:

Mr. Fulghum noted that his report was in the agenda e-packet, and he was available for any questions. He also noted that he did want to address one item. Item #3 of his report that The Joint Planning Proposition with the Town of Ridgeland. The Town of Ridgeland has requested Council's consideration to work together in joint planning effort to plan the unincorporated portion of Jasper County from US170 west to the Town Limits. Mr. Fulghum noted that he was requesting permission to work with the Town Administrator of Ridgeland, the Town of Ridgeland Staff to develop a proposed plan.

Motion to approve as requested: Vice Chairman Dr. Brantley

Second: Councilman Sauls

Vote: Unanimous

The motion passed.

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

There was no need to return to executive session for this meeting.

Adjourn:

Motion to adjourn: Vice Chairman Dr. Brantley

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

The meeting adjourned at 7:00pm.

Respectfully submitted:



Wanda H. Simmons
Clerk to Council



L. Martin Sauls IV
Chairman