



**JASPER COUNTY COUNCIL
VIRTUAL MEETING**

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

**August 16, 2021
AGENDA**

Workshop:

David Tedder – Review County Road ordinance and requirements.

Mr. Tedder was present to address this request. Mr. Tedder noted that paving roads and maintenance roads is a long-standing problem in almost every county in the state given our rural nature, as well as how we have moved forward in how to get the paving done in the last 50 to 50 years. A long time ago in Jasper County land was subdivided and lots were sold along the dirt roads. Not much attention was paid to the requirements to the width, drainage, or number of people on those roads. That has changed when the state became more urbanized and road standards became more stringent in most development standards that were adopted. In 1998 it was recognized that there were a number of private roads that the county had been maintaining historically that were subgrade in their width, drainage or composition and Jasper County passed an ordinance that said this is how we are going to deal with the roads. The County Council passed an ordinance listing the roads in the County that the County may have maintained, and they publicized it in the paper for a significant length of time noting that if the people wanted the County to maintain these roads they must come forward. It was required that they ask that the roads be in the County system and that there easements or ROW provided of proper width. This ordinance was passed, and the publications were made. For whatever reason there was no adequate follow through for a number of years.

Mr. Tedder noted that now if we fast forward to 2004-2005 it became a serious issue with a couple of subdivisions when they were built by a land developer here and in the ordinance, he was supposed to have provided for maintenance of those roads himself, and in some cases was to create a property owners associations. He did not do that, nor did he maintain the roads. A number of citizens came to the County Council repeatedly to complain eventually leading to a lawsuit with the citizens against the Developer making the County a party in the suit. The decision on that case was that the developer go maintain the roads as it was their responsibility. In several instances he did for a while. The property owners thinking the developer would do it never formed a property owners association. Here we are 15 years later and many roads are still in a state of disrepair in those subdivisions. That led to a 2017-2018 revisit of the road ordinance in Jasper County, the County built upon the 1998 Ordinance and enacted several new provisions. He said the period of 1998 to 2017-2018 however, was important. He said he had sent Council a package of materials Attorney Opinions and several law cases noting that public funds cannot be used to repair private roads, because it simply just cannot be done.

Mr. Tedder noted that there is an indication of ownership when you use public funds, and in these cases, there is no ownership of the roads. Sometime in 2015 a storm came through and flooded Columbia, broke dams across the state, and one of the County's asked for the Attorney General's Opinion. They asked that with the county being flooded, if there was relief to the long-standing rule of going onto private property with public funds in a state of emergency to fix driveways, etc.; however, the answer was no. Not far after that in 2016 another Attorney General Opinion was requested done by a lawyer representing Richland County. The question was proposed, what if they put in their ordinance an inclusion that for emergency services that may need to be able to access these properties for health and safety reasons, if that would that work. The answer again was no, as there is a strict prohibition unless you had ownership interest in the road. This is the same for Counties and Cities. The 20-year period from 1988-2018 had a significance because it was a series of years, we looked at adverse possession and prescriptive easements. He noted that if you possess something long enough you either own it or acquire an easement on it depending where you are. In this case the County Council made a finding that maintenance had continued for 20 years at least on certain roads and the County was going to claim a prescriptive easement on those roads because the County made the decision that they didn't want to stop working on these roads and maintaining them. If challenged the County ran the risk of having to stop maintaining the roads.

At the same time, he noted, the County had looked at the standards of acceptance of the roads, but the roads weren't built to County Standards. We tried to tighten up during this time on the standards. In doing a minor subdivision you have to have a certain width and withstand the weight of capacity of our Emergency Vehicles, and we created an encroachment permit for them to tie into the County roads. The State Department has an encroachment system that if you want to get into their ROW you get an encroachment permit so we created a similar situation. As it stands, we know what roads we have, they are filed on record, have a road survey, we know which roads we have deeds or easements to, which ones we have prescriptive easements on, however, most of the prescriptive easements we have are too small to turn into a normal county road. There are provisions in there for bring a road up to standards, and have the County consider it. We have about 175 miles of roads that we maintain that are gravel or dirt. There is a lot of work to bring them up to standards. So where does this leave the County when a citizen says I live up here and can't get to the property, and I can't get help. This is a tough spot, several years ago we had a wet season, and we couldn't put in culverts and such, because we cannot authorize taxpayer money to be spend on private roads. Finally, what can citizens do: they can fix the road on their own, they can form their own association and self-assess themselves creating a property owner association and come up with assessments to collect to pay for this. I have seen in some areas back in the 1960's several subdivisions in other areas wanted roads upgraded a special taxing district was done in some counties for a special financing methodology over a long period of time where tax bills had an assessment the county would use to pay the loan off.

Councilman Sauls said on Driggers Lane, where Mr. Walker developed off Bees Creek where there have been numerous complaints on this private dirt road. He noted that we have tried to help, we tried to help with the buildup on ditches and help all we can. He noted he seemed to recall that the County must have approval by all in from all property owners along that road, and they all have to agree. They would then be responsible for the cost of a ditch culvert. Mr. Tedder said they would all have to grant an easement to the County. He asked if the County can we change our ordinance to streamline this process for residents. He noted we need a cost assessment per road and we need to

be able to help these people and take steps to get the process worked out. He also stated that when children can't go to school and ambulances can't get in we have a problem and need to do something so we must figure out a way. Councilman Kemp asked if there was possibly a Quasi Federal Group could help in some way. Chairwoman Clark noted that council needed to talk about this amongst themselves. Council discussed this issue a little further in hopes of finding a way to pursue this issue. Mr. Fulghum noted that he could present the current ordinance to them and also look over the requirements relating to what it takes to bring roads up to standards. He said he would work with Mr. Tedder to see what they could do regarding this information. The workshop closed.

Chairwoman Clark called the meeting to order at 5:02 PM.

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

Staff Present: County Administrator Andrew Fulghum, Clerk to Council Wanda H. Simmons, County Attorney David Tedder, Administrative Services Director Kimberly Burgess, Emergency Services Director Chief Russell Wells, Lisa Wagner Director of Planning and Building, and Jonathan Dunham.

Others Present: Danny Black and Sandy Steele of Southern Carolina Alliance; Ashley Feaster of Palmetto Electric; John Fleming

Chairwoman Clark asked the Clerk to Council to read the Report of Compliance to the Freedom of Information Act. Wanda Simmons, Clerk to Council read the Clerk's Report of Compliance with the Freedom of Information Act.

Chairwoman Clark read the information below for the executive session and asked for a motion to go into executive session.

Motion to go into executive session: Councilman Adkins

Second: Councilman Kemp

Vote: Unanimous

The motion passed.

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:

(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 – [County Administrator](#)

(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; Nickel Plate MCIP; Jasper Ocean Terminal \(JOT\); Carolina Metal Castings; Brown v Jasper County et al; Hwy 170 IGA; TMS# 087-00-04-003](#)

(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; Project Lite; Project Ocean](#)

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.

Return to Open Session:

Motion to return to open session: Councilman Sauls

Second: Chairwoman Clark

Vote: Unanimous

Business Motions from Executive Session:

Motion # 1:

Motion to approve the proposed scope of services and compensation provided by Burr Forman regarding further services involving the Jasper Ocean Terminal, and authorize the Administrator to take such actions and execute the agreement as discussed in Executive

Session: Councilman Kemp

Second: Councilman Sauls

Vote: Unanimous

Motion # 2:

Motion to approve the law offices of D. Thomas Johnson subject to confirmation by County Administrator to work on the Jasper Port.

Second: Sauls

Vote: Unanimous

Motion # 3:

Motion to expand the scope of work authorized to be undertaken by Ray Jones of the Parker Poe Law Firm on behalf of Jasper County to include discussions and negotiations involving economic development projects in the City of Hardeeville, with compensation to be the same rates as in the existing agreement with the Parker Poe Law Firm: Councilman Kemp

Second: Councilman Sauls

Vote: Unanimous

The Pledge of Allegiance was led by Councilman Kemp and the invocation was given by Councilman Sauls.

Approval of Agenda:

Motion to approve: Councilman Sauls

Second: Councilman Kemp

Vote: Unanimous

Approval of the Minutes of 06.07.2021:

Motion to approve: Councilman Sauls

Second: Councilman Adkins

Vote: Unanimous

Presentation:

Danny Black, President and CEO of SouthernCarolina Alliance presenting on the Sherwood Tract.

Mr. John Fleming started off the presentation, and he would tag team with Sandy Steele and Danny Black. This presentation he noted was to be an in-person presentation so the screens would have been larger, and he offered his apologies.

He noted that this presentation would be discussing the Sherwood Tract and all of the public items around the Sherwood Tract. He reviewed the items and noted the items on the board were labeled as follows:

- # 1 – Sherwood Tract. He noted that southern Carolina alliance had purchased 550 acres in the Sherwood tract. He noted this and other public infrastructure would be bringing in jobs.
- # 2 – Exit number 3.
- # 3 – Widening of Interstate 95 from the state line two exit 33 (completion date of 2028)
- # 4 – Working to widen highway 17 into four lanes (completion date 2025)
- # 5 – Georgia DOT replacing the Houlihan Bridge
- # 6 – Beaufort / Jasper Water Sewer Authority – Water and Sewer Study. He noted that the Sherwood site is right in the middle of this area.
- # 7 – Related to Dominion Power bringing transmission level power to Sherwood and the surrounding areas (completion date of 2023)

Sandy Steel said the mega site needs several things but has it all. She noted that in 2017 she noted SouthernCarolina Alliance had obtained the option for the entire 1400 acres. In 2019 the SouthernCarolina Alliance had purchased 550 acres. She noted they had had a lot of activity on this. Sandy showed the Sherwood plantation masterplan exhibit and noted that there were a remaining 800 or so acres looking at development in different logistics areas. She noted they are in conversation with the development company regarding this.

Mr. Danny Black went through the process on how to develop this property and the right of way. He said they had received the money to get the 500 acres and had hoped to buy it all but just couldn't get all of the money. He noted that logistics is a core user and that a development company had been selected. He noted that they had spent three years doing due diligence on the 1400 acres. He noted they needed to have infrastructure (electricity, natural gas, etc) and that there are also wetlands that they must contend with. He noted that they have worked with the Core of Engineers on this matter. He noted they are working with the Beaufort / Jasper Water and Sewer Authority for both sides of Sherwood Park and that they have to find a cost for only Sherwood at this point. He said they are working with the City of Hardeeville through their development partner then they will be coming to Jasper County on the tax side. He noted that they would be working with the state on incentives to get the process started. He said they hoped for an announcement in September about and they were hoping to have the whole 1400 acres ready with logistics warehousing on one end and regular warehousing on the other. For further information on this item, please go to the https://www.youtube.com/channel/UCBmloqX05cKAsHm_ggXCjIA , the 08.16.21 video.

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.

There were no public comments.

Resolutions:

A. David Tedder – Resolution # 2021-16 amending the employment agreement between Jasper County and Andrew P. Fulghum.

Mr. Tedder noted that this was to amend the employment agreement to include the 2.5% increase that all employees had received.

Motion to approve: Councilman Sauls

Second: Councilman Adkins

Vote: Unanimous

B. Andrew Fulghum – Resolution # 2021-17 to declare certain property to be surplus and authorize its sale or disposition – School District used vehicle.

Mr. Fulghum reviewed and presented this resolution to Council.

Motion to approve: Councilman Sauls

Second: Councilman Kemp

Vote: Unanimous

Ordinances:

A. Lisa Wagner – 3rd Reading of Ordinance # 2021-22 to amend the Official Zoning Map of Jasper County so as to transfer a property bearing Jasper County Tax Map Number

084-00-02-065 from the Residential Zone to the Community Commercial Zone on the Jasper County Official Zoning Map – 358 Chippa Willow Road.

Ms. Wagner was present to address this request. She said that the subject property consisted of .90 acres and is located at 358 Chippa Willow Road. The Applicant has requested a Zoning Map Amendment to have the property designated as Community Commercial (CC). The property is currently zoned Residential. The property was developed as a commercial property prior to 1975 and has previously served as a store and a night club. The county-wide re-zoning project in 2007 made the commercial use non-conforming. The applicant would like to establish a non-profit social club, which is not allowed in the Residential Zoning District; however, a social club is allowed in the Community Commercial Zoning District.

She noted that according to the 2018 Jasper County Comprehensive Plan, the Future Land Use Map identifies this area as a “Hamlet,” which serves as commercial centers for everyday needs. Small scale commercial developments should be allowed, with proper design. The adjacent parcels are zoned Residential, with Community Commercial nearby. Adjacent land uses are residential and vacant property. There are several commercial businesses nearby which includes two churches, a store, restaurant, and a fire protection business. The subject property is accessed by Chippa Willow Road, which is a two-lane state-maintained highway, classified as a limited local road.

She stated that the Planning Commission recommends approval of the request to have the property designated as Community Commercial.

Motion to approve: Councilman Kemp

Second: Councilman Adkins

Vote: Unanimous

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 bearing Jasper County Tax Map Number 063-38-01-013 from the Residential Zone to the Community Commercial Zone on the Jasper County Official Zoning Map – 76 Sweet William Road.

Ms. Wagner was present to address this request. She noted that the subject property consisted of .55 acres and is located at 76 Sweet William Road. The Applicant has requested a Zoning Map Amendment to have the property designated as Community Commercial (CC). The property is currently zoned Residential. The applicant would like to establish a restaurant at this location. The property was re-developed in February 2007 as a restaurant. The Countywide Re-zoning Project made this property non-conforming in November 2007. While the property has previously been used as a restaurant, the use has ceased for more than 12 months, losing its legal non-conforming status.

She noted that according to the 2018 Jasper County Comprehensive Plan, the Future Land Use Map identifies this area as “Urban Transition,” which are pockets of unincorporated Jasper County that are partially or entirely surrounded by the municipality. For these areas that experience new development or redevelopment, consideration should be given to working with the adjacent municipality for annexation. The adjacent parcels are zoned Residential with the Town limits of Ridgeland nearby. Adjacent land uses are residential and commercial. The subject property is

accessed by Sweet William Road, which is a two-lane state-maintained highway, classified as a limited local road.

She stated that from a land use perspective, staff recommends approval of the request to have the property designated as Community Commercial.

Motion to approve: Councilman Sauls

Second: Councilman Adkins

Vote: Unanimous

C. Andrew Fulghum - Public Hearing and 3rd reading of Ordinance # [2021-23](#) Authorizing(1) The Execution and Delivery of a Fee In Lieu Of Tax And Incentive Agreement by and between Jasper County, South Carolina (The "County"), a Company Known to the County as Palmetto Electric Cooperative Inc., Acting for Itself, One or More Affiliates, and/or Other Project Sponsors(Collectively, The "Company"), Pursuant to which the County Shall Covenant to Accept Certain Negotiated Fees In Lieu Of Ad Valorem Taxes with Respect to the Establishment and/or Expansion of Certain Facilities in the County (The "Project"); and (2) Other Matters Relating Thereto. (formerly known as Project Lite).

Mr. Fulghum was available to present this request. He noted that this was the public hearing and the 3rd reading. There were no public comments for this item. Ms. Feaster said she wanted to take a moment to thank Jasper County Council, Mr. Fulghum, and staff for supporting Palmetto Electric Cooperative in its efforts to make broadband a reality for all in Jasper County. She noted that they value the partnership we have with Jasper County and look forward to great announcements and advancements in the days to come.

Motion to approve: Councilman Sauls

Second: Councilman Kemp

Vote: Unanimous

D. Andrew Fulghum - 2nd reading of Ordinance # [2021-24](#) to adopt a new organizational chart.

Mr. Fulghum presented and reviewed this ordinance for Council. Mr. Fulghum stated that this ordinance was to adopt a new organizational chart. He noted that this chart builds the Developmental Services Division and reduces the number of direct reports to the County Administrator from 12 direct reports to 8 direct reports.

Motion to approve: Councilman Sauls

Second: Councilman Adkins

Vote: Unanimous

New Business:

A. Chief Russell Wells - COVID update

Chief Wells gave the updated COVID statistics. Chief Wells noted that the SC positivity rate was at 14.9% and Jasper County positivity rate was at 23.1%. He noted that the date range was from 07.29.2021-08.11.2021 noting that that the county had went from 1300 to 1778 tests since the last update to Council. For further information on this item, please go to the https://www.youtube.com/channel/UCBmloqX05cKAsHm_ggXCjIA , the 08.16.21 video.

Old Business:

A: Kimberly Burgess - Consideration of proposed expenditure of CSLFRF (Coronavirus State and Local Fiscal Recovery Funds).

Ms. Burgess was present to address this item. She noted that they were asking for Council consideration and approval to begin the process necessary to provide premium pay for certain employees who worked during the declared South Carolina public health emergency period (March 16, 2020 to June 11, 2021) using Coronavirus State and Local Fiscal Recovery Funds. She noted that per the Department of The Treasury interim final rule 31 CFR Part 35, "Fiscal Recovery Funds payments may be used by recipients to provide premium pay to eligible workers performing essential work during the COVID-19 public health emergency." The interim final rule defines eligible worker to mean "those workers needed to maintain continuity of operations of essential critical infrastructure sectors," and essential work "as working involving regular in-person interactions or regular physical handling of items that were handled by others."

Ms. Burgess noted that if it is the desire of County Council to remunerate essential workers (as defined in the Department of The Treasury interim final rule 31 CFR Part 35) for the elevated health risks they faced during the public health emergency that the Council approve staff to begin the process of identifying those County employees whose positions required in-person contact with members of the public and therefore could not perform their duties from home or remotely and to calculate an amount deemed "premium pay" not to exceed \$3 per hour for the hours worked for the period March 16, 2020 to June 11, 2021. The total premium pay including FICA taxes and appropriate retirement amounts shall not exceed \$2 million if that is approved. The balance of remaining Fiscal Recovery Funds is approximately \$3.9 million.

Motion to approve: Councilman Sauls

Second: Councilman Adkins

Vote: Unanimous

Council Members Comments:

Councilman Kemp:

Councilman Kemp said he had been working with the Sun City Veteran's Association. He noted that they had donated \$1500 for a Korean Monument in Washington DC. He said they had 4 people who had been killed in action in the Korean War: Joseph Williams; Charlie Browning; James Hill Jr. and William Clyde preacher. He asked if anyone knew the families of these men to please let him know so they could be informed that these names would be on the wall in Washington DC.

Councilman Adkins:

Councilman Adkins gave thanks to God and said without his blessing we could not do anything. He said he had gone to the conference in HHI and had attended training in Beaufort for SCEDA. He said he was proud of the landscaping that had been done and that he would be out riding around. He noted that he hoped everyone would be blessed and urged them to stay safe and protected.

Councilman Sauls:

Councilman Sauls urged everyone to keep the Wall Family in their thoughts and prayers. He noted he had attended the City of Hardeeville Recreation building ribbon cutting and banquet. He said this was a great resource of recreational activities for people of all ages. Councilman Sauls thanked Danny black and the SouthernCarolina Alliance for all of their hard work that they do and for their Economic Development in the County. He also thanked Palmetto Electric for all they had done for Jasper County. He thanked Chairwoman Clark for all she does and for being their leader.

Chairwoman Clark:

Chairwoman Clark also urged everyone to keep the Wall Family in prayer. She noted that some of Council had asked her to give a report on the Corners Office. She said that Council is doing more than they are supposed to be for the Corner and he is not paid on an hourly rate. She noted that he is paid on a salary in accordance to what other Corners are paid. She said they want to be fair to everyone and must do things across the board. She noted she had been told that on social media, that it was being said that he had no way to transport, however he uses a transport company to transport from the scene to the morgue. She urged everyone to understand that everything you see on social media is not always accurate information and that Council is handling everything correctly. She also offered her deepest sympathies to Corner Aiken as he had lost a first cousin on Saturday night. She also asked for God's blessings over everyone.

Administrator's Report:

Mr. Fulghum noted that he had prepared his Administrator's Report and it was in Council's packet for their review. He noted that he did want to touch on one item, which was the Newspaper of General Circulation. He said that the County had been notified that the Jasper County Sun would no longer be a printed publication. Jasper County has traditionally published all of our legal and public hearing advertisements in this weekly publication. We are required, he noted, to publish such notices in a newspaper of general circulation which must have a print edition. Going forward he stated, we will be publishing our legal ads and public hearing notices in the Beaufort Gazette and / or the Island Packet which are daily publications and meet the standard for serving as a newspaper of general circulation.

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

Adjourn:

Motion to approve: Councilman Adkins

Second: Chairwoman Clark

Vote: Unanimous

The motion passed and the meeting adjourned at 8:08pm.

Respectfully submitted:



Wanda H. Simmons
Clerk to Council

Approved:



Barbara B. Clark
Chairwoman