



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 21, 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 21, 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 21, 2021
AGENDA**

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; Proposed Purchase of Property for Project Fence (421 N. Jasper St., Ridgeland SC.); Nickel Plate MCIP

(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

**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 19, 2021, May 3, 2021, and May 17, 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:
 - A: **David Tedder** - Consideration of Resolution # 2021-13 to Extend the Business License Penalty Date from July 1st to August 1st.
 - B: **Sandy Steele** – Consideration of Resolution # 2021-14 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”) and a Company Known to the County as Project Lite, 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.
- XI. Ordinances:
 - A. **Lisa Wagner** – Public hearing and **2nd Reading** of Ordinance # 2021-18 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)
 - B. **Lisa Wagner** – Public hearing and **2nd Reading** of Ordinance # 2021-19 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)
 - C. **Lisa Wagner** – Public hearing and **2nd Reading** of Ordinance # 2021-20 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)

- D. **Lisa Wagner** – Consideration of **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 087-00-03-011 from the Residential Zone to the Community Commercial Zone on the Jasper County Official Zoning Map – 8881 Coosaw Scenic Drive
- E. **Lisa Wagner** – Consideration of **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 084-00-02-065 from the Residential Zone to the Community Commercial Zone on the Jasper County Official Zoning Map – 358 Chippa Willow Road.
- F. **David Tedder** – **3rd 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** – **3rd 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** – **3rd 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.
- I. **Andrew Fulghum** - **1st reading** by Title Only of an Ordinance 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 Project Lite, 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.

XII. New Business:

- A. **Kim Burgess** – Bid presentation Fire Station #30 Roof
- B. **Kim Burgess** – Bid presentation Tarboro Community Center Roof
- C. **Kim Burgess** – Bid presentation food service proposal and contract for the Detention Center
- D. **Kim Burgess** – Consideration of Cyber Security Proposal – GlobalKynect

XIII. Old Business:

- A. **Kimberly Burgess** – Jasper County State Accommodations Tax Committee Recommendations
- B. **Kimberly Burgess** – Local Accommodations and Hospitality Tax Requests
- C: **Wanda Simmons** – Consideration of an amendment to the 2021 Official Meeting Schedule for the County Council by changing the 07.06.2021 meeting date to 07.19.2021.
- D: **Andrew Fulghum** – SOLOCO Regional Housing Trust Fund update.

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:

X

Resolution: Item A

**STATE OF SOUTH CAROLINA
JASPER COUNTY**

RESOLUTION NUMBER 2021 -13

RESOLUTION OF JASPER COUNTY COUNCIL

**RESOLUTION EXTENDING THE BUSINESS LICENSE RENEWAL PENALTY
DATE TO AUGUST 1, 2021**

WHEREAS, as a result of the enactment of the South Carolina Business License Tax Standardization Act (the “Standardization Act”), the business license year must run from May 1 through April 30 of each year, beginning in 2022; and

WHEREAS, Jasper County’s; and

WHEREAS, Jasper County (“County”) provides in its Business License Ordinance that Jasper County’s business license year runs from July 1st through June 30th of each year, with penalties for failing to timely renew business licenses beginning on July 1st of each year; and

WHEREAS, Jasper County’s Business License Ordinance further provides that for non-payment of all or any part of the correct license tax, the License Official shall levy and collect a late penalty of five (5%) percent of the unpaid tax for each month or portion thereof after the due date until paid; and

WHEREAS, certain delays in adjusting software and other incidents necessary to implement the Standardization Act to reflect the shortening of the 2021-2022 business license year and the need for a pro-rated business license tax for the 2021-2022 license year have delayed the mailing and processing of renewals; and

WHEREAS, it is the desire of the County to provide for an extension of the business license penalty accrual date by 30 days to accommodate the delays; with such extension to be until August 1, 2021, rather than July 1, 2021;

NOW THEREFORE, BE IT RESOLVED by Jasper County Council, in the Council duly assembled and by the authority of the same that Jasper County Council hereby authorizes the Administrator and the County License Official to extend the period for business licenses to be renewed without penalty from July 1, 2021 to August 1, 2021.

This Resolution No. 2021-13 made this 21st day of June, 2021, and effective immediately.

Barbara B. Clark
Chairwoman

ATTEST:

Wanda Simmons
Clerk to Council

Reviewed for form and draftsmanship by the Jasper County Attorney.

David L. Tedder

Date

AGENDA ITEM:

X

Resolution: Item B

**JASPER COUNTY
RESOLUTION NUMBER 2021-14**

A RESOLUTION 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") AND A COMPANY KNOWN TO THE COUNTY AS PROJECT LITE, 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.

WHEREAS, Jasper County, South Carolina (the "County"), acting by and through its County Council (the "Council"), is authorized and empowered under and pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended (the "Code"), particularly Title 12, Chapter 44 of the Code (the "Negotiated FILOT Act"): (i) to enter into agreements with certain investors to construct, operate, maintain, and improve certain projects through which the economic development of the State of South Carolina (the "State") will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products, and natural resources of the State; and (ii) to covenant with such investors to accept certain fee in lieu of *ad valorem* tax ("FILOT") payments, including, but not limited to, negotiated FILOT payments made pursuant to the Negotiated FILOT Act, with respect to a project; and

WHEREAS, a company known to the County as Project Lite, acting for itself, one or more affiliates, and/or other project sponsors (collectively, the "Company") proposes to establish and/or expand certain facilities at one or more locations in the County (the "Project"); and

WHEREAS, the Company anticipates that, should its plans proceed as expected, it will invest, or cause to be invested, at least \$45,000,000, in the aggregate, in the Project; and

WHEREAS, on the basis of the information supplied to it by the Company, the County has determined, *inter alia*, that the Project would promote the purposes of the Act and would be directly and substantially beneficial to the County, the taxing entities of the County and the citizens and residents of the County due to the investment to be made, or caused to be made, by the Company, which contribute to the tax base and the economic welfare of the County, and, accordingly, the County wishes to induce the Company to undertake the Project by offering certain negotiated FILOT benefits as set forth herein, all of which shall be further described and documented in a Fee in Lieu of Tax and Incentive Agreement to be entered into by the County and the Company (the "Incentive Agreement") and subject to the terms and conditions set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the Council, as follows:

Section 1. As contemplated by Section 12-44-40(I) of the Negotiated FILOT Act, the County makes the following findings and determinations:

(a) The Project will constitute a “project” within the meaning of the Negotiated FILOT Act; and

(b) The Project, and the County’s actions herein, will subserve the purposes of the Negotiated FILOT Act; and

(c) The Project is anticipated to benefit the general public welfare of the State and the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally; and

(d) The Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against its general credit or taxing power; and

(e) The purposes to be accomplished by the Project are proper governmental and public purposes; and

(f) The benefits of the Project are greater than the costs.

Section 2.

(a) The County hereby agrees to enter into the Incentive Agreement with the Company, whereby the Company will agree to satisfy, or cause to be satisfied, certain investment requirements with respect to the Project within certain prescribed time periods in accordance with the Negotiated FILOT Act and the County, under certain conditions to be set forth in the Incentive Agreement, will agree to accept negotiated fee in lieu of *ad valorem* tax (“Negotiated FILOT”) payments with respect to the Project.

(b) (i) The Negotiated FILOT shall be determined using: (1) an assessment ratio of six (6%) percent; (2) the lowest initial millage rate or millage rates allowed with respect to the Project pursuant to Section 12-44-50(A)(1)(d) of the Negotiated FILOT Act, which the parties presently believe to be the millage indicated on Exhibit A with respect to all Negotiated FILOT Property included in the Project; (3) the fair market value of the Project, determined in accordance with the Negotiated FILOT Act; and (4) such other terms and conditions as will be specified in the Incentive Agreement, including, without limitation, that the Company, in its sole discretion, may dispose of property and replace property subject to Negotiated FILOT payments to the maximum extent permitted by the Negotiated FILOT Act.

(ii) The Negotiated FILOT shall be calculated as provided in this Section 2(b) for that portion of the Project consisting of “economic development property” under the Negotiated FILOT Act. For each annual increment of investment in such economic development property, the annual Negotiated FILOT payments shall be payable for a payment period of thirty (30) years, all in accordance with the Negotiated FILOT Act. Accordingly, if such economic development property is placed in service during more than one year, each year’s investment shall be subject to the Negotiated FILOT for a payment period of thirty (30) years up to an aggregate of thirty-five (35) years based on the initial Investment Period of five (5) years, or, if the Investment Period is extended as set forth in the Incentive Agreement, up to an aggregate of forty (40) years.

Section 3. The provisions, terms, and conditions of the Incentive Agreement shall be subject to approval by subsequent ordinance of the Council. The Incentive Agreement is to be in substantially the form customarily used by the County for similar transactions with such changes therein as shall be approved by said ordinance.

Section 4. The Chairman of the Council, the County Administrator, and the Clerk to the Council, for and on behalf of the County, are hereby each authorized, empowered, and directed to do any and all things necessary or proper to effect the performance of all obligations of the County under and pursuant to this Resolution.

Section 5. The execution and delivery of the Incentive Agreement is subject to the enactment by the Council of an ordinance authorizing the same and, in conjunction therewith, compliance with the provisions of the Home Rule Act regarding the procedural requirements for enacting ordinances.

Section 6. All orders, resolutions, and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This Resolution shall take effect and be in full force upon adoption by the Council.

[End of Resolution]

Done in meeting duly assembled this _____ day of _____, 2021.

JASPER COUNTY, SOUTH CAROLINA

By: _____
Barbara B. Clark, Chairperson, County Council
Jasper County, South Carolina

[SEAL]

Attest:

By: _____
Wanda Simmons, Clerk to County Council
Jasper County, South Carolina

Reviewed for form and draftsmanship by the Jasper County Attorney.

David L. Tedder

Date

EXHIBIT A
APPLICABLE MILLAGE RATES

The millage rate to be applied in accordance with Section 2(b) of this Resolution shall be as follows for each parcel of real property, and all business personal property located thereon in the following County tax district:

- Jasper County Tax District 01 345.000 Mills
- Jasper County Tax District 02 345.000 Mills
- Jasper County Tax District 03 345.000 Mills
- Jasper County Tax District 04 377.000 Mills

There shall be applied an additional millage rate to real and business personal property located within any of the following municipal limits:

- City of Hardeeville 114.000 Mills
- City of Ridgeland 140.250 Mills

AGENDA ITEM:

XI-A

Ordinance item A

**STATE OF SOUTH CAROLINA
COUNTY OF JASPER**

ORDINANCE: 2021-18

**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: # 2021-18

First Reading: June 7, 2021

Second Reading: June 21, 2021

Public Hearing: June 21, 2021

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-B

Ordinance item B

**STATE OF SOUTH CAROLINA
COUNTY OF JASPER**

ORDINANCE: 2021-19

**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: # 2021-19

First Reading: June 7, 2021

Second Reading: June 21, 2021

Public Hearing: June 21, 2021

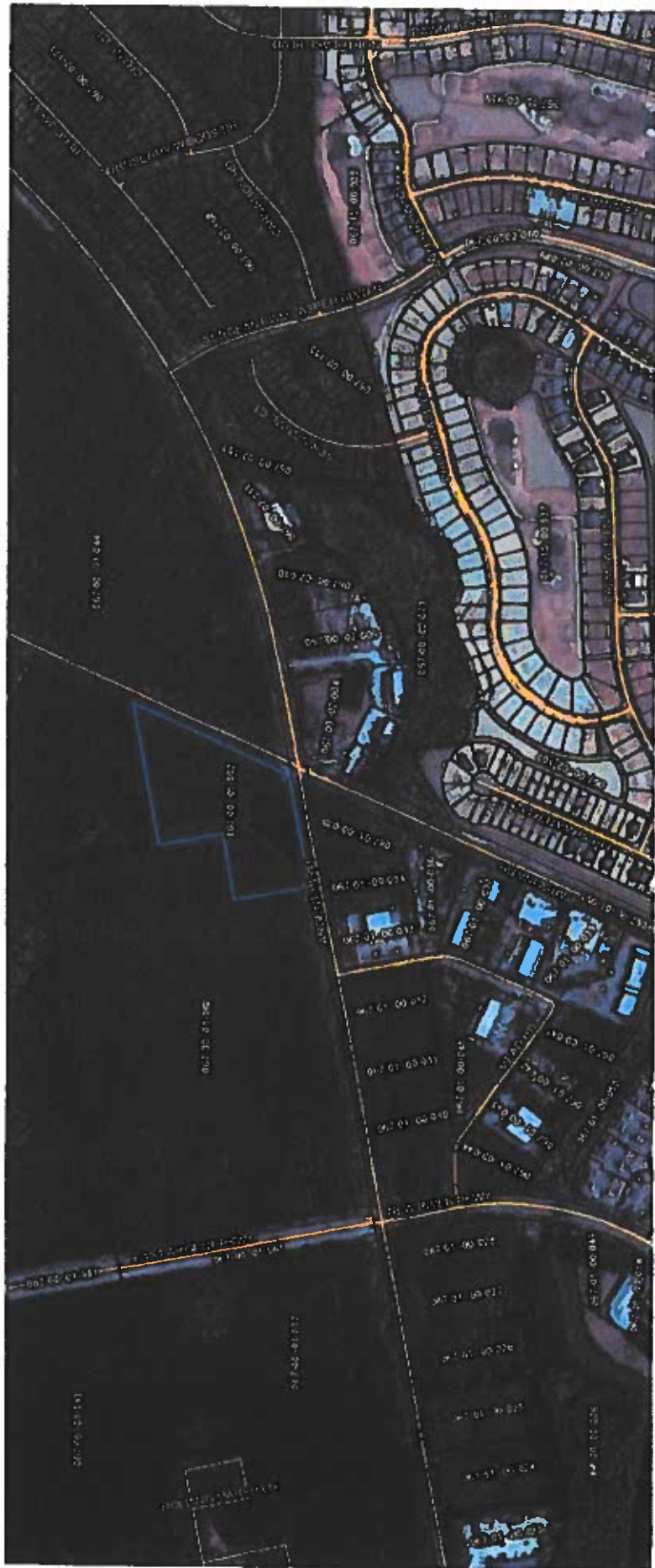
Adopted: _____

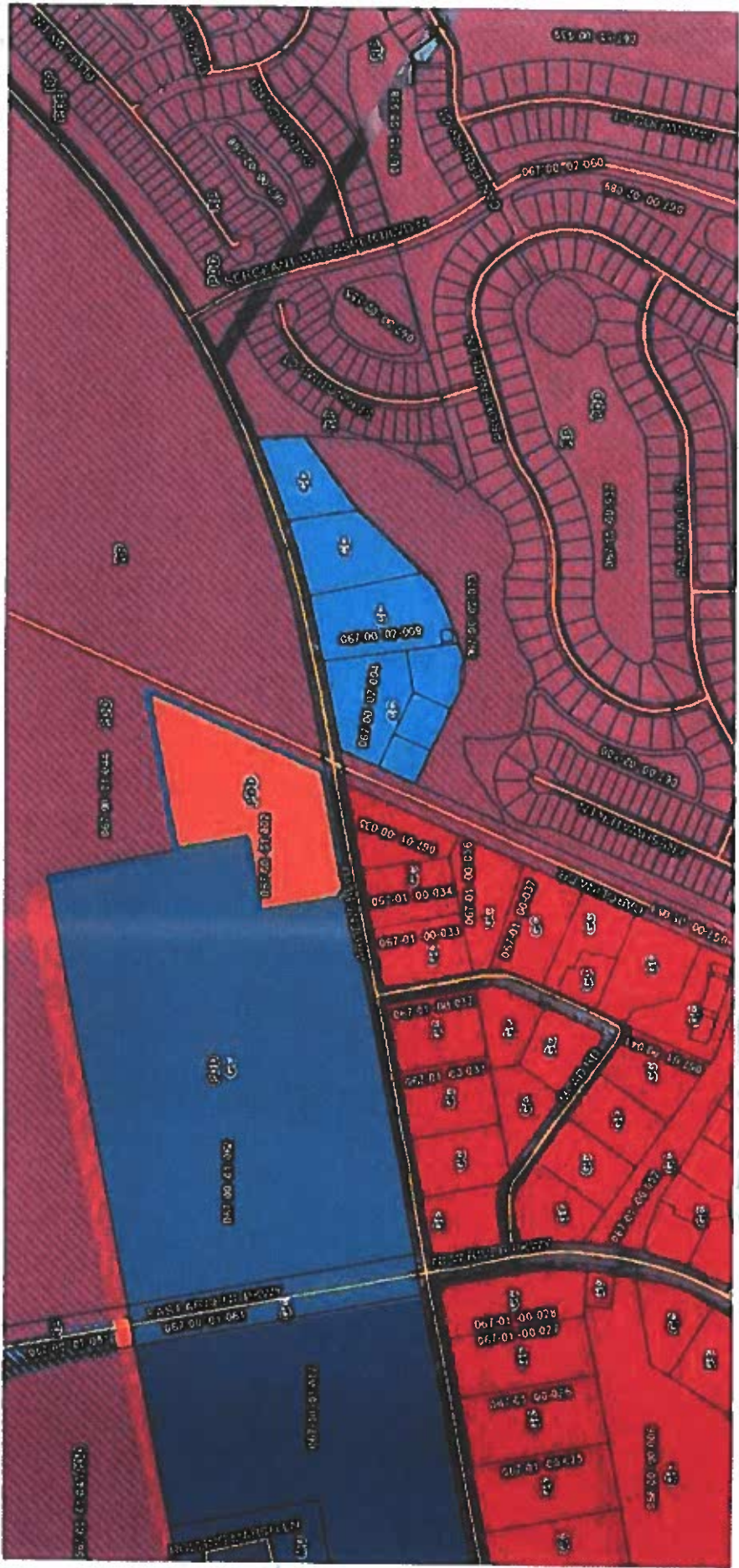
Considered by the Jasper County Planning Commission at it's meeting on
May 11, 2021 and recommended for approval.

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: 2021-20

**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: # 2021-20

First Reading: June 7, 2021

Second Reading: June 21, 2021

Public Hearing: June 21, 2021

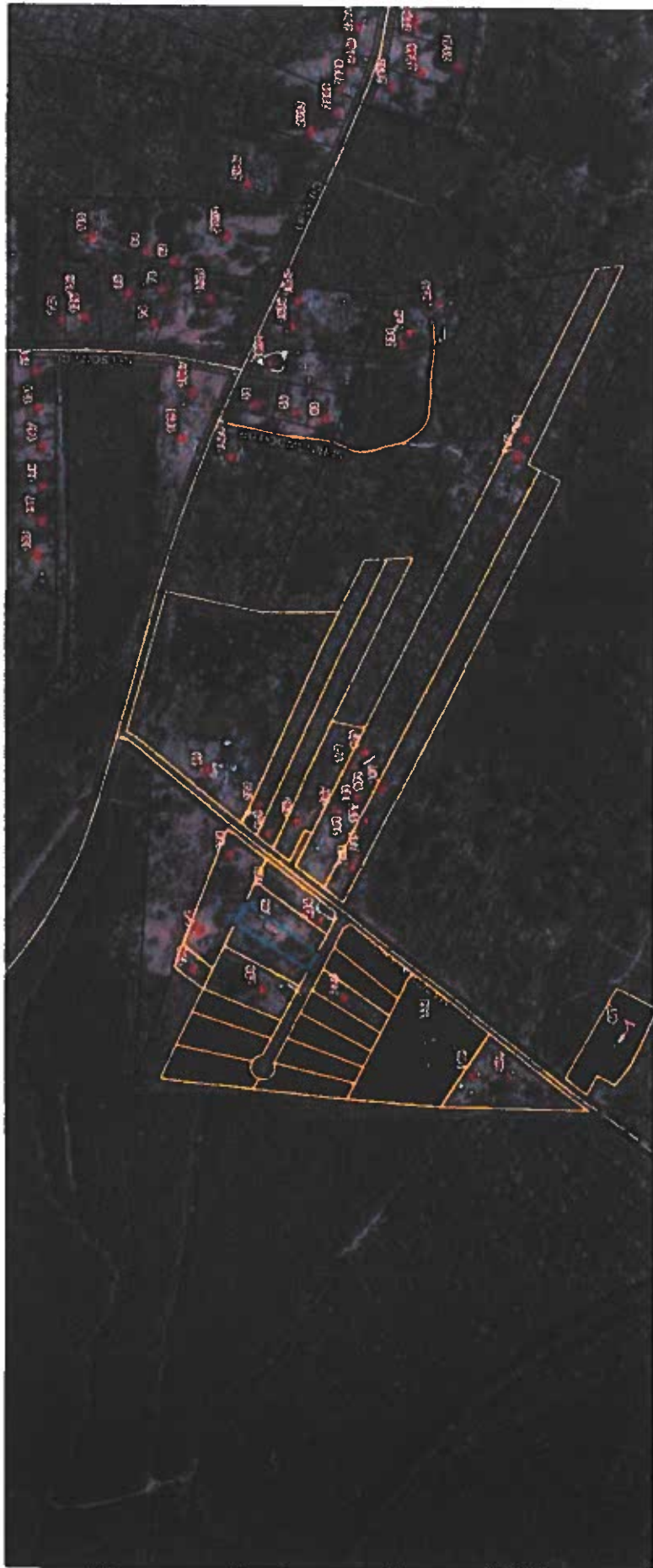
Adopted: _____

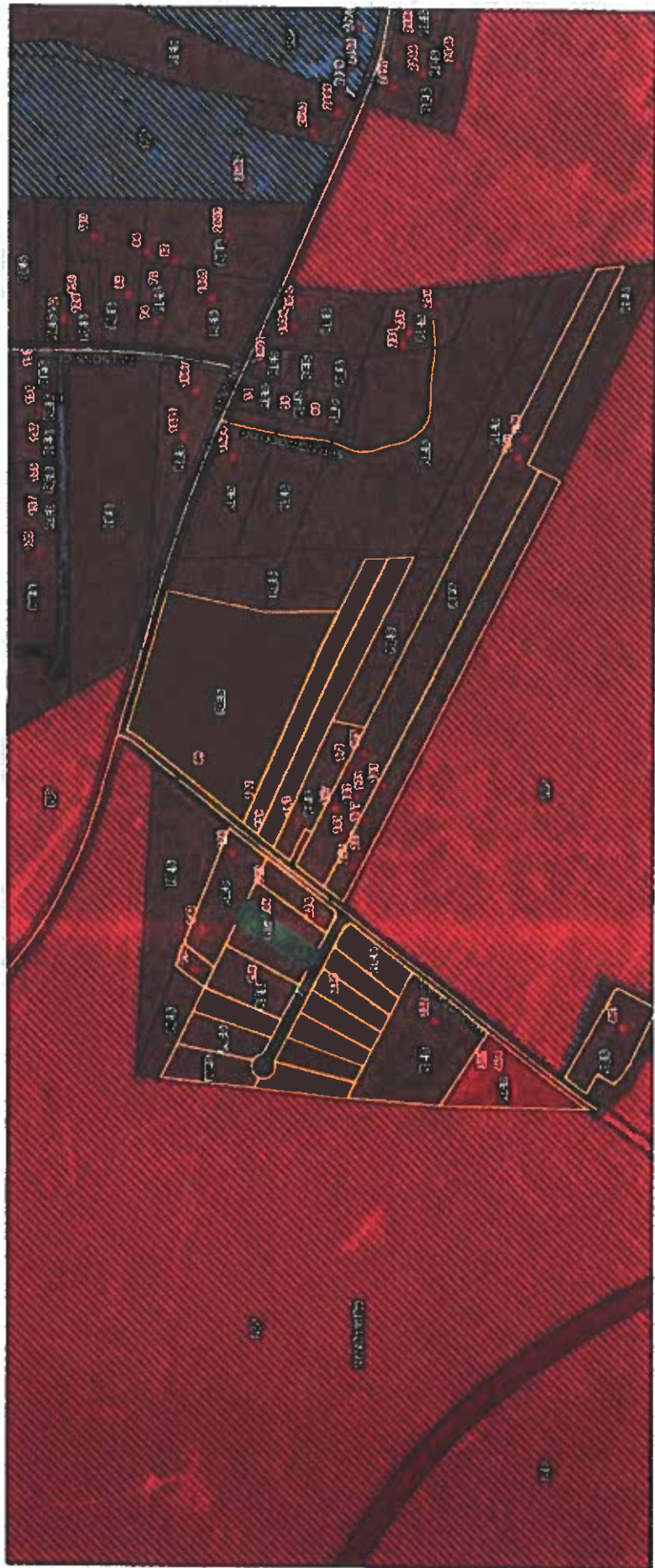
Considered by the Jasper County Planning Commission at it's meeting on
May 11, 2021 and recommended for approval.

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 087-00-03-011 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 2.4 acres bearing Jasper County Tax Map Number 087-00-03-011 located at 8881 Coosaw Scenic Drive, 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 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 2.4 acres bearing Jasper County Tax Map

Number 087-00-03-011, located at 8881 Coosaw Scenic Drive, 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-__

First Reading: June 21, 2021
Second Reading: _____
Public Hearing: _____
Adopted: _____

Considered by the Jasper County Planning Commission at it's meeting on
June 8, 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
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 084-00-02-065 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 .90 acres bearing Jasper County Tax Map Number 084-00-02-065 located at 358 Chippa Willow 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 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 .90 acres bearing Jasper County Tax Map

Number 084-00-02-065, located at 358 Chippa Willow 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-__

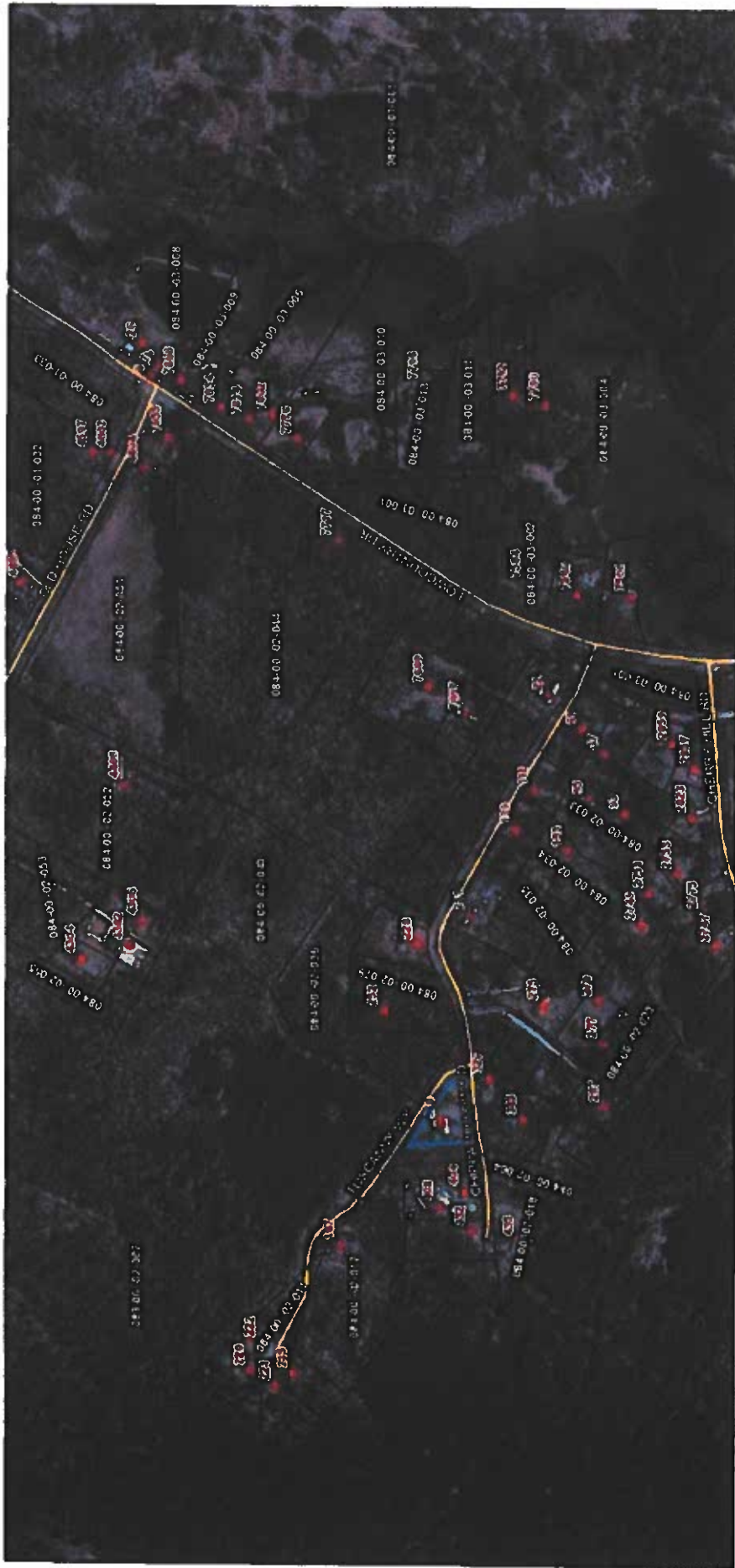
First Reading: June 21, 2021
Second Reading: _____
Public Hearing: _____
Adopted: _____

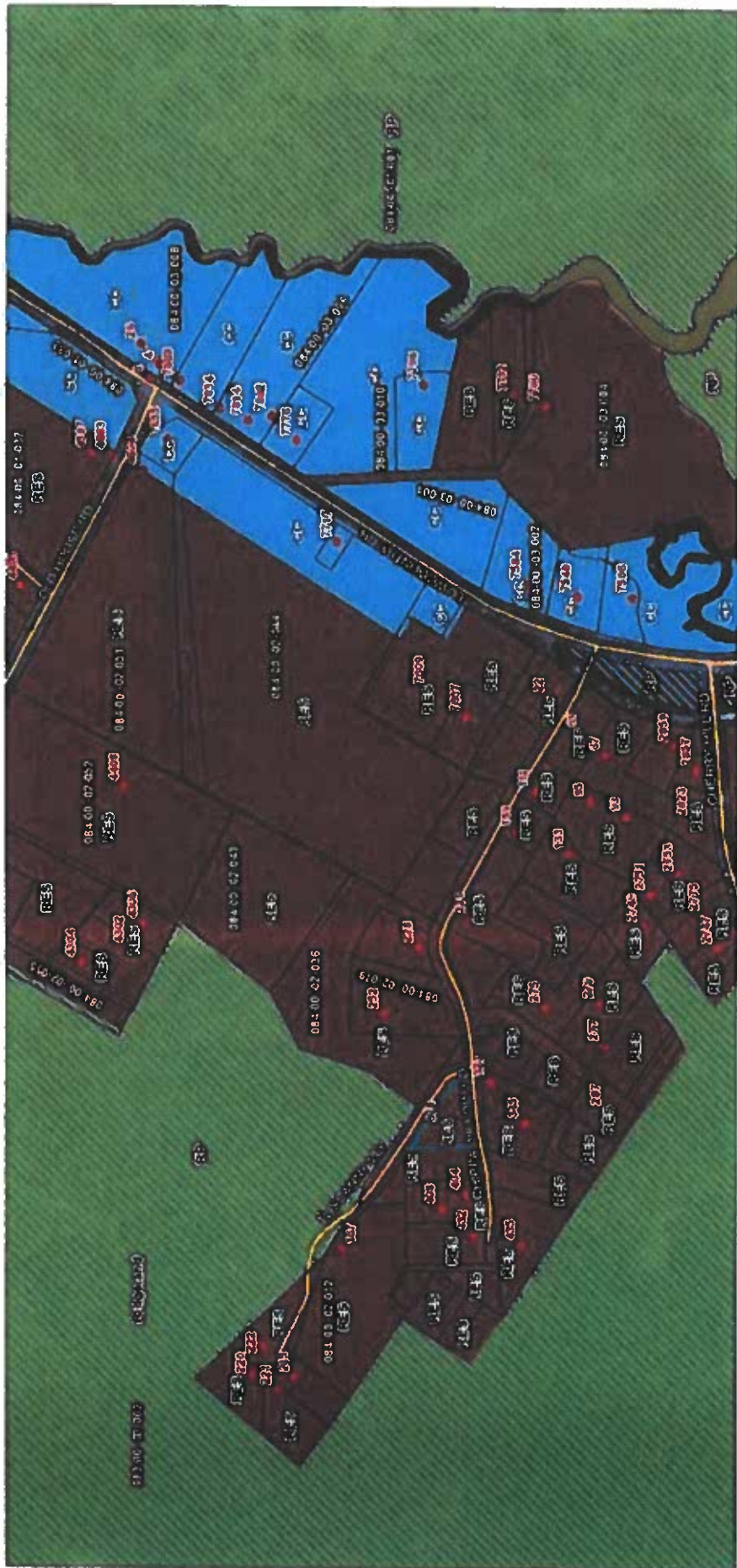
Considered by the Jasper County Planning Commission at it's meeting on
June 8, 2021 and recommended for approval.

Reviewed for form and draftsmanship by the Jasper County Attorney.

David Tedder

Date





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: June 7, 2021

Adopted: _____

Reviewed for form and draftsmanship by the Jasper County Attorney.

David Tedder

Date

DRAFT

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

3rd reading of Ordinance # [2021-17](#) to Adopt the 2021-2022
Jasper County Capital and General Operations Budget

AGENDA ITEM:

XI- I

Ordinance item I

****Note: 1st reading by title only ****

1st reading by Title Only of an Ordinance 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 Project Lite, 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.