



JASPER COUNTY COUNCIL
COUNCIL MEETING

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

October 17, 2022
MINUTES

Officials Present: Chairwoman Barbara B. Clark, Vice Chairman Dr. Curtis Brantley
Councilman L. Martin Sauls (present for Regular Session only), and Councilman John Kemp.
Absent: Councilman Pastor Alvin Adkins

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: Alton Jenkins, Director of Veterans Affairs and Coroner Willie Aiken

Chairwoman Clark called the meeting to order at 5:07PM. 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 with the addition of adding personnel to the Executive

Session: Vice Chairman Dr. Brantley

Second: Councilman Kemp

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 – **Coroner; Appointment Regional Housing Trust Oversight Board**

(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

M – 10.17.2022

Jasper County Council

**adversary situations involving the assertion against the agency of a claim -
Election Matters; Exit 3; Cypress Ridge Spec Building Number 4; Coroner's Office**

(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; Update on the Peninsula Tract Development Agreement; Project Silver Star; Project Ice; 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 EXECUTIVE SESSION.

Return to Open Session:

Motion to return to regular session: Councilman Sauls

Second: Vice Chairman Dr. Brantley

Vote: Unanimous

The motion passed.

Motions from Executive Session:

Move to authorize the Administrator to execute the real estate contract with Gopher Hill Holdings, LLC, as presented in Executive Session for the property at Cypress Ridge Industrial Park: Councilman

Second: Councilman Kemp

Vote: Unanimous

The motion passed.

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

Approval of Agenda:

Motion to approve with the exception of Item Ordinance Item X-D until the next meeting:

Councilman Kemp

Second: Vice Chairman Dr. Brantley

Vote: Unanimous

The motion passed.

Approval of the minutes of 07.13.2022, 07.18.2022 and 07.27.2022.

Motion to approve: Vice Chairman Dr. Brantley

Second: Councilman Sauls

Vote: Unanimous

The motion passed.

Proclamation and Presentations:

A: Duane Swygert, Joe Gellici and Rob Devlin – Presentation from SCDNR & DHEC to the Jasper County Council on October 17th relating to the water quality in Jasper County.

Mr. Duane Swygert, Joe Gellici and Jill Stewart were present to make a presentation from SCDNR & DHEC to the Jasper County Council relating to the water quality in Jasper County. Mr. Swygert made the introductions and started off the presentation. Mr. Gellici discussed how water is used in the capacity that 80% of water is used for electricity and 12% for drinking. He discussed the development of Water Plans with DHEC, Corps of Engineers and other Stakeholders. He said it is a 2 year process to get Water Plans developed. He covered some other components relating to water and then turned the meeting over to Ms. Stewart. Ms. Stewart discussed the areas of the Clean Water Act, DHEC's Mandates to Comply with the CWA, Water Quality, Water Body Classifications, Monitoring, Permitting, Regulatory and Non-regulatory Tools to Protect Water Quality, Stormwater, Clean Water Act State Revolving Loan Fund, Watershed Based Plans, 319 Grant Plans and Projects. Vice Chairman Dr. Brantley asked Ms. Stewart on a scale of 1-10 how safe the drinking water was for people. Ms. Stewart stated that this was different. She said what they deal with is water quality in the steams, water ways, etc. Councilman Sauls thanked Mr. Swygert and Ms. Stewart for attending the meeting. For further information on this presentation please go to our website and https://www.youtube.com/channel/UCBmloqX05cKAsHm_ggXCjIA.

B: Chief Russell Wells – Presentation of the Pinning Ceremony for Lieutenant Allen Perry.

Chief Wells introduced Mr. Allen Perry and gave Allen Perry the Oath and Deputy Chief Vaughn gave his Charging Warrant for promotion to Lieutenant. Then the Pinning Ceremony was performed.

C: Chief Russell Wells – Presentation of the Pinning Ceremony for Lieutenant Chad Recchia.

Chief Wells introduced Mr. Allen Perry and gave Chad Recchia the Oath and Deputy Chief Vaughn gave his Charging Warrant for promotion to Lieutenant. Then the Pinning Ceremony was performed.

D: Director Arthur Benjamin – Presentation to Mr. Harry Orr, promoted to Detention Deputy Director from Captain.

Director Arthur Benjamin introduced Mr. Harry Orr and gave him the Oath which promoted Mr. Orr from Captain to Detention Deputy Director. Then the Pinning Ceremony was performed.

E: Director Arthur Benjamin – Presentation to Mrs. Beverly Orr, promoted to Detention Captain from Lieutenant.

Mrs. Orr was not able to be in attendance for this meeting and this item would be brought back to Council at a later time.

F: Wanda Simmons – Proclamation for Red Ribbon Week 2022.

Mr. Tedder read this proclamation for Red Ribbon Week 2022 for the record.

Motion to approve: Chairwoman Clark

Second: Councilman Sauls

Vote: Unanimous
The motion passed.

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

There were no public comments other than Mr. Woods thanking Council.

Resolutions:

A: [David Tedder](#) – Resolution [#R-2022-25](#) Committing to Negotiate A Fee-In-Lieu Of Ad Valorem Taxes and Incentive Agreement Between Jasper County and Freedom Industrial Partners, LLC and Freedom Industrial Partners 2, LLC; Identifying The Project; and Other Matters Related Thereto.

Mr. Tedder was present to address and review the resolution committing to negotiate a Fee-In-Lieu of Ad Valorem Taxes and Incentive Agreement between the County and Freedom Industrial Partners, LLC and Freedom Industrial Partners 2, LLC. He noted that Administration requested the approval of this resolution.

Motion to approve: Councilman Sauls

Second: Vice Chairman Dr. Brantley

Vote: Unanimous

The motion passed.

B: [Alton Jenkins](#) – Resolution [#R-2022-26](#) A Resolution Supporting Operation Green Light for Veterans.

Mr. Alton Jenkins was present to address and review the resolution of support for Operation Green Light for Veterans. Councilman Kemp noted that the Council appreciated Mr. Jenkins.

Motion to approve: Councilman Sauls

Second: Vice Chairman Dr. Brantley

Vote: Unanimous

The motion passed.

Ordinances:

A: [Lisa Wagner](#) – **3rd reading of Ordinance [#O-2022-27](#) to amend the Official Zoning Map of Jasper County so as to transfer a property located at 5787 Lowcountry Drive, bearing Jasper County Tax Map Number 083-00-03-057 from the Community Commercial Zone to the General Commercial Zone on the Jasper County Official Zoning Map.**

Ms. Wagner was present to review and address this request. She reviewed information presented in the packet for Council. She also noted that this was the 3rd reading of the ordinance and that the public hearing and 2nd reading were held at the last meeting. She noted that this ordinance

recommends denial of amending the official zoning map.

The subject property consists of 4.08 acres and is located at 5787 Lowcountry Drive. The Applicant has requested a Zoning Map Amendment to have the properties designated as General Commercial. The subject property is currently zoned Community Commercial and is undeveloped. The applicant would like to have the property re-zoned to General Commercial to allow a business and to rent out some flex space. The applicant believes General Commercial is a better fit for the area.

According to the 2018 Jasper County Comprehensive Plan, the Future Land Use Map identifies this area as "Rural Conservation," which seeks to protect and promote the character of Jasper County that largely exists today outside of the municipalities. Most development, particularly commercial development, should be guided to the hamlets. The adjacent parcels are zoned Mixed Business and Community Commercial with Industrial, Residential, Rural Preservation and General Commercial nearby. Adjacent land uses are Commercial and vacant property. The subject property is accessed by Lowcountry Drive (Highway 462), which is a two-lane state-maintained highway. The Planning Commission recommends denial of the request to have the property designated as General Commercial.

Motion to approve: Councilman Sauls

Second: Vice Chairman Dr. Brantley

Vote: Unanimous

The motion passed.

B: Lisa Wagner – Public Hearing and 2nd 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 address this request. She reviewed information presented in the packet for Council. She also noted that this was the 2nd reading of the ordinance and the public hearing. Ms. Wagner noted that the purpose and intent of this proposed ordinance is to amend Article 7:5 of the Jasper County Zoning Ordinance, *Maximum Height* requirement. Currently, the maximum building height is 35', measured from the average finished grade elevation at the building line to the mean roof height. Recently, the planning staff has received inquiries and a request for a variance to increase the building height. The proposed ordinance will provide guidelines to allow certain projects to ask for an increase in building height not to exceed 50' and in all cases, each request would be reviewed by the Fire Chief or their designee to determine if the project site is located in an area where EMS has the ability to adequately fight a structure fire based on public water and firefighting equipment.

She noted that the proposed ordinance would amend the Jasper County Zoning Ordinance as follows (new language in red):

Article 7:5, Maximum Height:

Maximum building height in all districts is 35 feet. Height measurement shall be made from the average finished grade elevation at the building line to the mean roof height.

The maximum building height may be increased to 50 feet, measured from the average finished grade elevation at the building line to the mean roof height, in areas where there is a public water distribution system and the Fire Chief or their appointed designee, confirms that there is adequate firefighting equipment capable of fighting a structure fire available in such areas to safely accommodate the increased height.

M – 10.17.2022

Jasper County Council

Non-Habitable structures such as towers and flagpoles shall not exceed 35 feet in height measured from the average finished grade except where flags are expressly permitted in Article 15, Sign Standards.

Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may exceed the district height limit.

The Planning Commission reviewed this ordinance at their September 13, 2022 Meeting and recommends approval of the ordinance as presented.

Motion to approve: Councilman Sauls

Second: Vice Chairman Dr. Brantley

Councilman Kemp noted that he did not feel this ordinance should be passed. He said a building could go up without the approval of Council and he said he felt the Council needed to look at all situations. He noted that the variance should stay there. Councilman Kemp said he would be voting no.

Vote: There were 3 yes votes and 1 no vote.

The motion passed.

C: Kimberly Burgess – 2nd 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 address and review this request 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. She noted that this was the 2nd reading of the ordinance. She noted that this was the first project chosen to be constructed under the contract with M.B. Kahn. Councilman Sauls said this money was going to refurbish a community resource. Vice Chairman Dr. Brantley noted that anything that comes before Council is something they will need information beforehand and said we needed a workshop. Chairwoman Clark noted that Council had this information prior to this meeting and that we had a workshop with M.B. Kahn. Ms. Burgess noted that M.B. Kahn came to a Council Meeting on 08.15.2022 with this information and that at the end of that meeting Mr. Fulghum named the 3 projects that they were moving forward with. Mr. Fulghum noted that in the report that Council received each project was detailed there. Councilman Kemp noted that at the last meeting he had asked for the plans and there would be a workshop and we never voted on it for the work to be done. He said the Chairman requested after the meeting with M.B. Kahn that there be a workshop and he noted that \$800,000 for the Farmers Market was worth it when there were other things to be done. Mr. Fulghum noted that Council did need a workshop to go thru the M.B. Kahn report in detail. Chairwoman Clark said that a workshop would be held to review the M.B. Kahn report. Mr. Fulghum discussed how they had come to the decisions of the top three items that M.B. Kahn would be working on and reviewed what had happened at that meeting.

Motion to approve: Councilman Sauls

Second: Councilman Kemp

Mr. Tedder noted that a motion to reconsider can come to another meeting then it could be tabled, but that only one of the two nay votes can bring it up for reconsideration.

Vote:

Chairwoman Clark: Yes

Councilman Sauls: Yes

Vice Chairman Dr. Brantley: No

Councilman Kemp: No

The motion failed.

Motion to reconsider this item: Vice Chairman Dr. Brantley

Second: Councilman Sauls

Vote: 3 yes votes and 1 no vote by Councilman Kemp

The motion passed.

Motion to table till after a workshop: Vice Chairman Dr. Brantley

Second: Councilman Sauls

Vote: 3 yes votes and 1 no vote by Councilman Kemp

The motion passed.

D: David Tedder – Consideration of the **1st Reading** of an Ordinance To Establish, Pursuant To Section 4-1-170 Of The Code Of Laws Of South Carolina 1976, As Amended, A Multi-County Industrial/Business Park, In Conjunction With Jasper County, South Carolina; To Provide For A Written Agreement With Jasper County As To The Sharing Of The Revenues And Expenses Of The Park; To Provide For The Distribution Of Revenues From The Park Among Taxing Entities Having Jurisdiction Over The Park; To Provide For A Fee In Lieu Of Ad Valorem Taxation; And Other Matters Related Thereto. **(Project Freedom)**

This item was removed from the agenda.

E: David Tedder - Consideration of the **1st Reading** of an 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 (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. **(Project Freedom)**

Mr. Tedder was present to review and present this request. He noted that this was the first reading of this ordinance for the execution and delivery of a Fee-In-Lieu of Tax Agreement between Jasper County and Freedom Industrial Partners, LLC and Freedom Industrial Partners 2, LLC.

Motion to approve: Councilman Sauls

Second: Vice Chairman Dr. Brantley

Vote: Unanimous

The motion passed.

F: David Tedder – Consideration of the 1st Reading of an Ordinance 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. (Project Refurb).

Mr. Tedder was present to review and present this request. He noted that this was the first reading of this ordinance 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. Also to authorize the Jasper County Administrator to execute such contracts, deeds and other documents.

Motion to approve: Councilman Sauls

Second: Vice Chairman Dr. Brantley

Vote: Unanimous

The motion passed.

G: David Tedder – 3rd reading of Ordinance #O-2022-18 to amend Chapter 27 of the County Code of Ordinances (Fees) to Authorize and Set Fees and Costs for the Coroner's Office and Matters Related Thereto. (There was no second to the motion on 07.18.2022)

Mr. Tedder was present to review and present this request. He noted that this was held over from a prior reading and was brought back for final action of yay or nay.

Motion to approve the fees: Councilman Kemp

Second: Councilman Sauls

Vote: The vote was 3 to 1 with Vice Chairman Brantley voting no.

The motion passed.

New Business:

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

Mr. Fulghum noted that this was a need for the appointment of a representative to serve on the Regional Housing Trust Oversight Board. He said the appointment was needed by 11.01.2022 if possible. Chairwoman Clark said they was only 1 applicant and that applicant could not be on the board. This will be put back out to see if any others can be entertained to serve on the board.

Old Business: There was no Old Business for this meeting.

Council Members Comments:

Councilman Kemp said that he was wearing pink today in support of Breast Cancer Awareness. He also mentioned that the SCORE Minority Small Business event would be on the 26th at the Morris Center.

Vice Chairman Dr. Brantley said that since the last meeting he had attended the Funeral Services of David Lowther and asked for prayers for the spouse and family. He said that he had served on Council for 20 years.

Councilman Sauls said that on 10.26.2022 the Golf Tournament was being held and to contact the Chamber of Commerce for information. He mentioned that Hardee Greens would be establishing operations in Jasper County and that would bring jobs. He also mentioned the Gopher Hill Parade and the Hardeeville on Main Event. He also noted that the CJ Cup that was coming up this weekend and that this was great for our area.

Chairwoman Clark noted that she had attended the Gopher Hill Parade and the Hardeeville on Main Event, and that the shops were greatly enjoyed.

Administrator's Report:

Mr. Fulghum noted that his report was in the packet and he was available for questions. He said he did want to note two items:

1. Government Finance Officers Association (GFOA) Certificate of Achievement:
He said he had received a letter notifying him that your Fiscal Year Ended June 30, 2021 Annual Comprehensive Financial Report (ACFR) has qualified for GFOA's Certificate of Achievement in Financial Reporting. He noted that there were many thanks to Ms. Burgess and her staff for qualifying for this recognition and that they would properly recognize her for this achievement at a future County Council meeting.

2. Meyer Lake Tract Acquisition:
This initiative began several years ago, but now has full approval. The SCDNR Board had approved the acquisition of approximately 973 acres along the Savannah River utilizing a federal grant from the US Fish and Wildlife Service and funds from SCDNR's Heritage Land Trust Fund. The property is located four miles northwest of Hardeeville off of Purrysburg Road. Composed primarily of bottomland hardwood forest, the tract also contains upland bluffs, two tributaries, and a 10-acre lake.

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: Councilman Sauls

Second: Vice Chairman Dr. Brantley


Vote: Unanimous

The motion passed.

The meeting adjourned at 7:37pm.

Respectfully submitted:


Wanda H. Simmons
Clerk to Council


L. Martin Sauls IV
Chairperson