



DUE TO THE COVID-19 STATE OF EMERGENCY, IN-PERSON COUNCIL MEETINGS ARE REPLACED WITH ELECTRONIC MEETINGS.

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, October 4, 2021, at 3:00pm.***

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

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



JASPER COUNTY COUNCIL

VIRTUAL MEETING

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

October 4, 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:

(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 - *Application of the Salary Study to specific employees / positions; Premium Pay*

(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; Waste Management; Carolina Metal Castings; Update on Opioid Litigation*

(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 Mandolin; Project Dolphin*

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 September 7, 2021.

VIII. Presentation:

A: Andrew Fulghum – Jasper County Transportation Sales Tax Program Update

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 – Resolution # 2021-22 confirming the continued viability and existence of an Intergovernmental Agreement (IGA) between the County of Jasper and the South Carolina Department of Transportation regarding completion of certain transportation projects under Jasper County's local option sales tax program, and amending the IGA by adding an additional project identified as Project no. 3, being the Highway 278 widening project, and authorizing the County Administrator and County Attorney to perform certain tasks related thereto.

XI. Ordinances:

A: David Tedder – 2nd reading of Ordinance # 2021-27 authorizing the execution and delivery of a fee in lieu of tax agreement by and between Jasper County, South Carolina and a Project known at this time as Project Ocean with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, including the provision of certain special source credits; and other matters related thereto.

B: Andrew Fulghum – 1st reading by TITLE ONLY of an Ordinance to Amend Ordinance No. 2016-05 to Revise the Transportation Projects to be Financed by the Sales and Use Tax Authorized by such Ordinance and the Favorable Results of a Referendum held on November 8, 2016; and other matter related thereto.

C: David Tedder - 1st reading by TITLE ONLY of an Ordinance authorizing the execution and delivery of a fee-in-lieu of tax agreement by and between a company known for the time being as “Project Mandolin” (the “Company”) 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 Company 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 Beaufort County (the “Park”) such Park to be geographically located in Jasper County; (2) the execution and delivery of a written Park Agreement with Beaufort 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.

D: David Tedder – 1st reading by TITLE ONLY of an Ordinance authorizing the execution and delivery of a fee-in-lieu of tax agreement by and between a company known for the time being as “Project Dolphin” (the “Company”) 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 Company 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 Beaufort County (the “Park”) such Park to be geographically located in Jasper County; (2) the execution and delivery of a written Park agreement with Beaufort 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.

XII. New Business: None

XIII. Old Business:

A: **Chief Russell Wells** – COVID 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 2021-22

RESOLUTION OF JASPER COUNTY COUNCIL

RESOLUTION CONFIRMING THE CONTINUED VIABILITY AND EXISTENCE OF AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE COUNTY OF JASPER AND THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION REGARDING COMPLETION OF CERTAIN TRANSPORTATION PROJECTS UNDER JASPER COUNTY'S LOCAL OPTION SALES TAX PROGRAM, AND AMENDING THE IGA BY ADDING AN ADDITIONAL PROJECT IDENTIFIED AS PROJECT NO. 3, BEING THE HIGHWAY 278 WIDENING PROJECT, AND AUTHORIZING THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY TO PERFORM CERTAIN TASKS RELATED THERETO

WHEREAS, Jasper County held a referendum during the general election of 2016 in accordance with statutes providing for the imposition of a one percent sales tax to be used for such transportation projects as were identified in the referendum; and

WHEREAS, by Intergovernmental Agreement (IGA) with the South Carolina Department of Transportation (SCDOT) dated February 8, 2018, an agreement was reached whereby, among other things, SCDOT agreed to provide its services in administering certain projects identified in the IGA; and

WHEREAS, subsequent to the execution of the IGA, an additional project (hereinafter referred to a "Project No. 3") involving the widening of a portion of Highway 278 has been identified as suitable for inclusion under the IGA in like manner as the other two projects identified in the original IGA, and SCDOT has agreed to amend the IGA to include Project No. 3 and perform certain services

relating to Project No. 3 pursuant to the terms of that IGA and the Scope of Services attached hereto as Exhibit A; and

WHEREAS, SCDOT, and Jasper County have consulted on Project No. 3, and SCDOT has prepared a scope of work and a budget (Section 4.1, Project Planning, Budget, Schedules), which budget indicates the services to be provided by SCDOT to be at a not to exceed cost of \$50,000.00, which shall be paid from the one-percent sales tax; and

WHEREAS, the County desires to provide assurances, confirm the continued applicability of the IGA, and to approve the items in Section 4.1 requiring County written consent, being the specifically described scope of work and budget for SCDOT services; and

WHEREAS, based on the foregoing, it is appropriate for County Council to provide such approvals by Resolution of the scope and budget as provided in Exhibit A hereto, and to authorize the County Administrator and County Attorney to perform such tasks as will facilitate the completion of Project No. 3;

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 1) confirms the continued existence and viability of the IGA with SCDOT; 2) amends the IGA by adding a new bullet point item under Section 2 of the IGA, being "Project No.3: SCDOT administration and review, not to exceed \$50,000.00, Highway 278 widening and related improvements (Ridgeland School to Malphrus Road and Log haul Road Intersection); 3) approves the scope of work and budget as provided in Exhibit A attached hereto, with such budget to be paid from Transportation Sales Tax funds not to exceed \$50,000.00, with the remainder of the Project paid for by funds from other funds and grants; and 4), to further direct the County Administrator and the County Attorney to undertake the steps necessary to complete Project No. 3.

This Resolution No. 2021-22 made this _____th day of September, 2021, and effective immediately.

Barbara Clark
Chair

ATTEST:

Wanda Simmons
Clerk to Council

Reviewed for form by the Jasper County Attorney.

David L. Tedder

Date

EXHIBIT A

SCOPE OF PROJECT AND BUDGET

SCDOT Review of plans and associated oversight for compliance with required applicable SCDOT standards of the Highway 278 Widening Project - At SCDOT cost, not to exceed \$50,000.00

AGENDA ITEM:

XI-A

Ordinance item A

WHEREAS, pursuant to the authority of Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended and Article VIII, Section 13 of the South Carolina Constitution, the County has entered into a qualifying agreement with Hampton County (the “Park Agreement”) for the establishment of a multi-county industrial and business park (the “Park”); and

WHEREAS, the Project is wholly located within the boundaries of the Park; and

WHEREAS, pursuant to the Inducement Resolution, the County has agreed to, among other things, (a) enter into a FILOT Agreement with the Company (the “Fee Agreement”), whereby the County would provide therein for a payment of a fee- in-lieu-of taxes by the Company with respect to the Project, and (b) provide for certain infrastructure credits to be claimed by the Company against its payments of fees-in-lieu-of taxes with respect to the Project pursuant to Section 4-1-175 of the Multi-County Park Act; and

WHEREAS, the County Council has caused to be prepared and presented to this meeting the form of the Fee Agreement which the County proposes to execute and deliver; and

WHEREAS, it appears that the documents above referred to, which are now before this meeting, are in appropriate form and are an appropriate instrument to be executed and delivered or approved by the County for the purposes intended;

NOW, THEREFORE, BE IT ORDAINED, by the County Council as follows:

Section 1. Based on information supplied by the Company, it is hereby found, determined and declared by the County Council, as follows:

(a) The Project will constitute a “project” and “economic development property” as said terms are referred to and defined in the FILOT Act, and the County’s actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the FILOT Act;

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

(c) The Project will give rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either;

(d) The purposes to be accomplished by the Project, i.e., economic development, creation of jobs and addition to the tax base of the County, are proper governmental and public purposes;

(e) The Project will be located entirely within the County; and

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

Section 2. The form, terms and provisions of the Fee Agreement presented to this meeting are hereby approved and all of the terms and provisions thereof are hereby incorporated

herein by reference as if the Fee Agreement was set out in this Ordinance in its entirety. The County Administrator is hereby authorized, empowered and directed to execute, acknowledge and deliver the Fee Agreement in the name of and on behalf of the County, and the Clerk to County Council is hereby authorized and directed to attest the same, and thereupon to cause the Fee Agreement to be delivered to the Company and cause a copy of the same to be delivered to the Jasper County Auditor and Assessor. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, or with such minor changes therein as shall be approved by the County Administrator, upon advice of counsel, the execution thereof to constitute conclusive evidence of the approval of any and all changes or revisions therein from the form of Fee Agreement now before this meeting.

Section 3. The County Administrator, for and on behalf of the County, is hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the Fee Agreement and the performance of all obligations of the County thereunder.

Section 4. The provisions of this ordinance are hereby declared to be separable and if any section, phrase or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 5. The recitals above are hereby incorporated into and made part of this ordinance.

Section 6. All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This ordinance shall take effect and be in full force from and after its passage by the County Council.

ENACTED in meeting duly assembled this ___ day of _____, 2021.

**JASPER COUNTY, SOUTH
CAROLINA**

(SEAL)

Signature: _____
Name: Barbara Clark
Title: Chair of County Council

ATTEST:

Signature: _____
Name: Wanda Simmons
Title: Clerk to County Council

Reviewed for form and draftsmanship
By the Jasper County Attorney

David L. Tedder Date

First Reading: September 20, 2021
Second Reading: October 4, 2021
Third Reading: October ___, 2021
Public Hearing: October ___, 2021

STATE OF SOUTH CAROLINA

COUNTY OF JASPER

I, the undersigned Clerk to County Council of Jasper County, South Carolina, do hereby certify that attached hereto is a true, accurate and complete copy of an ordinance which was given reading, and received unanimous approval, by the County Council at its meetings of September __, 2021, October __, 2021, and October __, 2021, at which meetings a quorum of members of County Council were present and voted, and an original of which ordinance is filed in the permanent records of the County Council.

Clerk, Jasper County Council

Dated: _____, 2021

103445.000132 4814-5318-6040 1

AGENDA ITEM:

XI-B

Ordinance item B

This ordinance is a 1st reading by Title Only

No documents are enclosed for this ordinance.

AGENDA ITEM:

XI-C

Ordinance item C

This ordinance is a 1st reading by Title Only

No documents are enclosed for this ordinance.

AGENDA ITEM:

XI-D

Ordinance item D

This ordinance is a 1st reading by Title Only

No documents are enclosed for this ordinance.