



JASPER COUNTY COUNCIL
COUNCIL MEETING

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

Monday, July 15, 2024

MINUTES

Officials Present: Chairman L. Martin Sauls IV, Vice Chairwoman Barbara B. Clark, Councilman John Kemp, and Councilman Joey Rowell

Staff Present: County Administrator Andrew Fulghum, County Attorney David Tedder, Tisha Williams Kimberly Burgess, Danny Lucas, and Videographer Jonathan Dunham. Also present: Dr. Anderson and Mayor Harry Williams, and several others.

1. Call to Order of Council Meeting by Chairman Sauls

Chairman Sauls called the Workshop to order. The Report of Compliance with the Freedom of Information Act was read for the records 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.*

2. 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:

(2) Discussion of negotiations incident to proposed contract arrangements and proposed purchase or sale of property, the receipt of legal advice where the legal advice related to pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim –Tax Map # 063-26-14-001 and # 063-26-14-002; Exit 3; Project Telfair; Tax Map # 087-00-04-001; 252 Russell Street; Legacy Funeral Home Vehicle Rental; Nickel Plate MCIP; Jasper County v Western Surety Company; Treasurer - SC App Case No. 2024-000941; Premium Pay; Bolan Hall

(3) Discussion regarding the development of security personnel or devices- Detention Center; Clementa C. Pinckney Jasper County Government Building

(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; TICO Letter of Intent \Purchase and Sale Agreement; Project Mr. C

Motion to go into Executive Session: Vice Chairwoman Clark

Second: Councilman Rowell

Vote: Unanimous

The motion passed.

ANY EXECUTIVE SESSION MATTER ON WHICH DISCUSSION HAS NOT BEEN COMPLETED MAY HAVE DISCUSSION SUSPENDED FOR PURPOSES OF BEGINNING THE OPEN SESSION AT ITS SCHEDULED TIME, AND COUNCIL MAY RETURN TO EXECUTIVE SESSION DISCUSSION AFTER THE CONCLUSION OF THE OPEN SESSION AGENDA ITEMS.

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

3: Return to Open Session at 6:30PM

Motion to return to Regular Session: Vice Chairwoman Clark

Second: Councilman Rowell

Vote: Unanimous

The motion passed.

- **3.1 Action coming out of Executive Session**

Motion to move to authorize the County Attorney to execute on behalf of Jasper County a conflict waiver as discussed in Executive Session regarding the interests of Jasper County and Andrew Fulghum and Kimberly Burgess in the Skinner versus Fulghum and Burgess lawsuit bearing SC App. Case No. 2024-

000941: Councilman Rowell

Second: Vice Chairwoman Clark

Vote: Unanimous

The motion passed.

Motion to authorize the Administrator with the assistance of the County Attorney to consummate the settlement in the Jasper County v. Western Surety Company lawsuit on the terms discussed in Executive

Session: Councilman Rowell

Second: Councilman Kemp

Vote: Unanimous

The motion passed.

Motion to move to approve the resolution prepared ratifying the sale of the Ohio Grating Property at

Cypress Ridge: Councilman Kemp

Second: Vice Chairwoman Clark

Vote: Unanimous

The motion passed.

4. Pledge of Allegiance and Invocation: The Pledge to the Flag was given and Councilman Rowell gave the Invocation.

5. Approval of the Consent Agenda Items:

Motion to approve the agenda with the removal of item numbers 21, 22, 23, 24, 25, 26, and 27 from the Consent Agenda and add them on under Public Hearings, Ordinances And Action Items : Councilman Kemp

Second: Councilman Rowell

Vote: Unanimous

The motion passed.

6. Approval of the Regular Agenda:

Motion to approve the regular agenda: Vice Chairwoman Clark

Second: Councilman Rowell

Vote: Unanimous

The motion passed.

PRESENTATIONS

7. **Kimberly Burgess** – GFOA Certificate of Achievement for Excellence in Financial Reporting to Kimberly Burgess

Ms. Burgess was present to review and discuss the GFOA Certificate of Achievement for Excellence in Financial Reporting to her and her department and what this meant and entailed. Ms. Burgess noted that this was an award this is awarded by the Government Finance Officers Association of the United States and Canada and that Jasper County has been awarded this Certificate of Excellence in its reporting, which has been ongoing since 2008 or earlier. She noted that this particular award was for the Fiscal Year ended June 30, 2023, and that their financial report has been judged by an impartial panel to meet the highest standards of the program. She noted that this included demonstrating the constructive spirit of full disclosure to clarify and communicate its financial story and motivate potential user groups to read the report. She said that she wanted to say that she was very proud that Jasper County has once again received this Certificate of Excellence and that this award is the result of a group effort of a team of people who come together each year including the County Administrator Mr. Fulghum, the county's Financial Consultants (Crowley and Weschler) the Finance Department and the Directors and Department Heads who provided the data and information necessary to prepare the Financial Report. She noted that she also wanted to say that she looked forward to continuing the standard of excellence in financial reporting and to continue to carry that tradition forward. Chairman Sauls thanked her and offered congratulations for the hard work.

8. **Chief Russell Wells** – Jasper County Fire Rescue Staff earn awards.

Chief Wells noted that this was a recap of a Press Release that went over 10/20/23 when their staff was summoned to a working structure fire up off of Grays Highway. The 911 telecommunications officers guided the occupant to take actions on attempt for self-rescue, but they were unable to do so. Several staff members engaged in rescue techniques and Deputy Chief Vaughn made a recommendation to the South Carolina Firefighters Association on Meritorious Action Awards. The committee for the South Carolina Firefighters Association on June 15, 2024, awarded Lieutenant Blankenship with a Meritorious Service Action Award, and within 24 hours of that award, Firehouse Magazine which is a nationally syndicated publication for fire service also made notification to us that the department would receive a Meritorious Service Action. He noted that today stands before Council, Lieutenant Blankenship so that he could take a moment and publicly recognize his actions that saved the life in coordination with several staff members and that he that was recognized for the Meritorious Action.

9. Mike Skinner, Treasurer – Year in Review Report to the Council (Cash Vest)

Garret MacDonald and Tyler Frame representing Cash Vest provided a presentation to Council. They provided a year in review report to Council and noted that Council had allowed them to contract with the County. He discussed the funds that had been generated. He noted that they That every single dollar that comes in for every debit and credit of the treasurer's office. He noted that they do stress tests to uncover how much cash the county has and how long it is available. He noted that they were stress testing every account and looked at the different trends since they had been working with the County. He discussed the tax revenue generated amounts and mentioned that through Cash Vest this had increased from 27 to 51 out of 100 meaning that the interest revenue is up by 160%. For more information on this presentation please see "Attachment A" or go to the County video on YouTube at: https://www.youtube.com/channel/UCBmloqX05cKAsHm_ggXCJIA.

10. Keith Hughes – Jasper County Rescue Mission (JARM) Update

Mr. Hughes was present to provide an update for Jasper Animal Rescue Mission (JARM). He noted that he is the current president of the Board of Directors for JARM. He said they had terminated the Executive Director of JARM as of June 14th, 2024, and had welcomed back all the Volunteers. He noted that the Volunteers are crucial to JARM and those operations. He said they have cleaned and organized the facility and have immediately hired a Shelter Manager who has 15 years of experience as a Certified Vet Medical Tech. He noted that they had received a lot of help from several organizations providing support and that JARM will work hard for the supporters and the community in the future. He discussed the needs currently facing JARM and noted that they looked forward to updating the County Council with future news.

11. Walt Cartin, Parker Poe Law Firm – Skinner v Fulghum and Burgess

Mr. Cartin of Parker Poe Law Firm was present to discuss the case of Skinner v Fulghum and Burgess. Mr. Cartin provided a detailed PowerPoint Presentation including a variety of information. He included the overall background information; background of the Weschler CPA findings; background of the Baird Report; the lawsuit and the allegations; discussed the legal and factual issues of the lawsuit, including the primary legal issues and factual issues; basic structure of a basic structure of managing county funds; gave an

overview of accounts including the school district accounts; Sheriff accounts; Clerk of Court accounts; County accounts and the next steps. For more information on this presentation please see "Attachment B" or go to the video go to https://www.youtube.com/channel/UCBmloqX05cKAsHm_ggXCJIA.

PROCLAMATION

12. David Tedder – Proclamation for the 2024 Gullah Geechee Nation Appreciation Week of July 27, 2024, to August 4, 2024 to Queen Quet.

Mr. Tedder read the proclamation for the 2024 Gullah Geechee Nation Appreciation Week of July 27, 2024, to August 4, 2024 for the presentation to Queen Quet. Chairman Sauls and Council made the presentation to Queen Quet.

RESOLUTIONS

None

PUBLIC HEARINGS, ORDINANCES AND ACTION ITEMS

13. Lisa Wagner – Consideration of **1st reading** of an Ordinance to amend Jasper County Zoning Ordinance, Article 5, *Zoning District Regulations*, to add two new primary zoning districts; Rural Preservation – 10 (RP10) and Village Commercial (VC), one new overlay district, Euhaw/Okeetee Cultural Heritage Overlay District (ECHOD); Article 6, *Use Regulations*, to add uses for the RP-10 and VC zoning districts; Article 7, *Primary Districts*, to add lot size, lot width, and setback requirements for RP-10 and VC zoning districts, amend lot width requirements in the Residential, Community Commercial, General Commercial, Industrial Development, and Mixed Business zoning districts, amend riparian buffer requirements, and add design standards for the Village Commercial zoning district; Article 8, *Special Purpose Districts*, to add design standards and requirements for the Euhaw/Okeetee Cultural Heritage Overlay District (ECHOD); Article 11, *Conditional Use Review and Regulations*; to add conditions for horses, gasoline stations and amend conditions for manufactured housing; amend the Jasper County Official Zoning Map to re-zone some properties within the Euhaw Broad River Planning Area to the Rural Preservation-10 zoning district and the Village Commercial zoning district; Invoking application of the Pending Ordinance Doctrine; and other matters related thereto.

Ms. Wagner was present to review and address this request for the consideration of the 1st reading of an ordinance to amend Jasper County Zoning Ordinance, Article 5, *Zoning District Regulations*, to add two new primary zoning districts; Rural Preservation – 10 (RP10) and Village Commercial (VC), one new overlay district, Euhaw/Okeetee Cultural Heritage Overlay District (ECHOD); Article 6, *Use Regulations*, to add uses

for the RP-10 and VC zoning districts; Article 7, *Primary Districts*, to add lot size, lot width, and setback requirements for RP-10 and VC zoning districts, amend lot width requirements in the Residential, Community Commercial, General Commercial, Industrial Development, and Mixed Business zoning districts, amend riparian buffer requirements, and add design standards for the Village Commercial zoning district; Article 8, *Special Purpose Districts*, to add design standards and requirements for the Euhaw/Okeetee Cultural Heritage Overlay District (ECHOD); Article 11, *Conditional Use Review and Regulations*; to add conditions for horses, gasoline stations and amend conditions for manufactured housing; amend the Jasper County Official Zoning Map to re-zone some properties within the Euhaw Broad River Planning Area to the Rural Preservation-10 zoning district and the Village Commercial zoning district; Invoking application of the Pending Ordinance Doctrine. Ms. Grabowski was available to make a presentation to Council on the Euhaw Broad River Planning Area, she also discussed the Moratorium, and provided a summary of proposed updates. Chairman Sauls noted that this would have 3 readings and a public hearing for this ordinance. For more information on this presentation please see "Attachment C" or go to the video go to https://www.youtube.com/channel/UCBmloqX05cKAsHm_ggXCJIA.

Motion to approve: Councilman Kemp

Second: Vice Chairwoman Clark

Vote: Unanimous

The motion passed.

14. Andrew Fulghum – Continuation of Public Hearing and consideration of 2nd reading of Ordinance #O-2024-16 to Levy And Impose A One Percent Sales And Use Tax, Subject To A Referendum, Within Jasper County Pursuant To Section 4-37-30 Of The Code Of Laws Of South Carolina 1976, As Amended; To Define The Specific Purposes And Designate The Projects For Which The Proceeds Of The Tax May Be Used; To Provide The Maximum Time For Which Such Tax May Be Imposed; To Provide The Estimated Cost Of The Projects Funded From The Proceeds Of The Tax; To Provide For A County-Wide Referendum On The Imposition Of The Sales And Use Tax And The Issuance Of General Obligation Bonds And To Prescribe The Contents Of The Ballot Questions In The Referendum; To Provide For The Conduct Of The Referendum By The Board Of Voter Registration And Elections Of Jasper County; To Provide For The Administration Of The Tax, If Approved; To Provide For The Payment Of The Tax, If Approved; And To Provide For Other Matters Relating Thereto (1st reading 05.06.2024; Public Hearing began on 06.24.2024)

Mr. Fulghum was present to review and address the continuation of the Public Hearing (that began on June 24th at that Council Meeting). He also noted that Council had saw this item at a workshop on 07.02.2024 and that there had been meetings with the municipalities. This he noted for this meeting was for the consideration of 2nd reading of Ordinance #O-2024-16 to levy and impose a one percent Sales And Use Tax, subject to a referendum, within Jasper County pursuant to section 4-37-30 of the Code Of Laws Of South Carolina 1976, as amended; to define the specific purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum time for which such tax may be imposed; to provide the estimated cost of the projects funded from the proceeds of the tax; to provide for a county-wide referendum on the imposition of the Sales And Use Tax and the issuance of General Obligation Bonds and to prescribe the contents of the ballot questions in the referendum; to provide for the conduct of the referendum by the board of voter registration and elections of Jasper County; to provide for the administration of the tax, if approved; to

provide for the payment of the tax, if approved. The public hearing was opened but there were no comments so the public hearing was closed.

Motion to approve: Vice Chairwoman Clark

Second: Councilman Kemp

Vote: Unanimous

The motion passed.

15. David Tedder – Consideration of the 1st reading of an Ordinance authorizing the sale to SC Grays LLC of a 1.47 acre parcel being subdivided out of the original 258.45 acre Parcel B, Parcel B being shown on a Plat recorded at Plat Book 22 at Page 233, with such 1.47 acre parcel being shown on an individual plat, being a portion of tax parcel 048-00-01-009, and to authorize the Jasper County Administrator to execute such contracts, amendments, deeds and other documents as may be necessary and appropriate to effect the sale to SC Grays LLC, or its assigns, and matters related thereto.

Mr. Tedder was present to review and address the consideration of the 1st reading of an ordinance authorizing the sale to SC Grays LLC of a 1.47 acre parcel being subdivided out of the original 258.45 acre Parcel B, Parcel B being shown on a Plat recorded at Plat Book 22 at Page 233, with such 1.47 acre parcel being shown on an individual plat, being a portion of tax parcel 048-00-01-009, and to authorize the Jasper County Administrator to execute such contracts, amendments, deeds and other documents as may be necessary and appropriate to effect the sale to SC Grays LLC, or its assigns.

Motion to approve: Vice Chairwoman Clark

Second: Councilman Kemp

Vote: Unanimous

The motion passed.

16. David Tedder – Consideration of the 1st reading of An Ordinance by Title Only Amending Jasper County Ordinance #O-2023-20 by Authorizing and Approving Modified Terms of a Loan from the South Carolina Transportation Infrastructure Bank; Authorizing and Approving Documents to Reflect the Modified Loan; Authorizing and Approving Modifications to an Intergovernmental Agreement among Jasper County, South Carolina, the City of Hardeeville, South Carolina and the South Carolina Transportation Infrastructure Bank; and Other Related Matters. *(Exit 3)*

Mr. Tedder was present to review and address the consideration of the 1st reading of an ordinance by Title Only amending Jasper County Ordinance #O-2023-20 by authorizing and approving modified terms of a loan from the South Carolina Transportation Infrastructure Bank; authorizing and approving documents to reflect the modified loan; authorizing and approving modifications to an Intergovernmental Agreement among Jasper County, South Carolina, the City of Hardeeville, South Carolina and the South Carolina Transportation Infrastructure Bank.

Motion to approve: Vice Chairwoman Clark

Second: Councilman Rowell

Vote: Unanimous

The motion passed.

17. Lisa Wagner – Consideration of the **3rd reading and a second public hearing** Ordinance **#O-2024-15** to amend: (i) Ordinance Number O-2022-16 to adopt updated standards for the Planned Development District encompassing a 38.84 acre parcel located on U.S. Highway 278 (the “Property”); and (ii) Ordinance #O-2022-14 to amend the development agreement (the “Development Agreement”) between Jasper County (the “County”) and Conduit Street Partners, LLC (“CSP” or the “Developer”) that governs CSP’s development of the Property into a 275-unit single-family residential community (the “Project”); in both cases to allow for the possibility that the Project may include not only “for rent” residential dwellings, but also “for sale” residential dwellings; and matters related thereto. *(1st reading 05.06.2024; 2nd reading and public hearing 06.03.2024)*

Ms. Wagner was present to review and address this request for the consideration of the 3rd reading and a second public hearing Ordinance #O-2024-15 to amend: (i) Ordinance Number O-2022-16 to adopt updated standards for the Planned Development District encompassing a 38.84 acre parcel located on U.S. Highway 278 (the “Property”); and (ii) Ordinance #O-2022-14 to amend the development agreement (the “Development Agreement”) between Jasper County (the “County”) and Conduit Street Partners, LLC (“CSP” or the “Developer”) that governs CSP’s development of the Property into a 275-unit single-family residential community (the “Project”); in both cases to allow for the possibility that the Project may include not only “for rent” residential dwellings, but also “for sale” residential dwellings. The public hearing was opened but there were no comments so the public hearing was closed.

Motion to approve: Vice Chairwoman Clark

Second: Councilman Rowell

Vote: Vice Chairwoman Clark – Yes

Chairman Sauls – Yes

Councilman Rowell – Yes

Councilman Kemp – No

The motion passed.

Chairman Sauls decided to do the Citizen Comments here before the items that had been moved from the Consent Agenda.

CITIZEN COMMENTS

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 6:30PM 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**.

Mr. Malphrus Sr. was present to discuss the RP10 zone and his concerns.

Phillip Malphrus Jr. was present to discuss their property and his concerns.

John Ragland was present to discuss his property and noted he hoped Council took their letter into consideration.

Scotty Yancy was present to discuss the Treasurer's office.

Valerie Guzman was present to discuss the Treasurer's office and the lawsuit costs.

Grant McClure was present to discuss Euhaw District Rezoning and other matters.

Elias Pinckney was present to discuss his County concerns.

Peggy Callahan was present to discuss a FOIA request and other matters.

Lyle Paradise was present to discuss his concerns of Jasper County.

John Murphy was present to discuss the Treasurer's office.

17A: Danny Lucas –Approval of Rural Initiative Fund Grant Award Agreement Amendment.

Mr. Lucas was available to review this request for the approval of the Rural Initiative Fund Grant Award Agreement Amendment with Council. He discussed the grant, the projects this included and the status of such projects.

Motion to approve: Vice Chairwoman Clark

Second: Councilman Kemp

Vote: Unanimous

The motion passed.

17B. Andrew Fulghum – Approval of Independent Contractor Agreement / Social Media / Marketing. (Sol Freedom Marketing LLC)

Mr. Fulghum was available to review this request for the approval of Independent Contractor Agreement / Social Media / Marketing through Sol Freedom Marketing LLC. He noted that the HR Director recommends the use and staff would like to recommend the use of Sol Freedom Marketing.

Chairman Sauls mentioned that Councilman Rowell would like to table this item and be able to look into this. Councilman Rowell requested to table this item for further discussion with Mr. Fulghum. No vote was taken on this item.

17C. Danny Lucas – Approval of Aviation Fuel Truck Proposals (Skymark Refuelers).

Mr. Lucas was present to discuss the request for the approval of Aviation Fuel Truck Proposals (Skymark Refuelers). The lease to purchase options were discussed for this item. SkyBlue was discussed in regards to its registration of the trademark. Mr. Tedder noted that he had filed the trademark with the State of South Carolina.

Motion to approve the Aviation Fuel Truck Proposal: Vice Chairwoman Clark

Second: Councilman Rowell

Vote: Unanimous

The motion passed.

17D. Kimberly Burgess – Approval of #57 Stone Bids (J.R. Wilson).

Ms. Burgess was available to review this request for the approval of #57 Stone Bids (J.R. Wilson). She noted that they had advertised for sealed bids and 3 bids were received but only 1 complied with the requirement.

Motion to approve: Vice Chairwoman Clark

Second: Councilman Rowell

Vote: Unanimous

The motion passed.

17E. Kimberly Burgess – Approval of Bids for Levy Fire Station Repairs not to exceed \$25,000.

Ms. Burgess was available to review this request for the approval of bids for Levy Fire Station repairs not to exceed \$25,000. Ms. Burgess noted that she had received 2 bids and the other was not compliant to the requirements.

Motion to approve: Councilman Kemp

Second: Councilman Rowell

Vote: Unanimous

The motion passed.

17F. Kimberly Burgess – Approval authorizing the County Administrator to Execute Contracts Included in the Adopted FY2025 Budget (greater than \$25K).

Ms. Burgess was available to review this request for the approval authorizing the County Administrator to execute contracts included in the adopted FY2025 Budget as it was greater than \$25K.

Motion to approve: Vice Chairwoman Clark

Second: Councilman Rowell

Vote: Unanimous

The motion passed.

17G. Kimberly Burgess – Approval authorizing the County Administrator to Execute the M. B. Kahn work authorization for the Jasper County Court House.

Ms. Burgess was available to review this request for approval authorizing the County Administrator to execute the M. B. Kahn work authorization for the Jasper County Court House.

Motion to approve: Vice Chairwoman Clark

Second: Councilman Rowell

Vote: Unanimous

The motion passed.

18. *Citizen Comments were moved and taken prior to the additions of the Consent Agenda over to the Regular Agenda*

19. **Administrator's Report:** Mr. Fulghum reviewed the information from his report. There were no Action Items requiring a vote from the Council in the Administrator's Report

CONSENT AGENDA

20. **David Tedder** – Consideration of the **3rd reading** of Ordinance **#O-2024-14** authorizing the sale of a right of way easement over approximately 0.34 acres, 14,878 sq. ft., being a portion of **TMS 042-00-05-040** adjacent to the Interstate Highway I-95, to the South Carolina Department of Transportation in order to facilitate the widening, in exchange for the amount of \$20,900.00 in just compensation, and to authorize the Jasper County Administrator to execute such right of way easement and other documents as may be necessary and appropriate to effect the transfer to the South Carolina Department of Transportation, or its assigns, and matters related thereto. (*1st reading 04.01.2024; 2nd reading and public hearing 06.03.2024*) (I95 widening project).

21. **Danny Lucas** – *Approval of Rural Initiative Fund Grant Award Agreement Amendment. (Moved to the regular agenda as Item # 17A under Public Hearings, Action Items and Ordinances)*

22. **Andrew Fulghum** – *Approval of Independent Contractor Agreement / Social Media / Marketing. (Sol Freedom Marketing LLC) (Moved to the regular agenda as Item # 17B under Public Hearings, Action Items and Ordinances)*

23. **Danny Lucas** – *Approval of Aviation Fuel Truck Proposals (Skymark Refuelers). (Moved to the regular agenda as Item # 17C under Public Hearings, Action Items and Ordinances)*

24. **Kimberly Burgess** – *Approval of #57 Stone Bids (J.R. Wilson). (Moved to the regular agenda as Item # 17D under Public Hearings, Action Items and Ordinances)*

25. **Kimberly Burgess** – *Approval of Bids for Levy Fire Station Repairs not to exceed \$25,000. (Moved to the regular agenda as Item # 17E under Public Hearings, Action Items and Ordinances)*

26. **Kimberly Burgess** – *Approval authorizing the County Administrator to Execute Contracts Included in the Adopted FY2025 Budget (greater than \$25K). (Moved to the regular agenda as Item # 17F under Public Hearings, Action Items and Ordinances)*

27. **Kimberly Burgess** – Approval authorizing the County Administrator to Execute the M. B. Kahn work authorization for the Jasper County Court House. (Moved to the regular agenda as Item # 17G under Public Hearings, Action Items and Ordinances)

28. **Rose Dobson-Elliot** – Acceptance of the following Grant Awards from the Office of Solid Waste Reduction and Recycling: Used Oil Recycling grant in the amount of \$1,413.56; FY25 Solid Waste Management Grant in the amount of \$9,947.39 and FY2025 Waste Tire Recycling Grant in the amount of \$51,800.00.

29. **Approval of the Minutes**

END OF CONSENT AGENDA

30. **Council Members Comments:** Councilmember Comments were given, but no comments required action.

31. **Possible Return to Executive Session to Continue Discussion on Matters Regarding Agenda Item II.** **Council may act on any item appearing on the agenda including items discussed in executive session.*

32. **Adjournment:**

For more information on this meeting please go to our YouTube Channel for the video go to https://www.youtube.com/channel/UCBmloqX05cKAsHm_ggXCIIA

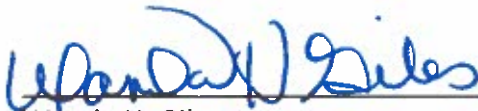
Motion to adjourn: Vice Chairwoman Clark

Second: Councilman Rowell

Vote: Unanimous

The motion passed.

Respectfully submitted:



Wanda H. Giles
Clerk to Council

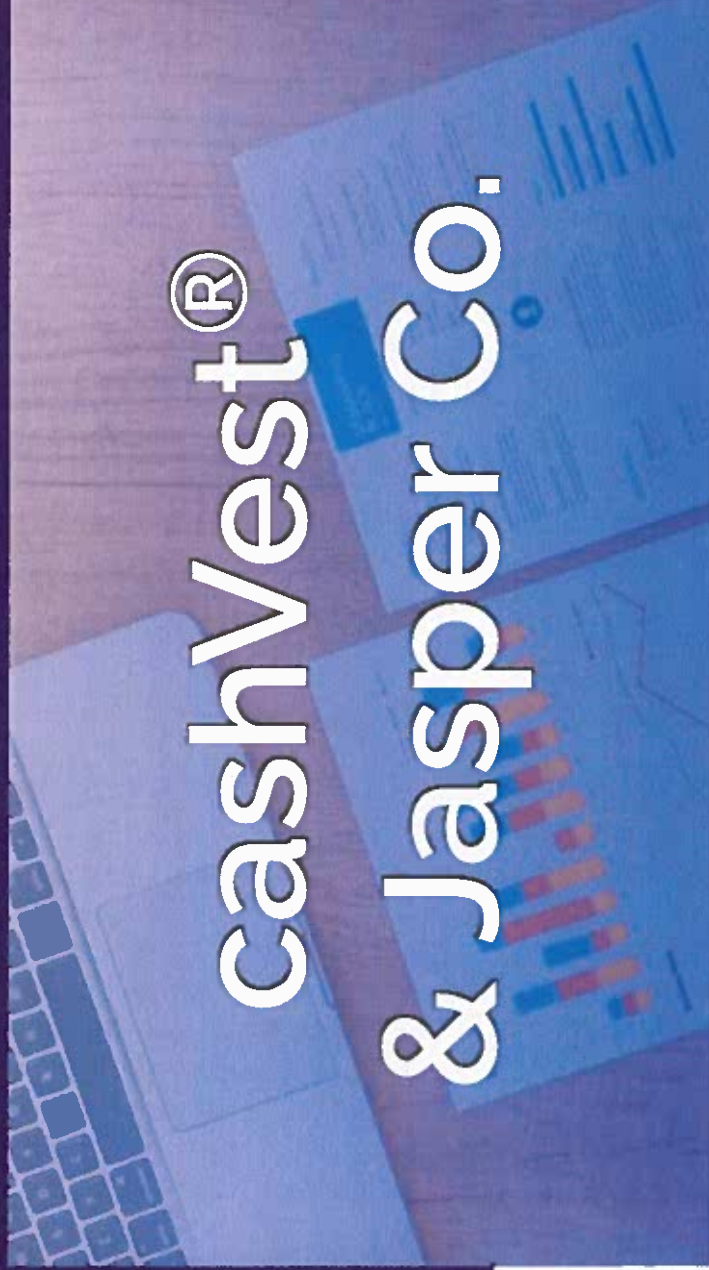


L. Martin Sauls IV, Chairman

A proven tool created by cash management officials,
for cash management officials.

Attachment

"A"



cashVest.
by three+one

© 2024 three+one





We provide

unbiased, objective, and actionable data
that allows you to maximize the value of all
of your unique financial resources.

three+one is **not a bank**, a brokerage firm, or investment manager.

We do not take deposits nor do we offer investments.

What our partners say about cashVest®

cashVest by three+one® is a digital tool that provides:

- Actionable liquidity data
- Comprehensive picture of my current and forecasted cash
- Ongoing, dedicated partnership with the liquidity experts at three+one complement and support my team
- Time and money savings
- Clarity over all financial resources
- Increase in interest income
- Most effective use of my taxpayers' dollars
- Why doesn't everyone use this tool?

Liquidity Stress Testing

-Stress tests uncover **how much cash the County has and how long it's available** - the time horizon of funds. This builds confidence for longer investment durations.

-Stress tests identified **\$69.37MM in Strategic Liquidity**.

-**Nothing bad comes from more data for enhanced planning.**

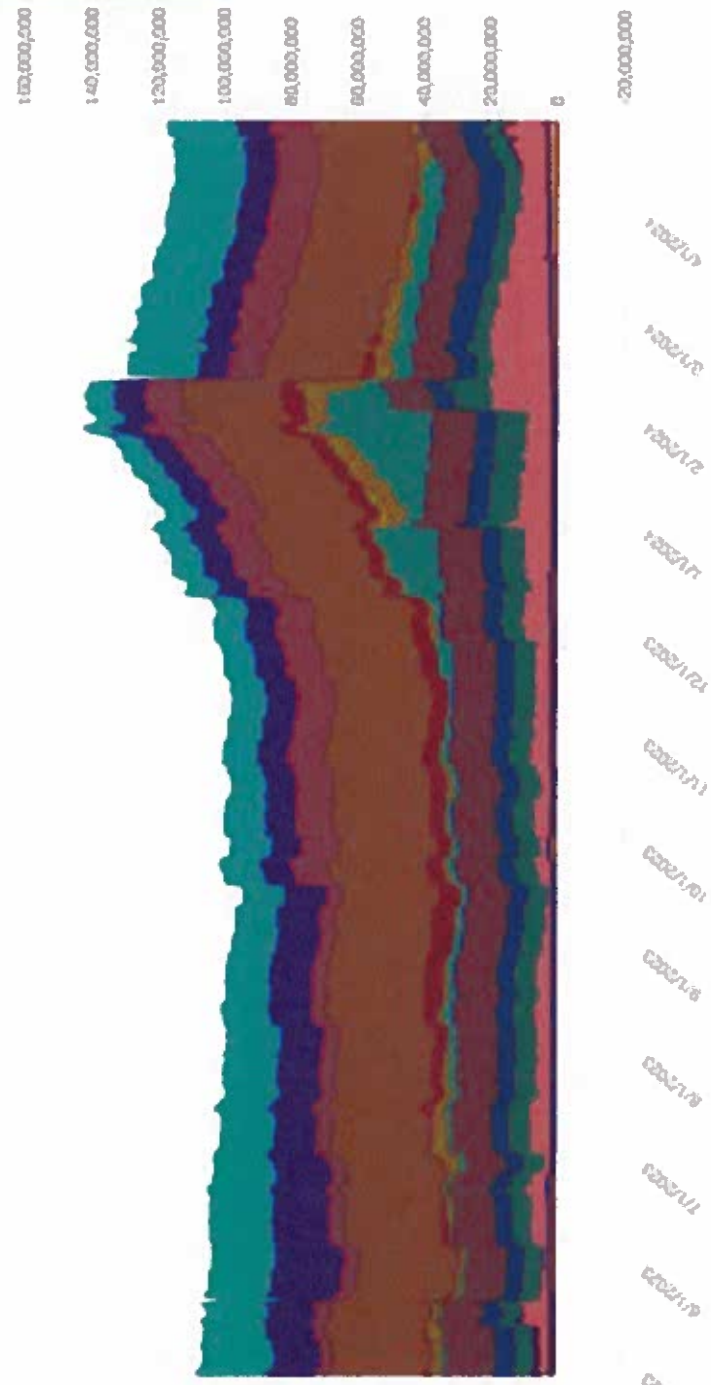
-Views cash from a liquidity perspective - **how the market values the County's cash.**



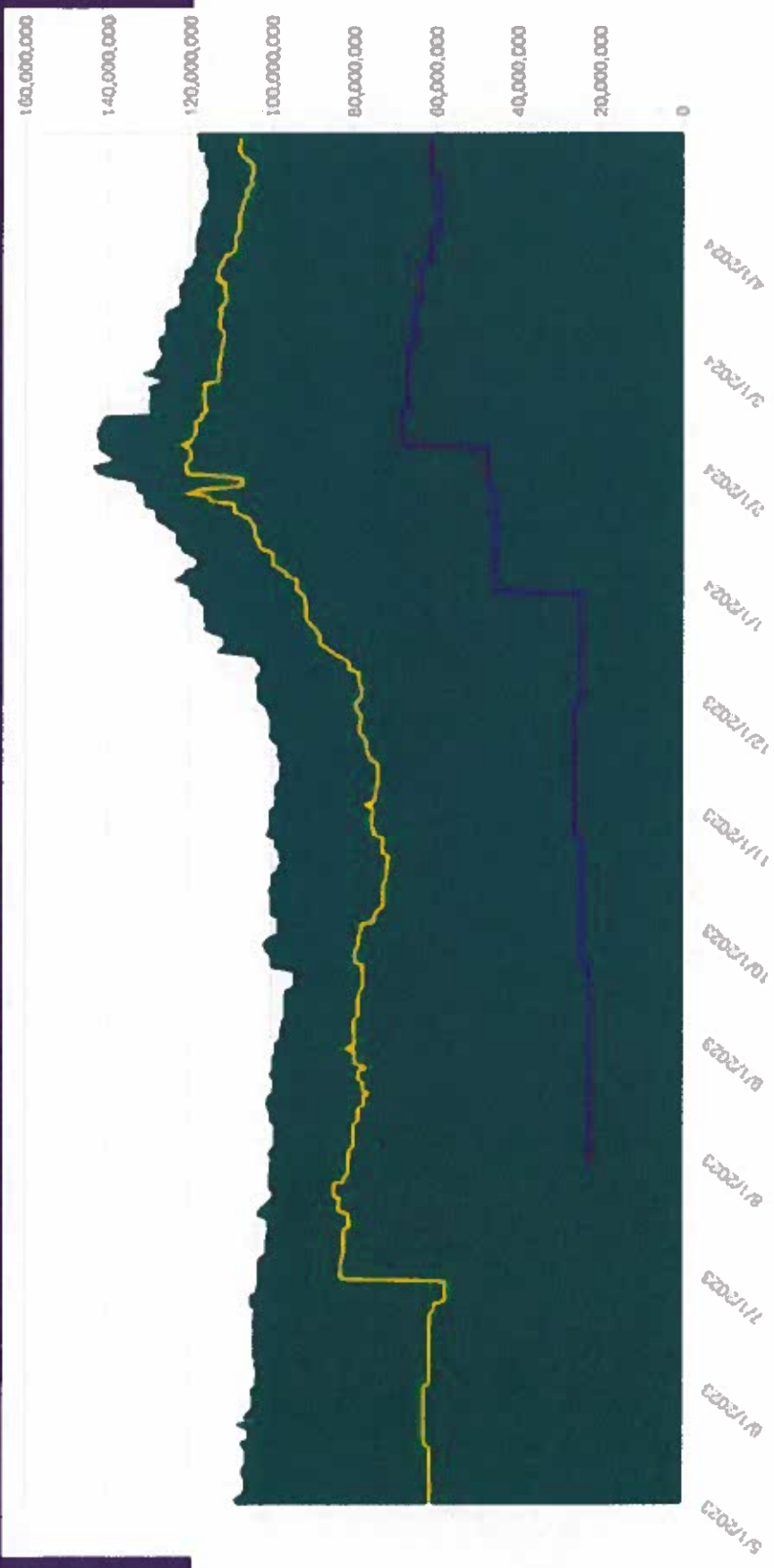
* Treasury Yield Curve Rates as of 4/30/2024



All Accounts (detail)



- General Fund
- JC Clerk of Court x0994
- JC Clerk of Court x1604
- Forfeited Land Account
- Jasper County Tax Account
- JCT Decals Fund
- Payroll
- School District
- Bond Debt 2010
- Cash Management Account
- Capital Project Funds
- JC Fire Department
- Revenue Bond Nickel Plate Rd
- Instalment Tax
- School General
- JC Sheriff Dept Drug Fund
- 2008 Bond Account
- Magistrate Court Jury
- State Funds
- School General
- JC Sales Tax
- JC Tax Account
- 2004 Bond
- Real Estate
- Decal Fund Account
- Transport for Sales Tax
- County General Fund



■ 2 years prior
 ■ Previous year
 ■ Current year

**Realized Benefit:
\$2,228,514+**

**cashVest Score
27 ⇒ 51 as of Apr '24**

Trailing 12 months **interest revenue increased by 160%** for the period ending 4/30/24 compared to the initial 12-month period ending 7/31/23

Marketplace data enabled the County to increase performance on its cash - a **\$2,680,400+ net benefit annually**

Continual **monitoring & certification of the County's fee structure**, based on nationwide benchmarks

A dedicated team that **complements County staff & adds new resources**

7

Future Results

cashVest Score History



cashVest Next Steps for Jasper County in 2024

- Stress tests identified **\$55.57MM more that could be strategically invested, a net benefit of \$333,420**, based on current benchmarks.
- Share latest benchmark data on bank analysis structures to **strengthen arrangements with the County's financial partners.**
- Continue **strategically managing County and School funds** and ensure the County receives the highest value on taxpayer dollars.



Contact us for more info



Garrett Macdonald
Executive Vice President
(585) 484-0311 ext. 704
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Tyler Frame
Relationship Specialist
(585) 484-0311 ext. 708
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Parker Poe

Attorneys & Counselors at Law

Review of Litigation Brought by Treasurer County Accounts & Treasurer's Rights

Kinner v. Andrew Fulghum, Jasper County Administrator, et al.; Appellate Case No. 2024-000941

Attachment "B"

Background

After being elected, Mr. Skinner sought assistance from the County to be acclimated to his new position, which the County provided.

The County's assistance included, among other things, transaction posting, account reconciliation, and audit support.

Audit Requested by Treasurer: Mauldin & Jenkins (July 2023)

Assistance Posting Transactions and Reconciliation: Crowley Wechsler & Associates (March 2024)

Audit Conduct after Wechsler findings: Baird Audit Group (April 2024)

Background: Weschler CPA Findings

“The change in the recently elected Treasurer’s Offices has created significant deficiencies in the accounting system of the County.... The previous Treasurer recorded all the cash receipts into the County’s software that were then monitored by Finance. This allowed for the proper segregation of duties. Since the newly elected Treasurer is no longer posting the cash receipts into the accounting system, we would recommend that Finance get access to all information including bank accounts without having to rely on another office to fulfill the accounting requirements of the County.” (emphasis added)

Our findings from the CPA’s report:

Revenues were identified incorrectly and were placed in the wrong accounts.

Delinquent taxes were included in current tax apportionments, which resulted in delinquent taxes be paid out twice for two months.

No cash receipts had been recorded for any accounts.

Failures to maintain supporting documentation indicating the proper source of funds, amount of fund or the appropriate coding of funds.

Background: Baird Report

ouncil found the Weschler CPA findings problematic and retained the Baird Audit Group to evaluate the processes in place in the Treasurer's Office from July 1, 2023 through February 24.

Baird issued its report on April 29, 2024, and noted additional issues:

Funds placed into incorrect accounts, account transfers were made backwards, and some transfers were duplicated.

Treasurer improperly paid bonuses of \$750 to four staff members and a bonus of \$1,000 to himself using funds from the license plate decal fund because "the Treasurer indicated he felt this one-dollar fee could be used for whatever purpose he deemed necessary.

The Treasurer overpaid to the Town of Ridgeland \$33,000 in fee-in-lieu of tax funds and "failed to separate vehicle payments from ad valorem tax payments preventing the Town of Ridgeland from being able to accurately record payments on their end.

"None of the staff have formal accounting backgrounds, resulting in a lack of understanding of reconciliation or documentation procedures," which "has resulted in the books and records of Jasper County being materially incorrect for most of the fiscal year.

"[s]upporting documentation that would properly indicate the source of funds, the amount of the funds, and the appropriate coding of the funds is not being maintained by the Treasurer's office in all cases."

Background

ouncil discussed these matters with the Treasurer at the May 15th meeting.

**ere was consensus/agreement that the parties would work together to create an
ree upon a set of operational procedures to fix the issues identified by the Wes
A and the Baird Audit Group.**

**ss than three weeks later, on Thursday morning, June 6th, these efforts were
ought to a halt by the Treasurer holding a press conference to announce the fili
lawsuit against Andy Fulghum and Kim Burgess.**

**reasurer's stated purpose of the lawsuit was to gain signatory authority over all
counts, including those under the control of other elected officials and the schc
strict.**

The Lawsuit

reasurer filed lawsuit against Andy Fulghum and Kimberly Burgess in the Supreme Court original jurisdiction and requests a writ of mandamus—i.e., an order directing Mr. Fulghum to make the Treasurer the signatory over all accounts for which he was not all signatory

reasurer alleges there are between 96-116 accounts, and he should have signatory author over all accounts

reasurer's claim for entitlement is based on Section 2-66 of the Jasper County Code of ordinances, which requires that all "funds generated from fees collected and monies received from the county departments' employees and/or elected officials shall be . . . timely deposited into the county treasurer's office."

: Fulghum's and Ms. Burgess's responsive filing raises strong procedural arguments arguing that the Treasurer's requested relief, so it is possible the Supreme Court will decide not to grant the relief requested in the matter.

Lawsuit: Legal and Factual Issues

Primary Legal Issue:

What is the scope of the Treasurer's right to have signatory authority over ce accounts maintained by the County, other elected officials, and distinct pol subdivisions?

Actual Issues:

Which accounts hold "County funds" contemplated by Ordinance 2-66?

Which accounts hold funds that are not subject to Ordinance 2-66?

Which accounts hold funds that the Treasurer is prohibited from having sign authority over based on state law?

Basic Structure of Managing County Funds

Counties are authorized to provide for an accounting and reporting system where funds are received, safely kept, allocated, and disbursed. SC Code Ann. §4-9-30(8)

The county treasurer's primary responsibilities are to collect the property taxes and other county revenue such as fees and state aid, and to invest funds for the county until such time as they are needed to cover authorized county expenditure

State statutes and court rules often dictate that fees and assessments be collected by the county treasurer and other officials, accounted for, divided up according to directives, and distributed to various state agencies and the County. Only a portion of these monies collected are "County Funds" under Ordinance 2-66.

Other State statutes, such as those pertaining to the School District and the Sheriff's Office, expressly allow for the maintenance of separate accounts outside of the County Treasurer's control.

Overview of Accounts

- **1001 District (11)**
 - Bond accounts (2)
 - Treasurer's Account (1)
 - Accounts Receivable and Accounts Payable (2)
 - Lunch Program (2)
 - Pupil Activity Funds (4)
- **Arrest (8)**
 - Seizure funds
 - Community assistances fund
 - Finger-print processing and sex offender registry
 - Process and other fees
- **Bank of Court (40)**
 - Deposits made by parties to lawsuits pending outcome of litigation (35)
 - Case management accounts (bonds, fines, fees)
 - Jury accounts
 - Title IV Child support
- **Register of Deeds**
 - Filing fees
 - Escrow for mechanic lien bonds
- **Probate Court**
 - General fees
 - Marriage licenses and ceremony fees
 - Miscellaneous
- **Magistrate Court**
 - Jury accounts
 - Civil fees
 - Criminal fees
- **County Accounts**
 - General operating
 - Business license fees
 - Local hospitality and accommodation taxes
 - Building permits, building plan review fees, and sign permit fees
 - Delinquent tax collections and tax sales
 - Parks and Recreation fees
 - Airport bond proceeds and fuel sale revenues
 - Bond proceeds held in trust
 - Legislative delegation appropriations
 - Rural Development Act funds

School District Accounts

Accounts

- Accounts Payable and Accounts Receivable (2)
- Lunch Program & Pupil Activity Funds (6)
- Bonds (2)
- Treasurer Account (1)

reasurer has no right to signatory authority or oversight over District’s operational accounts. See S.C. Code Ann. § 59-71-180.

- District “may maintain its own bank account for the payment of expenses approved by governing body of district.”
- Treasurer is required to “disburse to any school district within his county any funds which he may have on hand available for use in the operation of the school district.”

Ordinance 2-66 does not contemplate political subdivisions.

reasurer is entitled to, and currently has, signatory authority over the “Treasurer Account and district bond fund accounts. See S.C. Code Ann. § 59-71-180.

- “The proceeds derived from the sale of bonds must be deposited with the treasurer of the county”

Sheriff Accounts

ccounts

Petty Cash

Fingerprint Processing

Sex Offender Registry

Drug Fund

Vice

Community Assistance Fund

Drug Seizure Escrow

Seizure Funds

ug Seizure Escrow - Sheriff statutorily titled to have separate account for drug and seizures pursuant to S.C. Code Ann. § 53-530

44-53-530(f) : "The first one thousand dollars of any cash seized and forfeited pursuant to this article **remains with and is the property of the law enforcement agency**" and "[a] law enforcement agency may draw from the account an amount necessary to maintain the confidential financial account to be used in the purchase of information or evidence relating to an investigation. . . ."

- Fees derived from fingerprint processing—to be turned over to the Treasurer monthly
- Sex offender registry—a portion remitted to SLED and the balance allowed to remain with the Sheriff
- Community assistance—Donations used to fund community events (NOT County Funds)
- Fees that Sheriff is statutorily required to turnover Treasurer and currently does so monthly:
 - Commissions on monies collected; service of process fees for claim and delivery, writs of assistance, distress warrants, orders or seizure, and executions; additional expenses necessarily incurred in connection with these services. S.C. Code Ann. § 23-19-10.
 - Proceeds from the sale of abandoned or recovered stolen property if no claim made after one-year. S.C. Code Ann. 27-21-30.
 - Proceeds from sale of confiscated property. S.C. Code A 27-21-10.

Clerk of Court Accounts

Approximately 40 accounts

- 36 accounts are to hold deposits made by parties to lawsuits pursuant to court orders. These are not County funds and not subject to Ordinance 2-66.
- Jury Accounts (Treasurer is a signatory already)

Court Deposits

- Rules of Civil Procedure state that deposits are to be made with Clerk of Court
- No other state law requires that deposits must be held by the Treasurer
- Court can set terms of deposit and where interest goes between litigants. These are funds of the litigants, are not County funds and are not subject to Ordinance 2-66.

In general, the County to determine whether the Clerk of Court or Treasurer collects court fees

- See S.C. Code Ann. § 8-21-310(A) (“Except as expressly provided, the clerks of court, register of deeds, or county treasurers, as may be determined by the governing body of a county, shall collect the following uniform filing fees”) (emphasis added)
- Clerk of Court collects court fees; Register of Deeds collects land record filing fees.
- These funds are all subject to audit by the State Auditor. S.C. Code Ann. § 11-7-25.

County Accounts

Accounting Accounts—Treasurer Does not Require Signatory

Business license fees (remitted monthly)

Local hospitality and accommodation taxes

Building permits, building plan review fees, and sign
permit fees (remitted monthly)

Delinquent tax collections and tax sales (Tax
collections remitted monthly)

Parks and recreation fees (remitted monthly)

Airport bond proceeds and fuel sale revenues

Surety bond proceeds held in trust—**NOT** County
Funds

Legislative delegation appropriations—**NOT** County
Funds (Administered by CFO at Delegation's
request)

Rural Development Act funds—**NOT** County Funds
(grant funds required to be segregated)

- **Local Hospitality & Accommodation Taxes** - Statutes require funds be “remitted to the local governing body” and be segregated, but no state law providing that Treasurer is entitled to contract.
- S.C. Code Ann. § 6-1-720(B) (“All proceeds . . . must be kept in a separate fund segregated from the imposing entity’s general fund.”)
- S.C. Code Ann. § 6-1-770 (“The tax provided for by this article must be remitted to the local governing body on a monthly basis”).
- **Delinquent Tax Collections & Delinquent Tax Sales**
 - The Tax Collector (lawful alternative to Treasurer) is to receive proceeds from tax sales. S.C. Code Ann. § 12-51-60 (“Expenses of the sale must be paid first and the balance of all delinquent tax sale monies collected must be turned over to the treasurer.”).

County Accounts

- **airport bonds**
 - These bonds were issued pursuant to Chapter 21 of Title 6 and are governed differently than other bonds.
 - Do not have to be deposited with the Treasurer.
 - Compare S.C. Code Ann. § 6-21-300 (only requiring that the County deposit bond proceeds in “special account or accounts in a bank or banks. . .”) with S.C. Code Ann. § 4-15-180 (“The proceeds derived from the sale of any such bonds shall be deposited with the county treasurer. . .”); see also S.C. Code Ann. § 6-21-200 (“The bonds authorized hereunder shall not be subject to any limitations or provisions of the municipal bond laws or the bond laws for counties.”).
- **State law does not address the following accounts, so the County follows Ordinance 2-66 and remits collections to the Treasurer monthly:**
 - Business license fees and sign permit fees
 - Building permits, building plan review fees
 - Parks and recreation fees

Next Steps

Supreme Court will rule on Treasurer's Petition.

If Petition is granted, then the case will be heard by the Supreme Court.

If Petition is NOT granted, then the Treasurer may seek relief in another Court.



Jasper
County
South Carolina

Attachment "C"

County Council Meeting

JULY 15, 2024

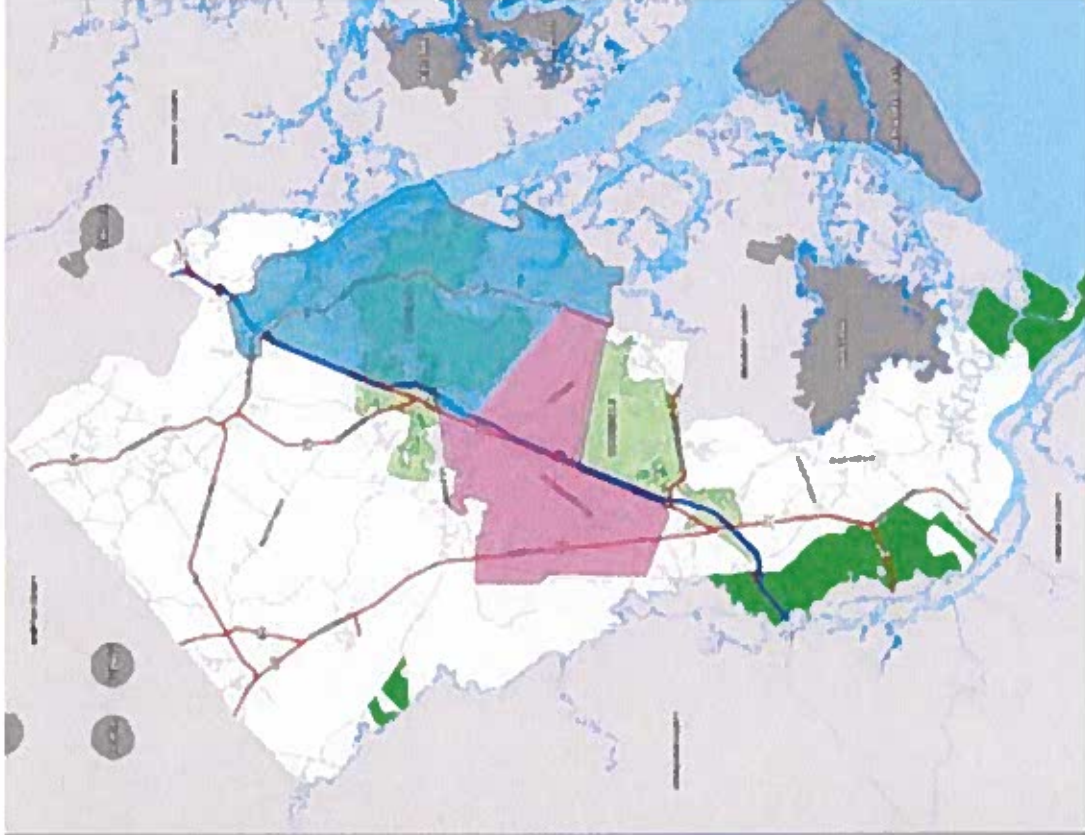
Denise R. Grabowski, AICP, LEED AP

Sustainable Jasper

PEOPLE • PLACE • PLANET

Euhaw Broad River Planning Area

- Moratorium until July 2024
- Build from the work of the Broad River Task Force



Summary of Proposed Updates

- ▶ Article 5: Zoning District Regulations (New zoning districts)
 - ▶ Rural Preservation 10 (RP-10)
 - ▶ Village Commercial (VC)
 - ▶ Euhaw/Okeetee Cultural Heritage Overlay District (ECHOD)

- ▶ Article 6: Update of Uses and Development Regulations
 - ▶ Primarily addresses new zoning districts – RP-10 and VC
 - ▶ Minor updates in R and RC
 - ▶ Article 11 – Conditional Use standards added

- ▶ Article 7: Primary Districts
 - ▶ Development standards
 - ▶ Riparian buffers
 - ▶ Village Commercial Standards

- ▶ Article 8: Special Purpose Districts – Added ECHOD

RP-10 Rural Preservation District

The intent of this classification is to preserve, sustain, and protect from suburban encroachment rural areas and resources, particularly forest and agricultural, and maintain a balanced rural-urban environment.

The retention of open lands, woodlands, plantations, and farmlands, which make up a large part of this area, are essential to clean air, water, wildlife, natural cycles, and a balanced environment, among other things. This district is intended to promote a rural environment of larger acreage lots.

- 10-acre minimum lot size
- Open space subdivision alternative under development

VC Village Commercial District

The intent of this classification is to allow for small-scale retail and other commercial uses, typically located at or near roadway intersections, intended to primarily meet the needs of residents in the nearby communities. The design of village commercial uses should reflect vernacular building designs associated with the South Carolina Lowcountry.

- Building size limited to 2,500 square feet
- Design standards

ECHOD Euhaw/Okeetee Heritage Overlay District

The intent of the Euhaw/Okeetee Cultural Heritage District is to maintain the rural character of the area, protect important historic, cultural, and natural resources, and minimize the impacts of development on surrounding water resources, particularly the Broad River. Development in this area should respect the existing conditions and minimize the visual impact of buildings on the area through careful site planning, including maintaining and enhancing existing vegetation.

- Limits commercial development to intersections/crossroads
- Ties Residential (R) zoning to Transition Zones
- Increased riparian buffer and septic tank standards
- Increased stormwater management standards