



JASPER COUNTY COUNCIL
COUNCIL MEETING

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

Monday, February 7, 2022
Minutes

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

Staff Present: County Administrator Andrew Fulghum, County Attorney David Tedder, Kimberly Burgess, Russell Wells, Lisa Wagner, Minutes by Tisha Williams, and Videographer Jonathan Dunham.

Also Present: Michael Burchstead, Columbia – Greenville (Burnet Maybank & Associates), Sandy Steele, Coroner Willie Aiken, Craig Dannegger, Jessica Dailey, Mayor Harry Williams of the City of Hardeeville, Taylor Harris, Whit McGreevy, Jennifer Bihl, Holden Sabato, Andrew Saleeby, Nicole Scott, Randolph Stewart and Carolyn Kassel.

Workshop:

Chairwoman Clark called the Workshop to order at 4:00PM.

Workshop topic Project Silverman:

Chairwoman Clark noted that this workshop was held to discuss Project Silverman. Chairwoman Clark introduced Mr. Bernie Maybank who talked about the property and the proposed project. Ms. Jennifer Bihl discussed the Traffic Study.

Executive Session:

Chairwoman Clark called the meeting to order at 5:02PM. Chairwoman Clark asked the Clerk to Council to read the Report of Compliance to the Freedom of Information Act. Ms. Williams, Deputy 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.*

Motion to go into Executive Session: Councilman Sauls

Second: Councilman Adkins

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:

(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 - BJWSA-Flood Determination; Register of Deeds Software; Election Matters

(4) Discussion regarding the development of security personnel or devices: Security Measures

(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 - Project Silverman; Jasper Ocean Terminal (JOT); Projects Dolphin and Mandolin.

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

Return to Open Session:

Motion to return to open session: Councilman Sauls

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

Business from Executive Session:

Chairwoman Clark asked if there was any business to address for motions coming out of Executive Session.

Councilman Sauls said there was one motion coming out of Executive Session. He noted that he would like to make a statement before the motion so that it will help the public understand where they are as a Council. He noted that everyone was aware of the unfortunate events with Pastor Councilman Adkins and his residency. He further stated that Council has obtained outside Counsel to inform the Council as well as Pastor Councilman Adkins of a path to move forward. This is an uncharted territory for all of Council and a new experience they had never incurred. He noted that Council is looking to follow the law and make sure that they protect not only the County Council but all members involved in this action.

Motion to move to authorize the law firm of Borg-Forman to bring a Declaration of Judgment Action to determine the rights and responsibilities of the Council and Councilman Adkins arising from the apparent error in his residency being in the Coosawhatchie Township rather than Pocatigo and matters related thereto: Councilman Sauls

Second: Vice Chairman Dr. Brantley

Vote: Unanimous

The motion passed.

The Pledge of Allegiance was led by Councilman Sauls and the Invocation was given by Councilman Adkins.

Approval of Agenda:

Motion to return to approve: Councilman Sauls

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

Approval of the Minutes of 01.03.2022, 01.13.2022 and 01.18.2022:

Motion to return to approve: Councilman Sauls

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

Presentation and Proclamations: None

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. The floor was opened to discuss matters pertaining to County Services and Operations. The following people signed to speak before Council:

Donald Sheftall spoke regarding the election of Councilmembers.

Mr. Harry Williams spoke regarding the 95 Logistics item on the agenda.

Karen Wyld spoke regarding redistricting and election of Councilmembers.

Alina Hamilton-Clark spoke regarding the election of Councilmember.

Reverend Gregory spoke regarding redistricting.

Councilman Kemp read a letter he had received from a constituent from Susan Meader Lesner.

Bernie Maybank appeared to speak to Council regarding the 95 Logistics item on the agenda.

Resolutions: None

Ordinances:

A: David Tedder – Public Hearing and 2nd Reading of Ordinance # 0-2022-01 an Ordinance to Reapportion and Redistrict the Four (4) Election Districts for the election of Jasper County Council Members based upon the 2020 Decennial Census in order that the population of such Districts shall comply with the Voting Rights Act of 1965 and South Carolina Law.

Mr. Tedder was present to address and discuss this item with Council. He presented Map # 2 and showed the changes that had been made from the Current Map and Map # 1. The public hearing was opened. Rev. Al Kaiser also spoke at the public hearing and additional public comments were taken. One the public comments concluded the public hearing was closed. Mr. Tedder noted that another public hearing would be held on February 22, 2022. He noted these maps were placed throughout the County for public viewing. Chairwoman Clark noted that these maps had come forward from Columbia and that the County did not do these maps nor the variation. She noted that these maps were done after the Census was done. She noted that Draft 1 map was the original and that Draft 2 was the amended map. She stated that every 10 years this had to be done after the Census then the redistricting came forward. She also noted for the record that the people had

elected Councilman Adkins and that this was something that had to be corrected and that Council was trying to make the best decision for the Council. She noted that the County had tried to map it easy for everyone to be able to see the maps in question. She noted that the maps were online for viewing purposes and were in the Council packets. The current ordinance Mr. Tedder noted that this was the second reading of the ordinance and that the map chosen would need to be a part of the motion. Vice Chairman Dr. Brantley noted that even though the map had been redrawn and said that if a map of our liking was not adopted by the next election, then the existing map would be used. Then by the next election after that, new maps must be in place as per the law. Mr. Fulghum asked that Mr. Tedder list the options presented for Council tonight regarding this item request for the potential motion. Mr. Tedder noted that the first option would be to move to approve the ordinance as it was presented at first reading with its map (Draft Map #1) and its supporting data. The second option the Council could choose could be to move to amend its second meeting to adopt and substitute Draft Map # 2 and its supporting data. The third option would be to adopt of one of the maps and then change it at the third reading. He noted that Council is not tied to the map until the final third reading. He stated that this was why it was set for two public hearings for today and February 22nd.

Motion to amend the Ordinance and substitute Draft # 2 and the data sheet for Draft #1 which was adopted at the first meeting: Vice Chairman Dr. Brantley

Second: Councilman Adkins

Vote:

Vice Chairman Dr. Brantley - Yes

Councilman Adkins - Yes

Chairwoman Clark - Yes

Councilman Sauls - No

Councilman Kemp - No

The motion passed.

Motion to approve the amended Ordinance with Draft #2 : Councilman Adkins

Second: Vice Chairman Dr. Brantley

Vote:

Councilman Kemp - No

Vice Chairman Dr. Brantley - Yes

Councilman Adkins - Yes

Chairwoman Clark - Yes

Councilman Sauls - No

The motion passed.

B: David Tedder -2nd Reading of Ordinance # [2021-29](#) 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; providing for the allocation of Fees-In-Lieu of Taxes payable under the Agreement for the establishment of a Multi-County Industrial/Business Park; and other matters relating thereto.

Mr. Tedder reviewed this ordinance for the Council. He noted this economic development project in the Southern part of the County.

Motion to return to approve: Councilman Sauls
Second: Councilman Adkins
Vote: Unanimous
The motion passed.

C: David Tedder –2nd Reading of Ordinance # 2021-30 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; providing for the allocation of Fees-In-Lieu of Taxes payable under the agreement for the establishment of a Multi-County Industrial/Business Park; and other matters relating thereto.

Mr. Tedder presented and reviewed this ordinance for the Council.

Motion to return to approve: Councilman Sauls
Second: Councilman Adkins
Vote: Unanimous
The motion passed.

D: Lisa Wagner – Consideration of the 1st Reading of an Ordinance to adopt Planned Development District Zoning for two tracts of land consisting of approximately 226.94 acres, bearing Jasper County Tax Map Numbers 041-00-02-010 and 041-00-02-012 and known as 95 Logistics Center.

Ms. Wagner presented and reviewed this ordinance for Council. She noted that a public hearing was set for February 22nd. She noted that the applicant had submitted a request for a Planned Development District zoning designation for a business park and distribution center, which will be known as 95 Logistics Center. She noted the adjacent property zonings. She stated that the 95 Logistics PDD and Concept Plan meets all of the requirements for a PDD Application and Concept Plan as outlined in Article 8:1.7 of the Jasper County Ordinance. She also noted that public notices were sent to all adjacent property owners, notifying them of the applicants request and mentioned that notice signs were placed along Whyte Hardee Boulevard (Highway 17) and stated that notices were sent out so that everyone within 500 feet so everyone had been notified. She noted that this project could greatly benefit the citizens of Jasper County by strengthening Jasper County’s economy and providing permanent employment opportunities in the County. The PDD application is supported by the Comprehensive Plan; as such, Planning Commission, by majority, recommends approval of the PDD designation, the PDD document, and the Concept Plan with the following conditions: A letter of intent to serve from the telecommunication provider must be provided prior to or at time of Master Plan application submittal.

Motion to return to approve: Vice Chairman Dr. Brantley
Second: Councilman Adkins
Comments: Councilman Kemp noted he would be voting no due to some concerns he had with the item including traffic and water retention issues.

Vote: All votes were yes with Councilman Kemp voting no.
The motion passed.

E: David Tedder – Consideration of the 1st Reading of an Ordinance approving a Development Agreement for 95 logistics Center pursuant to the South Carolina Local Government Development Agreement Act and Article IV, Title 20 of the Code of Ordinances of Jasper County, and authorizing the Chairman of Jasper County Council to execute said Development Agreement.

Mr. Tedder presented and reviewed this ordinance for the first reading of this Development Agreement with Council. This will have some changes to it such as the Traffic Impact Analysis that they had heard about from an earlier meeting. He noted that an outside engineering firm had been hired to do a peer review. He said he anticipated amendments to the Development Agreement as we go along and noted that the term of the agreement was 10 years, meaning the Zoning and PDD would not change. He noted that as with all Development Agreements that he would like to note that any new laws do not and would not apply to any current properties under Development Agreements. He noted there were public hearings set for February 22, 2022 and March 7, 2022.

Motion to return to approve: Councilman Sauls

Second: Councilman Adkins

Vote: All votes yes, except Councilman Kemp who voted no.

The motion passed.

F: Lisa Wagner – Consideration of the 1st Reading of an Ordinance to amend the Official Zoning Map of Jasper County so as to transfer a 26.22-acre portion of property, as depicted on the attached plat, and bearing Jasper County Tax Map Number 071-00-00-009, from the Rural Preservation Zone to the Resource Extraction on the Jasper County Official Zoning Map.

Ms. Wagner was present to address this request. She noted that the subject property consists of 26.22 acres and is located at 859 Bellinger Hill Run. The applicant has requested a Zoning Map Amendment to change the zoning designation from Rural Preservation to Resource Extraction. The land is currently undeveloped. The applicant intends to apply for a SCDHEC mining permit in order to create a 5-acre fish pond and remove the dirt from site. In accordance with the Jasper County Zoning Ordinance, any mining or excavation activity is only allowed within the Resource Extraction Zone.

The subject property is designated as “Rural Transition” on the Comprehensive Plan Future Land Use Map. The Rural Transition areas are areas that are located in southern Jasper County that will likely be under pressure to develop within the foreseeable future. The subject property is located in an area which is low-density residential and rural in nature. Majority of the parcels located in the vicinity are over 25 acres with the exception of a few smaller parcels.

The properties immediately adjacent to the site are zoned Rural Preservation. In the immediate vicinity (1/2 mile radius), there are 4 parcels zoned Residential, with 3 of the 4 parcels being undeveloped and 1 additional parcel that is split-zoned Residential and Rural Preservation.

The properties adjacent to the site are vacant and undeveloped. Within a half (1/2) mile radius, there are a total of 5 houses with the closest one being approximately 1,500 feet, measuring from the property lines.

The subject parcel is accessed by Bellinger Hill Run; however, the applicant has worked with an adjacent landowner, Daly Farm, to allow the dump trucks access through their property. Daly Farm has direct access to Bellinger Hill Road, which is a state-maintained road; thus, eliminating truck traffic from Bellinger Hill Run.

She noted that the intent of the Resource Extraction (RE) Zone was as follows:

To protect, preserve, sustain, and protect activities which specifically extract or harvest natural resources for commercial or industrial purposes, such as mining, excavations, excavation operations and activities, while concurrently ensuring protection of the health, safety, welfare of nearby residents and the value of nearby property. The Resource Extraction District will protect economically important mineral resources of the County for current and future use and will protect existing land uses adjacent to potential lands from undue harm that may result from mineral extraction activity.

Businesses extracting resources are essential activities that may present unique challenges when considering adjacent properties and protection of public health, safety and welfare. However, it is intended that this zoning classification only apply to those portions of the County where the potential for conflict between adjacent current and future land uses and the mineral extraction activities are minimal. Any zoning map amendment to designate a property as RE should be carefully considered by assessing the following factors, including but not limited to: impact on environmentally sensitive areas and critical natural resources; impact on health, safety and welfare of the Jasper County residents; impact on the character of existing communities; impact on adjacent land value; traffic generation and potential mitigation; and any other factor considered essential to address.

Ms. Wagner noted that the Planning Commission, by majority, did recommend approval of the Zoning Map Amendment request to designate the subject parcel as Resource Extraction.

Motion to return to approve: Councilman Sauls

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

New Business:

A: [Danny Lucas](#) - Request to adopt D/B/A name for the Ridgeland Claude Dean Airport

Mr. Lucas was present to address this request. He said he was before Council tonight to ask Council to be able to operate the business enterprise of the Ridgeland Claude Dean Airport as a DBA (Doing Business As) noting it was a trade name for purposes such as marketing and promotional purposes. He explained the reason for the trade name SkyBlue Aviation which would be the Business Enterprise as well as the reason for the DBA. He noted there would be no new bank accounts and such. He said it would only mean having the trade name SkyBlue Aviation as the business enterprise name.

Motion to return to approve: Vice Chairman Dr. Brantley

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

Old Business:

A: Chief Russell Wells – COVID update

Chief Wells gave the COVID update to the Council. He noted that the positivity rate was at 34.9% in Jasper County and at 27.2% for the State of SC. This was reflected as thru February 5, 2022. He noted there were 6 additional deaths in the area. Testing is through Jasper County and surrounding areas.

Council Members Comments:

Councilman Kemp:

Councilman Kemp went to SOLOCO meeting, they will be coming to us with an upcoming resolution request. Went to Johnny Davis' retirement. He noted that he would be at Sgt. Jasper Park on the 9th if anyone would like to speak / visit with him from 4:30pm to 5:30pm. The Korean War Vet Honor Wall, he mentioned is being dedicated on July 27th. Anyone knowing a Korean Honor Vet who would like to participate please notify Councilman Kemp or Alton Jenkins at the Veteran Administration Office.

Vice Chairman Brantley:

Vice Chairman Dr. Brantley noted that since the last meeting joined a team that went through the County to identify the homeless population in the County. He noted it was devastating. Expressed his sincere appreciation to Council and the County Workers and friends for their expression of sympathy on the passing of his brother. He asked blessings for everyone.

Councilman Adkins:

Councilman Adkins noted that first of all he wanted to give honor to Christ. Thanked everyone for coming out for support of him. He said he had done all things during the election as he was supposed to do. He said he was here to better the County and has accomplished a lot of things. He mentioned that he loved beautification and wanted to institute this more throughout the County. He noted that Mitchellville was getting a new playground and that he would continue to work for the constituents for the County. He noted that he works for the people of this County and asked everyone to keep him in prayer.

Councilman Sauls:

Councilman Sauls noted that last week the Jasper Chamber of Commerce had their Annual Jamboree and had a record crowd. He said that last week they had the Southern Carolina Alliance Retreat and that they had discussed Workforce Development. Asked to please keep the First Responders, Nurses and Firemen in prayer as they continue to work with the COVID situation.

Chairwoman Clark:

Chairwoman Clark encouraged everyone to keep in mind people may not always like Council's decision but noted that Council must do what is best for the County and the Taxpayers. She noted that no individual Councilperson has authority to answer for all Council such as with Public Comments.

Administrator's Report:

Mr. Fulghum noted that his report was in the packet and was available for questions. He mentioned Ms. Simmons is out this evening and wanted to thank Ms. Williams for standing in on her behalf. He mentioned the E911 addressing and dispatch complaint in his report for McTeer St. from a constituent over in the Hardeeville area. He asked Chief Wells for an update on this item. Chief wells noted that McTeer St. had been named McTeer St. by the Town of Ridgeland. He noted that the road was constructed in 1968 and in 1969 extended out and at that time the SC Dept of Transportation named this McTeer Ave. The 911 system has it as McTeer Ave, but there is also a McTeer St. in Hardeeville. He noted that the Town of Ridgeland has it on their agenda to address this.

Possible Return to Executive Session to Continue Discussion on Matters Regarding Agenda Item II. – There was no reason to return to executive session for this meeting.

Chairwoman Clark thanked everyone for coming to the Council meeting.

Adjourn:

Motion to adjourn: Vice Chairman Dr. Brantley

Second: Councilman Adkins

Vote: Unanimous

The motion passed.

The meeting adjourned at 7:36pm.

Respectfully submitted:



Wanda H. Simmons
Clerk to Council

Approved:



Barbara B. Clark
Chairwoman