

MINUTES

LAURENS COUNTY COUNCIL
JULY 8, 2008
LAURENS COUNTY HISTORIC COURTHOUSE
COUNTY COUNCIL CHAMBERS

ATTENDANCE: **COUNCIL MEMBERS PRESENT-** County Council Chairman Jim Coleman and Vice Chair Diane Anderson; Council Members Edward McDaniel, Ted Nash, David Tribble, Keith Tollison and Joe Wood.

COUNTY STAFF: Laurens County Administrator, Ernest Segars; Laurens County Clerk to Council Betty Walsh and Sandy Cruickshanks, Laurens County Attorney.

PRESS: Bristow Marchant, *The Clinton Chronicle*; D.J. Riley, *The Laurens County Advertiser*; Amanda Capps, GoLaurens.Com; Emil Finley, WLBG-Radio

SCHEDULED MEETING AGENDA ITEMS - ① Approval of Agenda, July 8, 2008; ② Approval of Minutes from June 24, 2008 regular session; ③ Second Reading, Ordinance #664, Professional Park Property Sale; ④ First Reading, Ordinance #665, Fire Suppression Budgets; ⑤ B.F. Shaw Security Request; ⑥ Clinton City Request assistance Pharmacy School; ⑦ Legal Briefing, Pharmacy School.

MEETING NOTIFICATION - The County Council Members and the Press were informed of the meeting in a timely manner.

CALL TO ORDER – Councilman Coleman called the July 8, 2008 meeting of Laurens County Council to order at 5:30 P.M. in the Council Chambers in the Courthouse located on the Public Square in Laurens. Chairman Coleman then invited all to stand for the delivering of the invocation by Vice Chair Anderson; everyone continuing standing for the Pledge of Allegiance.

APPROVAL – AGENDA – JULY 8, 2008 – COUNCILMAN TRIBBLE made the MOTION to approve the Agenda with any additions; SECONDED by VICE CHAIR ANDERSON. Noted additions to the agenda were: County Council Committee Report; City of Laurens request to transfer election authority to the Laurens County Registration Elections Commission; Fire Coordinator Reimbursement Requests and an Executive Session for a legal briefing on a personnel matter; VOTE 7-0.

APPROVAL – MINUTES – JUNE 24, 2008 – COUNCILMAN NASH made the MOTION to approve the minutes from the June 24, 2008 meeting with VICE CHAIR ANDERSON SECONDING; VOTE 7-0.

SECOND READING - ORDINANCE #664 - "AN ORDINANCE TO SELL AND CONVERY REAL ESTATE CONTAINING NOT MORE THAN .5 ACRES FOR THE DEVELOPMENT OF A BAIL BONDING COMPANY" – COUNCILMAN TRIBBLE made the MOTION to approve Ordinance #664 upon second reading with COUNCILMAN NASH SECONDING; VOTE 7-0.

FIRST READING – ORDINANCE #666 – "PROVIDING FOR THE TRANSFER OF AUTHORITY FOR CONDUCTING THE CITY OF LAURENS MUNICIPAL ELECTIONS TO THE LAURENS COUNTY REGISTRATION / ELECTION COMMISSION – Addressing the request, Mr. William Adair, Chairman, Laurens County Registration / Election Commission said, "This request has come to the County from the City of Laurens, which is presently the only municipality in the County that is not served by the County Election Board. They, the City of Laurens, has approved and ordinance to transfer this process to the County and wish for us to take over as soon as possible prior to the general election in November. Our request tonight, is for the County to adopt an Ordinance that also states this intent. In the future, the City of Laurens will initiate any actions with us. This process will enhance several processes; one being the absentee voting. Presently to approve an absentee there is a two fold process required; with the new program, only one process for the citizen will be required".

Administrator Segars questioned what was the process time for the Justice Department to approve these changes? Ms. Marcie Pye, Director, Laurens County Registration Elections Office replied that it is approximately sixty (60) days.

COUNCILMAN TRIBBLE made the MOTION to approve the request as an ordinance with COUNCILMAN NASH SECONDING; VOTE 7-0.

FIRST READING - ORDINANCE #665 (by title only), COUNTY FIRE SUPPRESSION SERVICES FISCAL YEAR 2008-2009 – Addressing Council, Administrator Segars said, “The document provided to you is the approved budget ordinance for Fiscal Year 2007-2008. As with the County budget process, we are requesting Council to approve first reading based on expenditure totals for the previous fiscal year – FY 2007-2008. We have copies of the requested Fire Suppression Budget for distribution to Council.”

Fire / Rescue Coordinator Ray Blackwell informed Council that the booklet consisted of the same format as in years past but does include the budget requests of the Office of the Fire Coordinator.

COUNCILMAN TRIBBLE made the MOTION to approve the proposed budget, upon first reading, based on the previous years approved budget. VICE CHAIR ANDERSON SECONDING: VOTE 7-0.

REIMBURSEMENT REQUESTS – LAURENS COUNTY FIRE DEPARTMENT(S) – Fire Coordinator Ray Blackwell explained the following as reimbursement requests from three (3) rural fire departments with all of the funding being provided from the Fire General Fund Contingency Account:

- A.) LAURENS COUNTY FIRE DEPARTMENT – Amount requested \$10,000 for engine overhaul and tires.
- B.) YOUNGS FIRE DEPARTMENT – Amount requested \$1,713.95 for pumper truck repairs.
- C.) CROSS HILL FIRE DEPARTMENT – Amount requested \$1,750.00 for flat-bed transport of a pumper truck.

Councilman Tribble questioned if these are coming to Council based on his approval of the requests. Fire Coordinator Blackwell replied that he did approve the requests.

Councilman McDaniel questioned where the pumper truck was shipped from. Fire Coordinator Blackwell stated that it was shipped from Philadelphia.

Councilman Nash questioned if this was the trip already discussed by Council that was taken last year? Fire Coordinator Blackwell replied, “This is not the trip that was questioned. This is a pumper that was negotiated and bought by the Cross Hill Fire Department with their own funds.”

Councilman McDaniel stated, “And they were worried about putting eight hundred miles on it. Is this what you would have done?” Fire Coordinator Blackwell replied, “I would think so. I would not have wanted to drive it back because of the wear and tear on the vehicle.”

Councilman Tribble questioned the gas mileage for a vehicle of this type. Fire Coordinator Blackwell replied that it is about six or seven miles per gallon.

Councilman McDaniel questioned the need for a \$10,000 engine versus overhauling the existing one. Fire Coordinator Blackwell said that the county is saving labor costs and will install the new engine ourselves; and, the engine could not really be overhauled due to a cracked block.

COUNCIL VOTED 7-0.

RESOLUTION – AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE A STATEWIDE MUTUAL AID AGREEMENT – Fire Coordinator Blackwell, requested the addition of the resolution for Council consideration. Fire Coordinator Blackwell said, “This is a Resolution that authorizes Ernie Segars, as the County Administrator, the authority to execute a statewide mutual aid agreement.”

With no questions asked from Council, COUNCILMAN TRIBBLE made the MOTION to approve the Resolution as requested. COUNCILMAN TOLLISON SECONDDING; VOTE 7-0.

LETTER OF PROCLAMATION – EMERGENCY OPERATIONS PLAN – Fire Coordinator Blackwell stated that he also had a document that needed to be signed by the County Council Chairman and the County Administrator.

This document relates to an ordinance dated February 10, 1983, that states that the Laurens County Emergency Operations Plan was adopted and is the supporting agency in Laurens County in the event of a major emergency or disaster.

There was no discussion among Council Members. Council agreed for the Chairman and the Administrator to sign the document.

There was a CONSENSUS of COUNCIL to hold a Fire Budget Work Session on July 15th at 5:30 P.M. at the Historic Courthouse.

B.F. SHAW REQUEST FOR SECURITY SERVICES – Laurens County Sheriff Ricky Chastain, appeared before Council to discuss with Council the request from the B. F. Shaw Company for increased security services at its plant through the Laurens County Sheriff's Department. The request is for security services seven (7) days a week from 6:00 A.M. to 6:00 P.M.

Councilman Tribble asked Sheriff Chastain what was his opinion of the request. Sheriff Chastain replied that if the overtime and other related issues were addressed and met that he had no objections to the request.

Vice Chair Anderson stated that she personally had problems with providing services for an agency versus the citizens of the County. Sheriff Chastain replied that he agreed with the concept but that the company has agreed pay for the services.

Chairman Coleman assigned the County Council Committee with the responsibility of researching this request and to report their findings / recommendations back to the full Council.

Councilman Wood explained that he felt this was different circumstances as it relates to the recent contract with the Laurens County Health Care System. The hospital is twenty four – seven (24/7) and that he tended to agree with Vice Chair Anderson as the Sheriff's Department is not solely in the security business.

Councilman Tollison said, “On behalf of the Shaw Group, we will have security. We tend to look at this similar to those off-duty officers that work as security for Wal-Mart.”

Councilman Tribble stated, “Everyone here on Council wants to help. I feel that you need to assert the facts and make this case before coming to Council for our opinion. We need the facts to support our decisions.”

Chairman Coleman assigned the research to the Council Committee on Justice and Public Safety. Councilman Tollison stated that he would like to request his separation from this Committee decision due to the conflictive positions he has with the decision making process.

Chairman Coleman honored his request by stating that he himself would Chair this Council Committee during their committee meetings.

REPORT – POTENTIAL FUNDING SOURCE – PHARMACY SCHOOL AT PRESBYTERIAN COLLEGE –

Administrator Segars reported, “The County Attorney and I met and discussed potential funding sources last week. From this brief meeting we highly recommend that the funds not come from the existing county revenue account but to consider a small general obligation bond. The general obligation bond with a tax levy of about a mill a year for three to five years seems to be the most feasible way to assist the City of Clinton with this project.”

Attorney Cruickshanks explained, “Since this is a government to government action, the cleanest source of revenue and reoccurring revenue would be a small general obligation bond with a three to five year payback. In my discussions with the Bond Attorney and the banking industry, I am concerned with the requirement of an up front payment and insurance costs with a bond. With a bank, and using seven hundred fifty thousand dollars (\$750,000), for three years the percentage rate would be 3.6% and for five years at 3.7%. With this being an in-house purchase by a bank and not being marketed, we would not have to deal with ratings, insurance factors, no pre-pay penalty and no origination fees. All of this would add another fifty to seventy thousand dollars on top of a bond. There will be procedural matters that will need to be implemented such as a Inducement Agreement that would outline the overall agreement between the City and the County; a Memorandum of Understanding that outlines the obligations of each party. The County’s bond limit was in excess of ten million dollars.”

Councilman Nash questioned, “How did this process originally evolve from Presbyterian College and now is coming from the City of Clinton. This is not true economic development.” Attorney Cruickshanks replied, “Yes, it can be considered economic development but not so much as with industry asking for incentives if they bring in so many jobs. This is economic development in so much as a public purpose which allows for a millage to be placed. As I understand the request last week from Mr. Kay, the City of Clinton is asking the County of Laurens to participate with the City towards the funding of this project; meaning government to government. With the number of houses in that area of the County for sale, certainly it would be economically good for the County and the City. Both would benefit from the new employees brought in and the tax dollars by taking these homes off of the market listings. Economic Development is about creating new job markets. Those relocating to the area and the students would definitely put more money into the economy of Laurens County. Let’s not to forget the utility meters that would be turned on.”

Councilman Wood said, “I really never said that the County would not benefit. I only said that the County has no money to give. Especially when they have more money than we do. It has been said several times that this is what we need to do. In your estimation just how much will the County have in this project when you consider the interest and other factors; one million dollars.” Attorney Cruickshanks replied, “One hundred thousand is a fair estimate on interest; making it around eight hundred thousand.”

Councilman Wood went on to explain, “In a recent editorial of the Clinton Chronicle, the Editor noted that he had personally attended meetings with Mr. Kay and Mr. Randal over the preliminary strategies. It was noted that everyone that sits on this Council wants it except Joe Wood and Ted Nash. He also said in the editorial that this was carried to the Development Corporation and was turned down.”

Chairman Coleman stated that this project was never carried to the Development Corporation. Addressing Chairman Coleman, County Attorney Sandy Cruickshanks stated that he had been to every Development Corporation meeting and had not heard anything about this

Councilman Wood went on to say, “Just because I referenced separation from the church and state, the editorial even went so far as to question my religion. This is just another way to get around the law.....it has been turned around by it being given to the City of Clinton to approach the County and then they will give it to PC.”

Councilman Tribble replied, “We are allowing this idea to be an unusual process. ICAR is an economic development project that is forming a nucleus for the upstate by means of all sorts of funding – state, federal and private. VISTA in Columbia is the same kind of thing – building a ball stadium and other things with state, federal, county and private monies. How can you deny that the University of South Carolina has not had an economic impact for the Columbia region and for South Carolina. I don’t understand how one can say that there will be no monies coming out of the project here. One thing that has not been mentioned here is the raw material and the people. From this, the people will be there to spend the money; the kids attending the school will spend money too. The big sewer program going

on in Gray Court is going to be paid for by the sewer revenues of the rural water district. One of the big users is the City of Clinton claims eighty percent of the sewer revenues. This is about as good as it gets...its clean, straightforward."

Chairman Coleman called for a vote of the general obligation bond. Attorney Cruickshanks asked for Council to allow him to present his briefing before a vote was cast as it relates to questions generated from the last meeting where this subject matter was discussed.

LEGAL BRIEFING – PHARMACY SCHOOL - Attorney Cruickshanks said, "The primary question that was raised was the church and state relationship. This project is moving forward as a City to County situation and is separate, you still have to look at the indirect result of the clause as to the separation of church and state. Presbyterian College is a non-profit corporation, established in 1903 by the South Carolina General Assembly. It is a free-standing, not for profit corporation; church supported as it relates to funding. It receives funding from a number of sources including federal and state funding; as does any other institution within the state except for Bob Jones University. It is my understanding that when the Pharmacy School is established, it will be established as a Corporation with no religious requirements and would be non-discriminatory as to enrollment requirements. As a matter of fact PC offers a major in religion. The County is not providing funds for religious purpose and we would not be violating the constitution. The primary benefit is regional economic development and students. I do not see any violations of the constitutional laws".

Councilman Nash said, "Councilman Tribble spoke of the pharmacy school at the University of South Carolina. They are state supported and not private...there is a difference and the fees will be greater than those at USC. PC is not a state supported College. Why not make it legal and just deal with the City of Clinton."

Attorney Cruickshanks replied, "The state supported colleges are more towards operational expenses and infrastructural expenses. This is a partnership that will not have reoccurring expenses; operations would be based on tuition, gifts and endowments that the Board of Trustees determines. The way this project was approached – City to County, I am comfortable with my opinion as stated."

Addressing the issues of ethics with those Members of Council and spouses of Council Members serving on various Boards at Presbyterian College, Attorney Cruickshanks said, "Mrs. Anderson serves on the Alumni Board and on the Afro-American Alumni Board at the College while the wife of Councilman Tribble serves on the Alumni Board. Had this been a direct dealing with Presbyterian College and Mrs. Anderson and Mr. Tribble, Mrs. Anderson would have to recues herself from voting on the issue; Mr. Tribble may or may not have. The Pharmacy School has distanced the relationship and eliminates ethical conflicts."

Chairman Coleman questioned if an ordinance would be the next step for Council. Attorney Cruickshanks replied that an Inducement Agreement that outlines the terms and first reading of an ordinance.

COUNCILMAN TRIBBLE made the MOTION for Council to approve the request from the City of Clinton to partner with them towards the Pharmacy School project and, to proceed with the necessary documents. COUNCILMAN TOLLISON SECONDING; VOTE 4-3 (Council Members McDaniel, Nash and Wood were in opposition).

COUNTY COUNCIL COMMITTEE ON BUDGET AND FINANCE – Committee Chairman Edward McDaniel deferred the comments over to the County Administrator.

Administrator Segars said, "This was discussed as per the Archer Study as it deals with full-time employees within the Coroners Office. Presently there are two (2) employees within the Coroner's Office and there were questions as to whether they were full-time employees. After research in to the matter, it was determined that they could be classified as seventy five percent (75%) employees. Based on this seventy five percent, Dr. Archer made salary recommendations that should be adopted. As this relates to the Chief Deputy Coroner, recommended was fourteen thousand seven hundred seventy six dollars (\$14,776) per year. As to the Coroner salary, Dr. Archer recommended twenty three thousand nine hundred ten dollars (\$23,910); an increase from his present twenty one thousand dollars (\$21,000)."

Committee Chairman McDaniel added, "The Committee talked base rate for quarter time salaries not full time. Also taken into consideration was the fifty dollar (\$50) per call, after hours that are paid out. So the base salary is not a true compensation figure for the year when consideration of the per call stipend is considered."

As a MOTION from the Committee, COUNCIL VOTED 7-0 to fund the position of the Deputy Coroner at fourteen thousand seven hundred seventy six dollars (\$14,776).

Another was issue to increase the Coroner's pay by two thousand forty seven dollars (\$2,047). Committee Chairman McDaniel reported that the Committee had vote two to one (2-1) to deny the adjustment for the Coroner.

COUNCIL VOTED 7-0 for the Deputy Coroner salary adjustment.

Councilman Tribble said, "It is my opinion that personalities were taken out of the survey. It was a recommendation of Dr Archer to increase the salary of the Coroner." COUNCILMAN TRIBBLE made the MOTION for full Council consideration to increase the salary of the Coroner. The MOTION DIED due to the LACK OF A SECOND.

Committee Chairman McDaniel said, "There is no perfect system when it comes to establishing a salary. The Archer study has made a recommendation as to this position and the ability to perform its functions. This Council has implemented many ways over the years. We all voted and have put this study into position. We then turned around and even voted to provide twenty five thousand dollars (\$25,000) in the budget for employee training. This is wrong. Pay people for what they are worth. We had a three quarter time employee and was approached by the Delegation to increase the pay for a person that only works the weekends. You have part time employees receiving full time benefits for routine work. The thing that is increasing is the number of autopsies. Is this from the request of the families? I thought autopsies were due when there were unusual circumstances. This is a part-time position with full time benefits. I think this is a fair and equitable situation."

PUBLIC COMMENTS – Chairman Coleman opened the floor for public comments at 6:48 P.M. Having no one wishing to address Council, Chairman Coleman closed the session at 6:49 P.M.

COUNTY COUNCIL COMMENTS:

1.) Councilman Wood said, "I said that I was not going to mention this but, since our last meeting – it is a cruel world out there. I am elected by my peers and I have the right to ask questions. If I do not understand something, I have the right to ask questions. A local radio station has a man that comes on in the morning and tries to be funny. At the last meeting, I questioned the legalities of the separation of church and state. From this my wife was submitted with questions as to us being atheists. When all I asked was for an explanation of separation of church and state as it related to Presbyterian College and the proposed Pharmacy School. This radio station has cowards that sit behind a microphone and try to be funny. I have not said that I did not welcome a Pharmacy School; all I said was that we did not have the money to give. I listened to him after all of this and he wants to make issues with me asking about the constitution; he was addressing the right to bear arms the next day. Like my preacher spoke of on Sunday, it's not what the Constitution says, its what the Supreme Court says that they meant to say. I understand that he even brought up why I was allowed to conduct an invocation. This announcer always tries to put Laurens County down. He went on to say that Laurens County does not furnish Clinton anything but E911. He calls me ignorant because I said PC College. This person has to beg for people to call in to the radio station. I would stake my reputation up against any of them. They are not doing Laurens County any favors in doing this. There are advertisers for this radio station that I will not buy a car to a candy bar from now. I will not patronize advertisers on WLBG as long as they are allowed to go on like this. I personally can take it; just don't talk about my family".

EXECUTIVE SESSION – COUNCILMAN MCDANIEL made the MOTION for Council to move into executive session at 6:55 P.M. to hold a legal briefing concerning a personnel matter. VICE CHAIR ANDERSON SECONDDING; VOTE 7-0.

Council began Executive Session at 6:59 P.M. and concluded at 7:05 P.M.

Chairman Coleman reported that no action was taken on the personnel matter.

LAURENS COUNTY COUNCIL
MINUTES
JULY 8, 2008

ADJOURNMENT – There was a COUNCIL CONSENSUS to adjourn the meeting at 7:10 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Betty C. Walsh". The signature is written in black ink and is positioned above the printed name.

Betty C. Walsh
Clerk to Council