

## MINUTES

### LAURENS COUNTY COUNCIL SEPTEMBER 16, 2008 LAURENS COUNTY HISTORIC COURTHOUSE COUNTY COUNCIL CHAMBERS

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**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*; Hope Todd, WLBG-Radio

**SCHEDULED MEETING AGENDA ITEMS** - ① Approval of Agenda, September 16, 2008; ② Approval of Minutes from August 26, 2008 regular session and September 3, 2008 called session; ③ Briefing, Ordinance #655, Laurens County Manufactured Housing Ordinance; ④ First Reading, Laurens County Ordinance #671 – “An Ordinance To Provide And Approve The Establishment Of Petite Juror Pay For Circuit Courts In Laurens County And Other Matters Appertaining Thereto”; ⑤ Second Reading, Laurens County Ordinance #670, which is “Authorizing the Execution And Delivery of a Fee-In-Lieu-of-Taxes Agreement By And Between Laurens County, South Carolina and “Project Goldbug”, Its Affiliates And Assigns, To Provide For A Fee-In-Lieu-Of Taxes Incentive, Including The Grant Of an Infrastructure Credit; To Provide For the Inclusion of the Project I A Multi-County Business Or Industrial Park; And Other Related Matters”; ⑥ Second Reading Approval, Laurens County Ordinance #669, which is “An Ordinance To Provide for the Issuance and Sale of a Not Exceeding Seven Hundred Seventy-Five Thousand Dollars (\$775,00) General Obligation Bond, Series 2008 of Laurens County, South Carolina, To Prescribe The Purposes For Which The Proceeds Shall Be Expended To Provide For The Payment Thereof and Other Matters Relating Thereto”; ⑦ City of Clinton Department of Public Safety – Intergovernmental Agreement for County     Mechanic Assistance; ⑧ Executive Session.

**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 September 16, 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 to stand for the Pledge of Allegiance.

**APPROVAL – AGENDA – SEPTEMBER 16, 2008** – VICE CHAIR ANDERSON made the MOTION to approve the Agenda with any additions; SECONDED by COUNCILMAN TOLLISON.

Administrator Segars requested an Executive Session to discuss an economic development project and requested a resolution supporting the relinquishment and conveyance by sale of property by the South Carolina Department of Transportation within the Proposed Laurens Bypass Project as it relates to “Project Elmo”.

COUNCIL VOTED 7-0 to approve the agenda with the additions.

**APPROVAL – MINUTES – AUGUST 26, 2008 (regular session) AND SEPTEMBER 3, 2008 (called session)** –COUNCILMAN NASH made the MOTION to approve the two (2) sets of minutes with VICE CHAIR ANDERSON SECONDDING; VOTE 7-0.

**BRIEFING - ORDINANCE #655 – MANUFACTURED HOMES** – Laurens County Building Official, Buddy Skinner appeared before Council to address certain matters that he has encountered with the amended ordinance.

Mr. Skinner said, "I am bringing this to Council at this time due to recent resistance concerning one section of the recently amended Ordinance #655, as it relates to Manufactured Homes. The specific section that is causing concern is section 4.6 of the Ordinance. This section states that existing parks can not replace existing homes. This was included by the Planning Commission with hopes to attempt to clean up the older parks within Laurens County. The situation is one that existing parks are yet to reach their capacity causing the respectable parks to suffer. I would like to recommend that an amendment to this ordinance be considered by stating that new manufactured homes to be located on lots within existing parks must meet all ordinance setback requirements."

FROM: 4.6 Existing Manufactured Home Parks - All manufactured home parks in existence at the time of the adoption of this ordinance can continue to operate at its current capacity. Existing, nonconforming, parks cannot increase their size, number of lots or replace existing homes without meeting the requirements of this ordinance.

TO: 4.6 Existing Manufactured Home Parks - All manufactured home parks in existence at the time of the adoption of this ordinance can continue to operate at its current capacity. Existing, nonconforming, parks cannot increase their size, number of lots ~~or replace existing homes~~ without meeting the requirements of this ordinance.

Councilman Tribble questioned if this was a result from the Newberry incident as it related to mobile homes? Mr. Skinner replied that it did indirectly, but more so from development in the Gray Court area, as it relates to lot sizes and the number of lots.

Councilman Tribble commented that he felt it to be hard to change the rules and not upgrade the homes.

Councilman Wood said that since the Planning Commission wrote the document that it should go back to the Planning Commission for consideration.

Councilman Tollison stated that he agreed with Councilman Wood and that this was a measure to clean up those that are in poor shape but by the same token it is not meant to put someone out of business and that a compromise needs to be considered.

Chairman Coleman said, "This should go back to the Planning Commission for consideration and serious thought needs to be implemented so as to not carry this forward indefinitely. I know the intent but we also need to plan and accomplish what we need to do."

There was a COUNCIL CONSENSUS to return the ordinance back to the Planning Commission for their recommendations towards changes.

Administrator Segars indicated that this could be placed on the agenda with the Planning Commission for their September 23<sup>rd</sup> meeting and could possible be back to the Council for consideration at the second meeting in October.

**FIRST READING - ORDINANCE #671 - "AN ORDINANCE TO PROVIDE AND APPROVE THE ESTABLISHMENT OF PETITE JUROR PAY FOR CIRCUIT COURTS IN LAURENS COUNTY AND OTHER MATTERS APPERTAINING THERETO"** - Attorney Cruickshanks informed Council that four or five years ago, he and then Clerk of Court, Barbara Wasson looked into juror pay modifications. The juror pay is calculated now with an amount plus mileage. Assistance was obtained from the Court Administration as to some guidelines. The last statutory regulations goes back to the early nineteen hundreds at about six dollars (\$6.00). The Clerk requests a flat rate of twenty dollars (\$20.00) and as time and circumstances progresses, that she would be able to modify her budget. She hopes to implement the modified program in October 1<sup>st</sup>. These fund have already been appropriated in her budget to do so, as the funds were approved during the budget deliberations for Fiscal Year 2008-2009."

COUNCILMAN MCDANIEL made the MOTION to approve the Ordinance upon first reading as provided.

COUNCILMAN WOOD SECONDING for further discussion.

Vice Chair Anderson questioned how other counties used this program. Attorney Cruickshanks replied that this is a trend statewide to go to a fixed amount. Some have it as fifteen dollars (\$15.00) plus mileage one way. This is a better compensation method of which many have implemented or are moving in that direction.

COUNCIL VOTED 7-0 to approve.

**SECOND READING – ORDINANCE #670 - “AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU-OF-TAXES AGREEMENT BY AND BETWEEN LAURENS COUNTY, SOUTH CAROLINA AND “PROJECT GOLDBUG” – TO PROVIDE FOR A FEE-IN-LIEU-OF-TAXES INCENTIVE, INCLUDING THE GRANT OF AN INFRASTRUCTURE CREDIT, TO PROVIDE FOR THE INCLUSION OF THE PROJECT IN A MULTICOUNTY BUSINESS OR INDUSTRIAL PARK.”** - VICE CHAIR ANDERSON made the MOTION to approve Ordinance #670 upon second reading as presented. COUNCILMAN NASH SECONDING; VOTE 7-0.

**SECOND READING – ORDINANCE #669 – “AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING SEVEN HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$775,00) GENERAL OBLIGATION BOND, SERIES 2008 OF LAURENS COUNTY, SOUTH CAROLINA TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED TO PROVIDE FOR THE PAYMENT THEREOF AND OTHER MATTERS RELATING THERETO.”** – COUNCILMAN TRIBBLE made the MOTION to approve Ordinance #669 upon second reading as presented; with VICE CHAIR ANDERSON SECONDING for discussion.

Councilman Tribble said, “One point that needs to be made is that I started in to public service at a young age in the County of Laurens. I have been doing this all of my adult life and somewhere along the way, after the inexperience wore off, I decided that this was a good place to live and to raise a family. It is really important for those in leadership positions to have high standards for good things to happen within our county or cities. I must admit that it was very satisfying to have been a part of the placement of the Hospital. There were many daggers thrown at us, but we persevered and we now have an outstanding hospital for Laurens County. This confirms in my mind that we need to focus on higher standards in order to achieve. Our people are worth having the higher paying jobs. There are good things that will come from this.”

Councilman Wood said, “I agree with everything that Mr. Tribble has said and I think we are very fortunate to be considered for a pharmacy school in Laurens County. I just don’t agree with the techniques used to implement it. I had a brief conversation before this meeting and I am so tired of people putting this County down. I’ve lived in this County for sixty two years.....and, I like Laurens County. Some people call this the redneck county of South Carolina. We live in a judicial system now that is broken. I sat in Magistrate Court a few weeks back where the people were guilty but they had lawyers that got them off because of technicalities. They broke the law and all knew it....and the get to leave free. When the Council was approached about this pharmacy school in executive session, I said that this was breaking the law that you can not give public dollars to a private institution. And, I was told many, many times that it was not against the law. Well, maybe what we were doing was not against the law.....we were circumventing the law. It took twenty thousand dollars (\$20,000) in lawyer fees to say that this was against the law. We were trying to give away money in an indirect fashion. The constitution says that this can not be done openly or secretly....all of this was implemented secretly. We were using lawyers to circumvent the law. It was also evident that Presbyterian College was not aware either of the things written into the ordinance. I am glad that Presbyterian College came forward and stated that they could not accept the ordinance as it was written. This County Council should have been asked for direction. I have not heard the City of Clinton come before this Council and ask for a parking lot. There are four on this Council that intend to give PC money regardless if its right. This County Council said an oath to uphold the laws of this County and I will not be circumvented to uphold personal favors for special people to cause hardship on the taxpayers just because it is the right thing to do. This is putting taxes on the people that live from pay check to paycheck and are hurting for money.”

Continuing, Councilman Wood asked who would hold title to the parking lot? Attorney Cruickshanks replied “This will be considered public property for a public purpose and that the bond agreement is not part of the lease. There will be a lease drawn up with the City of Clinton at a later date.”

Councilman Nash stated, “I can not vote for this. The people of Laurens County are hurting and hungry and can not afford to be taxed any more. There is a great need in Laurens County for food and money to help pay the power bills. Not to forget the needs of the county departments so that they can provide quality service. I too agree that PC is a great asset to the County but it along with a multitude of other agencies are tax exempt. I agree that people do and will bring money to the County but they are the ones that can well afford to do so. There were those that knew that there were four (4) votes on this Council to make this happen. This is skirting the edge of economic development.”

Councilman Tollison said, “I am just going to repeat a few things said in the last couple of meeting but I feel that they are key points to consider. There is a lot of talk for and against and all have posed a good argument. But, I can not get out of my mind that there is change coming to Laurens County and that we are the driving force with these changes. Change to prosper...I see fifty (50) jobs, fourteen million dollars of investment...a three year return on the investments... three hundred (300) students spending dollars here for gas, clothing and food. This would help our existing business with their finances and stimulate the purchasing of homes, cars and other essentials. This overall would create more than fifty jobs. We need to invest in our County and our future.”

Councilman McDaniel said, “It’s good that we can agree to disagree. There is room for improvement and we growth with assets not liabilities. Our children have no reason to come back to Laurens. There are no high paying jobs here...therefore I want to see Laurens change. This was told in a certain way that if the County would not participate then this project might not fly. The question is, has it not already been determined that this school is coming and it’s now on the back of the Laurens County Council. This County Council should not be involved. PC has ninety million dollars in endowed funds...six million in unappropriated funds...the need is not there. We have granted and granted funds for non-profits....one was granted property with promises to develop...to this day it is still undeveloped. One non-profit was granted funds from the county and the very next day received a fifty thousand dollar (\$50,000) grant.....non profits pay no taxes. This project was going to come anyway. PC is admirable in doing so and I wish nothing but the best.”

COUNCIL VOTED 4-3. Council Members McDaniel, Nash and Wood were in opposition.

**RESOLUTION – SUPPORTING THE RELINQUISHMENT AND CONVEYANCE BY SALE OF PROPERTY BY THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION WITHIN THE PROPOSED LAURENS BYPASS PROJECT FOR THE PURPOSES OF AN INDUSTRIAL PROJECT IN LAURENS COUNTY AND ALL MATTERS PERTAINING THERETO** – In review,

Administrator Segars informed Council that this was a Resolution where the Laurens County Council supports the relinquishment and conveyance by sale of a tract, along with any necessary easements by the South Carolina Department of Transportation for the purposes of an industrial and economic development project. The property in question is property that the South Carolina Department of Transportation purchased several years ago in preparation of a proposed project to provide a multilane roadway to connect US Route 76 to I-385 north of the City of Laurens in Laurens County most commonly referred to as the Laurens Bypass project. The plan for this ByPass project is now not being considered and they wish to provide certain parcels of this property to benefit an economic development project.

COUNCILMAN TOLLISON made the MOTION to approve the Resolution with VICE CHAIR ANDERSON SECONDING; VOTE 7-0.

**CITY OF CLINTON DEPARTMENT OF PUBLIC SAFETY INTERGOVERNMENTAL AGREEMENT FOR MECHANIC ASSISTANCE** – Fire Coordinator Blackwell briefed Council on the request from the City of Clinton for mechanic assistance with their vehicles.

Fire Coordinator Blackwell said, "As a matter of procedure, I am bringing this request to Council for consideration. Mr. Graddick is a part time employee of the County and is paid through the Fire General Fund monies. He works one thousand three hundred hours a year. I looked back on his pay schedule for the last year and he actually was paid for one thousand two hundred sixty hours; averaging about forty nine hours per pay period; the most worked per pay period was sixty three hours; his salary is based on fifty hours. He receives no insurance nor retirement from the County. As to expenses incurred should he make repairs or provide maintenance, the City of Clinton has accounts set up at various county vendors. The City is willing to pay for the services on an hourly basis. We can charge Clinton the hourly rate plus mileage."

Councilman Nash asked if he accrued vacation and sick time from the County. Coordinator Blackwell replied that he does as to vacation and sick time but not the retirement system as he is already retired.

Councilman Nash questioned why the City of Clinton did not just hire him outright for the in-between hours not committed to Laurens County.

Councilman Wood questioned if the county was responsible for him while working with the City of Clinton. Mr. Blackwell replied that Mr. Graddick would be on his own time and that it would not interfere with his County work.

Councilman Tollison asked if the City does not have a crew for this purpose now. Coordinator Blackwell replied that he did not know.

Vice Chair Anderson stated that she felt this should go to a Council Committee for further evaluation.

Councilman McDaniel replied that this gentleman already works part time for the county with no benefits....he is basically contracted and that the County should not get involved with any work outside of the County employment. Councilman McDaniel provided an example as with the County EMS employees working part-time apart from the County employment.

Chairman Coleman stated that this was more of an organizational matter that would allow Mr. Graddick to work one day a week for the City. Coordinator Blackwell stated that Mr. Graddick works three days a week for the County.

COUNCIL agreed by CONSENSUS that Mr. Graddick should make his own arrangements for working for the City of Clinton with no involvement from the County.

**PUBLIC COMMENTS** -- Chairman Coleman opened the floor for public comments at 6:20 P.M.

Jack Marlar – I am a fifth generation of taxpayers of this county. I can not believe that we are just about to pass this. Firstly I applaud Mr. McDaniel and Mr. Wood for standing up to the fiscal responsibilities of this county. Practically everyone in this County is going to need a hospital....this is not so for the proposed pharmacy school. I can't believe that you are just before asking the citizens of this county to pay towards a bond for a school. Do you really think that a pharmacy school is going to add a lot of revenue to this County? College students don't have that much money to spend. Sure they are going to buy gas and a few burgers and pizza. I don't think that they will stay in Laurens County. This is not good business. We are setting precedence here. This Council needs to start thinking about what this county needs...we have too many needs...spend the money where it is needed and not where somebody has it already. This Council has a lot more to do than to raise pharmacy students. They will not stay here...you know that a campus is a suitcase community. I encourage all of you that have voted for this to give this more serious consideration. I know what I am talking about, I have been in industry for most of my working years. I hope you all will reconsider.

Katrina Fay – I will be brief due to the amount of time. Just like the last time I spoke, I am going to tell you what I am going to do and then I'm going to tell you why I plan to do it. Everyone has an opinion...you have those in favor and those fighting it. I fear that you are getting positional and really not listening to the opposing side opinions and points of view. The vision that some speak of is not evident to many of us because it is simply a vision. You need things to substantiate opinions. An opinion may be completely accurate, completely inaccurate or somewhere in between. The facts...it appears that there are only four (4) of you that have or had access to the facts for this project. I speak for myself and I believe this is an opinion and not a fact. A fact is something actually exists, a thing known to be true... a statement about something that has occurred. There have been comments from Council Members that they do not see any commitments from Presbyterian College. We have heard allegations that they are going to bring a school to the County. We have not seen a contract or agreement. Presbyterian College has never said that this was a done deal." Chairman Coleman reminded Ms. Fay of having one more minute.

Continuing, Ms. Fay said, "As it relates to the minutes, I want to state that I have submitted an FOI for facts. If they end up being that they are facts of probable accountability, let's have them so we all can support it."

George Estes – Mr. Estes said, "Presbyterian College has provided me with a list of their Board of Trustees. The statements made by some of these Trustees ties PC directly to the Presbyterian Church. Also, while I was a PC on Monday, I looked around at the situations. A gentleman on campus told me that he did not know where the pharmacy school was going to be. I stayed all day in Clinton and finally found out that the building was the old Presbyterian Nursing Home. On one side is a service station, on the other side was a bank and on the other side was a US Post Office. You can't tell me that you are not aiding the Presbyterian Church. This situation could be ended if the Presbyterian Church would stand up to their moral and religious beliefs."

Ed Burns – Mr. Burns stated, "Has anyone read the Advertiser from last week? It says that the City of Clinton has gone outside for help so that they will not have to raise taxes. The City of Clinton wants this. The City of Clinton wants us to pay while they do not want to pay their part. They are already getting a half a million from Clinton Newberry Natural Gas Authority with another twenty thousand coming from somewhere else. They have no intention to pay their part and I don't see why Council can not see this. Let the people of Laurens County tell you what they want...put it on the ballot for the next election process. I have asked several time, what is this going to cost the people."

Chairman Coleman replied that using an educated guess on a one hundred thousand dollar home the cost for a taxpayer would be somewhere around a three to four dollar increase. With no one else wishing to address Council, Chairman Coleman closed the public comment segment at 6:35 P.M.

#### COUNTY COUNCIL COMMENTS:

- 1.) Chairman Coleman noted the recent trip to Washington with a local group consisting of himself Marvin Moss, Ernie Segars, Jeff Fields, Josh Kay, Dale Satterfield and Brad Sanderson. The group met with Senators and Congressmen on various projects for the County. Congressman Barrett commended Laurens County for its unified efforts and noted that more is going on within Laurens County from a positive perspective. Each agency traveling with group paid for its representative to make the trip. The project noted were largely water and sewer project for the County.
- 2.) Administrator Segars noted the gas situation for Laurens County as being somewhat uneventful for the County employees.
- 3.) Councilman Tribble said, "I think the request for what the cost factors would be on a one hundred thousand dollar home is within reason to offer. If one lives in the home it is calculated at four percent if it is rental property, it is calculated at six percent. On a one hundred thousand dollar home it calculates to be four dollars per house. Four dollars is really not a big deal for progress."

MINUTES - SEPTEMBER 16, 2008  
LAURENS COUNTY COUNCIL

**EXECUTIVE SESSION** - VICE CHAIR ANDERSON made the MOTION for Council to move into executive session at 6:40 P.M. to discuss an economic development project. COUNCILMAN TOLLISON SECONDDING; VOTE 7-0.

There was a CONSENSUS of COUNCIL to return to open session at 7:01 P.M.

**RETURNING TO OPEN SESSION** - VICE CHAIR ANDERSON made the MOTION for Council to authorize the Chairman and the County Administrator to sign a Memorandum of Understanding towards Project Goldbug on Wednesday and attested by the Clerk. SECONDED by COUNCILMAN NASH; VOTE 7-0.

**ADJOURNMENT** - With no further business to conduct, there was a CONSENSUS to adjourn the meeting at 7:05 P.M.

Respectfully submitted,



Betty C. Walsh  
Clerk to Council