

MINUTES

LAURENS COUNTY COUNCIL SEPTEMBER 30, 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: Iva Cadmus, *The Laurens County Advertiser*; Hope Todd, WLBG-Radio

SCHEDULED MEETING AGENDA ITEMS - ① Approval of Agenda, September 30, 2008; ② Approval of Minutes from September 16, 2008 regular session; ③ Public Hearing / Third Reading, Laurens County Ordinance #668, which is "An Ordinance Approving An Amendment To The Infrastructure Finance Agreement Among Laurens County And "Project Picture" Date December 1, 2007, To Provide For Additional Project Investment And An Increase in Infrastructure Credits; And Other Matters Related Thereto."; ④ Second 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 Pending Economic Development Project Updates; (5-A) First Reading, Laurens County Ordinance #672, an Ordinance Authorizing the Execution and Delivery of a Fee Agreement Dated 2008 By and Between Laurens County, South Carolina and B.F. Shaw, Incorporated Providing For a Payment of a Fee-In-Lieu-of-Taxes and Infrastructure Credit; ⑥ Committee Reports: A) Council Committee on Criminal Justice – Mr. Tollison, Committee Chairman; B) Council Committee on Health and Emergency Services – Mrs. Anderson, Committee Chair; ⑦ Executive Session, Personnel Matter.

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 30, 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.

PUBLIC APOLOGY - Councilman Wood requested time at the beginning of the meeting to make an apology to Councilman Tribble. Councilman Wood said, "At the last meeting of Council I said something that was very disrespectful to Councilman Tribble and I feel that I must apologize to Councilman Tribble and to the full Council for something I said. I will try my best to not let this happen again."

Councilman Tribble replied, "Apology accepted."

Chairman Coleman stated, "Apology accepted. It takes a man to get up and apologize in public when he is wrong."

APPROVAL – AGENDA – SEPTEMBER 30, 2008 – COUNCILMAN MCDANIEL made the MOTION to approve the Agenda with any additions; SECONDED by VICE CHAIR ANDERSON.

Administrator Segars requested another Executive Session matter to discuss an economic development project, adding the manufactured housing ordinance. Councilman Wood requested the addition of a brief matter involving Ordinance #669 and comments about a recent EMS call.

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

APPROVAL – MINUTES – SEPTEMBER 16, 2008 – VICE CHAIR ANDERSON made the MOTION to approve the minutes from the September 16, 2008 meeting of Council with COUNCILMAN TRIBBLE SECONDING; VOTE 7-0.

PUBLIC HEARING – ORDINANCE #668 - “AN ORDINANCE APPROVING AN AMENDMENT TO THE INFRASTRUCTURE FINANCE AGREEMENT AMONG LAURENS COUNTY AND KOERBER DATED DECEMBER 1, 2007, TO PROVIDE FOR ADDITIONAL PROJECT INVESTMENT AND AN INCREASE IN INFRASTRUCTURE CREDITS; AND OTHER MATTERS RELATED THERETO.” -

Chairman Coleman called the public hearing to order at 5:34 P.M. Attorney Cruickshank's replied that this project will be for the Hunter Park that is increasing their investment. With no one else wishing to address Council, Chairman Coleman closed the hearing at 5:35 P.M.

THIRD READING – ORDINANCE #668 “AN ORDINANCE APPROVING AN AMENDMENT TO THE INFRASTRUCTURE FINANCE AGREEMENT AMONG LAURENS COUNTY AND “PROJECT PICTURE” DATED DECEMBER 1, 2007, TO PROVIDE FOR ADDITIONAL PROJECT INVESTMENT AND AN INCREASE IN INFRASTRUCTURE CREDITS; AND OTHER MATTERS RELATED THERETO.” -COUNCILMAN TRIBBLE made the MOTION to approve Ordinance #668 upon third reading with VICE CHAIR ANDERSON SECONDING; VOTE 7-0.

SECOND 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 stated that this was amending the current juror pay to a flat rate of twenty dollars (\$20.00).

VICE CHAIR ANDERSON made the MOTION to approve the Ordinance upon second reading with COUNCILMAN TOLLISON SECONDING; VOTE 7-0.

FIRST READING, LAURENS COUNTY ORDINANCE #672, WHICH IS “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT DATED 2008 BY AND BETWEEN LAURENS COUNTY, SOUTH CAROLINA AND B.F. SHAW, INCORPORATED PROVIDING FOR A PAYMENT OF A FEE-IN-LIEU OF TAXES AND INFRASTRUCTURE CREDIT - Attorney Cruickshanks explained that this is a continuing process from December of 2007 where Council approved a Resolution and Inducement Agreement for the BF Shaw expansion. This is first reading of the ordinance authorizing the fee agreement five million dollar project investment with a twenty-five percent infrastructure fee credit and a six percent assessment ratio that is adjustable every five years.

COUNCILMAN TRIBBLE made the MOTION to approve Ordinance #672 as presented. VICE CHAIR ANDERSON SECONDING; COUNCIL VOTED 6-0-1 (Councilman Tollison abstained)

COUNTY COUNCIL COMMITTEE REPORTS:

- A.) **COMMITTEE ON CRIMINAL JUSTICE** : - Councilman Tollison, Committee Chairman reported that the Committee met on September 23rd with Sheriff Chastain, Detention Center Administrator, Major Chris Hudson and with Blake Taylor, an official with the S.C. Department of Corrections. The purpose of the meeting was to discuss inmate work-assignments at the Johnson Detention Center and steps that the Sheriff's Department and / or County can take to insure that a maximum number of inmates are assigned to tasks both inside and outside the Detention Center. The Committee wishes to recommend to Council the following:
- a.) An appropriate Council Committee and Staff should begin immediately to develop plans for additional bed space at the Johnson Detention Center or at an adjacent facility that would house non-violent offenders and “work-camp” for qualified inmates;
 - b.) The Committee will also recommend that the County look into the possibility of relocating the Laurens County Sheriff's Department to county-owned property near the Johnson Detention Center.

Adding to the comments, Administrator Segars stated that the move of the Sheriff's Department would be to a location in and around the present Detention Center and that Mr. Taylor has indicated that the population now of two hundred twelve is above and beyond the present one hundred forty four housing capability. Also, discussed was the use of inmates and measures as to how to make the Detention Center a less desirable place.

Councilman Wood added, "We have always heard and requested to see the prisoners made to work. At the meeting we were advised that according to state law, non-sentenced prisoners can not be made to work and that seventy-five percent of the average population at the detention center is non-sentenced."

Councilman McDaniel said, "To put the facts out, the Federal Government has ordered the County to put the elevator in at the detention center at a cost of one hundred sixty thousand dollars (\$160,000) just to get inmates – criminals from one floor to another. We also had to pay over five thousand dollars (\$5,000) just to put the elevator here at the Courthouse. This does not make sense. This Council often has to spend money that is not budgeted and with this, we just don't have a choice. You can bet that we will have to be adding more and more jail space to the Detention Center from now on; just like we have to keep buying the cars for the Sheriff's Department. Sure it is crowded, but as far as I am concerned, they can sleep on the floor. Yes, I believe in pre-sentencing and that criminals need to be treated humane. But, even when you are in the service, you sleep on the bare ground. Folks, these criminals are there because they are guilty. The Criminal Justice System is broken and needs a lot addressed. People, we need to make some noise."

ASSIGNMENT - Chairman Coleman assigned the Council Committee on Criminal Justice – Council Members Wood, Tollison and Anderson; Administrator Segars, Public Works Director Scott Holland and Sheriff Chastain the task of following up on these matters as recommended by the Criminal Justice Committee.

- B.) COMMITTEE ON HEALTH AND EMERGENCY SERVICES: - Council Vice Chair and Committee Chair Diane Anderson was delayed in attending this meeting and diverted all dialog to Committee Member Tribble. Councilman Tribble reported that the Committee met with the Laurens County Health Care System Nominating Committee to select a candidate to be appointed to the Board of Trustees. Collectively the nominee selected was Erskine Jacks.

As a MOTION and a SECOND from the Committee, COUNCIL VOTED 7-0 to approve the nomination of Mr. Erskine Jacks. This nomination will now be submitted to the Governor for appointment consideration.

BRIEFING - ORDINANCE #655 – MANUFACTURED HOMES – At a previous meeting, Laurens County Building Official, Buddy Skinner brought his concerns to Council as it related to the recently amended Manufactured Home Ordinance. Council directed Mr. Skinner to take these concerns back to the Planning Commission for their recommendations as to how to address these concerns. After having been discussed among the Planning Commission, Mr. Skinner said, "The Planning Commission met on September 23rd and discussed in detail the issues at have with the amended Ordinance #655 as it relates to Manufactured Homes. They are recommending the following changes to be made to Ordinance #655:

Definitions: 8.) Manufactured or Mobile Home Park: Any parcel of land being used for the purpose of supplying parking space on a rental or lease basis for four or more manufactured or mobile homes and which may include buildings, structures, vehicles or enclosures used or intended for use as part of such Manufactured or Mobile Home Park.

NOTE - The Planning Commission requests that "four or more" be removed from this section of the ordinance. This is recommended to help control the new issue of 3-home manufactured home parks.

Councilman Wood said, “I feel that it is my job on this County Council to serve the people with a voice. If we need another box unit in this county then the time is here. I request that this be put to a committee for consideration.”

Administrator Segars said, “This has been an issue for over thirty years and it is all related to where the citizens are located and their preferences of hospitals; this puts EMS in a bad position especially when we only have four (4) box units in Laurens County. Adding on the fifth unit has been discussed many times with the costs involved for a box unit and the staffing of the unit becoming the obstacle.”

Vice Chair Anderson asked what was the real question; to purchase a new box unit or to change the transport policy? Councilman Wood replied that he just provided this information to Council as a fact and to take it to committee.

Continuing, Councilman Wood said, “This family was billed fourteen thousand dollars (\$14,000) just for a helicopter ride to a hospital that she did not request. This is not a lone situation; there have been at least five in the past six months. ”

Chairman Coleman referred these concerns to the County Council Committee on Health and Emergency Services to study the current policy and out-of-county transport and to make recommendations to the full Council at a future meeting.

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

- 1.) Fire Chief Wrenn, requested that Council consider having some of the Fire Chiefs on the search committee to find a replacement for Mr. Blackwell.

With no one else wishing to address Council, Chairman Coleman closed the public comments segment at 6:24 P.M.

ORDINANCE #669 – GENERAL OBLIGATION BOND – PRESBYTERIAN COLLEGE PHARMACY SCHOOL

– As an added agenda item, Council Wood said, “I am being asked and ridiculed by some people to sign on a dotted line to give this money to the City of Clinton. Ordinance 667 was written to give the money to the City of Clinton so they could give it to Presbyterian College. This was turned down after we spend over twenty thousand dollars on lawyer fees and told by PC lawyers that this was against the law. Ordinance 669, page two - The Council, after due investigation and deliberation.... – I am part of this Council and have never been involved with any of this activity for the parking lot - has determined that it is necessary to issue, in an amount not exceeding \$775,000, a general obligation bond (the “Bond”) of the County to acquire parcels of real property, pave and improve them and thereby provide public parking facilities in downtown Clinton to reduce traffic congestion and alleviate a parking shortage that is expected to result from a \$14 Million to \$20 Million economic development project located within the City, whereby a local college will acquire and redevelop a large, vacant institutional building in the downtown area of the City and convert it for use as a new School of Pharmacy. The foregoing acquisition of real property for parking facilities and the improvements thereon will be referred to as the “Improvements.” The City will also invest approximately \$750,000 in economic development costs during the same time period- I have a few questions that I would like to have answered before the next County Council meeting. I would like to know when a Councilman investigated this. I have never heard the City of Clinton ask for a parking lot. I asked Attorney Cruickshanks where this idea came from and he stated that he had to take credit for that, that it was his idea. The intent is still there to give this money to Presbyterian College.”

Continuing, Councilman Wood said, “In the Ordinance, section 8 / b.....The proposed project involves the County’s acquisition of a several parcels of land in the downtown area of the City....I asked where was the property and how much this land was going to cost the County...have there been any deeds written.....have their been any studies made.....I want to see all of this on paper.”

Continuing, Councilman Wood said, “In the Ordinance, section 8 / f.....The Improvements will involve the investment of approximately \$250,000 in acquisition costs of the land for the parking facilities...where did the two hundred fifty thousand dollars come from? If we are going to spend this money on land, I want to know where it is.....with the

actual cost to be determined by independent appraisal, and the investment of approximately \$400,000 in the cost of paving, installing appropriate lighting and required landscaping...where and how did we come up with the four hundred thousand dollars?....someone has got the information some where or are we pulling the numbers out of the air? I don't think I need to tell everyone about how our economy in the last few days has gotten bad. If I was going to buy a new house and borrow money to do it I would need to know how much money I would need to buy it. We are just throwing money away. I also understand that the Farm Bureau has sent a resolution to the County where they state their opposition to the Ordinance.”

COUNTY COUNCIL COMMENTS:

- 1.) Chairman Coleman stated for the record as it relates to the web site generated by those in opposition to the Presbyterian College Pharmacy School that the Jim Coleman noted on the web site is another Jim Coleman from the City of Clinton.
- 2.) Councilman Wood said, “I feel like I am a businessman and I want to know the facts. I even asked for the tax exempt properties in the City of Clinton...and, I received three pages of property listings.”

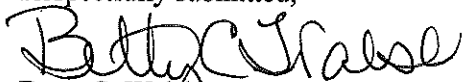
EXECUTIVE SESSION – VICE CHAIR ANDERSON made the MOTION for Council to move into executive session at 6:35 P.M. to discuss an economic development project and a personnel matter. COUNCILMAN TOLLISON SECONDDING; VOTE 7-0.

There was a CONSENSUS of COUNCIL to return to open session at 7:25 P.M.

RETURNING TO OPEN SESSION – COUNCILMAN NASH made the MOTION for Council to authorize the County Administrator to disburse funds from existing economic development accounts for the purpose of compliance with the previously approved development agreements with Project Goldbug with the understand that these funds will be recovered and replaced through the Special Source Revenue Credit approved for this project. SECONDED by COUNCILMAN TOLLISON; VOTE 7-0.

ADJOURNMENT – With no further business to conduct, there was a CONSENSUS to adjourn the meeting at 7:40 P.M.

Respectfully submitted,



Betty C. Walsh
Clerk to Council