



MINUTES
JULY 14, 2015
LAURENS COUNTY COUNCIL
HISTORIC COURTHOUSE – PUBLIC SQUARE
COUNTY COUNCIL CHAMBERS

ATTENDANCE: COUNCIL MEMBERS PRESENT- County Council Chairman Joe Wood and Vice Chairman Tollison; County Council Members: Diane Anderson, Stewart Jones and Ted Nash.

COUNCIL MEMBERS ABSENT – Council Member David Pitts. Councilman Edward McDaniel (deceased).

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

DEPARTMENT HEADS PRESENT: Laurens County Public Works Director Rob Russian; Captain Tyson, Detention Center Administrator; Laurens County Fire Director, Gregg Lindley; Laurens County Emergency Medical Services, Chad Burrell, Director; and Laurens County Human Resources Manager, Debi Parker.

PRESS: Vic McDonald, *The Clinton Chronicle*; Ida Cadmus, *WLBG Radio*, Billy Dunlap, *GoLaurens.com* and Corey Engle, *The Laurens County Advertiser*.

SCHEDULED MEETING AGENDA ITEMS - 1.) Call to Order – Chairman Wood; 2.) Invocation, Councilman Pitts; 3.) Pledge of Allegiance; 4.) Approval of Agenda, July 14, 2015; 5.) Approval of Minutes – June 23, 2015; 6.) Public Hearing, Ordinance #791, “An Ordinance Authorizing the Execution And Delivery of a Fee Agreement By And Between Laurens County, South Carolina And CB&I Laurens, Incorporated, Providing For a Payment of a Fee In Lieu of Taxes, The Issuance of Special Source Revenue Credits. And Other Matters Related Thereto, And Authorizing An Extension of the Termination Date of a Fee Agreement Entered Into By And Between Laurens County and CB&I Laurens, Incorporated (As Successor to B.F. Shaw, Incorporated) Dated November 25, 2008; 7.) Third Reading, Ordinance #791, “An Ordinance Authorizing the Execution and Delivery of a Fee Agreement By And Between Laurens County, South Carolina And CB&I Laurens, Incorporated, Providing For a Payment of a Fee In Lieu of Taxes, The Issuance of Special Source Revenue Credits. And Other Matters Related Thereto, And Authorizing An Extension of the Termination Date of a Fee Agreement Entered Into By And Between Laurens County and CB&I Laurens, Incorporated (As Successor to B.F. Shaw, Incorporated) Dated November 25, 2008; 8.) Second Reading, Ordinance #792 – “An Ordinance to Amend the Existing Agreement For Development of Joint County Industrial And Business Park By and Between Laurens County, South Carolina and Greenville County, South Carolina, To Enlarge the Boundaries of the Park to Include Certain Additional Proper Located in Laurens County, South Carolina And Greenville County, South Carolina, To Enlarge The Boundaries of the park to Include Certain Additional Property Located in Laurens County, South Carolina And presently owned And Or Operated by a Company Identified For The Time Being As Project Zeus or One or More of Its Affiliates or Related Companies; (2) And Authorizing Other Related Matters”; 9.) Resolution #2015-16, Inducement Resolution “Identifying a project to satisfy the requirements of Title 12, Chapter 44 of the South Carolina Code, so as to Allow Investment Expenditures incurred by a company known to the County as “Project DVZ””; 10.) First Reading, Ordinance #794 – “An Ordinance Authorizing the Execution and Delivery of a Fee Agreement By And Between Laurens County, South Carolina And “Project DVZ”... 11.) Second Reading - Ordinance #784, “An Ordinance Authorizing (1) The Execution and Delivery of a Fee In Lieu of Tax and Incentive Agreement by and Between Laurens County, South Carolina (The “County”) And a Company Identified For The Time Being As “Project Needle”, Acting For Itself, One Or More Affiliates Or Other Project Sponsors (The Company”), Pursuant to Which The County Shall Covenant To Accept Certain Negotiated Fees In Lieu Of Ad Valorem Taxes (Negotiated FILOT) With Respect To The Expansion Of Certain Facilities In the County (The Expansion Project) (2) The Benefits of A Multi-County Industrial Or Business Park To Be made Available To The Company And The Expansion Project; (3) Certain Special Source Revenue Credits In Connection With The Project; (4) The Conversion And Re-Documentation of an Existing Lease Purchase

Agreement By And Between The County And The Company (As Successor In Interest To a Company Known For the Time Being As Project Needle Predecessor Company) Pertaining To The Company's Existing Negotiated FILOT Arrangements With Respect To Certain Existing Facilities Located In The County; And (5) Other Matters Relating Thereto"; 12.) Second Reading, Ordinance #790, "An Ordinance (1) To Amend The Existing Agreement For Development Of Joint County Industrial And Business Park By And Between Laurens County, South Carolina And Greenville County, South Carolina, To Enlarge The Boundaries Of the Park To Include Certain Additional Property Located In Laurens County, South Carolina, And Presently Owned And / Or Operated By A Company Identified For the Time Being As Project Needle Or One Or More Of Its Affiliates Or Related Companies (2) And Authorizing Other Related Matters"; 13.) Approval of nominations for the Laurens County Accommodations Tax Advisory Committee; 14.) Appointment, Laurens County Planning Commission – Councilman Jones, District #4; 15.) Briefing, Agenda Guidelines / Executive Session Protocol – Sandy Cruickshanks, County Attorney; 16.) Briefing, Road Closure, Johnny Riser Road – Rob Russian, Public Works Director; 17.) First Reading, Ordinance #796, Laurens County Fire Protection Services, Budget(s) (by title only); 19.) Report, County Council Committee on Budget and Finance – Vice Chairman Tollison, Committee Chair; 20.) Administrative Report - County Administrator Ernie Segars; 21.) 6:00 P.M. Public Comments;; 22.) Comments from Council Members; 23.) Adjournment.

MEETING NOTIFICATION - The County Council Members, Department Heads, requesting general public and the Press were informed of the meeting in a timely manner. Postings of the Agenda were posted in County facilities on their bulletin boards and also posted on the County web Site.

CALL TO ORDER – Chairman Wood called the meeting to order and invited all to stand for the invocation and the Pledge of Allegiance. In the absence of Councilman Pitts, Chairman Wood provided the invocation.

APPROVAL OF AGENDA – Chairman Wood called for approval of the agenda with any additions.

VICE CHAIRMAN TOLLISON made the MOTION to approve the agenda as presented with the addition and deletion; COUNCILMAN NASH SECONDDING; VOTE 5-0.

APPROVAL OF MINUTES – COUNCILMAN JONES made the MOTION to approve the minutes from the June 23, 2015 regular session of Council. COUNCILMAN NASH SECONDDING; VOTE 5-0.

PUBLIC HEARING, ORDINANCE #791 – “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN LAURENS COUNTY, SOUTH CAROLINA AND CB&I LAURENS, INC. PROVIDING FOR A PAYMENT OF A FEE IN LIEU OF TAXES, THE ISSUANCE OF SPECIAL SOURCE REVENUE CREDITS, AND OTHER MATTERS RELATED THERETO; AND AUTHORIZING AN EXTENSION OF THE TERMINATION DATE OF A FEE AGREEMENT ENTERED INTO BY AND BETWEEN LAURENS COUNTY AND CB&I LAURENS, INC. (AS SUCCESSOR TO B.F. SHAW, INC.) DATED NOVEMBER 25, 2008 – Chairman Wood opened the Public Hearing at 5:35 P.M.

Mr. Will Johnson, representing Attorney, informed Council by saying, “This is a \$4.4 million industrial project that includes building and equipment expansions with fifty six (56) new employees over the next five (5) years. This project will be in need of welders and the company will offer training. This is a company that has well over fifty five thousand (55,000) employees around the world. We wish to extend our gratitude to the Laurens County Council for all of their support”.

With no other comments, Chairman Wood closed the public hearing at 5:39 P.M.

- a.) **THIRD READING, ORDINANCE #791 – “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN LAURENS COUNTY, SOUTH CAROLINA AND CB&I LAURENS, INC. PROVIDING FOR A PAYMENT OF A FEE IN LIEU OF TAXES, THE ISSUANCE OF SPECIAL SOURCE REVENUE CREDITS, AND OTHER MATTERS RELATED THERETO; AND AUTHORIZING AN EXTENSION OF THE TERMINATION DATE**

OF A FEE AGREEMENT ENTERED INTO BY AND BETWEEN LAURENS COUNTY AND CB&I LAURENS, INC. (AS SUCCESSOR TO B.F. SHAW, INC.) DATED NOVEMBER 25, 2008 – COUNCILMAN NASH made the MOTION to approve Ordinance #791 upon third reading as presented, with COUNCILWOMAN ANDERSON SECONDING; VOTE 4-0-1 (Vice Chairman Tollison abstained due to work related position).

SECOND READING – ORDINANCE #792 – “AN ORDINANCE (1) TO AMEND THE EXISTING AGREEMENT FOR DEVELOPMENT OF JOINT COUNTY INDUSTRIAL AND BUSINESS PARK BY AND BETWEEN LAURENS COUNTY, SOUTH CAROLINA AND GREENVILLE COUNTY, SOUTH CAROLINA, TO ENLARGE THE BOUNDARIES OF THE PARK TO INCLUDE CERTAIN ADDITIONAL PROPERTY LOCATED IN LAURENS COUNTY, SOUTH CAROLINA AND PRESENTLY OWNED AND/OR OPERATED BY A COMPANY IDENTIFIED FOR THE TIME BEING AS PROJECT ZEUS OR ONE OR MORE OF ITS AFFILIATES OR RELATED COMPANIES; (2) AND AUTHORIZING OTHER RELATED MATTERS” - County Attorney Cruickshanks stated that Council knows this as Project Zen and it is a proposed three million dollar (\$3,000,000) project that will have forty five (45) jobs available.

COUNCILWOMAN ANDERSON made the MOTION to approve Ordinance #792 upon second reading as presented with VICE CHAIRMAN TOLLISON SECONDING; VOTE 5-0.

RESOLUTION #2015-17, INDUCEMENT RESOLUTION – “IDENTIFYING A PROJECT TO SATISFY THE REQUIREMENTS OF TITLE 12, CHAPTER 14 OF THE SOUTH CAROLINA CODE, SO AS TO ALLOW INVESTMENT EXPENDITURES INCURRED BY A COMPANY KNOWN TO THE COUNTY AS “PROJECT DVZ” ITS AFFILIATES AND RELATED ENTITIES, TO QUALIFY AS EXPENDITURES ELIGIBLE FOR A FEE-IN-LIEU OF AD VALOREM TAXES ARRANGEMENT WITH LAURENS COUNTY, SOUTH CAROLINA; COMMITTING TO ENTER INTO NECESSARY AGREEMENTS WITH THE COMPANY TO EFFECT THE INTENT OF THIS RESOLUTION; AND OTHER MATTERS RELATED THERETO” – Attorney Cruickshanks stated that this is a new industrial project for the Owings Park II and is a twenty three million eight hundred dollars (\$23,800,000) project.

COUNCILWOMAN ANDERSON made the MOTION to approve the Resolution as requested with COUNCILMAN NASH SECONDING; VOTE 5-0.

FIRST READING, ORDINANCE #794 – “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE INCENTIVE AGREEMENTS BY AND BETWEEN LAURENS COUNTY, SOUTH CAROLINA, AND A COMPANY KNOWN TO THE COUNTY AS PROJECT DVZ, AS SPONSOR, AND ONE OR MORE EXISTING OR TO-BE-FORMED OR ACQUIRED SUBSIDIARIES, OR AFFILIATED OR RELATED ENTITIES AND CERTAIN SPONSOR AFFILIATES, TO PROVIDE FOR A FEE IN LIEU OF AD VALOREM TAXES INCENTIVE; TO PROVIDE FOR A SPONSOR AFFILIATE; AND TO ENTER INTO ANY OTHER NECESSARY AGREEMENTS WITH THE SPONSOR TO EFFECT THE INTENT OF THIS ORDINANCE; AND OTHER RELATED MATTERS”. – VICE CHAIRMAN TOLLISON made the MOTION to approve Ordinance #794 upon first reading as presented with COUNCILMAN NASH SECONDING; VOTE 5-0.

SECOND READING - ORDINANCE #784, AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN LAURENS COUNTY, SOUTH CAROLINA (THE “COUNTY”) AND A COMPANY IDENTIFIED FOR THE TIME BEING AS PROJECT NEEDLE, ACTING FOR ITSELF, ONE OR MORE AFFILIATES OR OTHER PROJECT SPONSORS (THE “COMPANY”), PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF AD VALOREM TAXES (“NEGOTIATED PILOT”) WITH RESPECT TO THE EXPANSION OF CERTAIN FACILITIES IN THE COUNTY (THE “EXPANSION PROJECT”); (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE EXPANSION

PROJECT; (3) CERTAIN SPECIAL SOURCE REVENUE CREDITS IN CONNECTION WITH THE EXPANSION PROJECT; (4) THE CONVERSION, RE-DOCUMENTATION, AND TRANSFER OF

AN EXISTING NEGOTIATED PILOT ARRANGEMENT PREVIOUSLY ENTERED INTO BY AND BETWEEN THE COUNTY AND THE COMPANY WITH RESPECT TO CERTAIN EXISTING PROPERTY LOCATED IN THE COUNTY; AND (5) OTHER MATTERS RELATING THERETO. - COUNCILMAN NASH made the MOTION to approve Ordinance #794 upon first reading as presented with COUNCILMAN NASH SECONDING; VOTE 5-0.

SECOND READING, ORDINANCE #790 – “AN ORDINANCE (1) TO AMEND THE EXISTING AGREEMENT FOR DEVELOPMENT OF JOINT COUNTY INDUSTRIAL AND BUSINESS PARK BY AND BETWEEN LAURENS COUNTY, SOUTH CAROLINA AND GREENVILLE COUNTY, SOUTH CAROLINA, TO ENLARGE THE BOUNDARIES OF THE PARK TO INCLUDE CERTAIN ADDITIONAL PROPERTY LOCATED IN LAURENS COUNTY, SOUTH CAROLINA AND PRESENTLY OWNED AND/OR OPERATED BY A COMPANY IDENTIFIED FOR THE TIME BEING AS PROJECT NEEDLE OR ONE OR MORE OF ITS AFFILIATES OR RELATED COMPANIES; (2) AND AUTHORIZING OTHER RELATED MATTERS”. COUNCILWOMAN ANDERSON made the MOTION to approve Ordinance #790 upon second reading as presented with VICE CHAIRMAN TOLLISON SECONDING; VOTE 5-0.

Attorney Cruickshanks stated that this allows the company to be placed in the Sterilite Multi County Professional Park.

APPROVAL OF NOMINATIONS – LAURENS COUNTY ACCOMMODATIONS TAX ADVISORY COMMITTEE - Andy Howard, Director, Laurens County Parks Recreation and Tourism, appeared before Council requesting approval of the submitted nominations for the Laurens County Accommodations Tax Advisory Committee.

NAME / ADDRESS	EMPLOYER	CLASSIFICATION	APPOINTED DATE	EXPIRATION DATE
Mike Johnson	Owner, Operator Clinton House	Hospitality Cultural	7/14/2015	1/1/2016
Kirit Naik	Restaurant Trotters	Hospitality Restaurant	7/14/2015	1/1/2016
Ray Stoddard	Manager/Operator Stoddard Catering	Hospitality Restaurant	7/14/2015	1/1/2016
Mike Hobby	Moons Landing Owner, Operator	Hospitality Lodging	7/14/2015	1/1/2016
Jane Blackwell	Martins Restaurant	At-Large	7/14/2015	1/1/2016
Robert "Bob" Wallace	Comfort Suites	Hospitality Lodging	7/14/2015	1/1/2016
Billy Wilson	Laurens County	At-Large	7/14/2015	1/1/2016
John Topping	Historian	Cultural	7/14/2015	1/1/2016

VICE CHAIRMAN TOLLISON made the MOTION to approve the appointments as presented with COUNCILWOMAN ANDERSON SECONDING; VOTE 5-0.

APPOINTMENT, LAURENS COUNTY PLANNING COMMISSION – As a MOTION, COUNCILMAN JONES, District #4, requested the appointment of Mrs. Elizabeth Holmes as a member of the Laurens County Planning Commission. Mrs. Holmes would be replacing the recently vacated seat of Ernest Whiteford. COUNCILMAN NASH SECONDING; VOTE 5-0.

BRIEFING, AGENDA GUIDELINES / EXECUTIVE SESSION PROTOCOL – County Attorney Cruickshanks reviewed the following documents as to the required protocol procedures for the newly approved legislation for agendas and executive sessions.

a.) Executive Session - The following categories are the only matters appropriate for discussion in Executive Session.

- 1.) Contractual negotiations and/or legal advice - discussions related to confidential/pending contractual matter; limited to negotiations incident to proposed contract or proposed sale or purchase of property or discussions related to legal advice on matters covered by attorney-client privilege; limited to legal advice on pending, threatened or potential claim, settlement of claims or adversarial positions.
- 2.) Employment matters - discussions related to confidential personnel matter; limited to appointment, employment, compensation, promotion, demotion, discipline or release of employee or concerning person regulated by public body (includes board and commissions). Cannot state “personnel matter”.
- 3.) Economic Development and/or business recruitment - discussions related to incentives proposed for industrial prospect; limited to proposed location, expansion or provision of services to encourage location, expansion of industry or business.
- 4.) Security personnel and devices - rarely used but limited to any matters of security for county or Council.
- 5.) Investigative proceedings concerning criminal misconduct - rarely used; limited to discussions of an investigation of criminal misconduct by a person regulated by the County Council.

- Key elements to all of above:

Chairman must state the *SPECIFIC PURPOSE (S)* for the Executive Session before receiving a motion from the floor.

Then a Council member can simply make a motion to enter Executive Session for the stated *SPECIFIC PURPOSE (S)* as set forth by the Chair.

When Council returns to open session, state no action taken OR receive motion if needed to take action on one or more of the matters discussed.

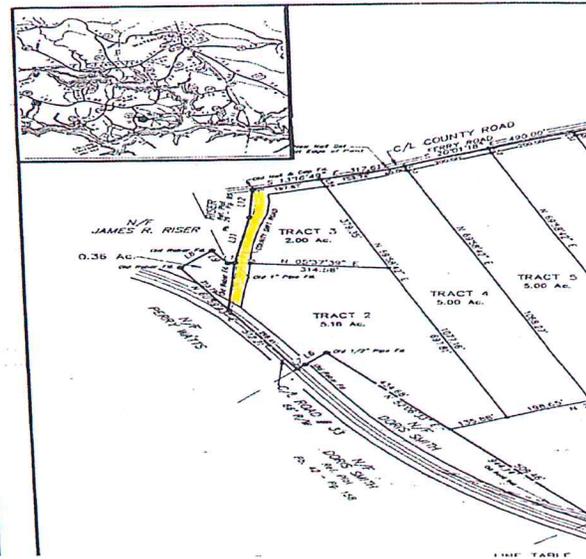
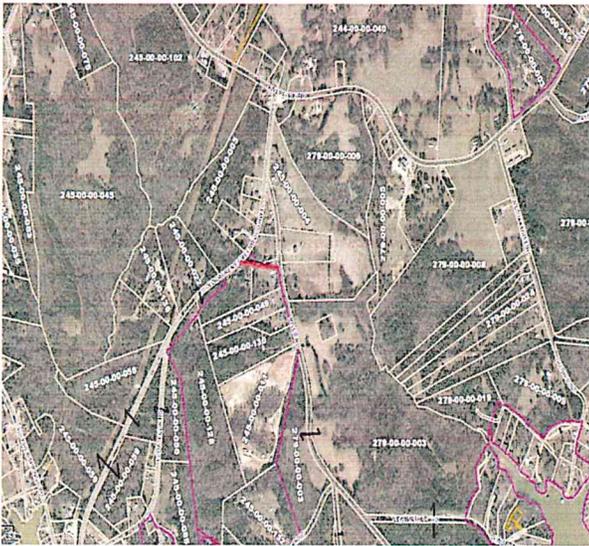
b.) Agenda Guidelines:

- 1.) All Agendas must be posted on a bulletin board in a publicly accessible place at the office or meeting place of the public body and on a public website maintained by the body, if any, at least twenty four (24) hours prior to such meetings. All public bodies must post on such bulletin board or website, if any, public notice for any called, special, or rescheduled meetings. Such notice must include the agenda, date, time, and place of the meeting, and must be posted as early as is practicable but not later than twenty four (24) hours before the meeting.
- 2.) This requirement does not apply to emergency meetings of public bodies. Once an agenda for a regular, called, special, or rescheduled meeting is posted, no items may be added to the agenda without an additional twenty four (24) hour notice to the public, which must be made in the same manner as the original posting. After the meeting begins, an item upon which action can be taken may only be added to the agenda by a two-thirds vote of the members present and voting. However, if the item is one upon which final action can be taken at the meeting or if the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given, it may only be added to the agenda by a two-thirds vote of the members present and voting and upon a finding by the body that an emergency or an exigent circumstance exists if the item is not added to the agenda. An example of an exigent circumstance is where County Council has to approve a matter in order

to meet a deadline for a grant qualification. If this item was not on the posted agenda and Council does not amend the agenda to address this matter, the county will lose the opportunity to obtain the grant. The Act does not change the notice requirements for matters that require a public hearing, such as the budget.

Following the briefing, Attorney Cruickshanks stated that this agenda ruling was not a final ruling with decisions made and it largely involved municipalities not so much the County's.

BRIEFING, ROAD CLOSURE, JOHNNY RISER ROAD – Briefing Council, Rob Russian, Public Works Director, said, “A petition was submitted to close Johnny Riser Road by Mr. James I. Brown, Jr., owner of property in Springwood Farms Subdivision which is off of Riverfork Road in the Waterloo Community. This road has been commonly known as a connecting roadway between Riser Road and the Old Laurens-Greenwood Highway. This roadway has been abandoned over the years and is not used. All other adjoining landowners have agreed with Mr. Brown to permanently and legally close Johnny Riser Road.



From Riser Road



From Old Laurens / Greenwood Highway

- ▶ Road has not been worked by Laurens County Roads and Bridges Department in the last 20+ years
- ▶ No current employee has any recollection of ever doing any work to the road
- ▶ Road is currently blocked from access by trees, vegetation, structures, etc.
- ▶ Laurens County Public Works Department has no objection to the formal closing of the road.

VICE CHAIRMAN TOLLISON made the MOTION to accept the request for road closure of Riser Road, with COUNCILMAN JONES SECONDING for further discussion.

Councilman Jones asked who would now get the property upon closure. Attorney Cruickshanks replied that there was never a right of way granted that this was a former cut-through / shortcut made during the fifties and sixties. There has never been any records of county maintenance therefore there is nothing to give.

COUNCIL VOTED 4-1 (Councilman Nash was in opposition).

FIRST READING, ORDINANCE #796, LAURENS COUNTY FIRE PROTECTION SERVICE BUDGET(S) (BY TITLE ONLY – Administrator Segars advised that first reading would be by title only, using the amounts from last years approved budget.

COUNCILWOMAN ANDERSON made the MOTION to approve upon first reading by title only with COUNCILMAN JONES SECONDING; VOTE 5-0.

REPORT – COUNTY COUNCIL COMMITTEE ON BUDGET AND FINANCE – As Council Committee Chairman, Councilman Tollison stated that the County Council Committee on Budget and Finance met Thursday evening, July 9, 2015 to begin discussions concerning the repairs and future use of the Church Street Office Complex.

Continuing, as Committee Chair, and as a MOTION AND A SECOND from the Committee, Committee Chairman Tollison said, “Mr. Rob Russian, Director of Public Works presented us a brief orientation of facts concerning the roof conditions of the Church Street Office and we discussed possible use of the office space by other county departments. The Council Committee on Budget and Finance makes the recommendation to the full Council to move forward with the complete roof restoration for the Church Street Office Complex using the 2014-2015 Fiscal Year Contingency Account Funds as a rollover to complete the total cost amount of sixty one thousand dollars (\$61,000). Approximate costs: \$61,000 (total cost) minus \$48,828.10 (allocated amount holding) = \$12,141.90 (2014/2015 Contingency Account rollover)”.

The FULL COUNCIL VOTED 5-0 to proceed with the roofing.

ADMINISTRATIVE REPORT – Administrator Segars informed Council of several upcoming meetings and stated that the bond monies for the fire construction would be placed on account with the Office of the County Treasurer tomorrow, Wednesday, July 15th. Of the thirteen (13) Fire Departments, nine (9) have agreed utilizing the bond monies and to the options of the ownership of the buildings. The other four (4) are looking at other options.

Continuing, Administrator Segars informed Council that the Laurens County Emergency Medical Services has been awarded a one hundred twenty seven thousand dollar (\$127,000) Federal Emergency Medical Grant with a local match of twelve thousand dollars (\$12,000).

PUBLIC COMMENT – Chairman Wood opened the floor for public comment at 6:31 P.M. Having no one wishing to address Council, Chairman Wood closed the session at 6:31 P.M.

COUNTY COUNCIL COMMENTS:

- 1.) Vice Chairman Tollison congratulated EMS Director Chad Burrell for securing the FEMA Grant for the County and wished the attending candidates for County Council District #3 well in the upcoming election.
- 2.) Councilman Nash stated that he was thankful that more industry is looking at and coming to Laurens County.
- 3.) Chairman Wood echoed the same sentiments to the attending Council District #3 candidates and that he was looking forward to welcoming and working with the new member of Council.

ADJOURNMENT – With no further action required by Council, Chairman Wood adjourned the meeting at 6:30 P.M.

Respectfully Submitted: Betty C. Walsh, Laurens County Clerk to Council

