

MINUTES

LAURENS COUNTY COUNCIL APRIL 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 Public Works Director Scott Holland; Laurens County Attorney Sandy Cruickshanks and Laurens County Clerk to Council Betty Walsh.

PRESS: Emil Finley, WLGG-Radio; Bristow Marchant, *The Clinton Chronicle* and Amanda Capps, Go-Laurens Web Site.

SCHEDULED MEETING AGENDA ITEMS - ① Approval of Agenda, April 8, 2008; ② Approval of Minutes from March 11, 2008 regular session; ③ Public Hearing, Ordinance 654, "Amending Ordinance #619; Providing for the Deficit Elimination and to Establish a Reserve and Contingency Account; ④ Third Reading, Ordinance 654, "Amending Ordinance #619; Providing for the Deficit Elimination and to Establish a Reserve and Contingency Account; ⑤ Resolution Presentation – Dr. Lex Walters; ⑥ Harvest Hope Food Bank; ⑦ First Reading, Ordinance #656 "An Ordinance amending certain sections of the Laurens County Flood Prevention Ordinance #407; ⑧ Ordinance #655, Second Reading, Amending Mobile Home Ordinances, #529 and #401 ⑨ Resolution "Fair Housing Month"; ⑩ Committee Reports: A.) Budget and Finance, B.) Planning and Intergovernmental Affairs; (11) Legal Briefing – Laurens County Planning Commission Responsibilities; (12) Resolution, Bell Street Middle School Olympiad Team.

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 April 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 and with everyone continuing standing for the Pledge of Allegiance.

APPROVAL – AGENDA – APRIL 8, 2008 – Chairman Coleman noted that the presentation to Dr. Lex Walters had been postponed until April 22nd. COUNCILMAN TRIBBLE made the MOTION to approve the Agenda with the additions of: a Resolution honoring Ms. Bertha Bailey; a Resolution concerning the Mountville waterline; Executive Session for an economic development project; Project Doughnut – Resolution and Inducement Agreement, First Reading by title only a Multi County Industrial Park Agreement. First Reading by title only a Fee-In-Lieu-Of-Taxes Agreement. A SECOND was made from VICE CHAIR ANDERSON; VOTE 7-0.

APPROVAL – MINUTES – MARCH 11, 2008 – VICE CHAIR ANDERSON made the MOTION to approve the minutes from the March 11, 2008 meeting with COUNCILMAN TRIBBLE SECONDING; VOTE 7-0.

PUBLIC HEARING, ORDINANCE #654 – AMENDING LAURENS COUNTY ORDINANCE #619; PROVIDING FOR DEFICT ELIMINATION AND TO ESTABLISH A RESERVE AND CONTINGENCY ACCOUNT – Chairman Coleman opened the floor for public comments at 5:33 P.M. With no one wishing to address Council, Chairman Coleman closed the hearing at 5:34 P.M.

THIRD READING, ORDINANCE #654 – AMENDING LAURENS COUNTY ORDINANCE #619; PROVIDING FOR DEFICIT ELIMINATION AND TO ESTABLISH A RESERVE AND CONTINGENCY ACCOUNT – VICE CHAIR ANDERSON made the MOTION to approve Ordinance #654 upon third reading with COUNCILMAN NASH SECONDDING; VOTE 7-0.

RESOLUTION PRESENTATION – DR. LEX WALTERS – Chairman Coleman informed all that this presentation had been rescheduled for April 22nd.

HARVEST HOPE FOOD BANK – Ms. Vickie Brennon appeared before Council to brief Council of their agency and to request twenty five thousand dollars (\$25,000) during the budget deliberations for Laurens County. Ms. Brennon stated that the face of hunger is not just the homeless and that are drastic choices being made within families to remedy their situations. Currently there are four (4) Harvest Hope Food Banks in Laurens County – United Ministries of Clinton; Clinton Elizabeth Street Church of God; The Open Door Christian Center of Clinton and Wayside Baptist Church of Laurens. The goals cited for 2008 in Laurens County consisted of increasing the total pounds distributed to 1.0 million pounds; identify underserved communities; recruit new partner agencies to distribute in Laurens County and to build Laurens County Community relationships with potential donors, sponsors, volunteers and other social service agencies and organizations. Some of the statistics provided to Council consisted of the following:

2007 Annual Statistical Summary for Laurens County, South Carolina

Distributed approximately 70,208 pounds of food
Served approximately 16 meals
Provided emergency groceries for 2,791 families (of these, 2,688 families received USDA)
Monthly average of total pounds distributed: 10,030 lbs of food to 399 families and 2 individuals
Four partner agencies served 2 Laurens County Communities
Underserved Hunger need by 773,992 pounds in Laurens County

Food Need Calculator

A2H required annual minimum pounds per person below poverty	87.5 lbs
A2H 2006 total persons below poverty living in Laurens County	9,648
Total pounds to meet hunger need (AXB)	844,200 lbs
Economic value of food (CX \$1.59 pound)	\$ 1,342,278.00
Shared Maintenance Fee (SMF) (covers cost of transporting, sorting and warehousing of food)	\$ 0.18
Total SMF for total pounds to meet hunger need in County (CXE)	\$ 151,956.00
Benefit savings to Agency (D-E)	\$ 1,190,322.00
2007 Total pounds distributed in Laurens County	70,208 lbs
Met hunger need or Underserved hunger need (C-H)	- <773,992 lbs>
yearly minimum lbs distributed per agency	211,050 lbs (\$37,989.00)
monthly minimum lbs distributed per agency	17,588 lbs (\$3,165.84)

Chairman Coleman thanked Ms. Brennon for her information.

FIRST READING, ORDINANCE #656, “AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE LAURENS COUNTY FLOOD DAMAGE PREVENETION ORDINANCE #407.” - In review, Building Codes Enforcement Officer, Buddy Skinner explained that the South Carolina Department of Natural Resources (DNR) had submitted a request to make certain administrative changes to the present management ordinance that was approved in 1996 (#407) and amended in 2005 (#611). The Planning Commission reviewed this request at their last meeting and agreed to forward the request on to the full County Council for their endorsement. Those changes are as follows:

- 1.) Section 130 - DELETE the statement, “Any revisions thereto...”
- Cause – The automotive adoption clause is not valid in South Carolina according to the Attorney General
- 2.) Section 210 - ADD the following definition, “Violation – “the failure of a structure or other development to be fully compliant with these regulations.”

Following a brief history of the Ordinance, COUNCILMAN NASH made the MOTION to approve the requested changes with VICE CHAIR ANDERSON SECONDING; VOTE 7-0.

Councilman Nash asked if this would have any effect on the new subdivision now in progress in his district and, noted that he knew the area as flooded in years past. Mr. Skinner replied that it would be determined by the flood zone maps.

Councilman McDaniel questioned the accuracy of the flood zone maps. Mr. Skinner replied that the present maps are in excess of twenty (20) years old and that hopefully with the GIS coming on line for the County that map revisions will be possible.

SECOND READING - ORDINANCE #655 – “AN ORDINANCE TO AMEND ORDINANCE #529 AND ORDINANCE #401 “THE MANUFACTURED HOME ORDINANCE” - COUNCILMAN WOOD made the MOTION to approve upon second reading on Ordinance #655. VICE CHAIR ANDERSON SECONDING; VOTE 7-0.

Administrator Segars added that the Planning Commission is meeting next week and will be continuing to evaluate this draft Ordinance with hopes for re-draft for Council’s final approval.

RESOLUTION – “FAIR HOUSING MONTH” – COUNCILMAN MCDANIEL made the MOTION to approve Resolution establishing April, 2008 as “Fair Housing Month” in Laurens County. VICE CHAIR ANDERSON SECONDING; VOTE 7-0.

RESOLUTION – HONORING CENTURIAN BERTHA BAILEY – As a MOTION VICE CHAIR ANDERSON requested the approval of a Resolution honoring Ms. Bertha Bailey towards her one hundredth birthday. COUNCILMAN TRIBBLE SECONDING; VOTE 7-0.

RESOLUTION – MOUNTVILLE WATERLINE - In review, Administrator Segars stated that this is a funding resolution towards the waterline in the Mountville Community.

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

Administrator Segars added that a public meeting will be held at the Church on Thursday evening.

RESOLUTION AND INDUCEMENT AGREEMENT – “PROJECT DOUGHNUT” - County Attorney Sandy Cruickshanks presented Council with a Resolution providing for an Inducement Agreement between Laurens County and Project Doughnut – i.e. Dunkin Doughnuts.

Attorney Cruickshanks stated that this is a proposed ten (10) acre site on Highway #72, within the City Limits of Clinton to consist of a commissary complex and to include a retail business within the City Limits of Clinton. This is a fairly standard Agreement.

COUNCILMAN TRIBBLE made the MOTION to approve the Resolution for the Inducement Agreement for Project Doughnut; VICE CHAIR ANDERSON SECONDING; VOTE 7-0.

ORDINANCE #657 – (by title only) MULTI-COUNTY INDUSTRIAL PARK AGREEMENT – PROJECT DOUGHNUT - COUNCILMAN TRIBBLE made the MOTION to approve Ordinance #657, by title only. VICE CHAIR ANDERSON SECONDING; VOTE 7-0

ORDINANCE #658 – (by title only) FEE-IN-LIEU-OF- TAXES - PROJECT DOUGHNUT - COUNCILMAN TRIBBLE made the MOTION to approve to approve Ordinance #658, by title only; VICE CHAIR ANDERSON SECONDING; VOTE 7-0

LEGAL BRIEFING – PLANNING COMMISSION - County Attorney Sandy Cruickshanks provided Council with an interpretation of the responsibilities of the Laurens County Planning Commission as it relates to certain county ordinances.

Attorney Cruickshanks said, “This statement is being issued due to Council questioning the actual authority of the Planning Commission when requested variances to existing ordinances and laws. As to the concept of planning for Laurens County, the General Assembly enacted the South Carolina Local Government Comprehensive Planning Enabling Act (SC Code 6-29-310 and following) in 1994. This Act allowed individual county councils to create planning commissions. Laurens County, some seven years prior, had already established a Planning Commission (1987) with certain goals and objectives. A modification of the enacting ordinance (245) was made later in 1987 (Ord. 252) and following the passage of the Comprehensive Planning Enabling Act of 1994, Laurens County Council adopted Ordinance #434, reestablishing and reconstituting the commission in compliance with the Act. In 1997; ten years after the originating local legislation, Council adopted a Comprehensive Plan as recommended by the Planning Commission. In 2003, by Ordinance #574, Council modified the election of commissioners to fit the single member concept and reiterated the need for a review of the elements of planning in accordance with the Act (every 5 years with an update every 10).

Continuing, Attorney Cruickshanks said, “The state wide enabling legislation Planning Enabling Act of 1994 is the controlling factor in the operations of a planning commission is the. The Act defines the role of a planning commission: “...to undertake a continuing planning program for the physical, social, and economic growth, development and redevelopment of ...” the county it serves. Section 6-29-340 of the Planning Enabling Act is detailed and comprehensive in setting forth and establishing the role, the duties and the responsibilities of the Planning Commission. Section A of the code section states: "In general, the planning commission has the powers as may be necessary to enable it to perform its functions and promote the planning of its political jurisdiction." Quite simply, this is the duty and the charge presented to the planning commission and whatever is necessary to meet the challenges presented within the legislation currently enacted by Council, are the tools for the planning commission to use and interpret. Section B of 6-29-340 further elaborates the discharge of the planning commission duties. *prepare and revise programs for development; *prepare and recommend adoption of authority to implement plans; * to oversee the administration of the regulations (ordinances, state law, etc); *policies and procedures to facilitate implementation of planning elements.”

Continuing, Attorney Cruickshanks said, “The overall role of County Council and the role of the Planning Commission, is a two way street. First, Council can and does from time to time refer matters to the Planning Commission for reviews, revisions, reports, etc. The Planning Commission is empowered to use any resources needed to meet and implement the legislation of Council or any request of the Council. Council is the ultimate authority in accepting recommendations; assigning task to the Commission and enacting legislation. The Planning Commission, in discharging its responsibilities, can recommend to the Council that particular local legislation be changed, altered or enacted. The focus of the Commission as set forth in the Act, is to promote public health, safety, morals, convenience, prosperity and the general welfare (and efficiency) of the county. The powers granted to them by the General Assembly and through

local ordinances are substantially broad enough to allow the Commission to meet these goals. The local planning process is outlined in 6-29-510 of the Planning Enabling Act of 1994. The opening language of that section sums it up very well: “The local planning commission shall develop and maintain a planning process which will result in the systematic preparation and continuing re-evaluation and updating of the elements considered critical, necessary and desirable to guide the development and redevelopment of (the county).”

Summarizing his legal opinion, Attorney Cruickshanks said, “The Planning Commission, hand in hand with the County Codes Department and County Council is a vital tool for the systematic and fair enforcement of all county regulatory legislation. Each and every decision that this commission faces with enforcement of regulatory legislation is with the goals and objectives established by this Council as its basis. The legislation the Planning Commission reviews and interprets flows through the enactment powers of this Council. The Planning Commission derives its authority to review and interpret ordinances, through the local legislation enacted by this Council which adopted, created and established the Commission in 1987 as well as the powers, duties and responsibilities set forth in the Planning Enabling Act of 1994.”

Councilman Wood said, “I have attended various Planning Commission meetings and have always understood that the Planning Commission makes recommendations to the County Council for approval. The Planning Commission is not an elected body and they have no ethics rules to endure nor forms to submit. I feel that the Planning Commission now has the right to change the law and ordinances of Laurens County.” Attorney Cruickshanks added, that they have the right to interpret the law and the application of the law.

Councilman Wood asked why Mr. Hurley had to come before Council with his variance needs and others do not. Attorney Cruickshanks replied, “The law is not changing but was a variance of time...this Council can state that all variances will come to Council. This Council appoints the Planning Commission members.”

RESOLUTION – HONORING BELL STREET MIDDLE SCHOOL OLYMPIAD TEAM - COUNCILMAN TRIBBLE made the MOTION to approve the Resolution honoring the team for their recent accomplishments; VICE CHAIR ANDERSON SECONDING: VOTE 7-0

PUBLIC COMMENTS – Chairman Coleman opened the floor for public comments at 6:25 P.M.

- 1.) Pastor of the Christ Central Ministries of Joanna addressed the hunger needs within Laurens County and asked for support of the Harvest Hope Food Bank.

With no further comments from the public, Chairman Coleman closed the session at 6:27 P.M.

COMMITTEE REPORTS:

- A.) Committee on Budget and Finance – Councilman McDaniel, Chairman - Committee Chairman McDaniel explained that the Committee on Budget and Finance met on March 28, 2008 to discuss and review several policy ordinances for Laurens County. The following items were discussed and now recommended for Council approval: 1.) An updated Procurement Ordinance; 2.) Travel Guidelines and Reimbursement Policy; 3.) “Accountability for Equipment Assets”; 4.) “Laurens County Government Purchasing Card Program”.

Administrator Segars requested for the Council to allow the staff to continue reviewing the documents with full implementation by July 1, 2008. The Procurement Policy included several areas that needed more discussion as it related to procuring engineering and land surveying processes.

Chairman Coleman asked for the staff to bring these documents back after the necessary changes were made.

- B.) Committee on Planning and Intergovernmental Affairs – Councilman Tribble, Chairman - Councilman Tribble said, "This Committee also met on March 28, 2008 to discuss the final preparation and implementation of the Geographic Information System (GIS) for Laurens County. The Committee agreed to recommend to full Council that the County proceed with the following this fiscal year: GIS Cadestral Data Model - \$9,516 and CAMP Intergration - \$39,711 with the source of funding being a \$50,000 grant (reimbursement) that the County will receive from the State of South Carolina for County funds required for GIS implementation (\$146,773) to be included in the FY 2009 State Budget. The County Treasurer Cynthia Burke, has agreed to provide the \$56,181 from the Delinquent Tax Program as is necessary to complete the following part of the program that was originally proposed for FY 2009. The internal website and mobile application development will allow county agencies to share the GIS data internally, to the benefit of such offices as the Treasurer and the County Election Commission."

Administrator Segars added that if Council approves this addition, the County will be required to appropriate only \$90,592 in FY 2009 to complete the project.

EXECUTIVE SESSION – Upon a MOTION from COUNCILMAN TRIBBLE and a SECOND from VICE CHAIR ANDERSON, the full Council (VOTE 7-0) moved into executive session at 6:35 P.M.

There was a CONSENSUS of COUNCIL to reconvene in open session at 7:00 P.M.

Chairman Coleman reported that no action was taken during the executive session.

ADJOURNMENT – BY CONSENSUS the meeting was adjourned at 7:01 P.M.

Respectfully Submitted,



Betty C. Walsh
Laurens County Clerk to Council

:bcw