

MINUTES
LAURENS COUNTY COUNCIL
APRIL 22, 2014 – 5:30 P.M.
HISTORIC COURTHOUSE – COUNTY COUNCIL CHAMBERS - PUBLIC SQUARE

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

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

ATTENDING - LAURENS COUNTY DEPARTMENT HEADS: Laurens County Public Works Director, Scott Holland; Lisa Kirk, Director, Laurens County Finance; Chuck Bobo, Laurens County Codes Official; Ricky Chastain, Laurens County Sheriff; and Greg Lindley, Laurens County Director of Fire Service.

PRESS: The *Laurens County Advertiser*, Corey Engle; Vic McDonald, *Clinton Chronicle* and Iva Cadmus, WLBG-Radio.

SCHEDULED SESSION AGENDA ITEMS – (1) Approval of Agenda, April 22, 2014; (2) Approval of Minutes from the April 8, 2014 Regular Session; (3.) Approval of Resolution #2014-07, Declaring May 15, 2014 as “Peace Officers’ Memorial Day”; (4) Approval of Resolution #2014-08, Declaring the week of May 4, 2014 as “National Correctional Officers and Employees Week”; (5) Approval of Resolution #2014-09, “A Resolution the transfer of an equity interest in the Company (Ceramtec) and the continuation of the Fee Agreement”; (6) Approval of Resolution #2014-10, A Resolution “Authorizing An Incentive and Inducement Agreement Between Shaw Industries Group, Incorporated and Laurens County, South Carolina”: (A.) Approval of An Incentive and Inducement Agreement between Shaw Industries Group, Incorporated and Laurens County, South Carolina; (B.) Laurens County Ordinance #768, “An Ordinance Authorizing the Execution and Delivery of a Fee Agreement By and Between Laurens County, South Carolina and Shaw Industries Group, Incorporated Providing For a Payment of a Fee In Lieu Of Taxes and Other Matters Related Thereto”; (7) Resolution #2014-06 – Allocation of Funds – Durbin Creek Fire Department Upgrades; (8) Policy Statement concerning upgrades of Fire Stations; (9) First Reading Approval (by title only), Laurens County Ordinance #767, Fiscal Year 2014-2015 County Budget; (10) First Reading Approval, Laurens County Ordinance #768, Fiscal Year 2014-2015 Educational Millage; (11) First Reading Approval, Laurens County Ordinance #765, “An Ordinance to Impose Limitations and Restrictions on Property Owned by Laurens County For Public Outdoor Recreational Use And Other Matters Appertaining Thereto”; (12) Public Comments; (13) Comments from Council Members; (14) Adjournment.

MEETING NOTIFICATION - The County Council Members, Press and requested public notifications were informed of the meeting in a timely and appropriate manner.

CALL TO ORDER – Chairman Coleman called the April 22, 2014 regular scheduled meeting of Council to order at 5:30 P.M. in the Council Chambers of the Laurens County Historic Courthouse. Chairman Coleman invited all to stand for the Pledge of Allegiance followed by the invocation provided by Councilman Pitts.

APPROVAL – AGENDA – APRIL 22, 2014 – Upon a MOTION from COUNCILMAN NASH and a SECOND from COUNCILMAN TOLLISON; the agenda was approved with no deletions or additions; VOTE 7-0.

APPROVAL – MINUTES – APRIL 8, 2014 – REGULAR SESSION OF COUNCIL – Upon a MOTION from VICE CHAIRMAN MCDANIEL and a SECOND from COUNCILWOMAN ANDERSON, the minutes from the April 8, 2014 meeting was approved as presented; VOTE 7-0.

RESOLUTION #2014-07, DECLARING MAY 15, 2014 AS "PEACE OFFICERS' MEMORIAL DAY"

- Upon a MOTION from VICE CHAIRMAN MCDANIEL and a SECOND from COUNCILWOMAN ANDERSON, the Resolution was approved as submitted; VOTE 7-0.

RESOLUTION #2014-08, DECLARING THE WEEK OF MAY 4, 2014 AS "NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK"

- Upon a MOTION from COUNCILMAN NASH and a SECOND from COUNCILMAN TOLLISON, the Resolution was approved as presented; VOTE 7-0.

RESOLUTION #2014-09, "A RESOLUTION FOR THE TRANSFER OF AN EQUITY INTEREST IN THE COMPANY (CERAMTEC) AND THE CONTINUATION OF THE FEE AGREEMENT"

- Upon a MOTION from COUNCILWOMAN ANDERSON and a SECOND from COUNCILMAN TOLLISON, the Resolution was approved as presented; VOTE 7-0.

Attorney Cruickshanks explained that the proposed Resolution is considered a failsafe document that will allow some flexibility of the company (Ceramtec) as to how they treat the sale of their assets. Ceramtec will continue with the Fee-In-Lieu-Of-Taxes under the new management and there will be no repercussion on behalf of the County by approving this resolution.

RESOLUTION #2014-10, "AUTHORIZING AN INCENTIVE AND INDUCEMENT AGREEMENT BETWEEN SHAW INDUSTRIES GROUP, INCORPORATED AND LAURENS COUNTY, SOUTH CAROLINA"

- Attorney Cruickshanks stated, "This will be a new investment expansion from an existing company involving the Anderson Hardwood plant owners. The proposed expansion is approximately \$16 million (part of which occurred in 2013) with a twenty five percent (25%) revenue credit. With these documents, the County is being asked to allow them to count the 2013 investment".

- A.) **APPROVAL OF AN INCENTIVE AND INDUCEMENT AGREEMENT BETWEEN SHAW INDUSTRIES GROUP, INCORPORATED AND LAURENS COUNTY, SOUTH CAROLINA** - COUNCILWOMAN ANDERSON made the MOTION to approve Resolution #2014-10 along with the Incentive and Inducement Agreement as presented. COUNCILMAN TOLLISON SECONDING.

Councilman Pitts questioned if there were others with a thirty (30) year millage? Attorney Cruickshanks replied that it is based on the dollars of investment and that nothing smaller than twenty five million dollars (\$25,000,000) use a fixed rate.

COUNCIL VOTED 7-0.

- B.) **FIRST READING - ORDINANCE #766, "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN LAURENS COUNTY, SOUTH CAROLINA AND SHAW INDUSTRIES GROUP, INCORPORATED PROVIDING FOR A PAYMENT OF A FEE IN LIEU OF TAXES AND OTHER MATTERS RELATED THERETO"** - COUNCILMAN TOLLISON made the MOTION to approve Ordinance #766 upon first reading as presented. COUNCILWOMAN ANDERSON SECONDING; VOTE 7-0.

RESOLUTION #2014-06 - ALLOCATION OF FUNDS - DURBIN CREEK FIRE DEPARTMENT UPGRADES

- Administrator Segars reviewed the discussion held at the last meeting of Council towards a fifty seven thousand dollar (\$57,000) need of major repairs to the Durbin Creek Fire Department; "At the last meeting there was question of repairs being made with public funds as well as the position of ownership of the building. We now have a policy statement that will deal with this. Council agreed at one point to fund the

request for repairs but wanted clarification as to ownership. This Resolution deals only with the transfer of ownership and allows the County to recover through the bond any expenditure made through the bond”.

Upon a MOTION from COUNCILMAN NASH with a SECOND from VICE CHAIRMAN MCDANIEL, the Resolution was approved as presented.

Councilman Tollison asked for clarification on his part as to what the total amount would involve for repairs to Durbin Creek. Mr. Lindley replied that it would be fifty seven thousand thirty five dollars (\$57,035.00).

Councilman Tollison questioned if the contractor had provided a timeline as to construction? Mr. Lindley replied that it would take two (2) weeks get the materials. Councilman Tollison clarified that he was implying the construction period. Mr. Kurt Thackston replied the understood this to be approximately a month of construction.

Councilman Tollison asked if during that one (1) month period of time, if the Fire Department would be out of commission for calls? Mr. Thackston replied that the contractor has stated that he would work one section at a time so that there would be no down time for the department.

Councilman Tollison stated that the Resolution does not just deal with this one (1) department. Chairman Coleman replied that it sets precedence and is only with Durbin Creek and allows us to recoup our funds from the bond.

Councilman Tollison asked how many fire buildings does the County own now and that it is a known fact that we will have to build four (4) or five (5) more due to the ISO ratings? Mr. Lindley replied that he did not have a list with him but would guess at at least half.

Councilman Tollison stated that he knew of one (1) that would need to be built in the Western Laurens / Hickory Tavern area and noted that the existing Hickory Tavern station would still be operated by the volunteers from that area but the County would own the building. Mr. Lindley agreed.

Councilman Wood said, “I will repeat what I said before, I have no problem with spending fifty seven thousand dollars (\$57,000) on this property but now we are demanding that Durbin Creek turn over the property to the County before we spend any money on the repairs. The reasoning for this is borrowing money with a bond. The letter from the Bond Attorney refers to the limitations of the use of the facilities to fire protection purposes, and risk management concerns. You will not be able to use it as a community center anymore....no kind of meetings but fire as per the letter.....used for County fire protection purposes only for the life of the bonds. Another thing is, we do not have a policy in this County that says this is what the County will do. There is a word for what is being done here and that word is eminent domain....we are going to take their property and compensate you with fifty seven thousand dollars (\$57,000). The best thing for all of the fire departments to do is to give the fire departments to the County but, this is not what is going to happen, there are other fire departments that will fight this Council about this. It has not been two (2) months ago this Council was brought a contract for three hundred sixty thousand dollars (\$360,000) and we did not ask for a deed for their property. We used County funds to build back Ekom Beach. Are we going to Ekom Beach now and ask for their deed?”

Chairman Coleman stated, “We did not borrow money towards these repairs, insurance money was used. This is a mutual agreement with Durbin Creek and Laurens County”.

Mr. Lindley replied, “I have not asked them for a deed but, they have discussed turning the building over to the County”.

Councilman Wood said, "This is not a mutual agreement. What is being conducted here is we are telling that fire department that they have to turn over their deed to the property before this Council will make any repairs to the building. If they do not turn their deed over to the County are we still going to repair the building?". Chairman Coleman replied, "Most likely we will but we will not be able to recoup those funds with the bond proceeds that is proposed. The letter from the Bond Attorney lists two (2) options and this is the best of the two".

Councilwoman Anderson stated that every year this Council works on a budget for all the fire departments using county funds to help protect the citizens.

Councilman Nash asked to have the Attorney offer interpretations on the second paragraph of his letter.

"In a prior conversation, we discussed the possibility that the County would take title to any buildings to be improved with bond proceeds if not presently owned by the County. The deeds would contain reversionary interests in favor of the current titleholder in the event the facility ever ceased to be used for fire protection purposes, and would provide an option to the current titleholder to purchase the property from the County at a nominal cost, i.e., \$1.00, after the useful life of the improvements had expired."

Attorney Cruickshanks replied that in most of the deeds and including the Durbin deed include the reversionary clause.

COUNCIL VOTED 5-2 to approve Resolution #2014-06 (Council Members Pitts and Wood were in opposition).

POLICY STATEMENT CONCERNING UPGRADE OF FIRE STATIONS – Addressing the proposed policy, Administrator Segars said, "At Council's request, the County Attorney has prepared a draft Policy Statement that addresses the use of public funds on private property, specifically for stations in need of repair".

Councilman Wood asked why there was no signature page. Chairman Coleman replied that there were lines for signatures at the bottom of the page.

Councilman Wood addressed section2.) – B.) -1.) *In order to obtain the expenditure(s) of public funds for the needed repairs, the department may transfer ownership and title of the facilities to Laurens County; or"....may means might or might not. Would not it be better to say will transfer ownership?*

Councilman Tollison stated, "The buildings we own now....we are liable. We do the maintenance and if the roof leaks or comes off, we have to make the repairs. If someone gets hurt on the property, we are liable. So where do the other departments stand on maintenance and liabilities if not actually owned by Laurens County?" Attorney Cruickshanks replied that the County has an insurable interest through the contracts we enter into each year.

Councilman Tollison said, "And the contracts for that is us paying a maintenance fee every year for every department. At some point when they get out of their allotment, how can we pay fifty seven thousand dollars (\$57,000)? We have done this in the past when it did not belong to us".

Mr. Lindley said, "As to insurance, it covers Laurens County Fire Service, Incorporated, per say, and each fire department is in there as well as its own entity. Durbin Creek has volunteered to transfer ownership. We

are trying to prevent what has happened at Ekom again. If each fire department does not want the County to own, they still need to get the buildings up to code”.

Attorney Cruickshanks noted from the policy option 2.) – B.) – 2)..... *If the department is unwilling to transfer ownership and title of the facilities to Laurens County, the Fire Director may relocate County owned trucks, equipment, or apparatus to a safer and more suitable location.*

Councilman Wood said, “No one sitting here has supported the fire departments as much as I have. I was involved at least ten (10) years before I even began sitting on this Council. You can’t just pull rules out of the air and go by rules that do not exist. At the last meeting, we were told that Durbin Creek had to turn over their deed in order to get the monies. Now it is being said that Durbin Creek discussed this first. That is not what happened at the last meeting”.

Continuing, and reading from the past minutes, Councilman Wood said, “Councilman Tollison made the motion to accept Option 1 presented contingent upon the transfer of the building to Laurens County. I did not vote against the money, I voted against this Council saying that you have to turn over your land and your building before we will allocate any money”.

COUNCILWOMAN ANDERSON made the MOTION to approve the proposed policy with VICE CHAIRMAN MCDANIEL SECONDING for further discussion.

Councilman Tollison asked for clarification, “The Resolution provided for fifty seven thousand dollars (\$57,000) for Durbin Creek and is independent to the proposed policy. I am not familiar enough to cast my vote on the proposed policy tonight and wish for Council to look at both the Policy and the Ordinance in more detail. I feel strongly that this Council should require a fire department to deed to the County before any monies are spent. I am not certain where we should draw the line at major expenses like this”.

Councilman Wood said, “I will not vote for it because of the wording”.

Councilman Tollison asked Mr. Lindley if this was the policy that he was involved with and that he was in agreement with and that the majority of the Departments Chiefs were in agreement with. Mr. Lindley replied, “It is the document that several were involved with. The five thousand dollars (\$5,000) is what each department gets on annual expenses and would get through the contract”.

Councilman Pitts asked what the other forty five (45) counties do as to ownership of the rural stations. Mr. Lindley replied that Greenwood County has gone through much of the same.

COUNCIL VOTED 6-1 (Councilman Wood was in opposition).

- COUNTY COUNCIL COMMITTEE ASSIGNMENT - Chairman Coleman assigned the County Council Committee on Public Safety the task of studying these documents in more detail.

EXCUSED EARLY – Chairman Coleman turned the meeting over to Vice Chairman McDaniel at 6:30 P.M. due to his early departure to attend another meeting at 7:00 P.M.

FIRST READING (BY TITLE ONLY), ORDINANCE #767, FISCAL YEAR 2014-2015 COUNTY BUDGET – Vice Chairman McDaniel explained that Council is requested to approve Ordinance #767 upon first reading, by title only, using the present fiscal year budget approved in June of 2013.

Administrator Segars said, "This will be considered as first reading so as to keep the ordinance readings in line with the overall county budget process. The following funds represent the approved budget by Council during the last budget deliberations for Fiscal Year 2013-2014".

General Fund	\$21,022,837
EMS	\$ 3,263,624
Victim's Assist	\$ 182,340
Solid Waste	<u>\$ 1,953,028</u>
Total	\$26,421,829

COUNCILMAN TOLLISON made the MOTION to approve Ordinance #767 upon first reading as presented. COUNCILWOMAN ANDERSON SECONDING; VOTE 6-0. (Chairman Coleman had an early departure).

FIRST READING - ORDINANCE #768, FISCAL YEAR 2014-2015 EDUCATIONAL MILLAGE – Vice Chairman McDaniel reported, "This too is to be considered for first reading so as to keep the readings in line with the County Budget Ordinance #753. In previous years, this Council has allocated one (1) mill of property tax to fund the operations of Piedmont Technical College and USC Union at Laurens with Piedmont Technical College receiving ninety percent (90%) of the proceeds of the tax levy and USC-Union at Laurens receiving ten percent (10%)".

COUNCILMAN PITTS made the MOTION to approve Ordinance #768 as presented with COUNCILWOMAN ANDERSON SECONDING.

Councilman Nash asked if the amounts of this distribution were eliminated months ago. Administrator Segars stated that the Ordinance was amended to retain the 90%/10% split.

COUNCIL VOTED 6-0 to approve as presented. (Chairman Coleman had an early departure).

Councilman Tollison asked if Council had not requested that USC @ Union provide Council with more details upon opening the new facility.

FIRST READING - ORDINANCE #765, "AN ORDINANCE TO IMPOSE LIMITATIONS AND RESTRICTIONS ON PROPERTY OWNED BY LAURENS COUNTY FOR PUBLIC OUTDOOR RECREATIONAL USE AND OTHER MATTERS APPERTAINING THERETO" – Administrator Segars stated that this Ordinance is necessary for any future applications for federal or state grants submitted by the County Parks and Recreation Department.

Laurens County Parks, Recreation and Tourism Director, Andy Howard said, "This is a formality that we need so as to submit for grants from the Land Conservation Funds. A requirement is that the present land will be used for recreational purposes only and with the only exception that and if this property is ever sold or discontinued, that the same amount of acres will be replaced for recreational use".

COUNCILWOMAN ANDERSON made the MOTION to approve Ordinance #865 upon first reading as presented with COUNCILMAN TOLLISON SECONDING; VOTE 6-0. (Chairman Coleman had an early departure).

ADMINISTRATIVE REPORT – ERNIE SEGARS, COUNTY ADMINISTRATOR - Administrator Segars requested for Council to set some dates for budget deliberations on possibly Tuesday, April 29, 2014 at the Historic Courthouse at 5:30 PM.

Councilman Pitts asked if the time could be changed to 5:00 PM.

There was a COUNCIL CONSENSUS to meet at 5:00 PM on Tuesday, April 29, 2014 at the Historic Courthouse.

Administrator Segars noted that the planned meeting for the County Council Committee on Public Works will be changing locations to the Historic Courthouse and not the Church Street Office Complex.

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

1.) Kim Williams Carter – Representing District #56 Bell Street School as a Coach of the Science Olympiad Team, Ms. Carter asked for Council financial support for the team in their travels to National competition on May 15th.

Vice Chairman McDaniel asked if there was a dollar amount that they wished for Council to consider. Ms. Carter replied, “Hopefully the same amount as last year”.

Vice Chairman McDaniel stated that Council would take this request as noted and will act on accordingly.

2.) Dale Mitchell of the Sandy Springs Volunteer Fire Department – Mr. Mitchell said, “As to this land grab as you call it and due to the way it was stated in the paper, that the County would not pay for any repairs until they cite over their deed to the property....you are elected officials and you do not own anything, the taxpayers own everything. You have all of your guys running around in the expensive toys and trucks and you can not put out five thousand dollars to protect the people involved in fire and rescue. And the way you are stating it here now, you are arguing about how it is written up. I had people call me because I am on the Board. They reminded me that twenty (20) years ago to help they had asked the County for help and the County said no. Now because we need help to maintain the property that we built, you want to take the property away. We are independent from the County by incorporation so how do you think you can just grab our land. Your job is to put out the money for those of us that need it. Not to say that the County does not own it, in reality the taxpayer owns it. You all need to remember that, you are only elected officials to help with the funding to provide when and where it is needed. Not to grab the land; you ought to be ashamed of yourselves. And you Tollison, you are in our district and you say if I was on the board I would be tickled pink. Let me tell you this, you are not on our board. The people that lived here twenty years ago built that station and you all have the nerve to tell us that you are not going to fund it unless we turn our deeds over to you. That is what Vladimir Putin is doing over in Russia. You all should be a disgrace to this County.”

3.) Steve Arsenault of the Western Laurens Volunteer Fire Department – Mr. Arsenault said, “As a Chief of a fire department here, I appreciate what the Council does for us. We are not in it for politics but to protect the community. I see this as a win/win situation with less for the departments to do. Our building was built over forty years ago by grant funds and the taxpayers owning the building. I appreciate the County moving forward with the concept presented and to make the needed repairs to these aging buildings”.

Having no one present wishing to address Council, Chairman Coleman closed the session at 6:32 P.M.

COUNCIL COMMENTS:

1.) Councilman Wood said, “I have always heard Councilman McDaniel say to be careful what you ask for that you might get it. What was done tonight was setting a precedent that I don’t think should have happened. What really happened was that we will spend fifty seven thousand dollars on your building if you

will turn your property over to the County. Those fire departments that want to turn their buildings over to the County I have no problem with it. What I am saying is, if this is what we are going to do we need to have it in writing”.

2.) Councilman Nash asked for clarification from the County Attorney on Resolution #2014-06, that we voted for, was for sixty seven thousand (\$67,000) and not fifty seven thousand (\$57,000). County Attorney Cruickshanks replied that the Resolution was for fifty seven thousand thirty five dollars expenditure and the acceptance of the Resolution and deed that Durbin Creek approved, passed. And the policy passed with the Chairman assigning the County Council Committee for further review.

ADJOURNMENT – With no further business, Vice Chairman McDaniel adjourned the meeting of Council at 6:38 P.M.

Respectfully Submitted,



Betty C. Walsh
Laurens County Clerk to Council