

MINUTES

LAURENS COUNTY COUNCIL
JULY 14, 2009
LAURENS COUNTY HISTORIC COURTHOUSE
COUNTY COUNCIL CHAMBERS

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

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

PRESS: Corey Ingle, *The Laurens County Advertiser*; Hope Todd, WLBG-Radio; Bristow Marchant, *The Clinton Chronicle* and Stan Stone, GoLaurens.Com.

SCHEDULED MEETING AGENDA ITEMS - ① Approval of Agenda, July 14, 2009; ② Approval of Minutes from June 23, 2009 regular session ③ State Representative Mike Pitts and State Senator Floyd Nicholson; ④ Executive Session – Contractual Matter; ⑤ Tim Winslow and Wes Covington representatives of the South Carolina Association of Counties; ⑥ Amending Inducement Agreement; Fee In Lieu Of Tax and Infrastructure Credit Agreements for B.F. Shaw, Incorporated.; ⑦ First Reading, Ordinance #690 Budget Fire Service General Fund for FY 2009-2010; ⑧ Scheduling Work Session for Fire Budget FY 2009-2010; ⑨ Notification, Sheriff Department Justice Assistance Grant; ⑩ Staff report – Wrecker Tow Services; (11) Recognition - Miss Teen South Carolina and Miss South Carolina Pageant; (12) Executive Session - Legal Briefing, Contractual Matter, Personnel Matter.

MEETING NOTIFICATION - The County Council Members and the Press were informed of the meeting in a timely manner.

CALL TO ORDER – Chairman Coleman called the July 14, 2009 meeting of Laurens County Council to order at 5:30 P.M. in the Council Chambers of the Historic Courthouse located on the Public Square in Laurens. Chairman Coleman 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 – JULY 14, 2009 – COUNCILMAN TRIBBLE made the MOTION to approve the agenda with any additions. Administrator Segars requested the addition of an economic development project involving Fischer Barton; and, Councilman Wood requested an executive session towards economic development. COUNCIL VICE CHAIR ANDERSON SECONDDING; VOTE 7-0.

APPROVAL – MINUTES - COUNCIL VICE CHAIR ANDERSON made the MOTION to approve the Minutes of the June 23, 2009 meeting of Council; SECONDED by COUNCILMAN TOLLISON; COUNCIL VOTED 7-0 to approve the minutes.

EXECUTIVE SESSION – COUNCILMAN TRIBBLE made a MOTION for Council to move into executive session at 5:34 P.M to discuss a contractual matter with State Representative Mike Pitts and State Senator Floyd Nicholson. COUNCILMAN NASH SECONDDING; VOTE 7-0.

Council returned into open session at 6:05 P.M. with Chairman Coleman reporting that no action was taken on the contractual matter that dealt with the Veterans Affairs Office.

SOUTH CAROLINA ASSOCIATION OF COUNTIES - Representing the South Carolina Association of Counties, Mr. Tim Winslow and Wes Covington attended the County Council meeting to make a brief presentation on the services offered and available to Laurens County through the South Carolina Association of Counties.

Mr. Tim Winslow began the presentation by saying, "The South Carolina Association of Counties is the only organization dedicated to the statewide representation of county government in South Carolina. Located in the state's capital of Columbia. We are a non-partisan, non-profit association that strives to Build Stronger Counties for Tomorrow by working with county officials to provide education and training, legislative reporting, research and technical assistance, we are a dynamic tool that provides compiles and shares information about a variety of programs and services, conferences, legislative initiatives, research, training opportunities, financial programs and publications. Individuals can also access all of this general information for all counties on our website. This includes contact information for county officials, links to county websites, job announcements and statistical tables that address frequently asked questions about county government."

Continuing, Mr. Winslow said, "The Association also provides a number of services to its member counties. These include: Conferences and meetings – such as the Mid-Year Conference, Annual Conference and Legislative Conference; Education and training – to include the Institute of Government for County Officials, the Local Government Attorneys' Institute, training for planning and zoning officials, risk management training, and teleconference training for county employees; Legal assistance – providing legal support to county governments and publishing the Home Rule Handbook, Case Law Affecting Counties, Public Information Handbook and Revenue Resources Handbook; Legislative information – monitoring of legislation affecting counties and weekly updates on legislative activity through the Friday Reports, Technical Bulletins and Legislative Alerts; Property and liability coverage – insurance through the S.C. Counties Property & Liability Trust, a self-funded pool; Public information – to include the Directory of County Officials, Carolina Counties newsletter and County Focus magazine; Research and technical assistance – conducting surveys, providing technical assistance and regular publications such as the Handbook for County Government, County Profiles, Wage and Salary Report and Tax Rates Study; SCAC-Endorsed programs – such as the cable franchise program, cellular phone cost monitoring, Office Depot and other U.S. Communities purchasing discounts, GovDeals, and GASB 45 actuarial studies; Setoff debt program – matches debts owed to counties with debtors' state income tax refunds; and Workers' compensation coverage – insurance through the S.C. Counties Workers' Compensation Trust, a self-funded pool."

Chairman Coleman thanked Mr. Winslow for the update and information.

County Attorney Sandy Cruickshanks also expressed his gratitude for the services provided for the Attorney's Association.

AMENDING INDUCEMENT AGREEMENT- FEE IN LIEU OF TAX AND INFRASTRUCTURE AGREEMENT(S) - County Attorney Sandy Cruickshanks stated that the actions needing for four (4) recent industrial Inducement - Fee in Lieu of Tax and Infrastructure Agreements is largely due to an error in the quoted millage rates for the year intended and / or the year implemented . This will be correcting and reflecting the corrected millages as follows:

- A.) Goglanian Bakeries: - the incorrect year was 2006 - the correct year is 2007
- B.) Ceram Tec North America Innovative Ceramic Engineering Corporation:
 - the incorrect year was 2007 - the correct year is 2008
 - the incorrect millage rate of 298.4 - the correct millage rate 295.2
- C.) Gilliland Industries, LLC:
 - the incorrect year was 2007 - the correct year is 2008
 - the incorrect millage rate of 298.4 - the correct millage rate 295.2
- D.) B.F. Shaw, Incorporated:
 - the incorrect millage rate of 285.4 - the correct millage rate 282.8

COUNCILMAN TRIBBLE made the MOTION to approve the noted documents as declared by the County Attorney. VICE CHAIR ANDERSON SECONDDING: VOTE 7-0.

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT BY AND BETWEEN LAURENS COUNTY, SOUTH CAROLINA, AND FISHER BARTON SOUTH CAROLINA, INC. (THE "COMPANY") WHEREBY, UNDER CERTAIN CONDITIONS, THE COMPANY WILL ACQUIRE, BY CONSTRUCTION AND PURCHASE, CERTAIN FACILITIES IN LAURENS COUNTY AND LAURENS COUNTY WILL PROVIDE CERTAIN ECONOMIC DEVELOPMENT INDUCEMENTS TO THE COMPANY AND EXECUTE CERTAIN DOCUMENTS AND ENACT CERTAIN FURTHER LEGISLATION FOR THE COMPANY'S PROJECT INVOLVING A TOTAL OF NOT LESS THAN TWO MILLION DOLLARS (\$2,000,000) IN INVESTMENT. – Attorney

Cruickshanks explained that this project with Fisher Barton includes development incentives and associated agreements / documents for the expansion of an investment by the Company of not less than Two Million Dollars (\$2,000,000). The provisions / conditions of either a Special Source Revenue Bond or an Infrastructure Credit, involve an annual amount equal to thirty percent (30%) of the FILOT payments received and retained by the County pursuant to the Park Agreement; the extent of the FILOT payments made on behalf of the Expansion Project and only to the extent of the Company's investment in qualifying infrastructure for a total of ten (10) years of FILOT payments on behalf of the Expansion Project in the Park, provided the Company invests not less than Two Million Dollars (\$2,000,000) in the Expansion Project by the end of the Investment Period. ed by the Inducement Agreement, shall be provided and authorized by subsequent ordinance(s) of the County Council, which, to the extent not prohibited by law, shall be consistent with the terms of this Resolution and the Inducement Agreement.

COUNCILMAN NASH made the MOTION approve the requested Resolution for Fischer Barton with VICE CHAIR ANDERSON SECONDDING: VOTE 7-0.

FIRST READING – ORDINANCE #690 – FISCHER BARTON – “AN ORDINANCE AUTHORIZING THE ISSUANCE OF AN INFRASTRUCTURE CREDIT TO FISHER BARTON, SOUTH CAROLINA, INCORPORATED, PURSUANT TO AN INFRASTRUCTURE FINANCING AGREEMENT BETWEEN THE COMPANY AND THE COUNTY; AND OTHER MATTERS RELATING TO THE FOREGOING”. -

COUNCILMAN TRIBBLE made the MOTION to approve the requested ordinance for Fischer Barton with COUNCILMAN TOLLISON SECONDDING: VOTE 7-0.

FIRST READING – ORDINANCE #691 – FIRE SERVICE BUDGET FISCAL YEAR 2009-2010 -

Administrator Segars explained that this is to be considered as first reading of the proposed budget for the Fire Service General Fund for FY 2009-2010. The Fire Coordinator prepared the budget document in consultation with representatives of the County Fire Service with the budget totals being - Fire General Fund - \$2,313,250; Fire Coordinator - \$ 431,000.

VICE CHAIR ANDERSON made the MOTION to approve Ordinance #691 on first reading as presented. COUNCILMAN TRIBBLE SECONDDING; VOTE 7-0.

- A.) SCHEDULING FIRE BUDGET WORK SESSION – There was a COUNCIL CONSENSUS to hold an additional budget work session on August 4th at 5:15 P.M. in the Historic Courthouse.

NOTIFICATION – LAURENS COUNTY SHERIFF'S OFFICE – JUSTICE ASSISTANCE GRANT (JAG) –

Administrator Segars informed Council that this is a Federal Funded Grant being requested by the Sheriff's Office. As part of the requirement towards the application submission, is acknowledgement by the governing authority as to notification of the submission for the grant. The grant amount is for twenty nine thousand six hundred seventy six dollars (\$29,676), with no matching funds, and will be used for the purchase of a four-wheel-drive vehicle to be used for reliable transportation for the deputies assigned to methamphetamine lab crime scenes. The deadline for this grant is July 9, 2009 by 8:00 P.M. If approved by Justice Department the truck can only be used only for the purpose intended – methamphetamine crime scenes. It cannot be put in the fleet and drove on a daily basis but is to be used for Meth lab discoveries in rural areas. The Federal Agency made it very clear that the equipment could only be used for the purpose in which it was requested.

STAFF REPORT – POLICY ON WRECKER TOW SERVICES – Administrator Segars reported that the Council Committee on Planning and Intergovernmental Affairs had meet to discuss the development of a County Policy concerning wrecker tow services. All-in-all the dialogue was very good resulting in the first step consisting of Mr. Avery contacting, by letter, the various wrecker companies requesting a listing of all of their charges and services. Once this data is consolidated, there will be another meeting of the Committee to continue reviewing and creating the policy.

RECOGNITION – LAURENS COUNTY RESIDENTS - MISS SOUTH CAROLINA AND MISS SOUTH CAROLINA TEEN – Chairman Coleman noted the recent honors bestowed upon three (3) Laurens County residents – Ms. Kelly Sloan of Gray Court, Ms. Ali Rogers of Laurens and Ms. Tioni Lee of Richland / Miss Laurens County - and wished for Council to honor them by Resolution for their outstanding achievements.

There was a COUNCIL CONSENSUS to approve the requested honors.

PUBLIC COMMENTS – Chairman Coleman opened the floor for public comments at 6:35 P.M. With no one wishing to address Council, Chairman Coleman closed the session at 6:36 P.M.

COUNTY COUNCIL COMMENTS:

- Council Chairman Coleman wished Ms. Hope Todd a fond farewell as she will be leaving WLBG returning back to school.
- Councilman Nash thanked the County employees for their dedicated work during the recent storms.
- Councilman Wood said, “For the past two (2) weeks there has been an abundance of crime, deaths, Governor Palin resigning and the issues with Governor Sanford. I just wanted to state that feel honored that the Clinton Chronicle Editor spent his time dedicating his Editorial to me of recently. Also, I want to welcome Councilman McDaniel back to Council following his recent tragedies and say that we all have been praying for him.”
- Councilman McDaniel offered his thankfulness to the Laurens County Sheriff’s Office towards the arresting of the individuals that recently robbed his home and stated that he hoped the Court Systems would now do their job.

UPDATE – DETENTION CENTER EXPANSION – Administrator Segars informed Council that he had met with Mr. Dennis Ashley of DA Architects and have discussed preliminary expansion options as well as financial obligations. Administrator Segars also noted that he had spoken briefly with Mr. Theo DuBose, Bond Attorney as to what options Laurens County presently has as to bonds.

JULY COUNCIL MEETING DATES – There was a COUNCIL CONSENSUS to hold only the one session of Council (July 14, 2009) due to scheduling conflicts already set for the July 28th meeting. The next meeting will be held August 11, 2009.

COUNCIL COMMITTEE ASSIGNMENT – Chairman Coleman noted that he would assigned a County Council Committee at the next meeting to review the recent request by the Laurens County Library Board for a new Library for the Clinton Community and the request of Harvest Hope.

EXECUTIVE SESSION – Upon a MOTION from COUNCILMAN NASH and a SECOND from COUNCILMAN MCDANIEL; VOTE 7-0 - Council moved into executive session at 6:40 P.M. to discuss a legal briefing, a contractual matter and a personnel matter.

Upon CONSENSUS OF COUNCIL, Council moved back into open session at 7:30 P.M.

Chairman Coleman reported the following:

- A.) Legal Briefing – No action taken
- B.) Personnel Matter – Councilman Tribble made the MOTION, with COUNCILMAN WOOD SECONDING, for Council to allow the compensation of the County Auditor and the Treasurer for salary that they did not receive from January through June of 2009; VOTE 5-2 (Council Members Anderson and McDaniel in opposition).

The State of South Carolina reduced its salary supplement to all County Auditors and Treasurers because of economic conditions. The source of the County funding to restore the lost wages will be unexpended funds in the Office of the Auditor and Treasurer.

- C.) Contractual Matter – Council authorized the County Administrator to continue negotiations with the County Attorney concerning a modified compensation plan for the Attorney.

ADJOURNMENT – There was a COUNCIL CONSENSUS to adjourn the meeting at 7:32 P.M.

Respectfully Submitted,



Betty C. Walsh
Clerk to Council