

MINUTES
JULY 22, 2014
LAURENS COUNTY COUNCIL
HISTORIC COURTHOUSE – PUBLIC SQUARE
COUNTY COUNCIL CHAMBERS

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.

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, Scott Holland; Laurens County EMS – Chad Burrell, Director; Laurens County Finance Director, Lisa Kirk and Laurens County Human Resources Manager, Debi Parker; Laurens County E/911 Communications Director, Joey Avery and Captain Tyson, Administrator, Laurens County Detention Center.

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

SCHEDULED MEETING AGENDA ITEMS - 1.) Call to Order – Chairman Coleman; **2.)** Invocation – Councilman Pitts; **3.)** Pledge of Allegiance; **4.)** Approval of Agenda, July 22, 2014; **5.)** Approval of Minutes – July 8, 2014; **6.)** Public Hearing, Laurens County Ordinance 766, “An Ordinance Authorizing Amendments to the Fee-In-Lieu-of-Tax Agreement and Infrastructure Financing Agreement By and Between Anderson Hardwood Floors, Incorporated and Laurens County, South Carolina, Providing For an Extension of the Term of the Fee-In-Lieu-of-Tax Agreement, A Modification of the Infrastructure Credits, and Other Matters Related Thereto”; **a.)**Third Reading, Laurens County Ordinance 766, “An Ordinance Authorizing Amendments to the Fee-In-Lieu-of-Tax Agreement and Infrastructure Financing Agreement By and Between Anderson Hardwood Floors, Incorporated and Laurens County, South Carolina, Providing For an Extension of the Term of the Fee-In-Lieu-of-Tax Agreement, A Modification of the Infrastructure Credits, and Other Matters Related Thereto”; **7.)** Second Reading Approval, Laurens County Ordinance #770, the Budget for Fire Protection Services, FY 2014-2015; **8.)** Resolution #2014-15, “A Resolution Authorizing an Amendment To The Incentive and Inducement Agreement Dated April 2, 2014 By And Between Shaw Industries Group, Incorporated and Laurens County, South Carolina”; **9.)** Laurens County Health Care System – Approval of nominees to the Health Care Board; **10.)** Resolution #2014 -16 – Support of the Laurens County Trails Association – Laurens County Parks Recreation and Tourism; **11.)** Resolution #2014-17 – Major Chris Hudson, Laurens County Detention Center; **12.)** Administrative Report, Ernie Segars, County Administrator; **13.)** Public Comments; **14.)** Comments from Council Members; **15.)** Executive Session – Legal Briefing; **16.)** Adjournment.

MEETING NOTIFICATION - The County Council Members, Department Heads and the Press were informed of the budget session meeting in a timely manner.

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

APPROVAL OF AGENDA – COUNCILMAN NASH made the MOTION to approve the agenda as presented with COUNCILMAN TOLLISON SECONDING; VOTE 7-0.

APPROVAL OF MINUTES – VICE CHAIRMAN MCDANIEL made the MOTION to approve the minutes from the July 8, 2014 regular session of Council. COUNCILWOMAN ANDERSON SECONDING; VOTE 7-0.

RESOLUTION #2014-15, “A RESOLUTION AUTHORIZING AN AMENDMENT TO THE INCENTIVE AND INDUCEMENT AGREEMENT DATED APRIL 22, 2014 BY AND BETWEEN SHAW INDUSTRIES GROUP, INC. AND LAURENS COUNTY, SOUTH CAROLINA” – Prior to the scheduled Public Hearing, Chairman Coleman asked that Resolution #2014-15 be approved as it sets procedure for approval of Ordinance #766.

COUNCILWOMAN ANDERSON made the MOTION to approve Resolution #2014-15 as presented with COUNCILMAN TOLLISON SECONDDING for discussion.

Attorney Cruickshanks explained that the original Inducement Agreement stated a thirty (30) year fixed rate where it should have reflected a five (5) year adjustable and that the Resolution corrects the terms now before the public hearing and third reading of Ordinance #766.

Councilman Pitts for Attorney Cruickshanks to explain the differences between a variable versus a fixed rate. Attorney Cruickshanks stated that the fixed rate was used in most larger investments over a longer period of time versus a small job market and smaller investment.

Councilman Pitts asked if this was a benefit for the company. Attorney Cruickshanks replied that it was when the taxes are factored in over a five (5) year period.

COUNCIL VOTED 7-0.

PUBLIC HEARING, ORDINANCE #766, “AN ORDINANCE AUTHORIZING AMENDMENTS TO THE FEE IN LIEU OF TAX AGREEMENT AND INFRASTRUCTURE FINANCING AGREEMENT BY AND BETWEEN ANDERSON HARDWOOD FLOORS, INC. AND LAURENS COUNTY, SOUTH CAROLINA, PROVIDING FOR AN EXTENSION OF THE TERM OF THE FEE IN LIEU OF TAX AGREEMENT, A MODIFICATION OF THE INFRASTRUCTURE CREDITS, AND OTHER MATTERS RELATED THERETO”. – Chairman Coleman opened the public hearing at 5:36 P.M. Having no one wishing to address the Ordinance, Chairman Coleman closed the hearing at 5:37 P.M.

THIRD READING, ORDINANCE #766, “AN ORDINANCE AUTHORIZING AMENDMENTS TO THE FEE IN LIEU OF TAX AGREEMENT AND INFRASTRUCTURE FINANCING AGREEMENT BY AND BETWEEN ANDERSON HARDWOOD FLOORS, INC. AND LAURENS COUNTY, SOUTH CAROLINA, PROVIDING FOR AN EXTENSION OF THE TERM OF THE FEE IN LIEU OF TAX AGREEMENT, A MODIFICATION OF THE INFRASTRUCTURE CREDITS, AND OTHER MATTERS RELATED THERETO”. – COUNCILWOMAN ANDERSON made the MOTION to approve Ordinance #766 upon third reading as presented with COUNCILMAN PITTS SECONDDING; COUNCIL VOTED 7-0.

SECOND READING, ORDINANCE #770, “THE PROPOSED BUDGET FOR FIRE PROTECTION SERVICES, FY 2014-2015” – Administrator Segars stated that this is not likely to have a tax increase this year and stated that the document was presented to Council for second reading.

Chairman Coleman reported that the Fire Budget for FY 2014-2015 totals two million one hundred ninety seven thousand, three hundred seventy five dollars (\$2,197,375). There will be sufficient time later this summer to allow County Fire Departments and others to comment on the budget, as well as sufficient time to modify the budget if Council is so inclined.

COUNCILMAN TOLLISON made the MOTION to approve Ordinance #770 upon second reading with COUNCILWOMAN ANDERSON SECONDDING; VOTE5-2 (Council Members Nash and Wood in opposition).

DISCUSSION OF THE ADDITION TO A SECURE PARKING LOT FOR JUDICIAL EMPLOYEES AT HILLCREST SQUARE – Addressing this with Council, Public Works Director Scott Holland said, “As per the request from Council to seek an alternate bid for the construction of a secure parking area for attending Judicial Judges at the proposed new Administrative Facility at Hillcrest Square. Mr. Segars, Dennis Ashley and myself contacted with Peyton Howell of Yeargin Potter Shackelford Construction to discuss a possible alternate bid for this parking area. Their original bid for the new Administrative Building was submitted at one hundred five thousand dollars (\$105,000). They have offered to reduce the cost factors to ninety four thousand dollars (\$94,000) retaining the original specifications”.

Mr. Holland reviewed other suggestive alternatives from Mr. Howell as follows:

- 1.) Contractor voluntary cost reduction of \$94,000
- 2.) Suggestive additional cost reduction options:
 - a.) Furnish and install hydraulic security slide drive model 15 instead of model ZZZ-X3ST – reduction \$4,000
 - b.) Furnish and install hydraulic security slide smart slide gate (chain driven) instead of the original specification – reduction \$22,000
 - c.) Reduce fence height from ten foot to eight foot – reduction \$2,300
 - d.) Furnish and install black vinyl privacy slate instead of specified wood slats – reduction \$1,800

Mr. Holland recommended the following alternates to Council:

- 1.) The Yeargin Potter Shackelford Construction voluntary cost reduction – \$94,000
- 2.) Alternate for chain driven gate operations – (-\$22,800)

Net alternate bid - \$71,200

COUNCILMAN PITTS made the MOTION to approve the alternates as recommended by Mr. Holland with COUNCILWOMAN ANDERSON SECONDDING for discussion.

Councilman Tollison stated that he understood the necessity of the parking area and that the Judicial System would be requiring us to provide at some point in time and that he felt the question is, would we benefit from it now or later? Mr. Holland replied that the true question could not be answered at this time but that it would be better accommodated now while the true construction is going on.

Councilman Tollison asked what the proposed parking space would be and that he wanted to plans to include enough now and not have to add on later. Mr. Holland replied that it would consist of twelve (12) parking spaces using approximately one hundred feet (100') by forty feet (40').

Councilman Nash stated that he preferred to accommodate the judges with secure parking now and that it was not costing us that much more in funding it now.

Councilman Wood asked if there was a state mandate to do so? Chairman Coleman replied that it was not mandated now but it would be soon enough.

Councilman Wood questioned why Council would want to take out the hydraulic system now and put in the chain driven operations; the actual low bid included it.

Councilman Wood said, “If feel this is a separate project from the main focus. The judge parking lot was added after the fact. This Council knew nothing about the special parking area. I can’t see where taking twenty five (25) spaces to make twelve (12) is productive. And another thing, if I were a Judge I would not want anyone to know where I park at the Courthouse”.

Councilman Pitts said, “This is a lot of money however, there are a lot of crazy people out there. If we can provide necessary safety, we need to do so. The overall budget for the total project is under what we had estimated”.

COUNCIL VOTED 5-2 (Council Members McDaniel and Wood were in opposition).

LAURENS COUNTY HEALTH CARE SYSTEM – APPROVAL OF NOMINEES TO THE HEALTH CARE BOARD - Resulting from the earlier Nomination Committee meeting of the County Council Committee and the Laurens County Health Care Board, the Laurens County Health Care System Board of Directors have approved the following for appointment by the Governor.

- 1.) Mr. John M. Young of Laurens – replacing Mrs. Peggy Prescott
- 2.) Mr. John-Jay Peay of Clinton – replacing Mr. David Ramage
- 3.) Dr. Rufus W. Watkins, MD of Clinton – replacing Dr. Jerett Tozzi, MD of Clinton
- 4.) Mrs. Stacey Yolanda Hill of Clinton – serving her second four year term

Each of the appointment terms will run from October 1, 2014 to September 30, 2018.

COUNCILWOMAN ANDERSON made the MOTION to accept with COUNCILMAN TOLLISON SECONDING; VOTE 7-0.

RESOLUTION #2014-14 – “A RESOLUTION SUPPORTING THE LAURENS COUNTY TRAILS ASSOCIATION EFFORTS IN PROMOTING TRAIL DEVELOPMENT THROUGHOUT LAURENS COUNTY” - Administrator Segars this is a resolution in support of the efforts by the Laurens County Trails Association towards promoting trails within Laurens County.

VICE CHAIRMAN MCDANIEL made the MOTION to approve the Resolution as presented with COUNCILWOMAN ANDERSON SECONDING; VOTE 7-0.

RESOLUTION #2014-17 “MAJOR WALTER CHRISTOPHER HUDSON” – Chairman Coleman explained that this was a Resolution for Major Hudson upon his departure of employment with Laurens County as of August 1, 2014. A reception honoring Major Hudson is being planned for July 25th at the R. Eugene Johnson Detention Center with the Resolution being presented to Major Hudson at that time.

COUNCILMAN NASH made the MOTION to approve with COUNCILMAN PITTS SECONDING; VOTE 7-0.

ADMINISTRATIVE REPORT - County Administrator Ernie Segars provided the following:

- a.) Council meeting schedule for August will only consist of one (1) meeting on August 12th.
- b.) The new Auditing Firm – Mauldin and Jenkins, LLC, started the Fiscal Year Audit for 2013-2014 today.

PUBLIC COMMENTS – Chairman Coleman opened the floor for comments at 5:55 P.M.

- 1.) Mr. Todd Rackley – Mr. Rackley, from the Joanna Community, approached Council saying, “The County Transportation Commission has voted and elected to pave a county road in Laurens County that has only one (1) resident to benefit from it. The fact is that they are only paving it past this one residents driveway. Things have transpired over the years from this one resident who even tried to stop the road from being cut through to keep the dust and traffic down. Members from the community on both sides of the road protested and the county road was allowed to remain open. This is a well-drained, well maintained road with gravel by graders to help keep it nice. There is a creek that crosses that will have to be addressed by means of a bridge to help with the flow of water. This resident also tried to get permission from the adjoining landowners to widen the road and pave it. The residents agreed to not sacrifice any of our land to increase the right of way. The adjoining landowners on the same side of the road declined sacrificing their land for widening and paving. The Transportation Commission has elected to pave a road that two landowners do not want paved. I just wanted the full Council to be aware of what has unfolded here because my Councilman did not know anything about this situation until I called him last week. I would like to know what that bid is and how much money is going to be spent on the project. I fell that there are a lot more roads in Laurens County that are in need of paving than just part of this one road that will end at a certain residents driveway”.
- 2.) Mr. Niles Clarke – As Chairman of the Laurens County Transportation Commission, Mr. Clarke said, “It is a policy of the Commission to look at all roads in need of repair and to select one (1) nonpaved road within Laurens County to pave each year. The only requirement that we have is for the landowners allow a right of way to allow for sufficient width of the roadway. We chose this particular road this year. I am going to turn this over to Mr. Willingham to explain why we chose this road this year”.
- 3.) Mr. Richard Willingham – Mr. Willingham, also a Member of the Laurens County Transportation Commission addressed Council by saying, “I am a member of the Transportation Commission representing the Joanna Community. Mr. Rackley has informed you wrong. The road is stopping where it is because Mrs. Lawson would not give any right of way. She is the one that suggested closing the road, not us. Mrs. Lawson owns land on both sides of the road where we are stopping it. The Commission is committed to one dirt road a year. The last couple of roads we have done have been in remote areas. What this paving does do is helps to eliminate the work load off of Mr. Holland’s road crew towards providing gravel and plowing and saves the County money. There is a lot of problems with the creek that have to be maintained when flooding situations are present. The right-of-way provided will change the lay of the road and will benefit more than one house. There is no favoritism being shown here”.
- 4.) Mr. James Martin – Mr. James Martin also a member of the Transportation Commission said, “I was opposed to this road and I certainly do not want any part of building a road that nobody wants. Majority ruled”.

- 5.) Mr. Lee Benjamin – Mr. Benjamin, a Joanna resident, said, “I live a half a mile from this road in question. I am not mad at anyone as they are all neighbors of mine. The whole thing of the matter is the Community did not give right of way twice in the past. The road is going to one resident’s house. This is misappropriation of tax dollars that could be put to better use”.

With no one else wishing to address Council, Chairman Coleman closed the public comments segment at 6:05 P.M.

COUNCIL MEMBER COMMENTS:

- 1.) Councilman Pitts said, “The road discussed previously is in my district. I am certain that there was good intent by the Commission but, I would like to personally request that the Commission reconsider the inclusion of road improvements and the paving of this road”.
- 2.) Vice Chairman McDaniel said, “I want to congratulate the fine work that the Department Heads do for this County. We have an abundance of good people on board and I wish them continued success this year”.
- 3.) Councilman Wood said, “I have always been a person to say that a person chooses where they want to live. If a person wants to live off of a dirt road, a person chooses where they want to live. I would like to see the Laurens County Transportation Commission discuss and reconsider the paving of this road. I’m a strong advocate of Mr. Clark and I agree with Mr. Pitts, I would like to see the Transportation Commission reevaluate this. This just does not sound good to me”.

Continuing, Councilman Wood said, “I read recently in a local paper acknowledgment of a recent audit for the Development Corporation. The article noted that there was in excess of two million dollars as cash on hand. Is this true?”

Chairman Coleman replied that the Development Corporation does buy and sale land and that their funds are not all in one account. Certain funds are spent a certain way since there are investors and the County that support the development within Laurens County.

Continuing, Councilman Wood asked, “How can the total expenditures with four (4) employees total seven hundred seventy seven thousand dollars (\$777,000)? What is the money spent on? It all boils down to a communication problem between the Development Corporation and this County Council. The Laurens County Development Corporation needs to better communicate with this Council. This Council has a right to know what kind of money is in the Development Corporation, how the dollars are spent and what all is going on within the Development Corporation. And I understand that I can go and speak with someone there”.

Chairman Coleman reminded Councilman Wood that the Development Corporation meets every other month and that the full Council is welcomed and invited to attend.

Councilman Wood asked, “What was wrong with wanting to know these things? What is wrong with advising this Council on matters instead of reading it all in a local paper. The County only has seven million and the Development Corporation has two million. The Development Corporation receives money from the County and the municipalities. This is all taxpayer dollars and all I asked for was for more information on the funds”.

- 4.) Councilman Nash said, "I think that it is a good policy for the Transportation Committee to select roads to work with, especially with the leftover funds that they have. Even if it is just half of a road."
- 5.) Councilman Tollison thanked publicly Mr. Segars and Attorney Cruickshanks for the assistance at the recent meeting with the Young's Community.

EXECUTIVE SESSION – VICE CHAIRMAN MCDANIEL made a MOTION to move into Executive Session at 6:15 P.M. to hold a Legal Briefing. COUNCILMAN TOLLISON SECONDING; VOTE 7-0.

BY CONSENSUS the Council moved back into open session at 6:45 P.M.

Chairman Coleman reported that no action was taken.

ADJOURNMENT – The meeting was adjourned at 6:17 P.M.

Respectfully Submitted,



Betty C. Walsh
Laurens County Clerk to Council