

**MINUTES**  
**LAURENS COUNTY COUNCIL**  
**JUNE 25 2013 – 5:30 P.M.**  
**HISTORIC COURTHOUSE – COUNTY COUNCIL CHAMBERS - PUBLIC SQUARE**

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**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 Probate Judge, Kaye Fridy; Laurens County Treasurer, Cindy Burke; Laurens County Auditor, Sally Lancaster; Laurens County Clerk of Court, Lynn Lancaster; Laurens County Building Codes Officer, Buddy Skinner; Laurens County Emergency Medical Service Director, Chad Burrell; Laurens County Coroner, Nick Nichols; Laurens County Detention Center Major Tyson; Laurens County Finance Department Director, Lisa Kirk; Laurens County Human Resources Manager, Debi Parker; Laurens County Public Works Director, Scott Holland; Laurens County Parks, Recreation and Tourism Director, Andy Howard; Laurens County Sheriff's Department, Captain Coats and Laurens County Vehicle Maintenance / Procurement Officer, Billy Wilson.

**PRESS:** Wyatt Mattison, *WLBG-Radio*; The *Laurens County Advertiser*, Corey Engle; *The Clinton Chronicle*, Vic MacDonald, and Rachel Ham of *Go-Laurens.com*.

**SCHEDULED SESSION AGENDA ITEMS** – (1) Approval of Amended Agenda, June 25, 2013; (2) Approval of Minutes from the June 11, 2013 Regular Session; (3.) Public Hearing, Ordinance #753 – “Fiscal Year 2013-2014 – Laurens County Budget”; (4.) Public Hearing, Ordinance #754 – “Providing a Special Education Appropriation FY 2013-2014”; a.) Third Reading, Ordinance #754 – “Providing a Special Education Appropriation FY 2013-2014”; (5.) Executive Session – Six (6) Employment Matters; (3/a.) Third Reading, Ordinance #753 – “Fiscal Year 2013-2014 – Laurens County Budget”; (6) Resolution #2013-08 – “A Resolution of Laurens County Council to Apply, Assign, Allocate, Transfer and Use \$1,009,500 Accumulated Pursuant to Laurens County Ordinance #654 to the General Fund For the Period of July 1, 2013 to June 30, 2014; And Other Matters Related Thereto”; (7) Administrative Report – Ernie Segars, County Administrator; (8) Public Comment; (9) Comments from Council Members.

**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 June 25, 2013 regular scheduled meeting of Council to order at 5:30 P.M. in the Council Chambers of the Laurens County Historic Courthouse with an invitation to stand for the invocation and Pledge of Allegiance. The invocation was delivered by Vice Chairman McDaniel.

**APPROVAL – AGENDA – JUNE 25, 2013** – VICE CHAIRMAN MCDANIEL made the MOTION to approve the agenda for the June 25, 2013 meeting with any additions or deletions. Administrator Segars asked for the addition of one (1) employment matter during executive session. The motion was SECONDED by COUNCILWOMAN ANDERSON; COUNCIL VOTED 7-0 to approve the agenda with the additional executive session matter.

**APPROVAL – MINUTES – JUNE 11, 2013 – REGULAR SESSION OF COUNCIL** – COUNCILMAN TOLLISON made the MOTION to approve the minutes from the June 11, 2013 regular session meeting; SECONDED by COUNCILMAN NASH; COUNCIL VOTED 7-0.

**PUBLIC HEARING – ORDINANCE #753 – “FISCAL YEAR 2013-2014 – LAURENS COUNTY BUDGET”**

– Chairman Coleman opened the public hearing at 5:33 P.M.

- Laurens County Coroner Nickles asked Council to consider three (3) items:
  - 1.) To have sign in sheets for those attending Council due to any impending disaster that may happen while in attendance so that those emergency responders would know who was there.
  - 2.) To assist those in the audience with hearing the discussions among Council.
  - 3.) Needing clarification as to deposit location of collected monies from the Coroner’s Office obtained from deceased scenes.

Coroner Nickles replied, “There are times when we have collected as much as sixty thousand dollars (\$60,000) from death scenes. I do not have a safe to keep these funds in my office. From the recently released memo from Mrs. Kirk, I now understand that I am to give these funds to her department”. Administrator Segars replied that the funds would still be handed over to Administration for deposit in the safe.

County Treasurer, Cindy Burke said, “I have talked with Mr. Segars about this and the memo. As Treasurer of Laurens County there are statutory requirements, by law, that I am to follow when it comes to County revenue. This law dictates who collects the money, who keeps the money and who accounts for the money. I cannot agree with any cash being held in an unsecured location. I am personally and professionally liable for these funds. By statutory law, all revenues are to be deposited with the County Treasurer. These offices do not have a safe for keeping this amount of funds.”

Administrator Segars stated, “The Coroner is talking specifically about the funds he collects from death scenes that fall under certain evidence at death scenes”. Mrs. Burke asked “What about other cash funds”? Administrator Segars explained that these monies are evidence of a crime and that they are held in a safe within the Offices of Administration. There are times when there is a quick turn-around from holding these funds”. Chairman Coleman stated that all county revenue funds would require to come to you, as Treasurer for the County.

With no other comments, Chairman Coleman closed the public hearing at 5:40 P.M.

**PUBLIC HEARING - ORDINANCE #754 – “PROVIDING A SPECIAL EDUCATION APPROPRIATION**

**FY 2013-2014”** – Chairman Coleman opened the public hearing at 5:41 P.M. With no one wishing to address Council, Chairman Coleman closed the public hearing at 5:42 P.M.

**THIRD READING - ORDINANCE #754 – “PROVIDING A SPECIAL EDUCATION APPROPRIATION**

**FY 2013-2014”** – COUNCILWOMAN ANDERSON made the MOTION for Council to approve Ordinance #754 upon third reading as presented with COUNCILMAN TOLLISON SECONDING for discussion.

Councilman Tollison stated, “We have had these discussions earlier and am I wrong with the understanding that these funds would go towards building maintenance no matter who was there physically”. Administrator Segars replied, “Actually, the checks are written to Piedmont Tec and USC-Union @ Laurens by the County Treasurer with the funds going into their general funds”.

Councilman Tollison asked if they then earmarked the funds for maintenance operations at the Higher Education Center? Administrator Segars replied, “The funds go to their general fund. There is a one (1) mill levy at this point in time. Several years ago the second mill was lifted when the bonds were retired. The proceeds from this one (1)

mill goes directly to these agencies. As far as the funds being earmarked for the maintenance of the building, that has never been”.

Councilman Tollison then proceeded to say that he was under the impression that USC-Union @Laurens is no longer in the building and questioned how the funds would now be applied. Administrator Segars said, “I spoke with Dr. Brookes today and he informed me that he had sent a letter at some point in time in the Spring to USC-Union stating that they needed to vacate the building because they (Piedmont Tec) needed the space. Since the letter was sent, another conversation has been conducted that has resulted in them staying in the building until December of this year – the Fall Semester”. Councilman Tollison said, “With that being said, will this Council need to reconsider and reallocate the funds when USC-Union leaves the facility”? Administrator Segars replied, “We talked about this and Attorney Cruickshanks has developed a document. And again, the motion made by Mrs. Anderson was for the ninety percent / ten percent (90% / 10%) split as it has been for a number of years. There might be a possibility of pro-rating them through December and then the balance to go back to Piedmont Tec if that is what this Council wants to do”. Councilman Tollison stated, “I am not opposed to us having some responsibility to the community for this building but based on some of the facts, I am concerned that USC-Union getting their full amounts and then backing out”.

County Treasurer, Cindy Burke said, “Prior to the construction of this facility, USC-Union had a strong presence in Laurens County and was supported totally by major industry within Laurens County”. Administrator Segars stated that in years past, there has been allocations included in the county budget for Piedmont Tec and USC-Union until Council decided to tie these two educational facilities to a millage.

COUNCILWOMAN ANDERSON requested to AMEND her earlier MOTION to say that this Ordinance is to provide for a special appropriation for education with distribution for the months through December 13, 2013 provided as appropriately designated by the ninety percent / ten percent (90% / 10%) split; and, from December 14, 2013 to June 30, 2014, the remaining funds would go to Piedmont Tec.

Councilman Wood asked if the full intention of this ordinance and the millage that the funds go directly for the maintenance of the facility? Councilman Tollison stated that he too remembered that these funds were earmarked for maintenance of the facility. Administrator Segars said, “That has been talked about but the way the money is allocated is that a check is written by the County Treasurer to each agency. The State pays for the staff and the supporting County pays for the facility upkeep and that sort of thing. They may use it for that, but it is not a requirement to do so”.

Attorney Cruickshanks read from the Ordinance, “The purpose is a one (1) mill tax levy is hereby established for the fiscal year beginning July 1, 2013 and ending June 30, 2014, upon all personal and real property in Laurens County, to provide funding for a special education appropriation to assist in offsetting the operational costs and expenses of the Laurens County Higher Education Center”. Councilman Tollison replied that operations costs and expenses of the facility is maintenance. Councilman Wood interjected power bills are operational costs. Administrator Segars said, “I must not be making it clear that it is not allocated that way. When a check is written it goes to Piedmont Tec and USC-Union”. Councilman Tollison questioned if the responsibility and maintenance for this facility is with Piedmont Tec and that USC-Union is granted use of space at the facility by Piedmont Tec. Administrator Segars replied that that was true and if Council wanted to change the ordinance it could be done.

Councilman Tollison stated that he would like to see the funds prorated simply because it is community funds being designated to these agencies.

COUNCILMAN TOLLISON SECONDED the AMENDED MOTION. Councilman Nash stated that he felt that the Ordinance needed to be amended to reflect the correct allocations to each agency over a given period of months.

Attorney Cruickshanks stated that the AMENDED MOTION SHOULD READ: “In the event the University of South Carolina Union at Laurens should close or discontinue operations at the Laurens County Higher Education Center during the fiscal year, the amount paid over to the University of South Carolina Union at Laurens shall be pro-rated and disbursed as of the date of discontinuance and any remaining balance of said funds shall thereafter be paid over to Piedmont Technical College. Disbursement of all funds collected and on hand in the office of the Laurens County Treasurer in this special account is required on or before June 30, 2014. Disbursements to the receiving agencies shall be made on the following dates: February 1, 2014 and a final disbursement on June 1, 2014”.

COUNCIL VOTED 6-1 (Councilman Wood in objection due to the wording in the Ordinance).

**EXECUTIVE SESSION** – VICE CHAIRMAN MCDANIEL made the MOTION for Council to move into Executive Session at 5:55 P.M. to discuss seven (7) employment matters. COUNCILWOMAN ANDERSON SECONDING; VOTE 7-0.

1. **Open Session** - Council reconvened in open session at 7:10 P.M.
  - a. Chairman Coleman reported that a Council Committee on Budget and Finance would be looking into and creating a “Hiring Procedure Policy”.
  - b. COUNCILMAN TOLLISON made the MOTION that upon the recommendations of the County Administrator, a reorganization of several employees will be implemented and that the six (6) employment matters will include pay adjustments for several individuals within the county payroll. COUNCILMAN PITTS SECONDING; VOTE 5-2 (Vice Chairman McDaniel and Councilwoman Anderson were in opposition).

**THIRD READING – ORDINANCE #753 – “FISCAL YEAR 2013-2014 – LAURENS COUNTY BUDGET”** – COUNCILMAN NASH made the MOTION to approve Ordinance #753 upon third reading with COUNCILWOMAN ANDERSON SECONDING; VOTE 4-3 (Council Members McDaniel, Pitts and Wood were in opposition).

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

**RESOLUTION #2013-08 – “A RESOLUTION OF LAURENS COUNTY COUNCIL TO APPLY, ASSIGN, ALLOCATE, TRANSFER AND USE \$1,009,500 ACCUMULATED PURSUANT TO LAURENS COUNTY ORDINANCE #654 TO THE GENERAL FUND FOR THE PERIOD OF JULY 1, 2013 TO JUNE 30, 2014; AND OTHER MATTERS RELATED THERETO”** – Administrator Segars stated that approval of this Resolution will allow the County to use funds generated in the six mill reserve fund levied for in the FY 2013-2014 County Budget.

COUNCILWOMAN ANDERSON made the MOTION to approve Resolution #2013-08 as requested with COUNCILMAN TOLLISON SECONDING; VOTE 5-2 (Council Members McDaniel and Pitts were in opposition).

**ADMINISTRATIVE REPORT** – Administrator Segars informed the full Council that the Council Committee on Public Works met on several occasions and has researched the addition to Hillcrest Square. At the last meeting (June 18, 2013) an alternate plan was reviewed.

Councilman Wood said, "The most recent plan is to put the addition on the right from of Hillcrest Square. I believe this to be a matter that the whole Council needs to be involved instead of just the three (3) Committee Members".

**PUBLIC COMMENTS** – Chairman Coleman opened the floor for public comments at 7:20 P.M.

- 1.) Mike Tucker, resident of the Pinecrest Subdivision, appeared before Council to request the County to adopt the roadway (Whispering Way) into Pinecrest into the county road maintenance.

Mr. Tucker said, "We, the residents, did not know that it was considered a private road. This came to our knowledge when we called asking for repairs to several areas. We want Council to understand that we, the fifteen (15) homeowners of Pinecrest Subdivision, are in a complex situation. One where the developer says that the road belongs to the County and another where the County says it is a private road and is not part of the County maintenance system and if we, the homeowners, attempt to put a piece of equipment in place to fix the road, that we would be liable for any damage that would occur".

Chairman Coleman stated that the County has a Policy in place and that he needs to address these issues with Mr. Holland in the Public Works Department.

Mr. Tucker said, "In 1993 Mr. Templeton sent word to Mr. Holland to come out and inspect the road so that it could fall under county maintenance. Mr. Holland went out and inspected. What happened was someone failed to follow through with it".

Chairman Coleman stated that Council will ask for Mr. Holland to bring back to Council a report of the situation and to make his recommendations as to how to move forward. Mr. Holland agreed and stated that this is not an isolated case and that there are well over six hundred (600) named private roads in Laurens County.

With no one else wishing to address Council, Chairman Coleman closed the session at 7:25 P.M.

**COUNCIL COMMENTS** – Chairman Coleman asked if there were any comments from Council.

- 1.) Councilman Tollison said, "The budget has passed and I still have some reservations about it. We are spending a good bit of money and it was a tough budget. I appreciate the work of the Staff and all of the involvement from Department Heads that we heard from. I would like to request that the IT Policy be a part of the agenda at the next meeting and that following the next meeting the Council Committee will begin meeting regarding the Detention Center".
- 2.) Chairman Coleman stated, "There will be only be one (1) meeting scheduled for August (August 13<sup>th</sup>), as several Members of Council will not be in attendance due to other State Meetings. Proud that the budget has been approved and that there were several organizational changes made that will prove to be beneficial to all.

**ADJOURNMENT** – With no further business, Chairman Coleman adjourned the meeting of Council at 7:30 P.M.

Respectfully Submitted,



Betty C. Walsh

Laurens County Clerk to Council