

MINUTES

LAURENS COUNTY COUNCIL SEPTEMBER 22, 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, and Joe Wood

COUNCIL MEMBERS ABSENT – Councilman David Tribble. (business matters)

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

PRESS: Judith Brown, *The Laurens County Advertiser*, Bristow Marchant, *The Clinton Chronicle*, Emil Finley, WLBG-Radio and Stan Stone, GoLaurens.Com.

SCHEDULED MEETING AGENDA ITEMS - ① Approval of Agenda, September 22, 2009; ② Approval of Minutes from September 8, 2009 regular session. ③ Public Hearing - Laurens County Ordinance #692 - "Authorizing the Nullification, Rescission and Cancellation of Inducement Agreements, Resolutions, Ordinance and Related Fee Agreements By and Between Laurens County, South Carolina and Fitesa, Incorporated, Its Affiliates and Assigns, Which Provided for a Fee In Lieu of Taxes Incentive, Including the Grant of An Infrastructure Credit; The Inclusion of the Project in a Multi-County Business or Industrial Park; And Other Related Matters"; a.) Third Reading Approval – Laurens County Ordinance #692 Authorizing the Nullification, Rescission and Cancellation of Inducement Agreements, Resolutions, Ordinance and Related Fee Agreements By and Between Laurens County, South Carolina and Fitesa, Incorporated, Its Affiliates and Assigns, Which Provided for a Fee In Lieu of Taxes Incentive, Including the Grant of An Infrastructure Credit; The Inclusion of the project in a Multi-County Business or Industrial Park; And Other Related Matters"; ④ Representatives of "ReWa" (Renewable Water Resources) to present an Executive Summary of a 20-year, long range plan to Laurens County Council; ⑤ First Reading Approval, Laurens County Ordinance #693 -An Ordinance to Amend That Certain agreement for the Development of a Joint Industrial and Business Park Between Laurens County and Greenville County Dated March 22, 1994 to Add Unifor Tract"; ⑥ Further Discussion of pending capital improvements / projects: a.) Proposed expansion / improvements of the Johnson Detention Center; b.) Construction of a new Sheriff's Department at the site of the Johnson Detention Center; c.) Allocation of two million dollars in bonding capacity for the construction of a satellite County Library in the City of Clinton; ⑦ Executive Session – Two (2) Contractual Matters.

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 September 8, 2009 meeting of Laurens County Council to order at 5:38 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 Councilman Tollison, everyone continued to stand for the Pledge of Allegiance.

Chairman Coleman noted that Councilman Tribble would not be with us tonight due to another engagement out of County.

APPROVAL – AGENDA – SEPTEMBER 22, 2009 – COUNCILMAN NASH made the MOTION to approve the agenda with any additions. Administrator Segars wished to add comments concerning Hunter Park Road in the Hunter Industrial Park. VICE CHAIR ANDERSON SECONDING; VOTE 6-0.

APPROVAL – MINUTES – SEPTEMBER 8, 2009 - COUNCILMAN MCDANIEL made the MOTION to approve the Minutes of the September 8, 2009 meeting of Council; SECONDED by VICE CHAIR ANDERSON; COUNCIL VOTED 6-0 to approve the minutes.

PUBLIC HEARING - ORDINANCE #692 - “AUTHORIZING THE NULLIFICATION, RECISSION AND CANCELATION OF INDUCMENT AGREEMENTS, RESOLUTIONS, ORDINANCES AND RELATED FEE AGREEMENTS BY AND BETWEEN LAURENS COUNTY, SOUTH CAROLINA AND FITESA, INCORPORATED, ITS AFFILIATES AND ASSIGNS, WHICH PROVIDED FOR A FEE IN LIE OF TAXES INCENTIVE, INCLUDING THE GRANT OF AN INFRASTRUCTURE CREDIT; THE INCLUSION OF THE PROJECT IN A MULTI – COUNTY INDUSTRIAL PARK; AND OTHER RELATED MATTERS.” - Chairman Coleman opened the public hearing at 5:36 P.M. Having no one wishing to address Council, Chairman Coleman closed the hearing at 5:37 P.M.

THIRD READING - ORDINANCE #692 - “AUTHORIZING THE NULLIFICATION, RECISSION AND CANCELATION OF INDUCMENT AGREEMENTS, RESOLUTIONS, ORDINANCES AND RELATED FEE AGREEMENTS BY AND BETWEEN LAURENS COUNTY, SOUTH CAROLINA AND FITESA, INCORPORATED, ITS AFFILIATES AND ASSIGNS, WHICH PROVIDED FOR A FEE IN LIE OF TAXES INCENTIVE, INCLUDING THE GRANT OF AN INFRASTRUCTURE CREDIT; THE INCLUSION OF THE PROJECT IN A MULTI – COUNTY INDUSTRIAL PARK; AND OTHER RELATED MATTERS.”

VICE CHAIR ANDERSON made the MOTION to approve Ordinance #682 upon third reading as presented; COUNCLMAN TOLLISON SECONDDING: VOTE 6-0.

Chairman Coleman explained that this was a document necessary for closure with Laurens County as it relates to the previous industrial project Fitesa.

ADDED AGENDA ITEM - HUNTER PARK ROAD – Chairman Coleman opened the discussion by acknowledging the ribbon cutting ceremony that was held at the Hunter Park for a new facility. In conjunction with the this project, Chairman Coleman said, “There is a road that is needing to be built between this industry and the Korber. Council needs to approve sixty five thousand dollars (\$65,000) for the construction of this road. These funds would come from the Hunter Park Local Government account.”

COUNCILMAN TOLLISON made the MOTION to approve the requested funds for the development of a road between the two industries using the Hunter Park funds. VICE CHAIR ANDERSON SECONDDING; VOTE 6-0.

Councilman Wood questioned if this road was already in the process of being built. Chairman Coleman replied that it was not.

RENEWABLE WATER RESOURCES “REWA”- TWENTY-YEAR LONG RANGE PLAN – Ms. Kathy Caldwell appeared before Council to present an Executive Summary of a twenty-year, long range plan to Laurens County Council and to ask for a Resolution of support of the plan.

Ms. Caldwell began by saying that the name ReWa is a new name for the former Western Carolina Sewer Authority that provides sewer service to portions of Anderson, Greenville, Laurens, Pickens and Spartanburg Counties. In 1994 a long-range planning group was established known as the Upstate Roundtable. The Planning Group developed a plan for sewer service that “ReWa” has followed for fifteen (15) years. In 2008, Renewable Water Resources recovered a group of volunteers from the five-county service area to update the long-range plan through 2030.”

Ms. Caldwell continued by showing a PowerPoint presentation of the Long Range Plan with the policy recommendations as follows:

Policy recommendations for the efficient and orderly provision of clean water services within the Renewable Water Resources Service Area:

- A. The service area of ReWa should be expanded to include the Enoree, Reedy, and Saluda River watersheds, in portions of Pickens, Greenville, Spartanburg, Anderson, and Laurens Counties.
- B. The findings of the Combined Growth Committee are recognized as the probable development pattern for projecting upstate growth and wastewater flows in 2015, 2020, 2025, and 2030.
- C. ReWa should evaluate and prioritize efforts and expenditures aimed at minimizing rainwater from entering or wastewater leaving the sewer systems.
- D. ReWa should develop partnerships with other Upstate planning agencies and organizations in the development and drafting of recommendations for long-term planning of roads, schools, utilities, parks, and other infrastructure improvements.
- E. ReWa should establish a formal sustainability program to promote and achieve specific sustainability goals.
- F. ReWa will develop a 10-year plan for its clean water, energy, and biosolids products.
- G. ReWa should address multiple uses of its properties and rights-of-way.
- H. ReWa should investigate opportunities to work with the South Carolina Department of Health and Environmental Control (SCDHEC) to appropriately adjust the Residential Unit Contributory Load when determining wastewater treatment plant capacity.
- I. ReWa should evaluate the viability of obtaining more favorable energy supply contracts and agreements.
- J. ReWa should identify opportunities and the related legislative actions needed to expand into businesses that complement its primary services, such as selling carbon credits, while continuing its efforts to develop alternative revenue streams.
- K. ReWa should continue to refine policies related to rates and charges for its services that reflect good public policy.
- L. ReWa should consider potential strategies that help subdistricts achieve and maintain financial viability.
- M. ReWa should continue its policy of seeking the lowest cost of capital funding.
- N. ReWa should increase public education about its sustainability initiatives.

RESOLUTION OF SUPPORT – UPSTATE ROUNDTABLE – RENEWABLE WATER RESOURCES – VICE CHAIR ANDERSON made the MOTION to approve the requested Resolution as presented. COUNCILMAN NASH SECONDING; VOTE 6-0.

FIRST READING – ORDINANCE #693 – AN ORDINANCE TO AMEND THAT CERTAIN AGREEMENT FOR THE DEVELOPMENT OF A JOINT INDUSTRIAL AND BUSINESS PARK BETWEEN LAURENS COUNTY AND GREENVILLE COUNTY DATED MARCH 22, 1994 TO ADD UNIFORM TRACT – COUNCILMAN NASH made the MOTION to approve Ordinance #693 upon first reading as presented. VICE CHAIR ANDERSON SECONDING; VOTE 6-0.

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

- 1.) Mr. Clyde Johnson expressed concerns on behalf of many Lake Greenwood residents as it relates to the following:
 - a.) Planned September drawdown of the lake – Mr. Johnson asked for Council help in getting this changed from a September drawdown to a late November timeframe. This would allow those that live on the lake year-round several more months to enjoy the lake after the hectic summer months.
 - b.) Greenwood County Pier Fees – Mr. Johnson asked for Council to help with gathering more information as to the pier fees that the Laurens and Newberry County residents are getting and Greenwood County is not getting.

Mr. Johnson said, “We oppose to how the fee was implemented. There was not a public hearing conducted. We also want to know where these fees will be applied within the budget of the Greenwood County. Why is the fee needed? What is the penalty for non-payment?”

- 2.) Mr. Bobby Irby expressed concerns for the recent opening of a bar in his community and noted the gunfire and shootings that have taken place since it opened. Mr. Irby asked for help by law enforcement towards the activities that are taking place at the business.

With no further comments, Chairman Coleman closed the public comment segment at 6:05 P.M.

Addressing the Lake Greenwood concerns, Chairman Coleman said, “The County Administrator and myself met with the Greenwood County Officials and discussed several of the same issues that have been noted. We were assured that the fees would be applied towards lake management. Just as the special tax district monies from Greenwood residents would be applied. Several years ago, Greenwood County proposed for Laurens and Newberry County to join forces with the Special Tax District involving land around Lake Greenwood. This Council voted against joining the special tax district; therefore there are no funds there to draw from on the Laurens County side.”

Councilman Wood questioned the draw down process and why the residents would not make the request to Greenwood County. Mr. Johnson replied that the Greenwood County Officials would listen to you as a Council much better than they would entertain our requests.

Councilman Nash replied that he had seen himself notification of the drawdown in both the *Laurens Advertiser* and the *Clinton Chronicle*.

There was a COUNCIL CONSENSUS that Laurens County would talk with the officials from Greenwood County and to request a public meeting where questions could be answered.

Councilman McDaniel replied to Mr. Irby's request: "It is unfortunate that conditions are what they are. No one should be subject to bullets and gun fires. This establishment cannot be ordered to close. But, if the proprietors cannot handle the patron, there are other measures that can be taken."

DISCUSSION – PENDING CAPITAL IMPROVEMENTS / PROJECTS – Chairman Coleman opened the discussion for the Clinton Branch Library by saying, "Since discussing the Clinton Library project, we have learned over the past several weeks that there is not the support from the City of Clinton as was anticipated. With this in mind, I feel that we, as a Council should now direct our full attention to the Detention Center expansion simply because of the state and federal regulations that are in place. We will just postpone the construction of a Clinton Library and the moving of the Sheriff's Department at this time. We need to plan for all the other capital projects."

Councilman Nash stated, "We need to include the Sheriff's Department with the Detention Center expansion by using the same bonding issue. There are financial savings keeping them together. If we piece-meal it will never be completed. Consideration needs to be discussed with the sale of the Church Street Office and move them to the Annex."

Councilman Wood said, "I am all for the Detention Center expansion and for the move of the Sheriff's Department. As Mr. Nash said, savings are there by combining the two projects with one bond issuance. I don't think that it is something we should delay. I agree with the sale of the Church Street Office and move the staff to the Annex. Church Street would sale very easily. I feel that it would be an asset to the Detention Center to have the Sheriff's Department in the same building for back-up purposes. Also, having the Sheriff's Department there will cut down on the need for additional employees. The biggest cost factor involved with all of this is the recurring costs where a millage will have to be put in place to take care of it. I still feel that there are a lot of unanswered questions. As to the Library, the Board needs to raise the first three million and then come to Council. There has been so many times that EMS has come to this Council asking for help and we turn them down. The City of Clinton is hands off with helping build something for the people there. Even the School is no where being completed because out of the fifty two million they now have less than one million. In Ware Shoals, we raised the money for what we needed."

Vice Chair Anderson said, "I am in favor of the Detention Center expansion and not the Sheriff's Department. We are obligated by law for the Detention Center but we are also obligated to the citizens of Laurens County. I also am in favor of the Library being built. I am aware of the oppositions that we will meet."

Councilman McDaniel said, "There are no easy answers in the government process. In past years we have been in dire straits. I am not in favor of even approaching the bonding capacity limits. Reoccurring costs will be a future obstacle and will eventually be put off on the citizens of the county. The business owners around the Square will even tell you that they love having the Sheriff's Department there. As our technology advances, we are also looking at the video conferencing for hearings...this cuts down on travel

time from one location to another. Moving one office to another always involves improvements and new items....it is never ending. I spend the County money like I spend my own. There is a time and a season for everything. I still have questions that have not been answered.”

Administrator Segars said, “I believe I am hearing a consensus that we need to start with the Detention Center and to implement the bonding process. We can give first reading to the bonding ordinance tonight by title only. There is a pressing need for the Detention Center expansion.”

Sheriff Ricky Chastain said, “I am not prepared to address in detail the questions posed by Council tonight but, I will say that I am in favor of the move of the Department. This would be a consolidation effort towards what we had earlier with the old jail. This would be a less compromising situation with the inmate transportation because all of the officers would be working together.”

Councilman Wood asked for confirmation that the expansion included a compound yard. Mr. Ashley confirmed.

Councilman Wood asked if the Office of the Coroner would also be considered with the move. Councilman Wood said, “Ten years ago I was elected to this office on the terms that I would provide services for the citizens of Laurens County. We need a plan....we have a contingency of over seven million dollars....why not use two million of this instead of borrowing it. Construction costs are down now, we need to take advantage of this time. Is there any interest on this Council to use any of the contingency monies?”

Councilman Tollison stated that he was in favor of the Detention Center and the Sheriff's Department.

Vice Chair Anderson said, “Use the bonding capacity for the Detention Center and the contingency funds for future needs.”

Councilman McDaniel said, “No, I am not in favor of using contingency funds largely because the Auditing firm has requested that we secure a contingency fund of at least twelve million dollars.”

COUNCILMAN WOOD made the MOTION to approve the Bond Ordinance on first reading and to also have in hand at the next meeting the number of mills this Council will have to raise to honor the reoccurring expenses. COUNCILMAN TOLLISON SECONDDING for discussion.

Bond Attorney Theodore DuBose stated that this Ordinance could be approved by title only and not to exceed ten million dollars and any changes can be made up until third reading.

Attorney Cruickshanks noted that there was a motion on the floor now that does not really reflect the intent.

COUNCILMAN WOOD restated his earlier motion as to provide for the issuance and sale of General Obligation Bonds up to ten million dollars and with the option of being changed before the final reading.

COUNCILMAN TOLLISON ACCEPTING the amending motion; VOTE 6-0.

COUNTY COUNCIL COMMENTS: Chairman Coleman opened to floor for Council comments.

- Councilman Nash noted the Unifor Brass ribbon cutting this AM.
- Councilman Wood thanked all for the congratulations received.
- Councilman McDaniel said, "I like a good fight every now and then but, one of my pet peeves is that we have two chief governing bodies in Laurens County that cannot sit down with each other and talk about the problems. Predatory lending in Laurens County is not getting any better. It is attacking all that cannot really afford to make loans...they are doing it to try to get out from under other debts and are doing it for all the wrong reasons. They are never going to get out of debt. The General Assembly is just not paying any attention to the Consumer Affairs Division of the State ...and they pay their salaries to do what they do. I want this Council to ask the County Delegation to sit down with us and talk about the issues that we all have."
- Chairman Coleman offered congratulations to Councilman Wood on the new grandbaby and asked for continued prayer for Administrator Segars' father who has been hospitalized for several weeks now.

Chairman Coleman closed the session.

EXECUTIVE SESSION – COUNCILMAN MCDANIEL made the MOTION to move into Executive Session at 6:56 to discuss two (2) Contractual Matters. VICE CHAIR ANDERSON SECONDDING; VOTE 6-0.

There was a COUNCIL CONSENSUS to reconvene in open session at 7:40 P.M.

- a.) #1 - Contractual Matter – COUNCILMAN TOLLISON made the MOTION for Council to approve the Veterans Administration inter-local governmental agreement with Greenwood County for a period ending June 30, 2010 at which time the agreement would be revisited and reviewed. COUNCILMAN WOOD SECONDDING; VOTE 4-2 (Council Members Anderson and McDaniel were in opposition).
- b.) #2 Contractual Matter – Chairman Coleman reported that there was a CONSENSUS of Council for the staff to continue working with the Delegation towards defining projects for the expenditure of the Colonial Pipeline monies.

ADJOURNMENT – There was a COUNCIL CONSENSUS to adjourn the meeting at 7:45 P.M.

Respectfully Submitted,



Betty C. Walsh
Clerk to Council