



MINUTES
JULY 10, 2018
LAURENS COUNTY COUNCIL
HISTORIC COURTHOUSE – COUNCIL CHAMBERS

ATTENDANCE: COUNCIL MEMBERS PRESENT- County Council Chairman Joe Wood; and County Council Members: Diane Anderson, Stewart Jones, Garrett McDaniel, Ted Nash.

COUNCIL MEMBERS ABSENT: Vice Chairman Tollison (work out of state) and Councilman David Pitts.

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

STAFF ABSENT: None.

DEPARTMENT HEADS PRESENT: Rob Russian, Director of Public Works; Lisa Inabinett, Magistrate Judge; Lisa Kirk, Finance Director; Debi Parker, Human Resources Manager; Billy Wilson, Vehicle Maintenance/Procurement Officer.

PRESS: Vic MacDonald, *The Clinton Chronicle*; Iva Cadmus, WLBG Radio and John Clayton, *The Laurens County Advertiser*.

SCHEDULED AGENDA ITEMS – JULY 10, 2018 – 1.) Call to Order; 2.) Invocation – Councilman Pitts; 3.) Pledge of Allegiance; 4.) Approval of Agenda – July 10, 2018; 5.) Approval of Minutes – June 26, 2018; 6.) Reports to Council – Lakelands Citizens for Clean Air; 7.) Old Business: a.) Resolution #2018-31 – Restoring Constitutional Governance (revised); 8.) New Business: a.) Opt In, Class Action Lawsuit; b.) Presbyterian College Real Estate Foundation – Notice of Public Hearing; c.) Appointment – Planning Commission; d.) First Reading, Ordinance #850 – Amending Ordinance #425 – Private Landfill Fee Increase; e.) First Reading (by title only), establishing EMS Fund #128 as a Special Revenue Fund; 9.) Public Comment; 10.) County Council Comments; 11.) Executive Session: a.) One (1) Legal Briefing (Carolina Pines); b.) One (1) Employment Matter; c.) One (1) Contractual Matter (Opioid Litigation); 12.) Adjournment.

ADDED AGENDA ITEMS – JULY 10, 2018 - Executive Session- 1.) Employment Matter, Coroners Office; 2.) Contractual Matter – Duncan Project.

MEETING NOTIFICATION – The requesting general public, department heads and Press were informed of the meeting in a timely manner. Postings of the Agenda were posted in County facilities on their bulletin boards and also posted on the County Web Site.

CALL TO ORDER – Chairman Wood called the meeting to order at 5:30 P.M.

APPROVAL OF AGENDA – Chairman Wood asked for approval of the agenda and if there were any additions or deletions from the agenda.

Chairman Wood stated that item 8-e – First Reading (by title only), establishing EMS Fund #128 as a Special Revenue Fund would be deleted. Added to the agenda under Executive Session would be – 1.) Employment Matter, Coroners Office; 2.) Contractual Matter – Duncan Project.

COUNCILMAN NASH made the MOTION to approve the July 10, 2018 agenda with all added or deleted items. COUNCILMAN MCDANIEL SECONDING; VOTE 5-0.

APPROVAL OF MINUTES – JUNE 26, 2018 - COUNCILMAN MCDANIEL made the MOTION to approve the June 26, 2018 minutes. COUNCILMAN JONES SECONDING; VOTE 5-0.

REPORTS TO COUNCIL :

LAKELANDS CITIZENS FOR CLEAN AIR – Mr. Alectron Dorfman, Chairman, Lakelands Citizens for Clean Air approached Council by introducing himself and Ms. Annmarie Humm, Vice Chair, Lakelands Citizens for Clean Air.

Mr. Dorfman presented Council with a PowerPoint presentation containing pictures and data of how the Biomass Pellet Companies are destroying our environment – land and air quality. His main directive was towards the purchase of land and the development of a pellet plant in Greenwood County.

A copy of his handout is attached and is to be considered as part of these minutes.

OLD BUSINESS:

RESOLUTION #2018-31 – RESTORING CONSTITUTIONAL GOVERNANCE (REVISED) – Councilman Jones informed Council that the Resolution had been addressed by him and the County Attorney with changes having been made as follows:

THEREFORE, BE IT RESOLVED, that notwithstanding any treaty, federal, state, or local law or authority, enacted or claimed, including, but not limited to, an authorization for use of military force, NDAA, or any similar law or authority enacted or claimed by Congress or the Office of the President directed at any person in Laurens County, South Carolina, who is not serving “in the land or naval forces, or in the Militia, when in actual service in time of War or public danger”, Laurens County Council believes it to be improper, unlawful, and unconstitutional to:

- a. Arrest or capture any person in Laurens County with the intent of “detention under the law of war”, or
- b. Actually subject a person in Laurens County to “disposition under the law of war”, or
- c. Subject any person to targeted killing in Laurens County; and

COUNCILMAN JONES made the MOTION for Council to approve the revised Resolution with COUNCILMAN NASH SECONDDING for discussion.

Councilman McDaniel

Councilwoman Anderson said, “We, this Council, represent well over sixty nine thousand (69,000) citizens in Laurens County. I feel that it is the responsibility of the State Representatives, as well as private citizens, to express their concerns to the US Congress. The House and Senate passed this and the citizens need to speak up for their rights”.

Councilman Jones said, “Coming from the citizens of this County, I came to this Council about five (5) years ago with this Resolution. When I could not get anyone on Council to do anything about it, then I decided to run for County Council. We all have sworn on the oath to defend the Constitution of South Carolina.”. Councilwoman Anderson replied, “I understand our rights and you were then speaking for yourself”. Councilman Jones said, “The provisions have a tendency to be abused and the Constitution needs to be upheld”.

Councilman McDaniel replied, “My concern is that it says this has no effect constitutionally; 10/21 and 10/22-b provision are in it already”. Councilman Jones said, “And, it is abused already abroad”.

Chairman Wood said, “I have read more about this and have talked with several people, including Carey Bolt our VA Officer. I feel like this is something that Councilman Jones is very serious about. And who am I to judge what he is sincere about. I am going to vote affirmative to his request to approve”.

COUNCIL VOTED 3-1-1 (Councilman McDaniel abstained and Councilwoman Anderson opposed).

NEW BUSINESS:

OPT IN, CLASS ACTION LAWSUIT - Attorney Cruickshanks offered the following information to Council for consideration.... “This deals with monies that have declined over the years and has not been paid to local governments since 2015. The case is largely represented by Kane County, Utah saying that it is unconstitutional for the federal government to underpay local governments what is due to them. The courts have ruled that provision of Section 6902 of the Act obligated the federal government to pay eligible local government the full amounts calculated by a formula set in the Act even though Congress failed to appropriate sufficient funds to honor during fiscal years 2015 through 2017. If this Council wishes to join forces and opt in to this lawsuit, we have until September first to do so. Laurens County’s none payment of funds is in the seven thousand dollar (\$7,000) range. I recommend for Council to approve and sign on with this lawsuit.”.

COUNCILWOMAN ANDERSON made the MOTION to approve participation with the lawsuit with COUNCILMAN MCDANIEL SECONDING; VOTE 5-0.

PRESBYTERIAN COLLEGE REAL ESTATE FOUNDATION – NOTICE OF PUBLIC HEARING - Attorney Cruickshanks explained that this is just a matter of procedure because of JEDA requirements and that there are no financial obligations required from the County.

Chairman Wood opened the Public Hearing at 6:20 P.M. Having no one wishing to address Council, Chairman Wood closed the Public Hearing at 6:21 P.M.

Administrator Caime stated that there will now be a Resolution presented for Council approval towards the project at the next meeting of Council.

APPOINTMENT – PLANNING COMMISSION - COUNCILMAN JONES asked for Council approval of Mr. Marshall Davis to the Planning Commission from Council District #4. Mr. Davis will be replacing Mr. Rob Roper due to his resignation. COUNCILMAN MCDANIEL SECONDING.

Administrator Caime asked for confirmation that an individual living in the City of Laurens can not be appointed to the County Planning Commission. Attorney Cruickshanks noted that if a City has a Planning Commission also, an individual living within the City can not be appointed. Attorney Cruickshanks asked to allow him time to research the matter in more detail.

COUNCIL VOTED – 5-0 to approve.

FIRST READING, ORDINANCE #850 – AMENDING ORDINANCE #425 – PRIVATE LANDFILL FEE INCREASE - Mr. Rob Russian, Director of Public Works, said, “This Ordinance is an amending Ordinance to Ordinance #425 allowing us to raise the host fee and to allow revisions to the Ordinance. During the budget process Council approved raising the fee to private owned landfills within the County, to one dollar (\$1.00) per ton. The Solid Waste Plan needs to be updated and this ordinance will start the process to revise the original plan”.

COUNCILWOMAN ANDERSON made the MOTION with COUNCILMAN MCDANIEL SECONDING; VOTE 5-0.

Chairman Wood took the moment to report to those present that Mr. Russian was resigning from his position effective next Wednesday.

FIRST READING (BY TITLE ONLY), ESTABLISHING EMS FUND #128 AS A SPECIAL REVENUE FUND – This discussion item was deleted from the agenda.

PUBLIC COMMENT - No one had signed up to address Council.

COUNTY COUNCIL COMMENTS:

- 1.) Councilman Jones wished Mr. Russian well with his change of employment and acknowledged the recent passing of Mr. John Livingston as being a true advocate for the citizens of Laurens County.
- 2.) Councilwoman Anderson wished Mr. Russian the best with his new employment with Greenwood County.
- 3.) Councilman McDaniel bid Mr. Russian farewell and expressed his appreciation for a job well done in Laurens County.

EXECUTIVE SESSION – COUNCILMAN JONES made the MOTION for Council to move into Executive Session at 6:30 P.M. COUNCILMAN MCDANIEL SECONDING; VOTE 5-0.

There was a COUNCIL CONSENSUS to reconvene in open session at 7:30 P.M.

- a.) ONE (1) LEGAL BRIEFING (CAROLINA PINES) – COUNCILWOMAN ANDERSON made the MOTION with COUNCILMAN MCDANIEL SECONDING to allow the County Attorney to settle the lawsuit with Carolina Pines. COUNCIL VOTED 5-0.
- b.) ONE (1) EMPLOYMENT MATTER – COUNCILMAN JONES made the MOTION for Council to approve the temporary, interim placement of Mr. Billy Wilson as overseeing the Department of Public Works until a replacement for resigning Rob Russian is made. No additional funding was resolved. COUNCILMAN MCDANIEL SECONDING; VOTE 5-0.
- c.) ONE (1) CONTRACTUAL MATTER (OPIOD LITIGATION) – COUNCILMAN MCDANIEL made the MOTION with COUNCILWOMAN ANDERSON SECONDING, to allow the County Attorney to enter into contract with other agencies involved with the Opiod litigation process; VOTE 5-0.
- d.) ADDED EXECUTIVE SESSION ITEMS:
 - 1.) EMPLOYMENT MATTER, CORONERS OFFICE – COUNCILWOMAN ANDERSON made the MOTION with COUNCILMAN MCDANIEL SECONDING to allow the staff to work with the Coroner's Office to help with accommodating the present staff in the absence of Coroner Nichols. VOTE 5-0.
 - 2.) CONTRACTUAL MATTER – DUNCAN PROJECT – Chairman Wood reported that NO ACTION WAS TAKEN.

ADJOURNMENT – By CONSENSUS the meeting was adjourned at 7:35 P.M.

Respectfully Submitted,



Betty C. Walsh

Laurens County Clerk to Council