



MINUTES
JANUARY 12, 2016
LAURENS COUNTY COUNCIL
HISTORIC COURTHOUSE – PUBLIC SQUARE
COUNTY COUNCIL CHAMBERS

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

COUNCIL MEMBERS ABSENT: None

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 Rob Russian; Captain Tyson, Detention Center Administrator; Laurens County Fire Director, Gregg Lindley and Laurens County Human Resources Manager, Debi Parker.

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

SCHEDULED MEETING AGENDA ITEMS –JANUARY 12, 2015 - 1.) Call to Order Chairman Wood; 2.) Invocation, Councilman McDaniel; 3.) Pledge of Allegiance; 4.) Approval of Agenda, January 12, 2016; 5.) Approval of Minutes – December 8, 2015; 6.) Public Hearing, Ordinance #804, “An Ordinance Authorizing (1) The Execution and Delivery of a Fee In Lieu of Tax And Incentive Agreement By And Between Laurens County, South Carolina (The “County”) And A Company Identified For The Time Being As Project Container, Acting For Itself, One Or More Affiliates, And / Or Other Project Sponsors (The “Company), Pursuant To Which The County Shall Covenant To Accept Certain Negotiated Fees Un Lieu Of Ad Valorem Taxes With Respect To The Establishment And / Or Expansions Of Certain Facilities In The County (Collectively, The “Project”); (2) The Benefits Of A Multi-County Industrial Or Business Park To Be Made Available To The Company And The Project; (3) Certain Special Source Revenue Credits In Connection With The Project; And (4) Other Matters Relating Thereto”; A.) Third Reading, Ordinance #804, “An Ordinance Authorizing (1) The Execution and Delivery of a Fee In Lieu of Tax And Incentive Agreement By And Between Laurens County, South Carolina (The “County”) And A Company Identified For The Time Being As Project Container, Acting For Itself, One Or More Affiliates, And / Or Other Project Sponsors (The “Company), Pursuant To Which The County Shall Covenant To Accept Certain Negotiated Fees Un Lieu Of Ad Valorem Taxes With Respect To The Establishment And / Or Expansions Of Certain Facilities In The County (Collectively, The “Project”); (2) The Benefits Of A Multi-County Industrial Or Business Park To Be Made Available To The Company And The Project; (3) Certain Special Source Revenue Credits In Connection With The Project; And (4) Other Matters Relating Thereto”; 7.) “Set Free To Be Ministries, Incorporated” – Pastor Wayne Jones and Joe Gresham; 8.) Second Reading, Ordinance #805, "An Ordinance Authorizing And Ratifying The Transfer And Assignment Of Three Separate Fee In Lieu Of Tax Agreements And Rights Related Thereto By Emitec, Inc. To A Related Entity; The Continuation In Force Of Such Agreements Following Such Transfer; The Execution And Delivery Of An Agreement Requesting And Approving The Transfers By And Among The County, Emitec, Inc. And The Transferee; And Other Matters Related Thereto”; 9.) Second Reading- Ordinance #806 - “An Ordinance To Acquire And Subsequently Transfer Real Estate For An Economic Development Project And All Other Matters Related Thereto”; 10.) Second Reading, Ordinance #807 – “An Ordinance To Acquire And Subsequently Transfer Real Estate For a Relocated Collection Facility In The Gray Court Area And All Other Matters Related Thereto”; 11.) First Reading, Ordinance #808, “An Ordinance (1) To Amend The Existing Master Agreement Governing The Octagon Industrial Park By And Between Laurens County, South Carolina And Greenville County, South Carolina, To Enlarge The Boundaries Of The Park To Include Certain Additional Property Located In Laurens County, South Carolina And Presently Owned And / Or Operated By D&W Fine Pack, LLC, And / Or More Of Its Affiliates Or Related Companies; (2) And Authorizing Other Related Matters”; 12.) First Reading, Ordinance #809, “An Ordinance To Exchange And Transfer Real Property With The City Of Laurens And All Other Matters Related Thereto”;

13.) Laurens County Fire Service, Durbin Creek Volunteer Fire Department – AFG Grant request for reimbursement; 14.) Administrative Report - County Administrator Ernie Segars; 15.) 6:00 P.M. Public Comments; 16.) Comments from Council Members; 17.) Executive Session – A.) One (1) Employment Matter – position of County Administrator; B.) One (1) Legal Briefing – Contractual Matter – County Fire.

MEETING NOTIFICATION – The requesting general public 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.

The general public and Press were informed of the Agenda in a timely manner as well as posting in County facilities on bulletin boards and the County Web Site.

CALL TO ORDER – Chairman Wood called the meeting to order at 5:30 P.M. and invited all to stand for the invocation and the Pledge of Allegiance. Councilman McDaniel provided the invocation.

Chairman Wood reminded all attending that as a new procedure of Council, anyone wishing to address Council during the public comment segment, will be required to sign in prior to the meeting listing name and their subject matter.

Chairman Wood asked for all to keep the Billy Odell family in their thoughts and prayers during the coming week. And, Chairman Wood expressed his appreciation to all of the gracious expressions of love and food during the death of his brother.

PUBLIC COMMENT SIGN UP – It was declared at 5:32 P.M. by the Chairman that no one had signed in requesting time in the Public Comment session.

APPROVAL OF AGENDA – Chairman Wood called for approval of the January 12, 2016 Agenda with any additions or deletions. COUNCILMAN PITTS made the MOTION to approve the agenda as presented with any additions and / or deletions; COUNCILMAN MCDANIEL SECONDDING; VOTE 7-0.

APPROVAL OF MINUTES – COUNCILMAN NASH made the MOTION to approve the minutes from the December 8, 2015 regular session of Council with COUNCILMAN JONES SECONDDING; VOTE 7-0.

PUBLIC HEARING, ORDINANCE #804, “AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN LAURENS COUNTY, SOUTH CAROLINA (THE “COUNTY”) AND A COMPANY IDENTIFIED FOR THE TIME BEING AS PROJECT CONTAINER, ACTING FOR ITSELF, ONE OR MORE AFFILIATES, AND / OR OTHER PROJECT SPONSORS (THE “COMPANY), PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED FEES UN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE ESTABLISHMENT AND / OR EXPANSIONS OF CERTAIN FACILITIES IN THE COUNTY (COLLECTIVELY, THE “PROJECT”); (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; (3) CERTAIN SPECIAL SOURCE REVENUE CREDITS IN CONNECTION WITH THE PROJECT; AND (4) OTHER MATTERS RELATING THERETO”. - Chairman Wood opened the public hearing at 5:35 P.M.

Attorney Cruickshanks reported that this Ordinance declares “Project Container” for \$20 million dollars towards invest purposes with sixty (60) new jobs. This is an expansion of an existing industry that is located in the upper part of the County.

With no one wishing to address Council, Chairman Wood closed the public hearing at 5:36 P.M.

- A.) THIRD READING, ORDINANCE #804, “AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN LAURENS COUNTY, SOUTH CAROLINA (THE “COUNTY”) AND A COMPANY IDENTIFIED FOR THE TIME BEING AS PROJECT CONTAINER, ACTING FOR ITSELF, ONE OR MORE AFFILIATES, AND / OR OTHER PROJECT SPONSORS (THE “COMPANY), PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED FEES UN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE ESTABLISHMENT AND / OR EXPANSIONS OF CERTAIN FACILITIES IN THE COUNTY (COLLECTIVELY, THE “PROJECT”); (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; (3) CERTAIN SPECIAL SOURCE REVENUE CREDITS IN CONNECTION WITH THE PROJECT; AND (4) OTHER MATTERS RELATING THERETO”.

COUNCILMAN JONES made the MOTION to approve Ordinance #804 upon third reading as provided with VICE CHAIRMAN TOLLISON SECONDING.

Councilman Pitts questioned page three (3) (b) (ii); “Is it typical for a thirty five (35) year fee agreement?” Attorney Cruickshanks replied, “All of the new fee agreements are for thirty five (35) years. It started out with twenty (20) years and this one is extension of the fee agreement so that the company can take full advantage. This one will go thirty (30) years and up to thirty five (35).”

Councilman Pitts asked if this was something that the County was doing or was it a change in law? Attorney Cruickshanks replied that it was a change in law. Councilman Pitts stated that he has reservations about this change.

VOTE 7-0.

“SET FREE TO BE MINISTRIES, INCORPORATED” – Representing this agency, Pastor Wayne Jones and Joe Gresham provided Council with agency information and a request for property on Templeton Road.

Pastor Jones said, “Our agency is a non-profit, non-denominational ministry to assist in bringing God’s healing, wholeness and freedom to the hurting and wounded in our community. Our mission is to assist individuals, families and community as a whole as one transits from incarceration. There are three (3) main areas where individuals do become trapped by life controlling issues – substance abuse, behaviors and relationship issues. Each individual will go through a five (5) part program – Defining life and controlling problems, mastered and trapped by issues, walls of protection, family influences and helping or harming. Following this program there are other study group topics that will be covered and selected – Insight Group, Restoring families, Anger, Peacemaking, step study and concerned person. In 2015 we had eighty two (82) men and forty six (46) women to complete the program with only six (6) returning to the jail.”

Following more details concerning the program, Pastor Jones and Mr. Gresham asked for a donation of 2.88 acres across from the County Detention Center to construct the facility. The proposal included for a thirty (30) bed facility with kitchen, class rooms and a Chapel. Staff would include an Executive Director, Day-to-Day Director, Night Manager, Group Leaders, cook and a transportation person.

Major Tyson provided the following states as it relates to the Detention Center population:

	<u>2014</u>	<u>2015</u>
High count:	311 inmates	260 inmates
Daily average:	287 inmates	245 inmates
Lowest level:		185 inmates (last two (2) weeks of December)

Disciplinary infractions reduced by 70%
Force within facility reduced by 50%
Inmate on inmate assaults reduced by 50%

Major Tyson stated that he felt that the stats improved from incorporating the Living Fee Ministries with the inmate population and that a program of this nature needs to be continued within our community; “I feel that the biggest problem concerning crime in Laurens County is that people have given up and have no chance to live a successful life. I know of no other agency that could have this great of impact on our society and we must use all resources at our disposal”.

Chairman Wood asked how the program and project are funded. Pastor Jones replied that they are a nonprofit agency and are privately funded and grants.

Administrator Segars questioned how a title to the property would be declared and if having a title to the property was necessary before your requests for grants. Mr. Gresham replied that the deed would include restrictions and revert back to the Council if nothing evolved within a three (3) year timeframe.

Vice Chairman Tollison said, “I understand that the ministry program within the Detention Center has been proven successful. The areas defined as part of the program would provide positive situations for the inmates. My concern involves that if Council starts opening doors to the non-profits in Laurens County, we would be opening back up what we have tried to discontinue during budget deliberations”.

Councilman Jones said that he felt this to be a proactive community program and that if we can work out the logistics of this, I am all for it.

Councilman Nash stated that his concerns involved what kind of licensing was required, where the funding would come from and where is another ministry like this established.

Councilwoman Anderson said, “I too have concerns with this initiative. I understand that incarceration has gone down nationwide. I also have concerns with establishing a live in facility in a services area. The financing is also a concern of mine. I understand the vision but getting there needs to be clearer”.

Councilman McDaniel said, “I have spoken to Major Tyson about this ministry and the numbers do tell the story. I would like to see more financial data”.

Councilman Pitts said, “Where there is no vision, people will perish. I certainly appreciate what has been done and the vision that is proposed. I see this as an intervention process to try to stop the cycles for inmates.....that is the ultimate goal. I don’t think I heard any requests for funds from the County that it all would be fund raising and grants. They only asked for the land. With no funds being requested, I am one hundred percent for it”.

Chairman Wood stated that Council would receive this as information until they were more involved with grant process and then would assign it to a County Council Committee for further review.

Administrator Segars noted that there has been donations of land in that area in years past.

SECOND READING, ORDINANCE #805, "AN ORDINANCE AUTHORIZING AND RATIFYING THE TRANSFER AND ASSIGNMENT OF THREE SEPARATE FEE IN LIEU OF TAX AGREEMENTS AND RIGHTS RELATED THERETO BY EMITEC, INC. TO A RELATED ENTITY; THE CONTINUATION IN FORCE OF SUCH AGREEMENTS FOLLOWING SUCH TRANSFER; THE EXECUTION AND DELIVERY OF AN AGREEMENT REQUESTING AND APPROVING THE TRANSFERS BY AND AMONG THE COUNTY, EMITEC, INC. AND THE TRANSFEREE; AND OTHER MATTERS RELATED THERETO" – Attorney Cruickshanks said, “As explained at the last

meeting, Emitec has implemented three (3) Fee-In-Lieu-of-Taxes over the years with the first two being of the title transfer type and the most recent one being of a non-title transfer. Emitec is now owned by parent company Continental Tire and is going through a corporate rearrangement allowing them to be a corporate division and not just a subsidiary industry. They want to keep all of the three fee arrangements in place. They are simply asking Council to now approve transferring the fee from the subsidiary to the corporate name”.

VICE CHAIRMAN TOLLISON made the MOTION to approve Ordinance #805 upon second reading as provided with COUCNILMAN JONES SECONDING; VOTE 7-0.

SECOND READING- ORDINANCE #806 - “AN ORDINANCE TO ACQUIRE AND SUBSEQUENTLY TRANSFER REAL ESTATE FOR AN ECONOMIC DEVELOPMENT PROJECT AND ALL OTHER MATTERS RELATED THERETO” – Administrator Segars stated, “This Ordinance involves the City of Clinton, the Clinton City Development Corporation, the County and the County Development Corporation with a building project that would benefit the City of Clinton. It involves the de-annexation of some property, and transferring the title to the County, with a final transfer back of title to the Clinton Development Corporation. There will be no cost to the County”.

COUNCILWOMAN ANDERSON made the MOTION to approve Ordinance #806 with COUNCILMAN JONES SECONDING for discussion; VOTE 7-0.

SECOND READING, ORDINANCE #807 – “AN ORDINANCE TO ACQUIRE AND SUBSEQUENTLY TRANSFER REAL ESTATE FOR A RELOCATED COLLECTION FACILITY IN THE GRAY COURT AREA AND ALL OTHER MATTERS RELATED THERETO”. - Mr. Rob Russian, Public Works Director, reviewed by saying, “This is an Ordinance for the swap of land to Quarry Road for the relocation and development of a rural boxsite collection facility in the Gray Court community by Vulcan Materials.

COUNCILMAN PITTS made the MOTION to approve Ordinance #807 with COUNCILWOMAN ANDERSON SECONDING for further discussion.

Vice Chairman Tollison said, “I still see this as a positive project”.

COUNCIL VOTED 7-0.

FIRST READING, ORDINANCE #808, “AN ORDINANCE (1) TO AMEND THE EXISTING MASTER AGREEMENT GOVERNING THE OCTAGON INDUSTRIAL PARK BY AND BETWEEN LAURENS COUNTY, SOUTH CAROLINA AND GREENVILLE COUNTY, SOUTH CAROLINA, TO ENLARGE THE BOUNDARIES OF THE PARK TO INCLUDE CERTAIN ADDITIONAL PROPERTY LOCATED IN LAURENS COUNTY, SOUTH CAROLINA AND PRESENTLY OWNED AND/OR OPERATED BY D&W FINE PACK LLC, AND/OR ONE OR MORE OF ITS AFFILIATES OR RELATED COMPANIES; (2) AND AUTHORIZING OTHER RELATED MATTERS”. Attorney Cruickshanks stated that this is an Ordinance that will allow the expansion of an existing multi-county industrial park (MCIP) to include D&W Fine Pack, LLC. As noted earlier this is for the expansion of company that will have an investment of \$20 million with sixty (60) new jobs for Laurens County.

COUNCILWOMAN ANDERSON made the MOTION to approve Ordinance #808 with COUNCILMAN MCDANIEL SECONDING; VOTE 7-0.

FIRST READING, ORDINANCE #809 – “AN ORDINANCE TO EXCHANGE AND TRANSFER REAL PROPERTY WITH THE CITY OF LAURENS AND ALL OTHER MATTERS RELATED THERETO”. Administrator Segars explained that both the City of Laurens and the County of Laurens collectively will be conveying, by title, the presently owned parking lots.

VICE CHAIRMAN TOLLISON made the MOTION to approve Ordinance #809 with COUNCILWOMAN ANDERSON SECONDING; VOTE 7-0.

LAURENS COUNTY FIRE SERVICE – DURBIN CREEK VOLUTEER FIRE DEPARTMENT AFG REQUEST FOR REIMBURSEMENT

– Mr. Greg Lindley approached Council for approval of a reimbursement to the Durbin Creek Volunteer Fire Department by declaring that the awarded forty one thousand dollars (\$41,000) through the 2014 AFG Grant required a five percent (5%) match by the County of one thousand nine hundred fifty two dollars (\$1,952.00) and that the Department purchased with these funds, new extrication equipment.

COUNCILMAN NASH made the MOTION to approve the request of reimbursement with VICE CHAIRMAN TOLLISON SECONDING; VOTE 7-0.

ADMINISTRATIVE REPORT – Administrator Segars reminded Council of three (3) upcoming meetings – NAACP Banquet, Chamber of Commerce Annual Banquet and the drop in for Re-Wa.

Chairman Wood asked that the County Administrator provide each Department Head with a letter asking if there is any departmental interest in the Church Street Office Building and if interested they should acknowledge with Mr. Russian.

PUBLIC COMMENT – Chairman Wood opened the floor for public comment at 6:25 P.M.

Chairman Wood allowed a late arrival (6:26 P.M.) Ms. Valerie Cook to address Council.

- 1.) Ms. Valerie Cook said, “I have fallen on hard times and would like to request help of housing and food for my family. We have fallen victim to many scams and thieves. I have been denied income...retirement and welfare. Our freedoms have been taken for personal gain”.

Having no one else wishing to address Council, Chairman Wood closed the session at 6:35 P.M.

COUNTY COUNCIL COMMENTS:

- 1.) Chairman Wood stated that he was confused with the final decision made at the last meeting regarding Laurens County Emergency Medical Services and asked for the County Attorney to review and offer his comments.

EXECUTIVE SESSION – COUNCILWOMAN ANDERSON made the MOTION to move into Executive Session at 7:40 P.M. for a Legal Briefing and an Employment Matter. VICE CHAIRMAN TOLLISON SECONDING; VOTE 7-0.

BY CONSENSUS Council moved back in to open session at 8:20 P.M.

- 1.) One (1) Legal Briefing – No action taken.
- 2.) One (1) Employment Matter - position of County Administrator - Chairman Wood reported that no action was taken.

ADJOURNMENT – With no further action required by Council, Chairman Wood adjourned the meeting at 8:22 P.M.

Respectfully Submitted,



Betty C. Walsh

Laurens County Clerk to Council