

MINUTES OF REGULAR MEETING
SALUDA COUNTY COUNCIL
MONDAY, NOVEMBER 13, 2017 AT 6:00 P.M.
COUNCIL CHAMBERS OF SALUDA COUNTY ADMINISTRATION BUILDING
400 WEST HIGHLAND STREET, SALUDA, SOUTH CAROLINA 29138

A. CALL TO ORDER

Vice-Chair Gwendolyn C. Shealy called the regular meeting of Saluda County Council to order at 6:00 P.M. Note: After the approval of minutes, Vice-Chair Shealy announced three Council members were present; therefore a quorum was present.

Present were: Vice-Chair Gwendolyn C. Shealy
Coun. Jones P. Butler (entered Ex. Session @ 7:45 p.m.)
Coun. J. Frank Daniel, Sr.
Coun. D. J. Miller

Also present were: County Director, Sandra G. Padget
Clerk to Council, Karen T. Whittle
Attorney, Ralph N. (Nick) Riley, Jr.

B. INVOCATION

Coun. Daniel delivered the invocation.

C. PLEDGE OF ALLEGIANCE

Vice-Chair Shealy led the Pledge of Allegiance.

D. APPROVAL OF MINUTES

On motion of Coun. Daniel, seconded by Coun. Miller, the minutes for October 9, 11, 16, and 23, 2017 were unanimously approved as submitted.

E. PUBLIC INFORMATION

It is noted by the Clerk herein that in compliance with the Freedom of Information Act, notice of meeting and agenda were given to the local news media and properly posted, to include the county website.

F. REPORTS OF COUNTY OFFICIALS

1. Coun. Daniel reported on the large attendance for the Ward Trail Ride, the weekend of November 10th through 12th.

2. Vice-Chair Shealy acknowledged November 11th as Veterans Day and thanked all Veterans for their service.

G. PUBLIC HEARING

1. Vice-Chair Shealy opened the Public Hearing on Ordinance No. 16-17, "AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN SALUDA COUNTY, SOUTH CAROLINA (THE "COUNTY") AND SC PET FOOD SOLUTIONS LLC, A COMPANY PREVIOUSLY IDENTIFIED AS PROJECT PBM 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 IN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE ESTABLISHMENT AND/OR EXPANSION 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."

At the beginning of the public hearing, Vice-Chair Shealy recognized Mr. Bernie Maybank with Nexsen Pruitt Law Firm, representing S.C. Pet Food Solutions LLC to provide a brief overview to Council and the public on the benefits of the fee-in-lieu-of-tax (FILOT) and a multi-county business park.

Mr. Maybank stated South Carolina had the highest property taxes in the country on manufacturers, therefore counties offered a FILOT in order to receive taxes the first year and through the life of the fee. Mr. Maybank said if a FILOT was not offered, a property tax incentive referred to as a manufacturer's abatement was automatically given by the S.C. Department of Revenue and the county would not receive any taxes for the first five years; tax payments would begin the sixth year. Mr. Maybank said in order to receive the FILOT, S.C. Pet Food Solutions LLC had committed to invest at least \$45 million in the project and create at least ninety (90) full-time jobs. Mr. Maybank said \$9 million in property tax payments would be apportioned between the county and school district over the life of the FILOT after all incentives and gave examples of yearly tax amounts. Mr. Maybank said the advantage of a FILOT for the company was it lowered the assessment ratio from 10.5% to 6% and the advantage for the county was property tax payments would be received the first year rather than the sixth year. Mr. Maybank informed Council and the public that S.C. Pet Food Solutions LLC would make a high-end pet food ingredient that would be sold to pet food manufacturers.

Vice-Chair Shealy stated any discussion related to permits, in particular permits that may have been filed or may be in appeal, could not be discussed publicly due to currently being in court. Vice-Chair Shealy advised speakers that questions would be recorded and answers provided later.

Mr. Paul Bartley addressed the following: the County entering into FILOT agreements and their term lengths; were the jobs being offered to Saluda County citizens; was the company willing to enter into agreements with the technical school system to train potential employees for the technical jobs within the company; the investment the county seemed to be making specifically in this project with the waterline; the economic impact of projects for the County other than receiving property taxes the first five years; and the effect of including projects in an industrial park.

Ms. Josie Bartley addressed the following: was the FILOT a simplified, streamlined or original; was the assessment being used on \$45 million or \$60 million as told for the investment of the company; would there be special source revenue bonds or special source credits; why the secrecy on negotiations of economic development projects and not informing the public; and why were the county/taxpayers paying for the waterline.

Mr. Lewis Burke addressed the following: the project had been on Council's agendas for approximately ninety (90) days, with this being third reading and citizens living near the site of the project knew what the project was, but why the secrecy to other citizens throughout the county.

Vice-Chair Shealy recognized Mr. Maybank to address the matter of secrecy.

Mr. Maybank informed the public the reason for secrecy was Saluda County would not want adjoining counties competing for this project. Mr. Maybank said adjoining counties would love to have the investment and property tax payments of this project and if word leaked, adjoining counties would start recruiting the company.

No one else spoke and the public hearing was closed.

H. OLD BUSINESS

1. On motion of Coun. Miller, seconded by Coun. Daniel, and unanimously approved, Third Reading was given on Ordinance No. 16-17, "AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN SALUDA COUNTY, SOUTH CAROLINA (THE "COUNTY") AND SC PET FOOD SOLUTIONS, LLC, A COMPANY PREVIOUSLY IDENTIFIED AS PROJECT PBM, 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 IN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE ESTABLISHMENT AND/OR EXPANSION 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."

2. Vice-Chair Shealy recognized EMS Director Jacob Starnes to update Council on entering into the Memorandum of Understanding with Learning for Life in order to participate in the EMS Explorer Program which was presented in the October Council meeting.

Mr. Starnes informed Council the County Attorney had reviewed and approved all documents related to the EMS Explorer Program. Mr. Starnes said the program would allow high school students that had an interest in learning and possibly pursuing a career in the field of Emergency Medical Services to be involved with EMS activities.

On motion of Coun. Daniel, seconded by Coun. Miller, it was unanimously approved for Saluda County to enter into the Memorandum of Understanding with Learning for Life to participate in the EMS Explorer Program. During discussion Coun. Miller said he felt this was an excellent program and wished similar opportunities would be offered through other businesses in the county. Mr. Starnes said Superintendent Harvey Livingston was excited about the program being offered, giving students the opportunity to consider EMS as a career choice. Mr. Starnes said a student beginning the program in the 10th grade would have first aid, CPR, and auto extrication certification, as well as other certifications by the end of the 12th grade.

I. NEW BUSINESS

1. On motion of Coun. Miller, seconded by Coun. Daniel, it was unanimously approved to adopt a Resolution IDENTIFYING A PROJECT TO SATISFY THE REQUIREMENTS OF TITLE 12, CHAPTER 44 OF THE SOUTH CAROLINA CODE, SO AS TO ALLOW INVESTMENT EXPENDITURES INCURRED BY A COMPANY KNOWN TO THE COUNTY AS PROJECT CATALINA, ITS AFFILIATES AND RELATED ENTITIES, TO QUALIFY AS EXPENDITURES ELIGIBLE FOR A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH SALUDA COUNTY, SOUTH CAROLINA; PROVIDING FOR OTHER RELATED ECONOMIC DEVELOPMENT INCENTIVES, INCLUDING SPECIAL SOURCE REVENUE CREDITS; AND OTHER MATTERS RELATED THERETO.
2. On motion of Coun. Daniel, seconded by Coun. Miller, and unanimously approved, First Reading was given on Ordinance No. 17-17, "AN ORDINANCE AUTHORIZING PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT, BY AND BETWEEN SALUDA COUNTY, SOUTH CAROLINA, AND PROJECT CATALINA, AS SPONSOR, AND ONE OR MORE SPONSOR AFFILIATES TO PROVIDE FOR A FEE-IN-LIEU OF AD VALOREM TAXES INCENTIVE AND CERTAIN SPECIAL SOURCE REVENUE CREDITS; TO PROVIDE FOR THE INCLUSION OF THE PROJECT IN A MULTI-COUNTY BUSINESS OR INDUSTRIAL PARK; AND OTHER RELATED MATTERS." During discussion Mr. Ed Parler informed Council Project Catalina, sponsored by Cypress Creek Renewables, was a 75 mega-watt solar farm located off of Topaz Road with a total investment of \$115 million and projected completion in 2019/2020. Mr. Parler said the project would be a FILOT agreement for forty (40) years with a payment of \$150,000.00 per year. Mr. Parler said the project was included in the

multi-county park agreement which was an advantage to the company by enhancing the company's job tax credits; a credit against the company's state income taxes and an advantage for the County to recover any revenue as soon as possible given to the company for incentives or investment.

3. Mr. David Enzastiga, CPA with the Rish & Enzastiga Firm presented the Audited Financial Statements for Fiscal Year 2016-2017. Mr. Enzastiga stated the audit was unqualified (good) for Fiscal Year 2016-2017.

On motion of Coun. Miller, seconded by Coun. Daniel, it was unanimously approved to accept the Audited Financial Statements for Fiscal Year 2016-2017 as presented by Mr. Enzastiga. (A copy of the audit is on file in the County Council office).

4. Vice-Chair Shealy recognized Chief Deputy, Chris Cockrell to present consideration for additional funds to purchase body cameras for the Saluda County Sheriff's Office.

Chief Deputy Cockrell addressed with Council S.C. Code of Laws section 23-1-240 (E) and (F) in reference to a "body-worn cameras fund" established within the Department of Public Safety for the purpose of assisting state and local law enforcement agencies with the purchase, maintenance, and replacement of body-worn cameras and on-going costs.

Chief Deputy Cockrell said the Sheriff's Office requested approximately \$53,000.00 from the S.C. Department of Public Safety based on their first quote last year for body cameras and associated software/maintenance. The Sheriff's Office was awarded \$36,034.40. Chief Deputy Cockrell said working with the IT Director to insure all components were obtained for the body camera program, the new quote was \$58,228.20; a difference of \$22,193.80 from the award. Chief Deputy Cockrell requested \$22,193.80 to outfit all officers, including School Resource officers, with body-cameras to avoid issues with an officer not having a body camera in the event of a confrontation with the public. Chief Deputy Cockrell said next year he would request reimbursement for \$22,193.80 along with any other costs for replacement or maintenance as addressed in the legislation. The reimbursement would be deposited in the county revenue account as discussed.

On motion of Coun. Daniel, seconded by Coun. Miller, it was unanimously approved to fund the difference of \$22,193.80 from Contingency to purchase body cameras for the Sheriff's Office along with the \$36,034.40 cash award from the S.C. Department of Public Safety Office of Highway Safety and Justice Programs, with the difference being reimbursed by the state as funds become available. Council and Chief Cockrell discussed the vendor, Watchguard, which was on state contract for body cameras versus other vendors, and the county IT Director being in agreement with the choice of system due to the IT department assisting maintaining the devices and program.

5. Vice-Chair Shealy recognized EMS Director, Jacob Starnes and Regional Business Manager for Life Net South Carolina, Anna McCall to present the One Call Agreement for Emergency Air Medical Services.

Ms. McCall informed Council Life Net was the largest air medical provider in the world, owned by Air Methods based in Denver, Colorado and had served South Carolina and Saluda County for thirty years.

Ms. McCall said Air Methods was proposing a One Call agreement where in the event EMS needed a helicopter(s) on an emergency-scene, Saluda County Dispatchers would make one call to their dispatch center, AirCom based in Nebraska, and AirCom would dispatch the closest available Life Net aircraft(s), or a competitor's aircraft(s) if a Life Net aircraft was unavailable, and would then relay the information to Saluda County Dispatch Center. Ms. McCall said with the One Call agreement it would allow Saluda County Dispatchers to focus on assisting EMS, law enforcement and firemen, instead of locating an available helicopter or multiple helicopters in certain situations. Ms. McCall said this would not exclude other companies, they would call the closest helicopter even if it was their competitor; they would do what was right for the patient. Ms. McCall said there was no cost to Saluda County for this service.

Mr. Starnes informed Council currently EMS would relay to Dispatch the need for a helicopter and Dispatch would contact Life Net or other companies as to which company had the closest or available helicopter. Mr. Starnes said Dispatch could be making multiple calls to companies as to the closest and available helicopter, versus Saluda County Dispatchers could make one call to Air Methods dispatch.

Council and Ms. McCall discussed more in detail, but not limited to, availability of the closest helicopter either Life Net or a competitor; weather related situations that effect helicopter response; currently four air medical services in the area for Saluda County; and benefits obtained by the company by not charging fees was to capture data on call volumes and the safety aspect of the helicopters flights and landing zones.

Vice-Chair Shealy requested a list of South Carolina counties that had agreements with Air Methods for Council to research and gather information on the service and details within the agreement.

Council received the presentation as information.

6. Vice-Chair Shealy recognized Coun. Miller to present consideration to accept the proposal from Davis and Floyd for environmental services and demolition of county buildings located at 722 Batesburg Highway.

Coun. Miller presented information on county buildings and an underground storage tank located at 722 Batesburg Highway near the recreation complex that have been determined to be hazardous and need to be removed. Coun. Miller said quotes were received from two companies to provide testing as required by DHEC for materials such as asbestos, lead, etc.

before permits could be obtained for the demolition of such buildings and structures. Coun. Miller recognized Risk Manager Mike Berry to provide further information.

Mr. Berry added an onsite survey with Davis and Floyd was performed identifying material to be tested. Mr. Berry said if test results identified hazardous material, an abatement design would be required by DHEC, followed by the permitting process to demolish the buildings.

On motion of Coun. Daniel, seconded by Coun. Miller, it was unanimously approved to accept the proposal dated November 2, 2017 from Davis and Floyd for Environmental Services of the old roads and bridges building located at 722 Batesburg Highway in the amount of \$4,850.00 to be funded from Contingency.

7. On motion of Coun. Miller, seconded by Coun. Daniel, it was unanimously approved to fund from Contingency an amount not to exceed \$15,050.00 for the employer's portion of the health insurance plan increase for January 1, 2018 through June 30, 2018.
8. On motion of Coun. Miller, seconded by Coun. Daniel, it was unanimously approved to give county employees a \$20.00 Bi-Lo gift card and to fund \$1,100.00 from Contingency for the difference between the budgeted employee Christmas luncheon and the cost of the gift cards.
9. On motion of Coun. Daniel, seconded by Coun. Miller, it was unanimously approved to appoint Mr. Kevin J. Crouch of 249 Collum Landing Road, Batesburg and to re-appoint Mr. R. Darron Wilson of 361 Butler Road, Saluda, to the Upper Savannah Workforce Development Board with their terms expiring December 1, 2020.
10. On motion of Coun. Miller, seconded by Coun. Daniel, it was unanimously approved to appoint Rex Abney and Heather Griffin to the employee grievance committee with their terms expiring November 13, 2020.
11. On motion of Coun. Daniel, seconded by Coun. Miller, it was unanimously approved to appoint Donnie Longshore to represent the Circle Fire Department on the Saluda County Fire Board with his first term expiring June 30, 2021 and Ted Hite to serve as alternate.

J. EXECUTIVE SESSION

On motion of Coun. Daniel, seconded by Coun. Miller, it was unanimously approved for Council to go into Executive Session Pursuant to Section 30-4-70(a)(1) and (2) of the South Carolina Code of Laws 1976, as amended, to discuss a personnel matter in Dispatch; to discuss a contractual matter in relation to potential repairs at the Saluda County Detention Center; and to receive legal advice on an alleged wrongful termination lawsuit in the Sheriff's Office, to return at the Call of the Vice-Chair.

Council returned into open session at the Call of the Vice-Chair.

K. PUBLIC ACTON

1. On motion of Coun. Butler, seconded by Coun. Daniel, it was unanimously approved to settle the alleged wrongful termination claim in the Sheriff's Office in the amount of \$2,500.00 to Kenneth Clark and his attorneys, Nicholson, Meredith and Anderson, LLC to be paid from Contingency.
2. On motion of Coun. Miller, seconded by Coun. Daniel, it was unanimously approved to extend the variable hour temporary part-time position previously approved for Dispatch until the employee returns to work full-time or to be re-evaluated at the January 8, 2018 Council meeting. During discussion Coun. Miller stated the variable hour temporary position was not to exceed the difference between the hours worked by the employee and the remainder of the employee's 12 hour shift.

L. ADJOURNMENT

On motion of Coun. Miller, seconded by Coun. Butler, it was unanimously approved to adjourn the meeting at 8:34 P.M.

Karen T. Whittle
Karen T. Whittle
Clerk to Council

Gwendolyn C. Shealy
Gwendolyn C. Shealy
Vice-Chair

January 8, 2018
Date Approved