

MINUTES OF REGULAR MEETING
SALUDA COUNTY COUNCIL
MONDAY, AUGUST 14, 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.

Present were: Vice-Chair Gwendolyn C. Shealy
Coun. Jones P. Butler
Coun. J. Frank Daniel, Sr.
Coun. D. J. Miller

Also present were: County Director, Sandra G. Padget
Clerk to Council, Karen T. Whittle
County Attorney, Christian G. Spradley

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. Butler, seconded by Coun. Miller, the minutes for July 3, 10, 17, 18, and 24, 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. County Council Members expressed their sympathy to the family of Chm. Donald E. Hancock and asked for continued prayers and support for the family and the county.

2. Vice-Chair Shealy announced the Relay for Life was cancelled on August 11th and had been rescheduled for Saturday, August 19th from 5:00 p.m. to 10:00 p.m. at the Saluda County Recreation Complex.

Vice-Chair Shealy announced a recognition service for Chm. Donald E. Hancock would be held at the September 11th Council meeting.

3. Coun. Miller reported first reading would be held in the meeting for a quit claim deed to give the Brooks Royston Park back to the community.

G. OLD BUSINESS

1. On motion of Coun. Butler, seconded by Coun. Daniel, and unanimously approved, Second Reading was given on Ordinance No. 12-17, "AN ORDINANCE TO ENTER INTO A CONTRACT FOR A FIXED BASE OPERATOR, SALUDA SKY AVIATION, LLC AT THE SALUDA COUNTY AIRPORT." Vice Chair Shealy announced the public hearing and third reading would be held on August 23, 2017 at 5:45 p.m.

H. NEW BUSINESS

1. On motion of Coun. Miller, seconded by Coun. Butler, and unanimously approved, First Reading was given on Ordinance No. 13-17, "AN ORDINANCE TO QUIT CLAIM PROPERTY OWNED BY SALUDA COUNTY CONTAINING 10 ACRES ON EAST END DRIVE, SALUDA, SOUTH CAROLINA." During discussion Coun. Miller said due to a lot of confusion on this property, he was looking forward to this property being cleared up between Saluda County and the Saluda Recreation District.
2. On motion of Coun. Miller, seconded by Coun. Butler, and unanimously approved, First Reading by **title only** was given on Ordinance No. 14-17, "AN ORDINANCE TO AMEND THE MULTI-COUNTY INDUSTRIAL PARK AGREEMENT BETWEEN SALUDA COUNTY AND AIKEN COUNTY ATTACHED AS SCHEDULE I OF ORDINANCE NO. 13-13, TO ADD OTHER PROPERTIES REQUESTED TO BE PLACED IN THE MULTI-COUNTY PARK AND TO EXTEND THE TERM OF THE MULTI-COUNTY INDUSTRIAL PARK AGREEMENT." During discussion, Economic Development Consultant Ed Parler explained since the adoption of the original ordinance, Council had approved Fee-In-Lieu-Of-Tax (hereinafter referred to as FILOT) agreements for Saluda Solar LLC One and Saluda Solar LLC Two which stated they would be included in the multi-county park. Mr. Parler said several other properties would like to be included in the park: Project Beulah which had received second reading; Southland Saluda LLC (Southland Log Homes) which acquired the old Knight Distribution building; and Project PBM. Mr. Parler said extending the term of the multi-county park was due to the Solar projects FILOT agreements being for a period of forty (40) years.

Coun. Miller questioned the benefit of companies being added to the multi-county park. Mr. Parler said the benefit to the company was the enhancement of job tax credits, an incentive given by the State of South Carolina. Mr. Parler said the benefit of a multi-county park for the county was it authorized the county to distribute the fees from the park as necessary in order to retire any kind of investment or debt the county made in bringing the project together. Mr. Parler said while the county was in control, the intent was to distribute the fees accordingly as prorated by the millage.

3. Vice-Chair Shealy recognized Mr. Burnett Maybank with Nexsen Pruet Law Firm to present A RESOLUTION 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 A COMPANY IDENTIFIED FOR THE TIME BEING 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.

Mr. Maybank said Project PBM had committed to spending \$45 million and they were requesting a Fee-in-Lieu-of-Tax agreement (hereinafter referred to as FILOT) Resolution from the county. Mr. Maybank informed Council a benefit of a FILOT agreement was the county would receive taxes beginning with year one versus the county not receiving taxes until year six under the South Carolina law for manufacturers' abatement, which eliminates taxes for the first five years. Mr. Maybank informed Council details of the FILOT agreement would become available at a later date.

On motion of Coun. Daniel, seconded by Coun. Miller, it was unanimously approved to adopt the RESOLUTION 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 A COMPANY IDENTIFIED FOR THE TIME BEING 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.

4. Vice-Chair Shealy recognized Economic Development Consultant, Mr. Ed Parler to present consideration to submit a grant application to the S. C. Rural Infrastructure Authority for funds for a waterline to the Project PBM site.

Mr. Parler informed Council the S.C. Rural Infrastructure Authority, a state authority funded through state monies and appropriations on an annual basis, had money available for economic development projects and community infrastructure projects and was accepting grant applications for four projects. Mr. Parler said as part of Project PBM, there had been a request for Saluda County to submit a grant application to assist extending a 10 inch ductile iron main for approximately 11,500 feet from Ridge Spring highway down Duncan Road. Mr. Parler said the system would include valves and fire hydrants to provide fire flow service, as well as accessibility to public water to the residents in the area. Mr. Parler said the estimated cost for the entire project was \$740,000.00 with the maximum grant amount being \$500,000.00. The Aiken Edgefield Saluda Partnership along with the electric cooperatives had agreed to provide the match required, as well as they were currently paying for the engineering services being performed; therefore being of no cost to Saluda County. Mr. Parler said Saluda County, the applicant, would deed the waterline to the Saluda County Water and Sewer Authority once the line was completed.

On motion of Coun. Miller, seconded by Coun. Butler, it was unanimously approved for staff to submit a grant application to the S. C. Rural Infrastructure Authority for funds for a waterline to the Project PBM site with the 25% required match to be paid by the Aiken Edgefield McCormick Saluda Partnership with assistance from the electric cooperatives. During discussion Mr. Parler said Saluda County Water and Sewer Authority was not eligible for the grant since they currently had a project open that was funded by S.C. Rural Infrastructure Authority; therefore it was appropriate for Saluda County to assume the role as the applicant.

5. Vice-Chair Shealy recognized EMS Training Officer James Cole to present the adoption of Standard Operating Procedures for EMS with yearly revisions.

Mr. Cole presented for Council's consideration, Saluda County's standard operating procedures with yearly revisions. Mr. Cole stated he and EMS Director Jacob Starnes reviewed the departments existing SOP's, researched national standards, DHEC EMS, along with other surrounding counties procedures to update Saluda County's standard operating procedures to be in line with those researched.

On motion of Coun. Butler, seconded by Coun. Daniel, it was unanimously approved to adopt the Standard Operating Procedures for EMS with yearly revisions. During discussion Coun. Miller questioned were the SOP's in line with

all state and federal regulations and would the SOP's be revised yearly. Mr. Cole responded the SOP's were in line with state, federal and OSHA regulations and they would require yearly updates as regulations change.

6. Vice-Chair Shealy recognized Risk Manager Mike Berry to present consideration to modify Section IV, Testing Provisions of the Saluda County Substance Abuse Policy and Procedures.

Mr. Berry informed Council Westview Behavioral Health Services had requested clarification of testing guidelines of the Substance Abuse Policy and Procedures for post-accident alcohol and drug testing in order to provide staff to perform testing after hours.

The current policy stated: All employees involved in on-the-job vehicle or equipment accidents, will be tested for alcohol and drugs as soon as possible following such accidents.

Mr. Berry said for clarification on time requirements the following two statements were being recommended: 1) All employees involved in on-the-job vehicle or equipment accidents, will be tested for alcohol and drugs within eight (8) hours following such accidents. Accidents are defined as follows: 2) Westview will provide onsite testing at their Saluda facility between the hours of 7:30 a.m. until 11:30 p.m. County employees involved in vehicle accidents after 11:30 p.m. will be scheduled for the following morning within the requirements for post-accident drug and alcohol testing. County employees involved in an on-the-job accident will be restricted from driving a county vehicle, until cleared by a County approved Substance Abuse Professional.

On motion of Coun. Butler, seconded by Coun. Daniel, it was unanimously approved to change Section IV, Testing Provisions, Post-Accident/Near Accident of the Saluda County Substance Abuse Policy and Procedures to read as follows:

- 1) All employees involved in on-the-job vehicle or equipment accidents, will be tested for alcohol and drugs within eight (8) hours following such accidents. Accidents are defined as follows: (Note: in policy the definition for "accidents" follows this statement)
- 2) Westview will provide onsite testing at their Saluda facility between the hours of 7:30 a.m. until 11:30 p.m. County employees involved in vehicle accidents after 11:30 p.m. will be scheduled for the following morning within the requirements for post-accident drug and alcohol testing. County employees involved in an on-the-job accident will be restricted from driving a county vehicle, until cleared by a County approved Substance Abuse Professional.

During discussion Coun. Miller questioned Mr. Berry was eight (8) hours a maximum amount of time or could something be out of the system in that amount

of time. Mr. Berry said eight hours was the basic window and the test could be and was best if performed sooner. Coun. Miller and Mr. Berry also discussed for a future update of the policy to use another word besides "accident" in the definition for "accident" as was currently written in the policy.

7. On motion of Coun. Daniel, seconded by Coun. Butler, it was unanimously approved to appoint Courtney A. Priester of 1984 Greenwood Highway, Saluda to the Saluda Nursing Center Board with her first term expiring March 31, 2020.
8. On motion of Coun. Daniel, seconded by Coun. Butler, it was unanimously approved to appoint Margaret A. Nickerson of 159 Clarks Circle, Ward to the Saluda County Planning Commission with her first term expiring August 15, 2020.
9. On motion of Vice-Chair Shealy, seconded by Coun. Butler, it was unanimously approved to re-appoint Wayne D. Matthews of 1294 Johnston Highway, Saluda to the Saluda County Airport Commission with his second term expiring January 14, 2020.

I. EXECUTIVE SESSION

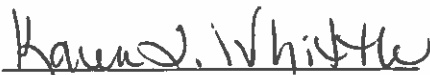
On motion of Coun. Butler, seconded by Coun. Miller, it was unanimously approved for Council to go into Executive Session pursuant to Section 30-4-70(a)(1)(2) and (5) of the South Carolina Code of Laws 1976, as amended, to discuss a personnel matter in Dispatch; a potential contractual matter from the county planning committee; economic development Project Thunder; and to receive legal advice, to return at the Call of the Vice-Chair.

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

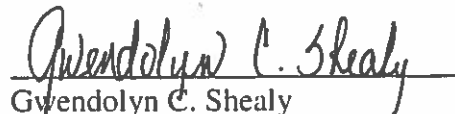
No action came out of Executive Session.

J. ADJOURNMENT

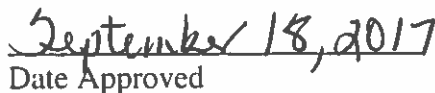
On motion of Coun. Miller, seconded by Coun. Butler, it was unanimously approved to adjourn the meeting at 7:48 P.M.



Karen T. Whittle
Clerk to Council



Gwendolyn C. Shealy
Vice-Chair


Date Approved