

**HAMPTON COUNTY COUNCIL MEETING MINUTES
MONDAY; MARCH 20, 2006; 6:00 P. M.
COUNCIL CHAMBERS, B. T. DeLOACH BUILDING, HAMPTON, SC**

Hampton County Council held its regularly scheduled meeting on Monday, March 20, 2006, 6:00 p. m., Council Chambers, B. T. DeLoach Building, Hampton, South Carolina. Council Member(s) present: Lee S. Bowers, Virgin Johnson, Sr.; Margaret S. Parker, Chairman and Willard E. Wilson, Vice Chairman. Council Member(s) absent: Lisa Ball. Staff present: Sabrena Posey Graham, Administrator; Aline Newton, Clerk to Council and A. G. Solomons, Jr., County Attorney. Media present: Mr. Wayne Knuckles, The Hampton County Guardian. The meeting was advertised as prescribed by law.

CALL MEETING TO ORDER

CALL TO ORDER:

Vice Chairman Wilson called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION:

Pastor Byrd, County Chaplain, gave the invocation.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Vice Chairman Wilson. Chairman Parker arrived.

PUBLIC HEARING(S)

There were no public hearing(s).

PUBLIC COMMENT(S)

There were no public comment(s).

ADOPTION OF THE AGENDA

ADOPTION OF THE MARCH 20, 2006 COUNTY COUNCIL MEETING AGENDA:

Chairman Parker asked if there were any changes to the agenda. There were none.

APPROVAL OF MINUTES

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FEBRUARY 21, 2006 REGULAR MEETING MINUTES:

Chairman Parker asked if there were any changes, additions or corrections to the minutes. There were none. Chairman Parker stated that minutes were approved as received.

PRESENTATIONS

M4-H STATE FACE AWARD WINNERS:

Chairman Parker presented to Joshua Mason (9-13 Division) and Miles Nix (5-8 Division) certificates of recognition for competing and winning the 4-H State F.A.C.E. Awards.

MR. DANNY BLACK, CEO, SOUTHERN CAROLINA ALLIANCE, REGARDING UPDATE:

Mr. Danny Black came before council and gave them a brief update regarding the activities of the Southern Carolina Alliance. Council thanked Mr. Black for coming.

MR. ROBERT SMITH, MOSELEY ARCHITECTS, REGARDING COURTHOUSE RENOVATION PROJECT:

Council Member Bowers, Chair, Building and Grounds Committee, stated that the committee agreed with the plans with further discussion of the following matters:

- Had to make a decision whether to put up the front stairs on the front of the courthouse. He stated that there were two reasons not to put them up. He stated that it was not practical at this time; money was one reason and if they put the stairs on the front of the courthouse; they would have to redesign the whole courthouse to bring it up to standards. He stated that they would like to go with the old courthouse without the step which is the original. He stated that if they wanted to put it back up, then they could put it back up at a later date as dummy steps not to be used. (Later, the cost would be approximately \$150,000.)
- Go with the layout which puts Mylinda Nettles, Clerk of Court, in the new section downstairs, Family court upstairs in the new part
- Appearance of the Sally Port – He stated that they have not agreed on the design yet. This would allow the prisoners to exit and enter the courthouse without any contact of the public or the judges.
- Also have concerns. Cannot afford an elevator in the front. Will put what Bro Wiggins has in the back of his building, a lift. He stated that they are concerned the way it is going to look, but they can't afford a new elevator for that purpose- will try to hide the lift and put it where it would work. He stated that they will try to make it pretty.
- Concerns about the judges getting to their offices without seeing people and having to go by the public. Will talk to judges to see if the plans that they have come up to their expectations and satisfaction. He stated that some of these things will be done after they get started.

Council Member Bowers stated that these are the plans that they (Buildings and Grounds Committee) recommend with those caveats that the county gets moving and get the contract let. Mr. Robert Smith came before council and gave a visual and oral overview of the renovations

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to be completed at the courthouse. He stated that these are the proposed plans, and there will be some changes with more discussions, etc. Council thanked Mr. Smith for his presentation. There was a short discussion about why the stairs could not be added now and the answer was that they would have to bring the building (courthouse) up to full code and would also push the value above the 50% value to keep as a historic structure. Chairman Parker stated that she would like the people who will be in the building to review the plans and give Council feedback in two weeks. Mr. Smith stated that he would like to see this plan move forward. Chairman Parker stated that she would like the employees to study the plans for two weeks. Council Member Johnson wanted to know if the doors opened up in the rooms or in the hallway. Mr. Smith, Mosley Architects, stated that the doors opened in the rooms. Council Member Johnson stated that this was not a good thing regarding fires. He stated that they needed to open in the hallway. Mr. Jimmy Vincent, Courthouse and Other Facilities Advisory Commission (COFAC) wanted to know if the revenues were on schedule. Administrator Graham stated that if they continue as they did for the last two quarters, they will be on schedule. Chairman Parker stated that Administrator Graham will be giving an updating of all projects later. She stated that the Administrator will have a detailed report at the next meeting. Council heard concerns from the office of the Public Defender (Steve Plexico) and Solicitor (Duffie Stone) regarding the victims and defendants sharing the same space. Administrator Graham stated that she spoke to Mr. Stone earlier. Ms. Susan Rowell, Solicitor's Office, stated that she just spoke to Mr. Stone, and he stated that he had concerns.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were no appointment(s). Chairman Parker announced that there were several vacancies on the boards and commissions and asked that the media encourage people to apply. She read the names of the boards and the number of vacancies.

RESOLUTION(S)

RESOLUTION #R-2006-003, A RESOLUTION OF HAMPTON COUNTY COUNCIL, HAMPTON COUNTY, SOUTH CAROLINA PROVIDING PRELIMINARY APPROVAL OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF FINANCING CERTAIN MANUFACTURING AND/OR PROCESSING FACILITIES FOR CAROLINA SOYA, LLC: Mr. Paul Hankey, Carolina Soya, stated that he hoped that council would approve the bond for the project. Administrator Graham stated that the bonds will not count against the counties' **bonding capacity**. **Moved** by Council Member Bowers, seconded by Council Member Johnson, to adopt the resolution providing preliminary approval of the issuance of bonds for the purpose of financing certain manufacturing and / or processing facilities for Carolina Soya, LLC. Motion carried unanimously.

ORDINANCES

There were no ordinance(s).

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BIDS

There were no bid(s) scheduled.

COUNCIL'S BRIEFING

COUNCIL RULES AND PROCEDURES:

Chairman Parker stated that the Administration and Finance committee have met and have come up with the black-lined copy of the Rules and Procedures. Council was given a copy and asked to review it. Council Member Parker asked that it be put on the agenda for the next meeting. Council Member Bowers asked if it had to go through three readings and a public hearing. It was affirmed that the document had to go through three readings and a public hearing. He stated that he did not have a problem with it being placed on the agenda for the next meeting if it had to go through this process. **Moved** by Council Member Johnson, seconded by Council Member Bowers, to table until the next meeting. Motion carried. Chairman Parker asked that Council Members bring back the copy of the Rules and Procedures that were passed out to them.

REPORTS TO COUNCIL

ADMINISTRATOR'S REPORT:

Hampton County Goals and Objectives Retreat

Administrator Graham stated that the Hampton County Council Goals and Objectives Retreat will be Thursday, March 23, 2006, 4:00 p. m. – 7:00 p. m., Training Room, Estill Fire Station, Estill, South Carolina. She stated that Mr. Ed Thomas, Institute of Public Affairs will be facilitating the meeting.

FY 2006 Budget Transfer

Administrator Graham stated that she and Mr. Meyer, Finance Director, discussed the matter and realized that an ordinance was not needed. The bottom line of the budget did not change. This was a budget transfer. Administrator Graham presented the requested transfers. Council discussed the matter. Council Member Bowers stated that he would like to study the matter a little more and asked that it be held until the next meeting. Council Member Wilson stated that he was concerned about the contingency fund that they don't have any money in there and manage to have \$106,000 from unused salaries and we have an overall county budget ordinance and everyone's budget was cut this year. He stated that he could not see them taking the \$106,000 and just laying it out there in two or three departments when everyone else has the same financial deficits to face. He stated that his feelings was to put it in the contingency fund and as that budget runs out or begins to run out, come to request as needed. Council Member Wilson stated that they might have 5 or 6 other departments that might be in worse shape when we get to that point, then the council won't have anything to give, because they have already given to that one. He stated that he is an advocate that if you have something on hand, then you can give assistance but if you have nothing on hand, there's nothing that you can do. He stated that they need to be really careful as to where to place the \$106,000. He stated that he could not see putting it in two or three departments when there were 20 or 25

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departments. Administrator Graham interjected that they did a mid-year budget review process. Each department was asked to review their budgets based on what had been approved and what they had spent as of December. She stated that they were asked, "Are you going to be able to function for the rest of the year based on the budget that we have adopted for your department? If you have needs or concerns, please express those and share them with us." She stated that Council had before them the results of the departments that said that they had needs that they would not be able to survive between now and the end of the fiscal year without some additional funding. The purpose of the mid-year review was to do just that to identify those shortcomings such that Council could approve and authorize funding be placed in those budgets so that departments would not go over budget and come to you at the end of the year in a deficit. All departments were asked to look at their budgets. All departments were asked to share what their needs were, and if they were going to need additional funding. There were some administrative needs like workers' comp charges that the county was faced with that they needed to address, medical insurance for new positions that were not properly budgeted initially that they needed to come back for. She stated that they have identified all these needs through all the county departments that they reviewed. She stated that they reviewed all of them to say that those are the needs that they know of today. She stated that Council Member Wilson was right in that there might be a department that comes back and say that they thought that could make it, won't be able to make it. She stated that these things are what they would bring back to Council. Administrator Graham stated that their efforts were to go through mid-year all that they could and all that they were aware of to say to council that here are the things we want to share with you that are concerns. She stated that two of which are the sheriff's department and public works which already over budget. The others are anticipated not to make it based on the contract - Veterans Affairs had a change in contract. She stated that they know what that amount will be and can very well calculate and say that she needs additional funding and that is what they have done. She stated that they can wait until it goes over and bring back the same information or make the adjustments knowing that they have the shortage. She stated that they were simply trying to operate within budget without going over. She stated that the additional funding came because they approved positions, a Grants Coordinator that they have not filled; approved four officers at the detention center in anticipation of opening that facility and they have some excess funding there. She stated that they were able to identify funding to cover these needs. She stated, otherwise, they would do like they did last year and ask if they could take if from fund balance. She stated that they were able to identify some excess revenues to cover the cost. She stated that they were bringing thing that may not come up. She stated that these are things that they feel strongly about and the departments met with them and said that these are issues that they are going to have. She stated that this is a matter of trying to operate within budget. She stated that if the Sheriff doesn't spend all the fuel money, then he won't. She stated that this is all in anticipation of operating within in a budget versus just coming in and saying council we have five departments that have gone over their budget. Council Member Wilson stated that he agreed with the Administrator regarding departments operating in their budgets but at the same time, there were some 19 other departments that have operated and tightened their belts and made things work. Council Member Wilson stated that they have got two departments that maybe have not been able to pull it in place. He stated that he did not feel that they should not allow \$106,000 or the amount out of that \$106,000 to them in order to say free wheel for the rest of the year. He stated that he felt that the excess should be put in the

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contingency fund and x number of dollars be given to them and say make that work, not give them a blanket out there to go with. Administrator Graham stated that they would not have a blanket but will proceed as Council wishes. Council Member Wilson and Johnson stated that they would like to see the money put into the contingency and approved on an as needed basis. **Moved** by Council Member Wilson, seconded by Council Member Johnson, to transfer the money to the contingency fund. Motion carried with Council Members Johnson and Wilson voting "Yea" and Council Member Parker voting "Nay". Council Member Bowers abstained. He stated that he needed more time to review the information. Chairman Parker stated that the motion carried.

Building Projects Update

Administrator Graham gave an update on the buildings projects, Jail, Senior Center in Yemassee and Emergency Service Building. Administrator Graham stated that the completion target date is 04/01/2006 for the Jail and Senior Center. Administrator Graham stated that she does not have a completion date for the Emergency Services Building, because of the delay in the selection of the telephone system. She stated that she hopes that it will be in May. Council Member Bowers stated that the Buildings and Grounds Committee needed to meet to discuss the landscaping at the Emergency Services Building.

Position Authorization

Administrator Graham stated that she was asking for the approval for the position of Secretary for the Public Works Department. She stated that this position was included in the budget process and at some point discussed; She stated that at the back of Council's budget document; Council approved a Position's Authorization List. She stated that this position was not listed on that authorization form. Council Member Bowers asked if it was a part of the budget book. Administrator Graham stated that this was correct. She stated that she simply asked that they do things in order and get the position authorized. So that the can fill this position. Council Member Bowers stated that authorized the money. Administrator Graham stated that Council did but didn't authorize the position. Chairman Parker asked if they needed to authorize a new position. Council Member Wilson stated that this would be kind of hard to push at this time when we have old employees who are being underpaid. He stated that Council is at the last of this budget year and so near the new budget year. He felt that the request needed to wait. Council Member Bowers stated that he felt that when they approved the budget, they approved the position. He stated that he was surprised that it would come back. Council Member Bowers asked Administrator Graham what she was asking for. Administrator Graham stated that she was asking for authorization for the positions. She stated that Council approved the budget with an authorized position's list. She stated that this was one of the items on that list. Administrator Graham stated that Council Member Bowers was correct; the position in terms of the budget has been approved. She stated that it has to go through the formality, because the position was not on that list. She stated that she needed to get Council to authorize the position but funding is in place. Chairman Parker asked if it was a technicality. Administrator Graham stated that it was more or less. Council Member Wilson stated that you have the public works department short on gas / fuel and transferring from another department to public works. He stated that here is a position that has not been filled, why can't they transfer that money. Council

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Member Bowers stated that you could not do it legally. Council Member Bowers asked County Attorney Solomons if they could transfer funds if they approved the budget... Council Member Wilson stated that they approved the budget on these others. Council Member Bowers stated that he was not going to argue. Administrator Graham stated that some of the funding was pulled from that position to cover that fuel cost. She stated that they took funds from those vacant positions to cover that cost. Council Member Bowers stated that she has not gotten it approved yet. Administrator Graham stated that this was correct. She stated that this is what they are proposing. Council Member Johnson stated that before she came here, the Veterans Affairs office has been asking for help and the only thing that she can get are volunteers. Why can't they get help? Administrator stated that Council approves position and not the Administrator. She stated that she could not answer that for him. Council Member Johnson stated that he was asking Council. Chairman Parker stated that she did not remember the discussion, but the time to do that is budget time. Chairman Parker stated that this has been approved. Council Member Wilson stated that the Chairman was right; at budget time, it should be approved. He stated that when this came to them, they approved a list of jobs; now you come back for approval of additional job. Council Member Wilson stated that this was what he was hearing, because if it was approved, then they would not have to bring it back. He stated that it was not on the list. Chairman Parker stated that that the position was in the budget and whoever typed that up. It just was not on there. Council Member Wilson stated that he approved what was typed out, and it was not on there. Council Member Bowers requested that the Chairman call the question. Chairman Parker asked for a motion to authorize the position. **It was moved** by Council Member Bowers to authorize the position. There was no second. Chairman Parker seconded the motion. Council Member Wilson stated that the Chairman could not second a motion. He stated that they were back at that same thing again. Council Member Bowers asked that it be taken up with full council Chairman Parker stated that she thought that they had it established that a Chairman can. Council Member Wilson stated that he did not talk that night, because he couldn't talk. He stated that when the motion was made, Council Member Johnson argued the point; now Council is back at the same point again. Council Member Wilson stated that the Chairman does not have the right to second a motion. He stated that he has not seen that anywhere. He stated that he saw where the chair had the right to vote, and the chair has the right to make a motion, not second it. He stated that he has not seen that anywhere in writing. Chairman Parker stated that she has. She asked that Council table this and will find out in two weeks. Council Member Wilson stated that the motion dies for a second. Council Member Bowers stated that the Chair should rule on it and move from there. Chairman Parker stated that there was some controversy over her seconding the motion, so she would be willing to say that it dies, and let the matter come back up in two weeks. Chairman Parker stated that they have gotten clarification on the matter before. Chairman Parker asked County Attorney Solomons to research matter regarding the Chairman seconding a motion. The motion died for a second.

Renew The Lease for the Solicitor's Office Space

Administrator Graham stated that the current lease for the Solicitor's office expires March 30, 2006. The amended lease will expire March 31, 2009. The lease is for 3 years. The tenant shall be allowed the option to terminate this lease without penalty upon sixty days notice, with lease payment

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accruing only to date of termination. (See attached copy of lease). **Moved** by Council Member Bowers, seconded by Council Member Wilson, to accept the lease. Motion carried.

Presentation of Southern Carolina Alliance's February Report

Administrator Graham presented the Alliance's February Report as information.

EXECUTIVE SESSION

Chairman Parker stated that Council needed to have an executive session to discuss economic development matters. **Moved** by Council Member Johnson, seconded by Council Member Wilson, to go into executive session. Motion carried unanimously. Session began 7:25 p. m. and ended 7:45 p. m. **After coming out of executive session**, Chairman Parker stated that Council was given lots of information on several economic development matters.

ADJOURNMENT

Moved by Council Member Johnson, seconded by Council Member Wilson, to adjourn the meeting. Motion carried. Chairman Parker adjourned the meeting at 7:45 p. m.