

EDGEFIELD COUNTY COUNCIL

August 7, 2018

6:00 PM

County Council Chambers

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The Edgefield County Council held its regular meeting at 6:00 P. M. Thursday, August 7, 2018, in the County Council Chambers, 225 Jeter Street, Edgefield, SC. Notice of this meeting was provided to Edgefielddaily.com, The Edgefield Advertiser and others as requested.

Members present

Dean Campbell, Chairman
Arthur Biggs, Vice Chairman
James Bibbs, Councilman
Scott Cooper, Councilman
Albert Talbert, Councilman

201800002759
Filed for Record in
EDGEFIELD COUNTY, SC
CHARLES L. REEL, CLERK OF COURT
09-05-2018 At 03:33 pm.
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Others present

Tommy Paradise, County Administrator
Bruce Cooley, Assistant Administrator/Finance Director
Jennifer Gilley, Clerk to Council
Andrew Marine, County Attorney
and others as per list attached

Chairman Campbell called the meeting to order. The invocation was given by Pastor Bruce Cooley. The Pledge of Allegiance to the Flag was then recited.

Approval of Agenda

Chairman Campbell said that he would like to move New Business Item Number 1 to be taken up after the Guest Speakers section. He explained both items were recognizing Edgefield County EMS and thought they should be taken up back to back since they were related topics. Motion to approve the August 7, 2018 agenda as amended was made by Councilman Biggs, seconded by Councilman Talbert. Motion passed unanimously.

Approval of Minutes

Motion to approve the July 3, 2018 County Council minutes (Regular Meeting of Council) was made by Councilman Talbert, seconded by Councilman Cooper. Motion passed unanimously.

Guest Speakers

1. Presentation from The American Heart Association.

Mrs. Kayla Yate Kranenburg, Executive Director of the CSRA American Heart Association, was in attendance to recognize Edgefield County EMS with the Mission Lifeline EMA Silver Plus Achievement Award. She said last year Edgefield County EMS received the Bronze Plus Achievement Award.

New Business Item Number 1

1. Consideration of Approval of Resolution Number 18-19-925, "A Resolution Recognizing John Pitman, EMS Supervisor/Paramedic and Dawn Turner, EMT."

Chairman Campbell said that on June 4, 2018 John Pittman, EMS Supervisor/Paramedic, and Dawn Turner, EMT, transported a cardiac patient to an area hospital. After arriving at the hospital, the

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patient suffered cardiac arrest. These employees instinctively provided life-saving medical care to the patient before the hospital staff was aware of the situation.

Chairman Campbell then read the resolution:

**A RESOLUTION RECOGNIZING
JOHN PITMAN, EMS SUPERVISOR/PARAMEDIC AND DAWN TURNER, EMT**

WHEREAS, on June 4, 2018 EMS Supervisor/Paramedic John Pitman and EMT Dawn Turner were dispatched to transport a cardiac patient from the Edgefield County Hospital to Augusta for more intensive care; and

WHEREAS, upon directions from the receiving medical facility, EMS Supervisor/Paramedic John Pitman and EMT Dawn Turner transported the patient directly to the cardiac cath lab for an emergency procedure; and

WHEREAS, while waiting to move the patient to the cardiac cath lab table, the patient went into cardiac arrest at which time EMS Supervisor/Paramedic John Pitman and EMT Dawn Turner immediately began medical procedures; and

WHEREAS, by the prompt actions of EMS Supervisor/Paramedic John Pitman and EMT Dawn Turner the patient's heartbeat and breathing were restored; and

WHEREAS, EMS Supervisor/Paramedic John Pitman and EMT Dawn Turner's swift response provided lifesaving measures enabling the recovery and discharge of the patient from the medical facility.

NOW, THEREFORE BE IT RESOLVED by the Edgefield County Council in session duly assembled this Seventh day of August 2018, EMS Supervisor/Paramedic John Pitman and EMT Dawn Turner be honored for their services to the citizens of Edgefield County.

Adopted this Seventh day of August 2018.

Motion to approve resolution number 18-19-925 was made by Councilman Bibbs, seconded by Councilman Talbert. Motion passed unanimously.

Comments from the Public

1. Gloria Bynum

Mrs. Bynum spoke to Council about the Phase II of the recently renovated Kneece Building. She said that she walks past this building for her daily exercise and would like to see some more beautification added around the building so that it will be more appealing and inviting. She suggested the county get in touch with horticulture class at Strom Thurmond High School. She said they may have some ideas the county could use for this project.

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2. Linda Anderson

Mrs. Anderson said that she would like some clarification on the possible sale of the property known as the Manor House Property. She asked if the sale would include the entire property the County purchased to have road access from Highway 25 to property the County already owned in that area. She said at one point, former County Administrator Lynn Strom, was instructed to have that property tested for several things including asbestos. She wanted to know if that testing was completed and the results of those tests, if they were done. Mrs. Anderson asked how County Council arrived at the sales price listed in the agenda. She also briefly mentioned that she was in favor of the Sheriff's Office applying for the grant listed later in the agenda. She asked if the grant application were approved, is there already a location in mind to build a new facility?

Chairman Campbell said that he would cover all of the answers to Mrs. Anderson's questions while he was covering those items during the meeting.

Consent Agenda

Chairman Campbell asked Council if there were any items that needed to be removed from the Consent Agenda to allow discussion. There were none. Motion to approve the Consent Agenda as presented was made by Councilman Biggs, seconded by Councilman Bibbs. Motion passed unanimously.

1. Consideration of re-appointments to the Countywide Recreation Commission.

- Frankie Newsome At-Large
- Mike Garrett..... County Representative

2. Consideration of re-appointments to the Planning Commission.

- James F. Burt..... District 1
- Franklin Gabriel District 2
- Mark Anderson..... District 5

3. Consideration of re-appointments to the Mobile/Manufactured Home Appeals Committee.

- James F. Burt..... District 1
- Mark Anderson..... District 5

Consent Agenda Ends Here

Public Hearing

1. Public Hearing of Ordinance Number 18-19-745, "An Ordinance to Amend Section 18-134 of the Edgefield County Code Designating Lands Which are Applicable to the Flood Damage Prevention Ordinance."

There were no comments regarding this public hearing.

Old Business

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1. Consideration of Approval of Second Reading of Ordinance Number 18-19-745, "An Ordinance to Amend Section 18-134 of the Edgefield County Code Designating Lands Which are Applicable to the Flood Damage Prevention Ordinance."
Chairman Campbell asked Mr. Paradise if anything had changed with this ordinance. Mr. Paradise said nothing had changed in this ordinance. There was no discussion.
Motion to approve second reading of ordinance number 18-19-745 was made by Councilman Talbert, seconded by Councilman Cooper. Motion passed unanimously.
2. Consideration of Approval of Third Reading of Ordinance Number 17-18-742, "An Ordinance to Amend Chapter 34 of the Edgefield County Code."
Chairman Campbell asked Mr. Paradise if anything had changed with this ordinance. Mr. Paradise said nothing had changed in this ordinance. There was no discussion.
Motion to approve third reading of ordinance number 17-18-742 was made by Councilman Biggs, seconded by Councilman Bibbs. Motion passed unanimously.
3. Consideration of Approval of Third Reading of Ordinance Number 17-18-743, "An Ordinance to Amend Chapter 42-61 of the Edgefield County Code."
Chairman Campbell asked Mr. Paradise to explain the proposed changes regarding this ordinance. Mr. Paradise stated this ordinance is commonly referred to as the Bailey Bill and provides tax incentives for rehabilitated historic properties provided that they are single-family owner-occupied buildings. Mr. Paradise said the changes proposed in this ordinance would allow any historic building, residential or commercial, to apply to receive these incentives, provided they meet the qualifications. Mr. Paradise went on to say that at the July Council meeting, he was asked by Council to revise the ordinance to redefine the entity that will approve granting the tax incentives with oversight and concurrence by the County Administrator. Mr. Paradise said the new language in this ordinance states the Preservation South Carolina Edgefield County Preservation Advisory Board will now be working with the County Administrator when going through this process.
Motion to approve third reading of ordinance number 17-18-743 was made by Councilman Talbert, seconded by Councilman Biggs. This entered Council into discussion. Chairman Campbell made the motion to amend ordinance number 17-18-743 to redefine the entity that will approve granting the tax incentives with oversight and concurrence by the County Administrator. That motion was seconded by Councilman Cooper. Motion to amend ordinance number 17-18-743 passed unanimously. Chairman Campbell then asked for a final vote on the main motion to approved ordinance number 17-18-743 as amended. Motion passed unanimously.
4. Consideration of Approval of Third Reading of Ordinance Number 17-18-744, "An Ordinance Calling For a Referendum at the Next General Election to Determine whether the South Carolina Department of Revenue may issue Temporary Permits to Allow for the Sale of Alcohol Beverages for On-Premises Consumption and Beer and Wine at Permitted Off-Premises Locations on Sundays in the County of Edgefield."
Mr. Paradise explained that both staff and Edgefield County Council members have been approached by parties interested in having a referendum allowing alcohol sales on Sunday. He said a county governing body may pass an ordinance requesting the referendum so that the public would be able to decide this issue. Mr. Paradise said Council would see new language in the proposed

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ordinance due to a change in State Law on how these questions need to be added to the ballot. Mr. Paradise said the intent has not changed, but the question is now required to be split into two questions rather than one question.

Motion to approve third reading of ordinance number 17-18-744 was made by Councilman Cooper, seconded by Councilman Talbert. This entered Council into discussion. Chairman Campbell made the motion to amend ordinance number 17-18-744 to split the question into two questions so that it will be formatted as required on the ballot. That motion was seconded by Councilman Biggs. Motion to amend ordinance number 17-18-744 passed unanimously. Chairman Campbell then asked for a final vote on the main motion to approved ordinance number 17-18-744 as amended. Motion passed unanimously.

New Business

2. Consideration of Approval to Amend the EMS Special Event Policy.

Mr. Paradise explained Edgefield County has a Special Event Policy to reimburse the County for EMS personnel necessary at Special Events. The current policy bills the event at a rate of 1.75% of the salary of the employee working. The employee receives 1.5% and the remaining .25% covers the County's costs of worker's compensation, social security, retirement, etc. He explained that with the increases required for the employer portion of retirement, the county is currently losing money under this system. He said staff would recommend increasing the amount charged to the event to twice the employee's salary. This would allow the employee to still receive 1.5% of their normal salary and the County would receive .5% that would cover the associated costs.

Motion to approve the amendment of the EMS Special Event Policy was made by Councilman Talbert, seconded by Councilman Cooper. Motion passed unanimously.

3. Consideration to authorize the Administrator to write a letter of support for Fox Creek High School to the USDA Office of Rural Development to receive funding for additions to the current facility.

Mr. Paradise told Council that Fox Creek High School is seeking to add 10 additional classrooms on the back of the building with the assistance of the USDA Office of Rural Development. He said the enrollment at Fox Creek has increased from 549 in 2015-2016 to 676 in 2017-2018. Mr. Paradise went on to say the building, with the new expansion, is already at capacity. He said Fox Creek is anticipating their future needs and expected growth in the area within the application to the USDA Office of Rural Development for funding. Mr. Paradise said this would only be a letter of support from the county. There would be no cost, liability or obligation to Edgefield County.

Motion to authorize the Administrator to write a letter of support for Fox Creek High School to the USDA Office of Rural Development to receive funding for additions to the current facility was made by Councilman Cooper, seconded by Councilman Biggs. Motion passed unanimously.

4. Consideration of Approval of Awarding Bid Number 04-25-2018 – Hazardous Materials Transportation Commodity Study.

Diversified Emergency Management Applications, Inc. 272 Newland Circle Evans, GA 30809	\$25,920.00 Highway Monitoring: 12 hours Weigh Station: 24 hours RR: Contacting RR Companies
Summit 3575 Centre Circle	\$17,500.00 Highway Monitoring: Not Specified in hours

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Fort Mill, SC 29715	Weigh Station: Not Specified in hours RR: Contacting RR Companies
Blue Ridge 834-F South Perry Street, Ste. 335 Castle Rock, CO 80104	\$30,000.00 Highway Monitoring: 407 hours Weigh Station: Included in Highway Monitoring RR: 24 Hours

Mr. Paradise said this bid was awarded to Diversified Emergency Management Applications, Inc. at the June 7, 2018 meeting. He explained that since that time Diversified Emergency Management Applications has not been able to provide Edgefield County with a certificate for Worker's Compensation, which is in non-compliance with the bid package. Accordingly, staff has been unable to enter into a contract with this company. Mr. Paradise said this project is funded by a grant from DHEC that will expire at the end of August. Staff recommends terminating the approval for Diversified Emergency Management Applications, Inc. for non-compliance and awarding the contract to Summit for \$17,500.

Chairman Campbell asked if there would be any legal issues since the bid has already been awarded. Mr. Marine said there would be no legal issues because since they can't provide the necessary paperwork, they are non-compliant with the bid package requirements. Chairman Campbell asked why they wouldn't provide the necessary paperwork. Mr. Paradise said that he understood Diversified Emergency Management Applications, Inc was unable to obtain the Worker's Compensation Certificate and in turn could not provide one. Mrs. Spurgeon said Mr. Paradise's understanding is correct. She explained they are a smaller business and wanted to operate under the county's Worker's Compensation Certificate. Mr. Paradise said this may not seem like a major issue, but that if anyone were to get hurt on this job, and they were using the county's Worker's Compensation Certificate, then the county would be held liable.

Chairman Campbell asked if staff believes Summit would be able to produce the same quality of work since their bid is \$8,420 less than the bid from Diversified Emergency Management Applications, Inc. Mrs. Spurgeon said she believes Summit will be able to provide quality work and that she has spoken to them and they would be working 13 days at 8 hours each day doing the same testing and routes Diversified Emergency Management Applications, Inc. was planning to do. Diversified Emergency Management Applications, Inc. was going to work 12 days at 12 hours a day and she believes that is where the additional cost was originated.

Councilman Bibbs made note that he thought the process needs to be changed to be sure that companies are compliant before they are awarded. Ms. Gilley told him that due to this recent issue, she and Mr. Paradise had changed some of the wording in the bid packages to avoid this issue in the future.

Motion to approve Bid Number 04-25-2018 – Hazardous Materials Transportation Commodity Study was made by Councilman Biggs, seconded by Councilman Bibbs. Motion passed unanimously.

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5. Consideration of Approval to Authorize the Administrator to enter Edgefield County in a Class Action Lawsuit to recover underpayments of Payment in Lieu of Taxes (PILT) for 32,283 acres owned by the Federal Government in Fiscal Years 2015, 2016 and 2017.

Mr. Paradise said in 2008, Congress significantly amended the PILT statute by mandating full funding through 2014 and removing language that limited the federal government's payment obligation to the amounts appropriated by Congress. He said Congress has never reinserted that language. He said because of insufficient appropriations, PILT recipients did not receive the full amount to which they were entitled under the PILT statute based on the U.S. Department of the Interior's full payment calculation for the years of 2015, 2016 and 2017. Due to the underfunding, the Secretary of Interior reduced eligible recipients' payment on a proportional basis so that each received approximately 99.7% of its formula entitlement. Mr. Paradise said Kane County, Utah, filed a lawsuit in the U.S. Court of Federal Claims, seeking to recover its own underpayments and the underpayments of a class made up of all other PILT recipients in those years. He went on to say several months ago, the Court ruled in Kane County's favor and certified the lawsuit as a class action. Mr. Paradise explained Edgefield County must opt into the class action suit to recover any money owed. He said Edgefield County received \$11,614 in 2015, \$11,738 in 2016, and 11,911 in 2017. If Edgefield County had received full funding it would have received an additional \$36.67 per year, or a total of \$110 over the three years included in the class action lawsuit.

Council all agreed Edgefield County should move forward with entering into this Class Action Lawsuit. They noted this wouldn't cost the anything and that it wasn't about recouping the small amount of money but the principle.

Motion to approve the authorization of the Administrator to enter Edgefield County in a Class Action Lawsuit to recover underpayments of Payment in Lieu of Taxes (PILT) for 32,283 acres owned by the Federal Government in Fiscal Years 2015, 2016 and 2017 was made by Councilman Biggs, seconded by Councilman Bibbs. Motion passed unanimously.

6. Consideration of Approval of First Reading of Ordinance Number 18-19-746, "An Ordinance Authorizing the Negotiation, Execution, and Delivery of an Agreement of Purchase and Sale, and the Conveyance of Certain Properties between Edgefield County and Christy Dickerson, Her Successors and Assigns."

Mr. Paradise told Council the county has received a request to purchase a portion of the county owned property known as the Manor House to construct an assisted living facility. He said the proposal will have the property subdivided with Edgefield County retaining a 150-foot strip of land on the southern side of the property. This strip will provide access to the county owned property to the rear. He went on to say the buyer, Mrs. Christy Dickerson will purchase the remaining 8.67 acres for \$34,708 and as a stipulation of the purchase will construct an assisted living facility within two years of the purchase. Mr. Paradise noted Edgefield County purchased this property in 2015 for \$28,000 and that this proposed offer would allow for the majority of the property to go back on the tax roll. Mr. Paradise said the value of the proposed sale price was determined by the Tax Assessor's Office. Chairman Campbell said asbestos testing did take place in the past. There is asbestos in the structure that needs to be demolished. He said it is his understanding that no one ever moved forward with the demolition of the building because the county wasn't ready to move forward with the construction of the animal shelter.

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Mr. Paradise said the proposed sale includes a stipulation saying that if an assisted living facility is not constructed within two years of the purchase, the property will revert back to Edgefield County. Councilman Cooper asked if the property were to revert to Edgefield County, would it revert back at the proposed sales price. Mr. Marine said that if it were to revert to the county, there would be no payment back to Mrs. Dickerson. He said we would get the property and improvements back at no cost to Edgefield County. Mr. Paradise also noted that Mrs. Dickerson and her attorney have reviewed the proposed contract and have agreed to these terms. Chairman Campbell asked if the two year stipulation defined what level of completion would be acceptable for Mrs. Dickerson to meet. Mr. Marine said the contract says the facility must be habitable for the intended use of an assisted living facility. Mr. Marine said that if the two year time frame was to pass and the stipulations had not been met but were almost complete, the county has the option to release the reversion.

Motion to approve first reading of ordinance number 18-19-746 was made by Councilman Cooper, seconded by Councilman Talbert. Motion passed unanimously.

7. Consideration of Approval for the Administrator to enter a Contract for Sale of a portion of Tax Parcel Number 114-00-00-022, known as the Manor House.

Mr. Paradise said this would allow him to enter into a contract for sale with the stipulations in Ordinance Number 18-19-746. This contract for sale will allow the buyer the opportunity to move forward on the proposed project since the ordinance will take 2 more months since it will require 2 more readings.

Mr. Marine noted there are a few blanks that need to be filled in on this proposed contract such as closing date and the amount of the earnest money deposit. He said those things would be filled out prior to execution of the contract.

Motion to approve for the Administrator to enter a Contract for Sale of a portion of Tax Parcel Number 114-00-00-022, known as the Manor House was made by Councilman Bibbs, seconded by Councilman Talbert. Motion passed unanimously.

8. Consideration to authorize the Administrator to apply for grant funding for a law enforcement center, jail, magistrates' office, training facilities, EMS headquarters, and community paramedic program in the amount of \$25,431,400.

Mr. Paradise said Sheriff Dobey and his staff have located a possible grant opportunity that may allow for funding for new facilities needed by the County. Staff has determined that \$25,431,400 in capital improvements may be funded by this grant. He said this grant does not require a match so staff is requesting authorization to move forward with the application process for this grant. Mr. Paradise said he has not been able to find any negative aspects related to this grant. He went on to say this grant would also allow for land acquisition if needed. He said if the county was awarded this grant, staff would have to be sure to build the new facilities on property with adequate infrastructure including water and sewer, internet, centralized access and several other things. He said due to the need for these amenities staff would have to find the best place to construct the facility, so no location has been designated at this time.

Councilman Cooper asked who was providing this grant. Mr. Paradise said this is a humanitarian grant that will be funded from an international organization. Sheriff Dobey said the name of the

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organization is confidential and that he would be willing to give Council more details in executive session at next month's meeting, if they so wished.

Motion to authorize the Administrator to apply for grant funding for a law enforcement center, jail, magistrates' office with a court room, driving and weapons training facilities, EMS headquarters, and community paramedic program in the amount of \$25,431,400 was made by Councilman Talbert, seconded by Councilman Biggs. Motion passed unanimously.

Comments from the Public

1. Linda Anderson

Mrs. Anderson stated in the past an individual showed interest in possibly purchasing the Neighborhood Center from Edgefield County. She said inspections of the property were supposed to have been done on that building and she would like to know if that testing was done and what those results were. She also asked if that potential buyer was still interested. Mrs. Anderson also asked if that space could be used for any other county offices.

Mr. Paradise said this property being a surplus item has been part of a long term plan. He said the Neighborhood Center was housing Recreation, Probation Pardon and Parole and SC Works. He said Recreation has moved into the second phase of the Kneece Building, SC Works has moved into empty office space that was available at the Health Department and Probation, Pardon and Parole has moved into empty office space that was available in the Courthouse. Mr. Paradise said the Neighborhood Center space was in major need of repair and updates, if the county was going to continue to use that space for offices but since it isn't needed, it would be better to stick with the original plan and sell it so it can go back on the tax roll. Mr. Paradise said he wasn't sure about the previous interested party but they would be able to submit an RFP if they are interested.

County Administrator's Report

Mr. Paradise started his report by telling Council the consultant for the Comprehensive Plan, Roberts and Company, has met with staff and the Planning Commission. The Planning Commission is going to have two meetings in the coming months, the second Thursday for the regular business and the fourth Tuesday to work with the consultant on the Comprehensive Plan.

Mr. Paradise then said the Insurance Services Organization has reviewed the county's Building and Planning Department to determine the rating schedule for insurance coverage in the County. He said the rating for residential inspections remained unchanged at a Class 4 and the rating for commercial inspections improved to a Class 3. He explained this improved rating should help reduce insurance costs for commercial policies in the county.

Mr. Paradise then moved on to say staff has been working closely with the Luke Bryant Farm Tour advance teams and other service providers to ensure that contingency pre-planning is in place to ensure a safe event. He said the county is anticipating approximately 20,000 attendees for the event.

Mr. Paradise told Council the County Attorney will be representing the Tax Assessor at the Administrative Law Court on August 14th concerning a property valuation. The taxpayer says that the property is worth \$500 while the County contends it is worth \$5,000.

Mr. Paradise said the Tax Assessor has settled the property valuation case with Fulcra at \$13.5 million. He noted outside counsel from the McNair Law firm was hired to assist with this complex case. The

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attorney costs for this case totaled \$4,500 and the Edgefield County School District has reimbursed the County for half of this amount.

Next, Mr. Paradise said the CTC has reviewed the bids for engineering firms and has awarded the two-year contract to Cranston Engineering again.

Mr. Paradise said the current budget, has \$81,189 appropriated for new computer servers. The servers have been delivered and staff anticipates the completion of this project in August.

Mr. Paradise moved on to tell Council staff has issued a request for proposals for the old Neighborhood building and property. These RFPs are due by September 12th and staff will be coming back to Council with a recommendation on how to proceed forward with this property.

Mr. Paradise also said staff has put out a bid package for an ambulance, a marked patrol car, and a K-9 patrol car.

Mr. Paradise closed his comments by telling Council the transmission for the backhoe for the Road Department went out and had to be replaced. This cost is estimated to be \$12,500 with parts and labor and will be funded from Road Department Equipment Repair Fund.

Comments by County Council Chair

Chairman Campbell said that he appreciates Council's consideration for each of these issues each month. He said there is a lot that goes on behind the scenes and he is thankful to their due diligence with researching these issues to resolve them. He also thanked staff for providing Council with the necessary information they need to make these decisions.

Executive Session

None

Adjourn

Councilman Cooper made the motion to adjourn at 7:29PM, seconded by Councilman Talbert. Motion passed unanimously.

Edgefield County Council



Dean Campbell, Chairman

ATTEST



Jennifer L. Gilley, Clerk to Council