

## MINUTES OF BAMBERG COUNTY COUNCIL MEETING - November 10, 2014

In compliance with the Freedom of Information Act, agendas for the following meeting were mailed to all members of Council, County Attorney Richard Ness, Lower Savannah COG, *The Advertiser-Herald*, *The Times and Democrat*, Bamberg County Library, Bamberg County Website, and a copy posted on the bulletin board in the main hallway of the County Courthouse.

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Bamberg County Council met 6:30 p.m., November 10, 2014, in the courtroom of the Bamberg County Courthouse. **Present:** Chairman Larry Haynes, Councilwoman Alzena Robinson, Councilmen Joe Guess, Jr., Trent Kinard, Evert Comer, Jr., Clint Carter, and Rev. Isaiah Odom. **Others Present:** Administrator Joey R. Preston, T.M. Thomas, Richard Ness, Jerry Halmon, Alice Johnson, Justin Bamberg, Ruthie Brown, Sarah G. Noel, Martha Guess, Johnny Williamson, Jewel Davis, Bill Johnson, AJA Cheerleaders, Sam Neeley, Harold Ness, Kell Anderson, Jerry Bell, Martha Dunlap, Mallory Hoffman, Emily Guess, Dan Lugenbill, Ms. Beard, Hope Long-Weldon, James Weldon, Robert Hurst, Brent Jeffcoat, Greg Montgomery, Charles Breland, Barry Buckman, Anna Martin, Ms. Boyd, James Collins, Lou Black and approximately 15 additional visitors.

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Bamberg County Council meeting was called to order by Chairman Larry Haynes at 6:30 p.m., in the Bamberg County Courtroom. The invocation was rendered by Rev. Isaiah Odom, followed with the pledge of allegiance by Councilman Clint Carter.

Bamberg County Treasurer Alice Johnson reported that Bamberg County's total income for September \$304,652. Expenses came in at \$551,494, reflecting a deficit of \$246,842.

On motion by Councilman Carter, seconded by Councilman Odom, council approved the minutes from the October 6, 2014 meeting.

On motion by Councilman Odom, seconded by Councilman Comer, council approved the agenda as submitted.

Mallory Hoffman, Keep America Beautiful coordinator, thanked the Andrew Jackson cheerleaders for participating in a recent litter-free football game at their school. On behalf of the PalmettoPride project, Chairman Larry Haynes presented the cheerleaders with a check from PalmettoPride. The council thanked the cheerleaders for their participation and appearance at the meeting.

Council received a report from Martha Dunlap of the state Department of Health and Environmental Control on the state's response to the Ebola virus. Handouts were distributed and elaborated on by Ms. Dunlap and questions were answered for those that posed questions. Anyone needing additional information regarding the Ebola virus was urged to contact the office by filling out one of the cards she had available at the meeting.

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***A public hearing was given by: South Carolina Jobs-Economic Development Authority (the “Issuer”) and the County Council of Bamberg County, South Carolina on November 10, 2014, at 6:30 p.m. in the County Council Chambers in the Bamberg County Courthouse located at 2959 Main Highway, Bamberg, South Carolina 29003, in connection with the proposed issuance by the Issuer of its Qualified Energy Conservation Bonds (the “Bonds”) in an aggregate principal amount not to exceed \$15,000,000. A portion of the proceeds of the Bonds will be made available to South Carolina SAVES, Inc., a South Carolina non-profit corporation, and/or an affiliate thereof, including, without limitation, any entity created for purposes of the project specified herein (the “Borrower”), to provide funds to implement the South Carolina SAVES Green Community Program (“SC SAVES”). SC SAVES is a green community program established as a qualified conservation purpose under Section 54D(f)(1)(A)(ii) of the Internal Revenue Code of 1986, as amended. Under SC SAVES, the Borrower will make funds available to the Denmark-Olar School Foundation, a South Carolina non-profit corporation, or an affiliate thereof, for the purpose of acquiring, installing and equipping certain energy efficiency and renewable generation equipment to be used in connection with a K-12 school to be leased to and operated by the Denmark-Olar School District 2 within the territory of Bamberg County, South Carolina (the “County”). The Bonds will be payable by the Issuer out of payments to be made by the Borrower and other project participants and other revenues made available therefore and are to be secured in part by, among other things, the revenues derived by the Issuer from the Borrower in connection with the project referenced above. The Bonds will not constitute an indebtedness of the Issuer, the State of South Carolina (the “State”) or the County within the meaning of any South Carolina constitutional provision or statutory limitation nor give rise to a pecuniary liability of the Issuer, the State or the County. The Bonds will not constitute a charge against the general credit or taxing powers of the Issuer, the State or the County.***

Initially, the Denmark-Olar School Foundation (Superintendent Thelma F. Sojourner, Trustee Loretta P. Goodman and Chief Finance Officer Rodney Anderson), applied for \$46 million in loans through the U.S. Department of Agriculture’s Office of Rural Development to build a two-story school to house elementary, middle and high school students, with the target date for completion of the school being August 2016. Attorney Brent Jeffcoat of the Pope Law Firm of Columbia, SC told the council Bamberg School District applied for a two-part loan. The first portion is a \$31 million loan from USDA (interest at 4% or lower), and the other is a \$15 million guaranteed loan that would come through the Jobs-Economic Development Authority (JEDA), by the issuance of qualified energy conservations bonds. Attorney Jeffcoat said the proposed new school would not increase taxes for residents. Instead, the loan will be repaid with the savings the district will have from reduced maintenance and operation costs. Councilman Trent Kinard posed numerous questions on the issue with great concern for the tax payers of Bamberg County. A question was asked, why wasn’t a referendum done in order to allow the people to decide whether or not they wanted a new school like Bamberg School District 1 did? Another question was what’s going to happen in four or five years if the project doesn’t have as much cost savings in electricity as you think it should have and it cost taxpayers money? Councilman Kinard said, “Nothing is free”. Councilman Carter stated there were several people in his district who did not know about the plan for a new school and they are not convinced they won’t have to

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pay taxes for it. He further stated that he doesn't doubt the new school is needed, but he doesn't know how much a good deal this is. If it's as good as they say, schools ought to be popping up everywhere. It was discussed that a public session should have been held with the public prior any plans being made. Attorney Jeffcoat said the new school will be leased to the school district in return for annual lease payments that will be enough for the nonprofit foundation to make the payments to the USDA. Another question was asked what would happen to the district's students if there was no money to make payments. Dr. Anna Martin, a teacher at the Denmark-Olar High School described the classrooms as being cold and leaky. Several members of the public had questions and an interest in their taxes being raised. Chairman Haynes said the time has come to build new school facilities in especially if it will not result in higher taxes for residents. They have assured the County that it will not cost the county at all. Councilperson Robinson said she would support the resolution because children need a healthy environment in which to learn and there will be no local taxes involved. Rev. Odom voiced that some of the building are extremely old and lots of energy is wasted. After approximately a two hour public hearing, the public hearing was closed.

Kell Anderson, project manager with Southern Carolina Alliance gave a brief update to council. A Job Fair was held and approximately 40 companies attended. Twenty-four students were tested from Bamberg-Ehrhardt High School and 4 additional students need to be tested for the WorkReady Community Project.

An update was given by the director of Bamberg County Chamber of Commerce Jerry Bell. Mr. Bell informed everyone of the upcoming Small Business session will be held on Tuesday, November 18, from 10:00 a.m. until 12 p.m. in the Bamberg County Courtroom. Councilman Trent Kinard was presented at the Chamber Banquet with the Emma Ruth Dowling Award, the director of Job Corps received the Evelyn McMillan Award and Jim Tobul was presented with the Waddy Thompson Award.

Finance Director Thomas reported the county's general fund generated \$1,118,189 in year-to-date revenue as of the end of September. Expenditures stood at \$1,390,988, reflecting a deficit of \$272,799. The county collected \$217,439 year-to-date in special revenue fund, which consists of the county's E-911, road maintenance and rural service fire funds. Year-to-date expenditures stood at \$198,536. The county collected \$97,317 year-to-date in its enterprise fund, which consists of solid waste funds. Year-to-date expenditures stood at \$301,962, reflecting a deficit of \$204,645 in the enterprise fund. We should have a preliminary audit report by the end of November 2014.

Administrator Preston reported that it appears the county will be getting back about \$900,000 from FEMA. Three of the base bidders for the construction project came in lower than expected. One of the bidders was MSK from Charleston and Brunson Construction out of Hampton. Three of the houses located behind the Courthouse do not have asbestos. Administrator Preston had Building Inspector Bill Johnson report on the County's ISO rating. Mr. Johnson said we received a #4 ISO rating and his goal is that Bamberg County receive a #2 rating.

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**REPORTS FROM COUNTY COUNCIL**

- 1) Lower Savannah COG -Meeting scheduled for November 22, 2014.
  - 2) SCA -No Meeting.
  - 3) Three Rivers -No Report.
  - 4) LSCOG (TAC) -The project of U.S. 78 is still moving forward expected completion around mid-November.
  - 5) LSCOG Housing Consortium -No Meeting.
  - 6) Tourism and Recreation -Met in October – the committee is open and Councilman Kinard is in charge of a project and Councilperson Robinson is in charge of the other project.
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On motion by Councilman Comer, seconded by Councilman Kinard, council approved second reading of a proposed ordinance to exchange real estate located at 392 Second Street for real estate located at 1244 North Street. It was requested by Councilperson Robinson that the chairman’s name be changed on the ordinance to reflect the name of the present chairman.

On motion by Councilman Comer, seconded by Councilman Odom, council approved second reading of a proposed ordinance for the sale and complete removal from the real estate of the structures presently located at 1244 North Street, 401 Second Street and 19 Courthouse Loop. It was requested by Councilman Guess that the chairman’s name be changed on the ordinance to reflect the name of the present chairman.

On motion by Councilman Comer, seconded by Councilperson Robinson, County Council approved a proposed resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its qualified Energy Conservation Bonds, pursuant to the provisions of Title 41, Chapter 43, of the Code Of Laws Of South Carolina, 1976, as amended, in the aggregate principal amount not to exceed \$15,000,000. Voting in favor: Haynes, Odom, Comer, Robinson and Guess. Opposed: Kinard and Carter.

The Bamberg County Council considered a resolution to the South Carolina General Assembly expressing Bamberg County’s request of an increase allocation to the Local Government Fund. Prior passing the resolution, Councilman Guess requested that the following be placed in Bamberg County Council minutes: *“By way of background when they passed the Home Act, they shuffled off the responsibility to some of these agencies expense. In oppose to that, they set up the LGF and was suppose to repay 4.5% of the general fund revenue for state and county supposedly for services that they kicked down to them. They have not lived up to their obligation. Every year they voted for these services to suspend the LGF requirement. As an example as what this has meant to us now, for places like Richland County, Greenville County and Charleston County, you all can see their budget gets enough to cover this out of pocket. But as for us, it is killing us. Over a 7-year period, Bamberg County has received \$1,029,320 less in LGF allocations than required under the statutes. We have had to come up with that every time*

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*they do that, we raise the taxes. So, you are being taxed twice - - - so when you're sending your tax money up to Columbia and they are suppose to send that back down here for us to run these agencies and they don't have a clue, and they are not doing it. Bamberg County's FY 2015 total estimated net cost of state mandates is \$1,316,393. Bamberg County's FY 2015 LGF Share is \$603,997- - we're short a little bit there. In any event, this is what this resolution is about. I'm informed by Mr. Kinard that Hampton County had passed this identical resolution and they have taken an additional step of suing the general assembly and I want to join them. Thank you".* Reverend Odom commented on the LGF resolution being discussed extensively in Columbia at the October meeting. On motion by Councilman Odom, seconded by Councilperson Robinson, council approved a proposed resolution to express Bamberg County's request that the South Carolina General Assembly increase the allocation to the Local Government Fund to both provide property taxpayers with the relief they have been promised and allow county government the ability to provide the State and Local Government Services required under state law.

On motion by Councilperson Robinson, seconded by Councilman Comer, council approved the calendar of events as submitted. Ms. Robinson reminded everyone of the Employees Recognition Drop-In scheduled for Monday, December 1, at 4:15 prior the Council meeting at 5:30 p.m.

On motion by Councilman Odom, seconded by Councilman Comer, council approved the appointment of Ms. Cheryl Maynard Ryan to the Bamberg County Tourism/Recreation Committee as a community representative.

On motion by Councilman Comer, seconded by Councilman Kinard, council approved the appointment of Mr. Craig Walker to the Bamberg County Tourism/Recreation Committee as a community representative.

On motion by Councilman Comer, seconded by Councilman Kinard, council approved the appoint of Ms. Monica Beard to the Bamberg County Recreation Committee as a representative from County Council District #7 (Councilman Clint Carter – District #7).

### **Comments from Council**

- Councilperson Robinson : 1) Requesting a meeting for the Finance Committee. Road signs are down on Dowling Road and some others. Need to get with Administrator Preston regarding E-911. Hopefully to have someone hired for E-911 Dept. by January.  
2) Personnel Policy's password needs to be removed from the website so that the public can freely view it.  
3) Use of local businesses for ordering and purchasing of supplies, printing, etc.
- Councilman Carter : Thanks to the Administrator, Treasurer and Finance Dir. for all that they do.

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- Councilman Kinard : Thanks to the citizens of Denmark for coming out.  
Comer and Councilperson Robinson of winning re-election.  
Congratulations to Justin Bamberg for his winning of  
the House of Representatives – Dist. #90.  
The election signs need to be removed from beside the  
roads. Spoke with Administrator Preston about the  
election signs th
- Councilman Odom : He supports the Denmark-Olar Schools Project.
- Councilman Comer : Was unaware about the school issue, he supports the  
school.
- Chairman Haynes : Thanked everyone for attending the meeting.

There being no further business for discussion, on motion by Councilman Guess, seconded by  
Councilperson Robinson, council voted to adjourn the meeting at 10:05 p.m.

Respectfully submitted,

Rose R. Shepherd, CCC