

EDGEFIELD COUNTY COUNCIL

July 5, 2022

6:00 PM

County Council Chambers

The Edgefield County Council held its regular meeting at 6:00 P.M., Tuesday, July 5, 2022, in the County Council Chambers, 225 Jeter Street, Edgefield, SC. Notice of this meeting was provided to The Edgefield Advertiser and others as requested.

Members Present

Dean Campbell, Chairman
Albert Talbert, Vice Chairman
Scott Cooper, Councilman
Tiffani Ireland, Councilwoman
Jackie Kennion, Councilwoman

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Others Present

Roger LeDuc, Administrator
Andrew Marine, County Attorney
Aretha Eubanks, Clerk to Council
Hart Doc Clark, Building and Planning

Chairman Campbell called the meeting to order at 6:00 PM. The invocation was given by Pastor Aaron Tripp of First Baptist Church of Edgefield.

Approval of Agenda

Chairman Campbell asked if any changes were needed to the agenda? Hearing none, Councilman Talbert made the motion to approve the agenda and Councilman Cooper seconded. Motion passed unanimously.

Approval of Minutes

Chairman Campbell asked for approval of May 3, 2022, regular meeting minutes. Councilwoman Ireland made the motion to approve and Councilwoman Kennion seconded. Motion passed unanimously.

Comments From the Public

Chairman Campbell closed this comment period due to no one signing up.

Reports

Chairman Campbell asked Council if they have any questions or comments on the reports. There were none.

Consent Agenda

Chairman Campbell asked Council if anything needed to be removed from the consent agenda. Hearing none, Chairman Campbell asked Council for a motion to approve the consent agenda appointing Michelle Goss to the Employee Grievance Committee and reappoint Greg Hurt to the Board of Assessment Appeals Committee. Councilman Cooper made the motion and Councilwoman Ireland seconded. Motion passed unanimously.

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Public Hearing

John Pettigrew: How much do you anticipate borrowing now with this bond after receiving the \$18 million from the Plutonium Settlement Funds? Where are we at on the amount of the bond that we are anticipating?

Administrator LeDuc: We already have \$10 million set aside from the Capital Project Sales Tax. With the \$18 million we will need approximately \$10 million dollars additionally. The bond would be for approximately \$20 million depending on the final price.

John Pettigrew: Do we have a firm bid amount for the Law Enforcement Center or is that still in negotiations?

Administrator LeDuc: We do not.

John Pettigrew: If I heard correctly, instead of \$32 million for the bond, we are looking at \$20 million for the bond.

Administrator LeDuc: We never felt we would need \$32 million, but we wanted to have a cushion with inflation.

No one else wanted to speak, so Chairman Campbell closed the public hearing.

Old Business

1. Consideration of approval of the second reading of ordinance number 21-22-784, revising the purchasing code section 2-370, Local Bid Preference.

Chairman Campbell asked the Administrator if there are any changes.

Administrator LeDuc: There are no changes.

Chairman Campbell asked Council is there a motion to approve the second reading to ordinance 21-22-784. Councilman Talbert made the motion and Councilwoman Ireland seconded. Motion passed unanimously.

2. Consideration of approval of the second reading of ordinance number 21-22-785, authorizing Edgefield County, South Carolina, to enter into a base lease and conveyance agreement and an installment purchase and use agreement each between the County and the Edgefield County Public Facilities Corporation; Approving the form and terms of a trust agreement between the Edgefield County Public Facilities Corporation and Regions Bank, as trustee, in connection with the issuance of not exceeding \$32,000,000 principal amount of certain installment purchase revenue bonds (Edgefield County project) in one or more series; consenting to the issuance of such installment purchase revenue bonds; approving the form of a preliminary official statement with respect to such installment purchase revenue bonds; delegating authority to the Chair of County Council and the Interim County Administrator, or either of them acting alone, to approve and determine certain matters; and other matters relating thereto.

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Chairman Campbell: I will ask before we have second reading are there anything else from the Administrator that we need to know about this item.

Administrator LeDuc: Tonight, Frannie Heiser from Burr Foreman Law is here. The exhibits are extensive in volume because I wanted you to see the various forms and applications that need to be signed by our secretary with the nonprofit board. We will not have the exhibits for the third reading. I will ask Ms. Frannie Heiser share any comments at this time.

Ms. Frannie Heiser: This is a complicated transaction with a lot of moving pieces in it. She briefly went over the ordinance, exhibits and what they mean. She explained that the ordinance itself is not that long. The attachments are actually forms of documents because there will be details of this transaction to be worked out between now and when the bonds are sold and closed. That is why they are in form and not final. Ms. Heiser explained the steps to obtain the bonds of which we have already completed by forming the nonprofit. She further explained that we are going to lease that property to the Nonprofit Corporation for twice the length of the bond. Then you enter into an installment purchase and use agreement between the county and the nonprofit. Pursuant to that agreement, you tell the corporation if you borrow the \$20 million for this project on our behalf. We will pay you annual installment purchase payments and buy the facility back from you. That is why it is called installment purchase revenue bonds. You are making installment payments where you acquire pro rata ownership of the property. Your agreement is subject to annual appropriation, which means you the County Council and future councils would have a right every budget year or fiscal year to decide to fund or not fund the payments pursuant to the installment contract. If you do not make the installment payments or non-appropriation, you lose the use of the portion of the facility you have not paid and ruin your credit. Because the contract has annual appropriation, it does not count against your eight percent constitutional debt limit. You all are very conservative with your eight percent debt limit, but you would not have enough to pay for the portion of the facility without the assistance from other funds. Once the lease has been entered into and the installment purchase contract have been entered, the corporation enters into a contract with Regions bank as trustee. In that document, the corporation is giving over all the rights, titles and interest in the base lease in the insolvent purchase revenue bond which is a major security for the bondholders. The corporation then issue and not to exceed the \$32 million. We will not borrow more that we need but this amount gives you some flexibility. In this ordinance, County Council will actually consent to the issuance of these bonds that is required by the IRS. The Nonprofit Corporation that we created is on behalf of the issuer. It's issuing tax exempt debt on you all behalf and so you have to consent to the issuance of that debt. In order to market the bonds and sell them, we will have to prepare and distribute a preliminary official statement. We ask you to delegate to your Chairman and Administrator the ability to make certain decisions. Nothing of substance will change but details in what the marketplace may require. We need to have that flexibility to work on the documents that are exhibits to this ordinance. That is the breakdown of this ordinance and exhibits. I do not believe you will need all of this for your third reading.

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Administrator LeDuc: The reason we title it Nonprofit Corporation versus the Law Enforcement Nonprofit Board is because they could be used in the future for something similar. There has been some information that has been put out on the website that I think is misinformation, and it has caused confusion with a number of citizens. I want to go through a timeline of the detention facility that we now call law enforcement center. After a lot of calls and letters from you to the state legislature, they voted to approve the \$18 million for the Law Enforcement Center. About a week ago, the Governor signed the budget. Therefore, between the \$10 million from the Capital Project Sales Tax, approved by referendum and the \$18 million from the Plutonium Settlement. we only need about \$10 million. There will be a second CPST, which will be on the ballot in 2024. This time the referendum question will be for the Law Enforcement Center and any other needed county projects. The total project sales tax estimate would be over \$22 million.

Rhonda Nowicki has been posting dis-information concerning the increased size of the project and making it sound like it is the first time we have discussed having a combined center. In 2020 Moseley Architect stated the project would be about 40,000 sq. ft. with an office for the magistrate to work from for sentencing. Or it could be a center with the full magistrate staffing and courtroom, all the sheriff offices, evidence room, storage and jail combined, totaling 66,000 sq. ft. In the summer of 2020, the former administrator referred to the facility as the combined center. Since, coming back to work in April 2021 we've discussed monthly that we wanted to combine the office and courtroom with the jail. In June, 2021 we requested proposal from architectural firms to design a 66,500 sq. ft. facility. In July, the County committee recommended Moseley Architects and at the August 2021 Council meeting you formally approved their contract to design a combined 66,500 sq. ft. facility and we named it the Law Enforcement Center. Late last year when the price increased to \$38 million, we discussed possibly going back to a jail only. However, we then learned that the Plutonium settlement would provide the needed funding to allow us to build the total Law Enforcement Center. When completed this will be a facility that will serve our needs for the next 20 years and something the citizens will be proud of. It is being built to have some expansion. The current magistrate does not have a courtroom. Many times, he will have cases in his office with standing room only. This would allow him to have a courtroom and allow us to have that evidence room without it being scattered in several locations. I believe you have taken the steps in the right direction by announcing the size of this facility on numerous occasions. I do not know where the misinformation came from, but I wanted to set the record straight in our meeting tonight.

Chairman Campbell asked Council if they were ready to vote. Councilman Cooper made the motion and Councilwoman Kennion seconded. Motion passed unanimously.

New Business

1.Consideration of approval of first reading of ordinance number 21-22-786, an ordinance to rezone certain properties located in Edgefield County.

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Chairman Campbell: Asked Assistant Administrator Clark if he would comment on this ordinance.

Assistant Administrator Clark: Basically, you all are correcting an error that I made on the map. This is a parcel along highway 25 that should have been general commercial like all the rest of them. But the parcel is really long and whenever I was zoning the parcels behind it, I caught that one too. There are 20,000 parcels in Edgefield County so I wasn't zoomed down to the level of going parcel by parcel. This was an error on my part, and I am correcting the map.

Chairman Campbell: There was no citizen request for this and we just needed to get this changed because of everything else around it.

Assistant Administrator Clark: Correct. How this came up was it is a church and it's considered a commercial building. It was originally a video poker place before it became illegal then the church purchased it. They called wondering why they are residential. I looked up their property and noticed that they were not supposed to be. I filed the application under the Planning Commission and went through the process so they would not in the future need to do so.

Chairman Campbell: Questions or comments from Council.

Councilman Talbert: Assistant Administrator Clark, I would like to say we truly thank you for updating us and apologizing for the mistake. We know that we all make mistakes, and we definitely appreciate you correcting this error.

Councilwoman Ireland: I am so glad you came forward and owned it. You are setting it straight, and I thank you so much for doing that.

Chairman Campbell: With no further comments. Councilwoman Ireland made the motion to approve and Councilman Talbert seconded. Motion passed unanimously.

2. Consideration of approval of resolution number 21-22-1149, a resolution providing for an Intergovernmental Agreement between Edgefield and McCormick Counties, whereby the two Counties will jointly utilize Edgefield County's Convenience Center located at the intersection of US Highway 378 near McCormick County line. Citizens in McCormick County are permitted to use this site in exchange for McCormick County paying one-half the labor costs at the facility. This agreement is renewed each year and has been in effect since July 2002.

Chairman Campbell: I will ask Administrator LeDuc is there anything we need to know about this resolution.

Administrator LeDuc: No. We do it every year.

Chairman Campbell: Council do we have any questions or comments. Councilman Talbert made the motion and Councilwoman Ireland seconded. Motion passed unanimously.

3. Consideration of approval of extending the HVAC contract with Cullum Services Inc. for an additional year, July 1, 2022 to June 30, 2022.

Chairman Campbell asked Administrator LeDuc if he has any comments he would like to add.

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Administrator LeDuc: This is a continuation of a long-standing contract that we have had with them.

Chairman Campbell: We must be satisfied with their work.

Administrator LeDuc: Yes, we are very satisfied.

Chairman Campbell: Do we have any questions or comments from Council. Councilman Talbert made the motion to approve extending the contract with Cullum Services, Inc. for another year and Councilwoman Ireland seconded. Motion passed unanimously.

4. Consideration of authorization for the County Council Chairman to Sign a Memorandum of Understanding with the South Carolina Works Center.

Chairman Campbell: I will ask Administrator LeDuc if he would like to give some details on this.

Administrator LeDuc: This is an agreement we have with the workforce where they list the jobs available in the counties to help find employment for individuals.

Chairman Campbell: Are there any questions or comments from Council. Councilman Cooper made the motion to approve and Councilwoman Kennion seconded. Motion passed unanimously.

Comments from the Public

Chairman Campbell closed Public Comment period due to no one signing up.

County Administrator's Report

1. Barton Road Storm Drainage – Several times over the past 10 years the properties around Barton Road have flooded. We have presented several solutions to the residents and we met with them this afternoon to discuss a retention pond solution. A retention pond stores the stormwater without any release of the water. Due to the very sandy soil our engineers have determined that in most storm events the water will percolate into the ground within 24-48 hours. They asked us to look at some other properties before making any decisions on our suggested proposal.

2. Community Center rentals – What a unique asset the county has available to our citizens. Our current policy only allows us to rent the Sweetwater Community center once per week. Based on discussions with council we will start renting it multiple times weekly and hire a firm or individual to clean it. Additionally, I want council to know we have some foundation problems and we will need to make some costly repairs sometime in the near future. During this time, it will need to be closed for a up to two weeks.

3. Road User Fee – The State recently approved the ability for counties to enact a road user fee. At the September meeting we will be recommending the reinstatement of this fee and the elimination of the tax.

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4. Fire Audits – Our contract with the county fire departments requires us to provide an audit of their records yearly. Unfortunately, we haven't always kept up with this on a regular basis. On Monday we received the audit report for County Line, Merriwether, Northside and Westside. These audits are in your agenda packet. The three towns provide the fire department audits within their town's yearly audit.

5. Litter Control - Council approved \$110,000 for litter control in this year's budget. This provides about 4,000 hours of pickup plus any necessary items associated with the litter pickup. Instead of hiring two full-time individuals, we plan to hire several part time persons for this work. I discussed this with Jim Dorn with the Senior Center and asked if he would work with us on finding potential workers through the Center. Additionally, we discussed using groups or churches to assist us and donating a set amount to their organization. If we go this route, they would need to commit to a regular pickup schedule and would be paid "X" dollars per mile. Randy Doran would develop the weekly pickup locations for both the individuals and groups and supervise the pickup.

Comments by County Council Chairman

I mentioned last month that we'd put out a news release to see if there was citizen interest in starting a local chapter of the SC African American Heritage Commission. I met last week with a small group of citizens who are very interested. We'll have another meeting of these citizens and will invite others to a July 26 meeting, right here in Council Chambers, at 5:30 p.m. The State organization will send its director to speak to the group that night. I believe this organizational meeting will be the launch of this new, citizen-driven Commission. Please let me know later if any Council members would like to attend.

Also, Council, I want to report to you that last month I visited with another existing industry's executives. While they did not want details released yet, they are moving forward with a major expansion in our county by adding more employees and adding significantly more square footage and equipment. This is the second Edgefield County industry to tell me this in the past two months. I'm very grateful to them, and the jobs they provide to our citizens. It's worth noting that most new jobs created come from existing industries, so I want to ensure we work with them to enhance our citizens' quality of life.

Next, I want to recognize Vice Chairman Albert Talbert. Mr. Talbert was just elected by his peers to serve as the Chairman of the Upper Savannah Council of Governments Board of Directors. His two-year term began a few days ago and runs until June 30, 2024. Congratulations to him, and it's good to know we'll have someone who can now look out for Edgefield County's interests on that Board in a more direct way.

Finally, I want to announce that our August County Council meeting date is changing. Our meeting is currently scheduled for the first Tuesday in August, which is August 2. However, we have two Council members attending the Association of Counties Annual Meeting that week, so

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we are moving our meeting to a week later, August 9. So, to repeat, the next meeting will be right here, 6 p.m., August 9.

That's all I have. There being no other business, I'd entertain a motion to adjourn.

Adjourn

Councilman Talbert motioned to adjourn this meeting and Councilwoman Ireland seconded. Meeting adjourned at 6:39 P.M.

Edgefield County Council



Dean Campbell, Council Chairman

ATTEST



Aretha Eubanks, Clerk to Council