

**HAMPTON COUNTY COUNCIL MEETING MINUTES
MONDAY; SEPTEMBER 19, 2005; 6:00 P. M.
COUNCIL CHAMBERS, B. T. DeLOACH BUILDING, HAMPTON, SC**

Hampton County Council held its regularly scheduled meeting on Monday, September 19, 2005, 6:00 p. m., Council Chambers, B. T. DeLoach Building, Hampton, South Carolina. Council Member(s) present: Lisa Ball, Lee S. Bowers, Virgin Johnson, Sr.; Margaret S. Parker, Chairman and Willard E. Wilson, Vice Chair. 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:

Chairman Parker called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION:

Pastor Kevin Byrd, Chaplain, Hampton County, gave the invocation.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairman Parker.

PUBLIC HEARING(S)

HAMPTON COUNTY'S NEEDS ASSESSMENT:

Chairman Parker opened the public hearing to receive comments regarding the needs of Hampton County. Mrs. Holly Crews, Lowcountry Council of Governments, came before Council to state that she was there to receive public input regarding what everyone thought the needs of Hampton County were. Before taking comments, she presented to Hampton County an Award of Excellence for the Department of Social Services (DSS) Project. She stated that the grants for Downtown revitalization ended in September. She stated that the next funding cycle is open until April. She stated that the cycle is open for drainage, water, sewer, roads, etc. Economic Development Executive Director, Jim Daniel, stated that he would like to state that economic development was one of the needs for Hampton County. He stated that Hampton County is a distressed county and would appreciate any assistance on Community Development Block (CDBG) Grants and any other assistance that is available. Administrator Graham stated that she like water, sewer and roads also be added. Mrs. Polly Knight stated that she felt that the taxes are too high that is why you cannot get industry. With no other comments, Chairman Parker closed the public hearing.

CLOSE OUT FOR REGIONAL GRANT:

Chairman Parker opened the public hearing to receive public comments. Mrs. Holly Crews stated that this was a close out for a regional grant. She stated that Lowcountry Council of Governments (LCOG) usually applies for planning grants to assist local governments with technical assistance to

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support other grants. She stated that they usually use Hampton County as a pass through agency but will use Jasper County for the next one. With no other comments, Chairman Parker closed the public hearing. Mrs. Crews circulated a sign-in sheet. (See attachment #1 - sign in sheet).

PUBLIC COMMENT(S)

MRS. POLLY KNIGHT:

Mrs. Polly Knight stated that they the registered voters of Hampton County hereby petition the Hampton County Council for a referendum to decide the kind of government that they want in Hampton County. She stated that they have been asked to do this by a lot of people, and she was giving the County a copy. She stated that the County Attorney was kind enough to look at it and would get back with them to make sure that it was okay and acceptable. Mrs. Knight asked that when the petition was ready that they be allowed to meet in the Council Chamber to be distributed and be able to pick up petitions on a certain date. Chairman Parker told Mrs. Knight if she would call Administrator Graham about this. Mrs. Knight asked if this would be okay. Chairman Parker stated yes.

ADOPTION OF THE AGENDA

ADOPTION OF SEPTEMBER 19, 2005 COUNTY COUNCIL MEETING AGENDA:

Chairman Parker asked if there were any changes. Administrator Graham stated that she had the following wanted to add under Resolutions - #9, a tax anticipation note. There were no objections. Chairman Parker stated that the agenda was adopted with the addition.

APPROVAL OF MINUTES

SEPTEMBER 6, 2005 REGULAR MEETING MINUTES:

Chairman Parker asked if there were any changes to the minutes. There were none. Chairman Parker stated that the September 6, 2005 minutes were approved as received.

PRESENTATIONS

There were no presentation(s).

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were no appointment(s).

RESOLUTION(S)

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TAX ANTICIPATION NOTE:

Administrator Graham stated that she wanted to solicit a tax anticipation note to cover the cash flow pending collections from 2005-2006 tax notices. Administrator Graham stated that tax notices were due to be issued September 30, 2005. She stated that the ability to issue a TAN is a part of the budget document notices beyond this date. She stated that the TAN is not to exceed \$1,300,000 (one million three hundred thousand dollars). **Moved** by Council Member Bowers, seconded by Council Member Ball, for the issuance of a Tax Anticipation Note (TAN) not to exceed 1.3 million dollars. Council Member Johnson stated that the note is to be repaid as soon as the taxes are collected. Administrator Graham stated that this was correct. Council Member Wilson wanted to know if the note would be based on the time period needed. Motion carried unanimously. Council Member Johnson stated that as long as it is paid back when the taxes are collected.

ORDINANCES

THIRD (3rd) AND FINAL READING TO ORDINANCE 2005-006, AN ORDINANCE TO SET THE MILLAGE:

Chairman Parker stated that third (3rd) and final reading was needed to Ordinance 2005-006, ordinance to levy taxes. Administrator Graham read the millage rates as follows:

| HAMPTON COUNTY MILLAGE FOR 2005 TAX YEAR | | |
|---|---------------------------------------|---------------------------------------|
| | Hampton County District #1 (North) | Hampton County District #2 (South) |
| General Fund | 189 mills | 189 mills |
| County Capital Projects | 5 mills | 5 mills |
| County Rural Fire Protection | 12 mills | 12 mills |
| School | 208 mills | 298 mills |
| School Shortage (Prior Years) | 2 mills | 10 mills |

Council Member Bowers explained why he was not present at the special meeting that was held in Estill on September 12, 2005. He stated that it would be easier to reduce the millage but the budget is already in process and the money is already spent. He stated that Council was already obligated. He stated that it would put Council in a legal crisis if the County did not find the money that they had already authorize by the budget ordinance. He stated that the only thing that he could think of that they could possibly cut is that they could not fund Capital Outlays Program. He told Mayor Owens that he wanted to say something about South District too, because he was from there and it has been a thorn in his craw for most of his life. He stated that he paid, he thought, more taxes than anyone on Council; he stated that maybe not. He stated that he paid almost \$20,000 in Hampton County taxes. He stated that he is mindful of the budget. He stated that those in South School

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District pay 2.5 times more school taxes than the people in North District. He stated that Council does not have the authority to change that, but it takes a mill in South School District is worth \$12,000; a mill in North School District is worth \$30,000. He stated that is 2.5 more times tax that he is levied in his District. He stated that something has got to be done about it/ He stated that millage in South School District is going to continue to go up; the valuation is going down. He stated that it just has to be done differently if they want them to fund schools in South School District like rich people in Richland and Irmo, then somebody has got to help. He stated that he felt that he did not have any choice but to move forward with the millage being set by the County. He stated that he wanted not to, and it would have been a lot easier not to. He stated that as soon as they did not pay the workmen's comp bill and someone got hurt, then they would have a lawsuit; he stated that as soon as they did not pay the people that they have funded; they would have a lawsuit. For this reason, he stated that he moved to adopt the millage less the five (5) mills for the Capital Improvements. Chairman Parker stated that she had and motion and asked for a second.

Council Member Johnson stated that what he was kicking on too if something was to happen and the County would bite the bullet and do the right thing; the money could flow to flow and go all across the County. He stated but the County first has to bite to get the job done. He stated that he had a sheet there that in the 70's after school integration in which they changed the line over from Salkehatchie Swamp way up in Nixville near to Highway 3 and back in Gifford to Ginn Hill Road. He stated that North District School got some of the best houses in that side that should have remained in South District. He asked where was Council when that happened. He stated that two of them were fighting it for fifty years, and it is still going on. He stated that someone has to bite the bullet. Chairman Parker told Council Member Johnson that they had a motion to adopt the millage with a decrease of five (5) mills for Capital Projects, and she stated that they needed to stick with the motion. Council Member Bowers stated that he wanted to explain why he thought that they could leave out Capital Projects. He stated that the others is funded and authorized, and Capital Projects is not. He stated that legally Council could leave that out. Chairman Parker stated that she had a motion to approve the millage less the five (5) mills for Capital Projects . Council Member Wilson called for a point of order. He stated that there was a motion but not a second. Council Member Johnson raised his hand to speak, because there was no motion on the floor, because there was no second on it. He stated that the point of order is that he should have been allowed to finish his statement. Chairman Parker stated that he was allowed. Council Member Wilson stated that the Chairman cut off Council Member Johnson. Chairman Parker stated that if she could have a second, then Council could have their discussion, and if they don't get a second, then... Council Member Johnson stated that he would vote and yield to what was going on now. Council Member Johnson stated that he was not through with it yet. Chairman Parker asked if there was a second to Council Member Bowers' motion. She stated that she was just trying to stick with Parliamentary Procedure. Council Member Ball seconded Council Member Bowers' motion The motion was seconded by Council Member Ball. Chairman Parker stated that Council Member Johnson could speak. Council Member Johnson showed a map, and he pointed out the zig zag lines. He stated that somebody took a part of South District. He stated that it was done in the 70's when school integrated. He stated that it was done without the legislators. He asked who did that. He asked why did the legislators have to come back to them now. Chairman Parker stated that she was teaching school then, she did not know. Council Member Ball stated that maybe they needed

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to look at the map (displayed by Council Member Johnson); she stated that they today, they could not do anything about that. Council Member Johnson stated that he could not go along with the millage. Chairman Parker stated that they had a motion and a second to pass the millage as is with a decrease of five (5) mills which was set aside for capital projects, equipment, cars, etc. Chairman Parker asked for discussion on the motion. Chairman Parker stated that she had a discussion about the motion. She stated that Council talked about this during budget time. She stated that the county's cars are so old; they have been talking about this since she's been on Council; she stated that the interim administrators were shocked about the mileage on the cars, the sheriff's cars; she stated that they hear from public works about the old equipment. She stated that if Council does not do it now, she stated that they keep saying this, it is going to be a problem down the road. She stated that they hear that those cars out there are old. She stated that she felt that it would be very wise to continue as they do in their own homes to keep your equipment up and to keep your vehicles, etc. Chairman Parker stated that she had reservations about not trying to stay on top of things. She stated that this was her discussion. Council Member Ball stated that she had heard that there are other options; go back and look at your numbers again. Council Ball stated that the three biggest things that is being funded is Fire, EMS and Sheriff. She stated that these are the three that you could effect that would really make a big difference in the world. She stated that unless Council was willing to send people home or to cut employees or whatever. She stated that she could not see where they could not set the millage tonight. Council Member Wilson stated that there were other items that could be cut. He stated that there were other things that could look at and adjust the budget. Council Member Wilson stated that they could not do it just looking at an overview, and nobody sitting down and willing to take the time to bite the bullet; he stated that the easiest thing to do is to say "yea, let's pass it", but it is not easy on the citizens, because Council is taxing them out of their houses. Council Member stated that he listed to them talk and asked that they listen to him; he stated that he did not cut in on anyone. He stated that Council Member Johnson said earlier that there is a certain group that is buying up the houses. He stated that folks are ending up out doors. He stated that Council is not being concerned about the fact that people are being taxed out of their houses. He stated that he felt that Council owed that to the citizens to go back and look at the budget; look at it closer and see the things that they have over exuberant; he stated that they have some things that are over exuberant. He stated that if you are sitting around the table, and your check is the only one coming in and that is the only thing that is feeding the family, then a car, etc. has to be cut out to make sure that they eat. He stated that this is what they have to do as Council; go back and make sure that the people have homes and a place to live – to be able to maintain until the Council gets the industry here to build these elaborate buildings that they are building and the other things that Council is doing. Chairman Parker stated that for the record; she received no request from any council member to consider calling a meeting to discuss things in the last week. She stated that she received no request to do that. Chairman Parker stated that they had a motion and a second to give third reading to set the millage with a decrease of five (5) mills for Capital Improvements. She asked if there were any comments. Chairman Parker called for the vote. Chairman Parker called for a vote. The vote. Council Members Ball and Bowers voted "Yea", and Council Members Johnson, Parker and Wilson voting "Nay". Chairman Parker stated that it stayed as it is. Chairman Parker asked if the vote was gotten. Administrator Graham stated that she had not done anything that the millage did not pass. Administrator Graham told Chairman Parker that she needed to offer a new motion, or they would not have a millage adopted. Administrator Graham stated that they would have to offer a new motion of some sort to get

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approval, because they did not have a millage adopted. Citizens stated that the vote was already taken. Chairman Parker called for order; she stated that they could make another motion. She stated that they could make motions all night long. **Moved** by Chairman Parker to set the millage as written and as presented to Council. Council Member Wilson stated that she was going back on her vote. Chairman Parker stated that she was correcting her vote. She stated that they were voting on the five (5) mills. Chairman Parker stated that she thought they were voting on the five (5) mill decrease. She stated that she would like to vote on the millage as presented to Council, before they had the five (5) mills decrease. Chairman Parker asked if she had a second. Council Member Johnson stated that it was a lost motion. Chairman Parker asked Council Member Wilson if that was what he wanted to do was to leave it as it was. She asked Council Member Johnson if this is what he voted for. Council Member Johnson stated that he voted for no increase period –over the 2.7%. Council Member Bowers stated that they would have to have his motion or none. Motion died for a second. Administrator Graham asked if Council Member Bowers could offer his motion again. Chairman Parker asked County Attorney Solomons if Council Member Bowers could offer his motion again. Attorney Solomons stated that the answer was yes. He stated that Council Member Bowers was authorized to renew his motion. County Attorney Solomons stated that Administrator Graham stated that this was the question, could he renew his motion or not. He stated that the motion failed, because of a misunderstanding of what the motion was about, then you clarify it and restate your motion and go on. Chairman Parker stated that they were back to third (3rd) reading of the ordinance to set the millage. Chairman Parker called for a motion. Council Member Bowers stated that he renewed his motion, seconded by Council Member Ball. Chairman Parker stated that she wanted to make it clear where she stood on this. She stated that she felt that they have to move forward; would like to keep that in there for equipment, because she feels that it will be a problem, but she did not vote against passing the millage so they can operate the county as she felt they should. She stated that she misunderstood where that was going and apologized for the confusion. She stated that let it be known that they were doing this legally; absolutely not trying to pull anything. She stated that right in front of the public; they were voting again. Chairman Parker called for the vote. Motion carried with Council Members Ball, Bowers and Parker voting “Yea” and Council Members Johnson and Wilson voting “Nay”.

SECOND (2nd) READING TO ORDINANCE 2005-007, AN ORDINANCE AMENDING THE ORDINANCE ADOPTED APRIL 15, 2005 FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH JASPER COUNTY AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS OF 1976 SECTION 4-1-170, ET SEQ., AS AMENDED; AND AMENDING THE AGREEMENT WITH JASPER COUNTY PROVIDING FOR THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAXES TO THE COUNTIES AND RELEVANT TAXING ENTITIES; AND OTHER MATTERS RELATING THERETO:

Moved by Council Member Bowers, seconded by Council Member Wilson, to give second (2nd) reading to the amendment of the ordinance adopted April 15, 2005 for the development of a jointly owned and operated Industrial/Business Park in conjunction with Jasper County and established pursuant to South Carolina Code of Laws of 1976 Section 4-1-170, et. Seq., as amended; and the amendment of the agreement with Jasper County providing for the distribution of fees in lieu of ad valorem taxes to the counties and relevant taxing entities; and other matter relating thereto. Motion carried unanimously.

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BIDS

There were no bid(s) scheduled.

COUNCIL'S BRIEFING

ADMINISTRATION AND FINANCE COMMITTEE:

Chairman Parker stated that the Administration and Finance Committee met last week, and they are going through the policies and procedures. Council Member Johnson stated that he would like the Council to stick to Robert's Rules of Order. He stated that he would not like all that other stuff that they are using from the internet.

LEGISLATIVE DELEGATION MEETING:

Chairman Parker stated that the meeting with the Legislative Delegation is scheduled for September 20, 2005, 6:00 p. m., Council Chambers, B. T. DeLoach Building, Hampton, South Carolina, with dinner at Taylor's afterwards. Town Council Member Anna Sue Rivers stated that the Town of Hampton is meeting the same night and time. She stated that she would have liked to attend but could not. Chairman Parker stated that all the public is invited to attend.

JASPER COUNTY'S TERMINAL PORT:

Administrator Graham stated that a bus will meet at the Hampton County Courthouse on September 20, 2005 at 6:30 a. m. to take those who would like to support Jasper at the Port Hearing in Columbia. She stated that there were thirteen seats available. She stated that the hearing will start at 9:30 a. m. Chairman Parker encouraged everyone who could to support Jasper.

LEASE VARNVILLE TOWN HALL:

Administrator Graham presented to Council a lease agreement with the Town of Varnville. She stated that the amount of the lease is \$1,300 (one thousand, three hundred dollars) per month for five years. **Moved** by Council Member Bowers, seconded by Council Member Wilson, to approve the lease agreement with the Town of Varnville. Motion carried.

CONTINGENCY FUND:

Administrator Graham presented to Council a breakdown of expenditures from the contingency account. She stated that the balance left in contingency is \$19,915 (nineteen thousand, nine hundred fifteen dollars). Motion carried. (See attachment #2)

FINANCIAL REPORT:

Administrator Graham stated that she was presenting an unaudited financial report. Chairman Parker asked if she could have a motion to accept the report. **Moved** by Council Member Bowers, seconded by Council Member Ball, to accept the financial report as information. Motion carried unanimously.

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EXECUTIVE SESSION

Moved by Council Member Johnson, seconded by Council Member Bowers, to go into executive session to discuss a contractual matter (economic development). Motion carried. Session began 7:02 p. m. and ended 7:17 p. m. Moved by Council Member Bowers, seconded by Council Member Wilson, to come out of executive session. **Chairman Parker** stated that the Economic Development Executive Director was given direction.

ADJOURNMENT

Moved by Council Member Bowers, seconded by Council Member Wilson, to adjourn the meeting. Motion carried. Chairman Parker adjourned the meeting at 7:18 p. m.

Minutes Respectfully Submitted By:

Aline Newton, Clerk to Council

Hampton County Council Members:

Margaret S. Parker, Chairman

Willard E. Wilson, Vice Chairman

Lisa Ball

Lee S. Bowers

Virgin Johnson, Sr.