

**MINUTES OF THE LYMAN TOWN COUNCIL PUBLIC HEARING MEETING
LYMAN MUNICIPAL COMPLEX
September 10, 2012**

1. CALL TO ORDER:

A public hearing meeting by the Lyman Town Council was called to order by Mayor Rodney D. Turner at 6:20 PM.

2. FOIA:

Mayor asked Dennis P. Drozdak, Clerk/Treasurer, if written notice of this meeting with an agenda was publicly posted, published and forwarded to the local newspapers no less than 24 hours prior to adjournment and he responded yes.

3. ROLL CALL:

Conducted by Dennis P. Drozdak.

Present: Rodney D. Turner, Mayor
Tony Wyatt, Mayor Pro tem
Daisy Carter
Larry Chappell
Rita M. Owens
Not present: C. Phil McIntyre
Donnie Wetzel

4. ANNEXATION PUBLIC HEARING:

a. Mayor mentioned that there are displays of the annexation. He said that if anyone has anything to say about the annexation they are asked to come to the podium and give their name and address. Nick Nicholson, 403 North Silver Ridge, Greer, South Carolina, here, however as Counsel of SJWD and along with him were two Commissioners and Mike Ross, an employee. Here to speak against the annexation in so far as the District is concerned. With regard of the remaining annexations they had no dog in that fight so to speak. But as to the District they have objection to it. Wanted to talk and point out two misconceptions about the annexation in so far as the District is concerned. First misconception was laid out to the Town last week or July 30th when you had first reading of annexation ordinance. Several owners were approached to sign to the annexation petition for property and those owners are set forth out there. One of those owners was a representative of Springs Industries or subsidiary, Mr. Commerford. In February, Mr. Commerford was sent a letter by Mayor Turner. In the letter, Mr. Commerford was asked in the letter, to read a part of the letter and happy to give it to let you look at it too. States as follows, the Town of Lyman is always looking to expanding our borders to the benefit of our residents and community as a whole through annexations. Property owners petition the Town to become a legal part of Lyman as it is beneficial to them to receive the services the Town provides. Often however, their property is not contiguous to the Town's limits and therefore cannot be annexed without the annexation of the properties in between. We are currently in that type of situation with the property that could be brought into the Town easily with Springs Window Fashions, LLC's assistance. The property they are talking about bringing in with Springs' assistance is the property of SJWD. The letter makes it seem that SJWD wants to be brought into the Town. That is not the case. No one ever approached the District and asked them if they wanted to be annexed in to the property. So this letter to Mr. Commerford, who signed the annexation agreement, provides a misstatement. That is one misconception that wanted to clear up. The reading from the second paragraph, due these issues and the need to use this property to establish contiguity with to parcels that wish to be annexed, again he is talking about the District's property and they don't wish to be annexed. That due to that wish, I would ask that you allow us to purchase the parcel for a reasonable price; however, if you have no desire to dispose of

the property consider annexing the property in its entirety or a non-taxable ten (10) foot strip around the parcel thus allowing Lyman to grow to the benefit of the community. Again, the letter seems to indicate to Springs that the District wants to be annexed into the property. So the letter asks Springs to help us help another citizen to be annexed into the Town. That citizen does not want to be annexed into the Town, that property owner SJ Water District. That is misconception number one (1). Misconception number two is that at that the first reading of the ordinance in July 30th, that Chief Redd talked to you, I was not here, but I will read the minutes as their published from you all. Item seven (7) under new business, first reading of an ordinance for the annexation of property at or near Groce Road, the Mayor requested that Fire Chief Redd appear at podium since he had been working on these annexations. He said this was fill gaps in the downtown, Pacific Street was an island and American Foam requested our help on their electrical bills and the packet has all the items described. This annexation does not include the three story building leftover from the mill. That the SJWD filter plant is included in the 75% and that in the past he had spoken to their Board. They stated that they do not sign petitions nor do they oppose them. Nobody ever asked our Board whether or not they consented to or opposed petition. Nobody asked Mr. Caston who is Executive Director what would be SJWD's position. Nobody asked a single Commission member. Nobody asked a single employee with authority what would be the District's position on an annexation. So to the extent that you all thought the District was in favor of this, or just doesn't care, that's not the case. The District does oppose this annexation at least as they are concerned. The remaining property owners that's fine, whatever you want to or whatever they want to do is fine with the District. We just wanted to clear this up and let Council know that we do object to the annexation, we hadn't been asked about it, we would respectfully ask that the Council not approve. The Mayor thanked Nick and asked that Terry Richards step to podium, also Mr. Duggan sure might need some help and Jim Redd. Mayor asked Terry did anytime in last five (5) years did you approach Mr. Caston and asked him to annex in the filter plant. Terry responded that he and I had a discussion. The Mayor asked Jim what is his recollection of dealing with some members of SJWD in the past about annexations. Jim said that Mr. Caston, myself and Mayor Fogle at the time in his last year, that his statement to the Mayor and myself that he did not oppose annexation, but would sign the petition, and will not fight it. The Mayor said to Mr. Duggan that is also what Mr. Caston said to me in a meeting one on one, he and I had two years ago. Mr. Duggan's only comment was that under the seventy five percent (75%) annexation procedure a City if it deems it is in the best interest of the Town it has the right to annex properties adjoining without the permission or consent of that property owner. This process is one have participated in the past and really is a judgment for you as leaders of the Town but is certainly a lawful process authorized by State legislature. Mayor thanked Mr. Duggan. Mr. Nicholson asked to make one comment and said to say whether or not Mr. Caston said that, that he can tell you that Mr. Caston has told him unequivocally that he has never had any sort of conversation with respect to this annexation and if he had, he would not have agreed to it. This is over a sixty acre piece of property with extremely valuable filter plant on top of it. Secondly, Mr. Caston, is the Executive Director, and you all know as a governmental body as yourself and is governed by the Commission and it is the Commission that makes those decisions and the Commission was never approached. I appreciate what everybody has said, I would encourage individual members call Mr. Caston and get the word straight from the horse's mouth. The Mayor asked for a second call if anybody had anything about this annexation in this public hearing. Someone from the audience asked what was the purpose of us doing this. Mayor responded that it was a way to grow, that's the way we grow is annexations. The Mayor also said that they get Police protection automatically, they get trash pickup.

Mayor said he got 6:30, Nicholson then said from the audience that one concern is that once we start coming into the Town, the Town is going to start charging a franchise fee for all the utilities that are used at the plant. Those fees we think will be rather significant, and to the SJWD. Normally what a utility does when they incur costs, they pass those on to the customers. We would rather not do that. We've been told nothing as to why we want this property inside the Town of Lyman,

nothing. That is our concern that is just to capture these franchise fees and again just assume not pass these along. Mayor mentioned had 6:30 if no one else has anything to say, asked for a motion to close the public hearing.

12. ADJOURNMENT:

- a. At 6:30pm Chappell made a motion to adjourn, Wyatt seconded, with all in favor.

Submitted by,


Dennis P. Drozdak, Clerk/Treasurer

Approved by,


Rodney D. Turner, Mayor

Date: 10/01/2012