

MINUTES OF THE SPECIAL CALLED LYMAN TOWN COUNCIL MEETING  
LYMAN MUNICIPAL COMPLEX  
July 30, 2012

1. **CALL TO ORDER:**

A special meeting of the Lyman Town Council was called to order by Mayor Rodney Turner at 5:00pm.

2. **FOIA:**

Dennis P. Drozdak, Clerk/Treasurer responded to Mayor Turner's question 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 responded yes.

3. **ROLL CALL:**

Conducted by Dennis P. Drozdak.

Present: Rodney D. Turner, Mayor  
Tony Wyatt, Mayor Pro tem  
Daisy Carter  
Larry Chappell  
C. Phil McIntyre  
Donnie Wetzel

Not present: Rita M. Owens

4. **OLD BUSINESS:**

- a. 2nd reading of an Ordinance to Re-Classify the Zoning of property located at 12319 Greenville Hwy from R-15 to GBD1. Motion by Wyatt, seconded by Chappell, and with no further discussion, none opposed and the motion carried with all in favor.

5. **EXECUTIVE SESSION:**

- a. At 5:04PM, Mayor made a motion to go into executive session for the purpose of disciplining of staff. Wyatt seconded. At 5:20PM, Mayor made a motion to come out of executive session and that no votes were made during the meeting, it was seconded by Carter and with no further discussion, no opposed and the motion carried with all in favor.

6. **REQUEST TO ADDRESS COUNCIL:**

- a. Mayor asked Scott Slatton of the Municipal Association of South Carolina to appear because of the Eurodrive project. Mayor said that he wanted to make sure someone from the outside reviewed things like this situation facing the Town. That company wants to expand with a new building, but doesn't want to comply with the ordinance requiring annexation. Slatton said that an annexation ordinance is very common across the State, and this requirement was challenged last year in Rock Hill. The State Supreme Court upheld the requirement of annexation for use of sewer or water. Slatton stated there may be a way to work this out but that cities cannot do fee in lieu of taxes, only Counties. In the packet he distributed he gave ways you can negotiate for some relief, but anything you negotiate must make the public purpose served. Also, must consider equal protection for some company in the future. Can do a grant or forgivable loan, but must have objective and specific criteria and performance measures. He said that you are limited, but several cities have done creative ways to relieve the financial burden, like City of Anderson, and suggest you to talk with them. There are no specific guidelines by the State. The requirement to annex is good policy, there are three methods to annex, 100%, 75% and 25%, with the last two more difficult. Rock Hill expanded city limits with water and sewer and would tell you to employ and encourage you to hold your ground. It is up to you to decide if this is a make or break deal. Wyatt asked if state laws prohibit tax relief, Slatton responded that you cannot do fee in lieu of tax, and counties generally reduce 10.5% to 6%. Wyatt said that must have point of equal protection and cannot discriminate, but if a company brings 1,000 jobs, it's the impact. Slatton said that a little too broad, if meet criteria and all must have same opportunity. Wyatt said so it's the impact not the company. Slatton referred to the City of Anderson packet, section 6 item D, but item 7 is pretty broad, but gives advantage to change. Mayor said the thing with the economy, its good time. Slatton said that the County needs to be reminded that they also get taxes, and said to put this on the legislative agenda. McIntyre said that basically with our ordinance we are tied into this, for it, but all

get the same. Mayor said that the reason for the ordinance is to take care of Lyman, but they try to convince and bulldoze, push their weight around. Slatton said that to offer them if they would do this to their customer, have different terms, but to worry about the bottom line. Cities have outside and inside rates, 1 1/2 times the inside. Mayor said that the rate study is complete with just one thing to finish up and study shows that several cities do this, the difference of in and out of the city. Can analyze on case by case basis. Wetzel expressed concern of their statement of not doing it here and moving somewhere else. Slatton said a company have to make that decision. Wyatt said that have to take the big picture on economics. McIntyre said State gave BMW breaks and a lot of other industries and will read about Anderson and does it resemble us. Mayor said that they first wanted to expand and move the existing sewer line, then looking at soccer fields and graded it out and touches the Town limits. Then said moving to Canada, then putting septic tank, then sewer line to touch a sewer manhole, trying to circumvent our ordinance if they take advantage of sewer system. Mayor asked Jay King (journalist Middle Tyger Times) if he or someone wrote of \$20 million building, with 50 jobs in 15 years. Chappell said he talked with them and 50 jobs for the future. Wyatt said needed targeted item, find a middle ground, but supports the ordinance, just need more tools.

**7. NEW BUSINESS:**

- a. 1<sup>st</sup> reading of an ordinance for the annexation of property on or near Groce Road. Mayor requested that Fire Chief Redd appear at podium since he has been working on these annexations. He said that this was to fill gaps in downtown. Pacific Street was an island, and American Foam requested our help on their electrical bills. The packet has all the items described. This annexation does not include 3 story building left over from the mill. The SJWD filter plant is included in the 75% and that in the past he had spoken to their board and they stated they do not sign petitions, nor do they oppose them. The main benefit is the police protection. Wyatt wanted color coded maps to see and understand item 6 was not in town. McIntyre asked if anyone knows dye plant plans, big hole in Town, something for the future. Mayor said that the 22 acres are not part of annexation, including the boiler house. Wyatt asked if there was any progress on the demolition. Redd replied that County has no grounds for abatement, Wyatt said that was a ridiculous position. Redd said that he toured the boiler house, it probably violates 50% of the International Code and they walked from removing the asbestos. The concrete shell is structurally sound. Redd said that the Town does not want to incur an environmental burden on Town budget. Wyatt disagrees with the County, it is not in their backyard. Redd believes that Bennett (owner) has a plan to make it good. Motion by Chappel, seconded by Wyatt, with Wetzel stating that he wanted the record to reflect that he was submitting a letter of recusal on one parcel. With no further discussion, none opposed and the 1<sup>st</sup> reading carried with all eligible to vote in favor.

**8. ADJOURNMENT:**

Drozdak stated that since Labor Day is on Council's September meeting date, do they want to meet on Tuesday, September 4<sup>th</sup> or Monday, 10<sup>th</sup>. All agreed on September 10<sup>th</sup>.  
At 6:07pm Carter made a motion to adjourn, with all in favor.


Submitted by,

  
Dennis P. Drozdak, Clerk/Treasurer

Date:

08/06/2012

Approved by,

  
Rodney D. Turner, Mayor