



South Carolina Department of Transportation

COMMISSION MINUTES

November 21, 1997

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DAVE BOWERS
PLANNING

MINUTES
DEPARTMENT OF TRANSPORTATION COMMISSION
November 21, 1997

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MINUTES
DEPARTMENT OF TRANSPORTATION COMMISSION
OF
SOUTH CAROLINA

November 21, 1997

The regular monthly meeting of the Department of Transportation Commission was held in Marion, South Carolina at 9:00 a.m. on November 21, 1997. In compliance with the "Freedom of Information Act" the news media was advised in writing of the time, date and place of this meeting.

Present

H. B. "Buck" Limehouse, Chairman Presiding
Arnold S. Goodstein
Joseph Jefferson
Bobby T. Jones
S. Lyman Whitehead

Absent

Jack E. Mullinax
W. M. "Mat" Self

Also Present: Elizabeth S. Mabry, Director

SECTION 1: The Minutes for the meeting of October 15, 1997 copies of which had been previously mailed to each member of the Commission, were approved.

SECTION 2: The Commission passed a motion accepting a report by the Department for sale of surplus Right of Way Property - land, as shown in detail in the Appendix. Commissioner Goodstein abstained from voting.

SECTION 3: The Commission unanimously passed a motion approving the action of the Department in extending existing bituminous retreatment contract to include additional resurfacing work, as shown in detail in the Appendix.

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SECTION 4: The Commission unanimously passed a motion approving the action of the Department in extending existing construction contracts to include additional resurfacing, as shown in detail in the Appendix.

SECTION 5: The Commission unanimously passed a motion correcting the description of sections of State Highway previously added to the State Highway System to read as follows:

Addition
Number

Chesterfield County

✓ 1023

X

Lowe Street from S-1022 (King Street) westerly to Roberts Street -
approximately 0.15 mile
Designated S-1023
Added to System 12/14/95

✓ 1024

X

Hunt Street from S-1022 (King Street) westerly to Roberts Street -
approximately 0.2 mile
Designated S-1024
Added to System 12/14/95

✓ 1025

X

Flowers Street from S-1022 (King Street) westerly to deadend -
approximately 0.1 mile
Designated S-1025
Added to System 12/14/95

Note: These revisions are recommended to show the correct
beginning points as S-1022.

SECTION 6: The Commission unanimously passed a motion rescinding its action in adding the following roads, as shown, to the State Highway System:

Addition
Number

Chesterfield County

✓ 1046

X

Duke Road from Road S-355 to US Route 52 -
approximately 0.7 mile
Designated S-1046
Added to System 10/25/96

Note: This road is being removed at the request of the CTC.

Addition
NumberColleton County

- ✓ 914 X Dirt road in Joyland Subdivision a/k/a Glory Lane extending from Road S-913 easterly - approximately 0.55 mile
Designated S-914
Added to System 2/20/92
- ✓ 915 Y Road in Joyland Subdivision a/k/a Peace Lane extending from Road S-914 easterly - approximately 0.35 mile
Designated S-915
Added to System 2/20/92
- add of Adj 918
Per Link in
C's Projects
918 4 Dirt road known as Jacksonboro Cemetery Road (Part A) extending from Road S-30 northwesterly - approximately 0.5 mile
Designated S-915
Added to System 2/20/92 7-16-96
- 918 4 Dirt road known as Jacksonboro Cemetery Road (Part B) extending from the end of Jacksonboro Cemetery Road (Part A) northwesterly to Road S-30 - approximately 0.5 mile
Designated S-918
Added to System 3/97
- ✓ 920 4 Brown Town Lane extending in a westerly direction from US Route 17-A South - approximately 0.6 mile
Designated S-920
Added to System 12/13/96
- Note: These removals are recommended by the County Transportation Committee.

Addition
NumberMarlboro County

835

Hemphill Circle extending from SC Route 381 approximately 0.2 mile north of Road S-19 easterly, northerly, and westerly to SC Route 381 -

approximately 0.34 mile

To be designated S-835

Added to System 10/20/94

Note: This removal is recommended since this project was deleted from the "C" Program in June 1997 without having been removed from the System.

836

Sandhill Road (county road) extending from SC Route 9 approximately 0.5 mile north of Road S-55 northerly to Road S-54 - approximately 0.75 mile

To be designated S-836

Added to System 11/17/95

Note: This removal is recommended since this project was deleted from the "C" Program in April 1997 without having been removed from the System.

Sumter County

1474

Mayrant Road extending from Road S-1048 in a northerly direction to New Hope Church Road (S-263) -

approximately 0.55 mile

To be designated S-1474

Added to System 1/19/96

1476

McLeary Lane extending from Road S-33 (McCray's Mill Road) to Canty Lane -

approximately 0.2 mile

To be designated S-1476

Added to System 1/19/96

Note: These removals are recommended by the CTC due to right-of-way problems.

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SECTION 7: Pursuant to Code Section 57-5-80, the Commission unanimously passed a motion removing the following described road sections from the State Highway System:

Addition
Number

Colleton County

✓ Portion of
15

X

Section of road in the Town of Edisto Beach from S-683 westerly then northerly to SC Route 174 -

approximately 0.12 mile

Designated SC Route 174

Added to System 2/1/38 (Charleston County Addition)

Note: This addition was transferred by letter dated 9/18/75 to Colleton County, however, the additions were never changed to reflect this transfer.

Oconee County

✓ 257

X

Loop road in Walhalla from Detrich Street via the Walhalla Elementary School to Detrich Street -

approximately 0.06 mile

Designated S-257

Added to System 9/15/55

Note: This road is being removed at the request of Oconee County. The county has accepted maintenance responsibility for this road by letter dated, October 16, 1997. This road is being closed to facilitate the expansion of a County Office Building.

Spartanburg County

✓ Portion of
399

X

East Griffith Street in the City of Woodruff from US Route 221 (Main Street) northeasterly to Road S-146 (Pearson Street) -

approximately 0.14 mile

Designated S-1375

Added to System 1/19/56

Note: This road is being removed at the request of the City of Woodruff. The city has accepted maintenance responsibility for this road by letter dated, October 20, 1997.

Addition
Number

Sumter County

Portion of
1159

Section of road in the Sumter Industrial Park from S-1162 (Southgate Drive) southwesterly - approximately 0.12 mile
Designated S-1159
Added to System 6/15/78

Note: This removal is requested by Sumter County. Maintenance responsibility accepted by County by letter dated September 4, 1997.

SECTION 8: Pursuant to Code Section 57-5-70, the Commission unanimously passed a motion adding the following roads to the State Highway System, maintenance jurisdiction by the Department of such roads to become effective when construction to State Highway standards shall have started:

Addition
Number

Florence County

1791

Section of road from US Route 301 and S-588 easterly and northerly to a point 0.42 mile north of SC Route 51 - approximately 1.96 miles
Designated S-588

1792

Section of road in Florence from SC Route 51 and S-12 southerly to S-588 - approximately 0.53 mile
Designated S-12

Note: The above roads are being constructed by File 21.850 and 21.844 to provide a new location for US Route 301. The section numbered as S-588 will be designated as US Route 301 after completion of the whole project.

Laurens County

981

Adair Place in the City of Laurens extending from Road S-486 southwesterly - approximately 0.488 mile
To be designated S-981

Note: This road is being added at the request of Laurens County based on previous commitment.

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SECTION 9: On motion of Commissioner Jefferson, seconded by Commissioner Jones, the Commission unanimously passed a motion to recommend to the Florence County Council that Road S-2183 be renamed "Honda Way".

SECTION 10: On motion of Commissioner Jones, seconded by Commissioner Goodstein, the Commission unanimously passed a motion approving in concept the proposed partnering arrangement between Dillon, Marion and Marlboro counties and the SCDOT. The motion included instructing the SCDOT staff to meet with representatives of the tri-counties to consolidate the proposal into an agreement for action by the Commission at a future meeting.

SECTION 11: On motion of Commissioner Jefferson, seconded by Commissioner Whitehead, the Commission unanimously passed a motion approving the following resolution with regard to the Board of Directors for the Connector 2000 Association:

RESOLUTION

**A RESOLUTION OF THE SOUTH CAROLINA DEPARTMENT OF
TRANSPORTATION COMMISSION MAKING CERTAIN APPROVALS
IN CONNECTION WITH THE ISSUANCE BY CONNECTOR
2000 ASSOCIATION, INC. OF NOT EXCEEDING \$250,000,000 AGGREGATE
PRINCIPAL AMOUNT TOLL ROAD REVENUE BONDS (GREENVILLE
SOUTHERN CONNECTOR PROJECT) TO BE ISSUED BY
CONNECTOR 2000 ASSOCIATION, INC. FOR THE PURPOSE
OF FINANCING A PORTION OF THE COST OF THE
SOUTHERN CONNECTOR HIGHWAY PROJECT AND PAYING THE
COSTS OF ISSUANCE ASSOCIATED THEREWITH AND
OTHER MATTERS RELATED THERETO.**

WHEREAS, pursuant to Sections 57-1-20, 57-3-110 and 57-5-10 S. C. Code Ann (1996 Supp.) the Department of Transportation (the "Department") was established as an administrative agency of the government of the State of South Carolina (the "State") with the powers (among other) to lay out, build, and maintain public highways and bridges, including the exclusive authority to establish design criteria, construction specifications and standards required to construct and maintain highways and bridges in the State, and to designate, operate and maintain the components of the Statewide system of highways (the "State Highway System"); and

WHEREAS, the Commission of the Department of Transportation (the "Commission") is the administrative and governing body of the Department; and

WHEREAS, Section 57-3-200 of the South Carolina Code of Laws, 1976 as amended (the "Act") authorizes the Department "... to enter into partnership agreements with political subdivisions including authorized transportation authorities, and private entities to finance, by tolls and other financing methods, the cost of acquiring, construction, equipping, maintaining and operating highways, roads, streets and bridges in the State", and

WHEREAS, pursuant to the Act, the Department published a request for proposals for the financing and construction of an approximately 16-mile controlled access toll road known as the Southern Connector, to be located in southern Greenville County, South Carolina (the "Southern Connector Project") on July 1, 1995; and

WHEREAS, Connector 2000 Association, Inc., a South Carolina nonprofit public benefit corporation without members (the "Association") and Interwest Carolina Transportation Group, LLC, a South Carolina limited liability company ("ICTG") submitted a proposal on January 5, 1996 for the development of the Southern Connector Project; and

WHEREAS, the South Carolina Department of Transportation Commission (the "Commission") adopted a resolution on February 29, 1996, which selected the proposal submitted by ICTG and the Association over two competing proposals for purposes of negotiating a contract to develop and construct both the Southern Connector Project and an extension to State Highway 153 (the "SC 153 Project" and, together with the Southern Connector Project, the "Projects"); and

WHEREAS, pursuant to such negotiations, the Association, ICTG and the Department executed that certain Agreement to Develop the Southern Connector and South Carolina Route 153, dated May 8, 1996, by and among the Department, ICTG and the Association (the "Phase One Development Agreement") providing for the determination of project feasibility, preliminary design and engineering and related matters; and

WHEREAS, the activities to be performed under the Phase One Development Agreement have been substantially completed, ICTG has prepared and delivered its written initial report on the Projects (the "Initial Report") and the Association and the Department have negotiated the remaining aspects of the development of the Projects; and

WHEREAS, the development of the Southern Connector Project is proposed to be financed primarily through the issuance of certain Toll Road Revenue Bonds (Greenville Southern Connector Project) of the Association in the original principal amount not to exceed \$250 million (the "Toll Bonds"); and

WHEREAS, the Toll Bonds will be limited obligations of the Association and will not constitute or create an indebtedness of the State of South Carolina or any of its agencies, departments or political subdivisions and will state on their face that such Toll Bonds are not an obligation, legal, moral or otherwise, of the State of South Carolina or any of its agencies, departments or political subdivisions but are payable solely from the revenues and receipts derived from the operation of the Southern Connector Project; and

WHEREAS, in order to reduce borrowing costs and minimize tolls for the use of the highway, the Association proposes to issue the Toll Bonds in a manner such that the interest on the Toll Bonds will be excluded from gross income for federal income tax purposes; and

WHEREAS, upon the final completion of the Southern Connector Project, such highway will be added to the State Highway System; and

WHEREAS, the Association is governed by a volunteer Board of Directors comprised of five of Greenville's business and civic leaders: Richard L. Few, Sr. (Chairman), a former president of Cooper Motor Lines, past president of the Greater Greenville Chamber of Commerce and a member of the SCDOT Transportation 2000 Committee; Ralph W. Callahan, Chairman and CEO of Henderson Advertising, Inc., a member of the Executive for the South Carolina Chamber of Commerce; William L. Carpenter, recently retired Chairman of RUST Environment & Infrastructure Inc.; Thomas J. Warwick, a Special Agent for Prudential Preferred Financial Services; and Mack I. Whittle, Jr., President and CEO of Carolina First Corporation, a Board Member and immediate past President of the South Carolina Bankers Association (collectively, the "Initial Directors"); and

WHEREAS, the Association has requested the Commission approve the formation of the Association and the financing as required to allow the interest on the Toll Bonds to be excluded from gross income for federal income tax purposes.

WHEREAS, representatives of and counsel to the Department and the Association have negotiated a License Agreement between the Department and the Association (the "License Agreement") providing details concerning the final development, financing, acquisition and construction of the Projects and the operation of the Southern Connector Project, and

WHEREAS, the Commission has been presented with the form of the License Agreement, has considered the terms and requirements thereof, and desires to proceed with the execution and delivery of the License Agreement and the development of the Projects as provided therein.

NOW, THEREFORE, BE IT RESOLVED BY THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION COMMISSION IN MEETING DULY ASSEMBLED, as follows:

Section 1: Adoption of Premises. Each statement of fact set forth in the preamble hereto has been carefully examined and has been found to be in all respects true and correct.

Section 2: Approval of Toll Bonds.

(a) Solely to allow the interest paid on the Toll Bonds to qualify for exclusion from federal income tax, the Commission hereby approves the Toll Bonds in original principal amount not to exceed \$250,000,000. The Toll Bonds may be issued in one or more series, may be current interest bonds or may be capital appreciation bonds (or any combination thereof), may be sold by public or private sale in such denominations, at such times and in such amounts, may bear interest (payable currently or at maturity) and may be secured in such manner, all as the Association may determine.

THE TOLL BONDS DO NOT NOW AND SHALL NEVER CONSTITUTE AN INDEBTEDNESS OF THE STATE OF SOUTH CAROLINA OR THE DEPARTMENT WITHIN THE MEANING OF ANY STATE CONSTITUTIONAL PROVISION OR STATUTORY LIMITATION AND SHALL NEVER CONSTITUTE OR GIVE RISE TO A PECUNIARY LIABILITY OR AN OBLIGATION (LEGAL, MORAL OR OTHERWISE) OF THE DEPARTMENT OR A CHARGE AGAINST ITS GENERAL CREDIT OR THE GENERAL CREDIT OR TAXING POWER OF THE STATE OR ANY OF ITS AGENCIES, DEPARTMENTS OR POLITICAL SUBDIVISIONS. SUCH LIMITATION SHALL BE PLAINLY STATED ON THE FACE OF EACH TOLL BOND.

(b) The formation of the Association is hereby approved. The Initial Directors of the Association are hereby approved. Pursuant to the Articles of Incorporation and By-Laws of the Association, replacements for existing members and additions to the Board of Directors of the Association are to be made by action of the remaining directors of the Association, subject to the approval of such replacement or additional members by this Commission.

(c) Approval by the Commission of the Toll Bonds as set forth hereinabove does not constitute, nor shall it be deemed to constitute, an endorsement on the part of the Department or the Commission of the Bonds, a representation that the Association is creditworthy, or that the purchasers of the Toll bonds will be paid all or any part of their investment, all of which is expressly disclaimed hereby. The Commission for itself and on behalf of the Department, expressly disclaims any conclusion or opinion as to the merits of the proposed issuance and sale of the Toll Bonds.

Section 3: Acceptance of Southern Connector Project. The Department will accept title to all the personal property and improvements associated with the Southern Connector Project not previously acquired by, or conveyed to, the Department, the same having been financed by the Toll Bonds, and all additions thereto, when the Toll Bonds are discharged.

Section 4: Declaration of Intent to Reimburse Expenditures. The Commission expects the Association to reimburse, and hereby declares its official intent to reimburse pursuant to 26 CFR 1.150-2(e), any expenditures made by the Department for the development of the Southern Connector Project with proceeds of the Toll Bonds or other debt to be issued by the Association on behalf of the Department.

Section 5: Finding of the Department Pursuant to Section 12-27-1290 S. C. Code Ann. (1996 Supp.). Section 12-27-1290 S.C. Code Ann. (1996 Supp.) provides: "No project may be funded by means of imposing a toll on the users of the project unless in conjunction with federal funds authorized for use on toll roads it is determined to be substantially feasible by the Department." The Association has undertaken a determination whether the Southern Connector Project is substantially feasible. As a part of such inquiry, the Association has caused to be prepared by Wilbur Smith Associates ("WSA") a Traffic and Revenue Study dated June 1997 (the "Traffic Study") which estimates the demand for the Southern Connector Project and the revenue the Association may expect to receive incident to the operation thereof. The Association has also engaged Lehman Brothers, Inc. and Mesirow Financial, Inc. (together, the "Underwriters") to prepare, and has engaged Southern Municipal Advisors, Inc. as financial advisor to the Association to review, a plan of finance for the Association's operation of the Southern Connector Project (the "Plan of Finance"). The Plan of Finance computes the expected operating expenses of the Southern Connector Project and estimated the debt service requirements of the Toll Bonds. The Association reasonably expects, based on the Traffic Study and the Plan of Finance, that the Southern Connector Project will generate sufficient toll receipts to pay the costs of operating the highway and paying the principal, of redemption price, if any, and interest on the Toll Bonds as such amounts fall due. Based exclusively on the Initial Report, the Traffic Study, the Plan of Finance and such expectation of the Association, the Department hereby determines that the Southern Connector Project is substantially feasible within the meaning of Sections 12-27-1290 and 12-28-2920 S. C. Code Ann. (1996 Supp.).

Section 6: **Authorization of License Agreement.** The Commission hereby approves the License Agreement. The Department shall execute and deliver the License Agreement to the Association and the Department shall faithfully perform its obligations thereunder. The License Agreement shall be executed and delivered on behalf of the Department by the Executive Director, and attested by the Deputy Director for Finance and Administration of the Department, in substantially the form which is in the possession of the Deputy Director for Finance and Administration, the terms and conditions of which are hereby approved with such changes, additions, insertions or modifications as shall be approved by the officers of the Department executing such License Agreement, such approval to be conclusively evidenced by such officer's execution thereof. The tolls for the use of the Southern Connector Project shall be as set forth in the License Agreement approved hereby, subject to revision as provided in the License Agreement.

Section 7: **No Guaranty.** The approvals herein shall in no way cause the State of South Carolina or any of its agencies, departments (including, without limitation, the Department), or political subdivisions to be considered a guarantor, indemnitor or surety of the Toll Bonds, the (Association (as issuer of the Toll Bonds) or any purchaser of the Toll Bonds (including, without limitation, the Underwriters).

Section 8: **General Authority.** The Commissioners of the Department and its appropriate officers, attorney, agents and employees are hereby authorized to do all acts and things desirable or consistent with this resolution to evidence the approvals of the Commission contained herein, to effect the intent of the License Agreement or to carry out the terms of this resolution, each such Commissioner, officer, attorney and employee is hereby authorized and directed to execute and deliver any and all papers and instruments and to do and cause to be done any and all acts and things necessary or convenient for such purposes, and all acts of any such Commissioner, officer, attorney or employee previously undertaken in connection with the matters consistent herewith is hereby ratified and approved.

DONE IN MEETING DULY ASSEMBLED, this 21st day of November, 1997.

11/21/97

SECTION 12: On motion of Commissioner Jefferson, seconded by Commissioner Jones, the Commission unanimously passed a motion adopting the following resolution for issuance of \$17,500,000 in bonds for funding construction of SC 153:

WHEREAS, the SCDOT Commission has selected the Interwest Carolina Transportation Group (ICTG) as the top-ranked proposer for completion of the Southern Connector Project; and

WHEREAS, as part of the proposal, the SCDOT would fund construction of a separate, non-tolled highway, the SC 153 extension, which would provide a vital link to the Southern Connector Project; and,

WHEREAS, the SCDOT Commission instructed staff to negotiate a development agreement to implement the proposal; and

WHEREAS, Connector 2000 Association, a Greenville based not-for-profit association, intends to issue toll revenue bonds to provide funding for completion of the Southern Connector Project; and

WHEREAS, SCDOT and Connector 2000 Association are in the process of negotiation of a License/Franchise agreement to facilitate the funding and implementation of the Southern Connector Project; and

WHEREAS, the SCDOT Commission intends to issue \$17,500,000 in State Highway Bonds to fund construction of the SC 153 extension, subject to final execution of the License agreement between SCDOT and Connector 2000 Association and the issuance and closing of the toll revenue bond issues to fund the Southern Connector by the Connector 2000 Association; and

WHEREAS, so that the marketing of the toll revenue bonds by Connector 2000 Association may proceed to completion

NOW BE IT RESOLVED, the SCDOT Commission requests that the State Budget and Control Board authorize the issuance of \$17,500,000 in State Highway Bonds to fund the construction of the SC 153 extension project this issuance conditional on final execution of the License agreement between SCDOT and Connector 2000 Association, and the issuance and closing of the toll revenue bond issues to fund the Southern Connector by the Connector 2000 Association.

SECTION 13: Chairman Limehouse entered into the record proxy statement for Commissioner Jack E. Mullinax voting in favor of the two preceding motions shown as Sections 11 and 12. The signed proxy statements are shown in the Appendix. Chairman Limehouse also voted in favor of these motions.

SECTION 14: On motion of Commissioner Jones, seconded by Commissioner Jefferson, the Commission passed a motion to confirm the action of the Commission taken at the October 15, 1997 meeting regarding the amendment to the by-laws as follows. Commissioner Goodstein voted no to this motion.

Section 109, Compensation, shall be amended by deleting the present text and substituting in its place the following:

- A. Member of the Commission shall receive such per diem, mileage and subsistence as is provided by law for members of boards, commissions and committee while engaged in official business. "Official business" shall constitute the rendering of public service related to the office of Commissioner and must be approved by the Commission Chairman.
- B. Meals and Lodging (in state)
Each Commissioner may receive \$2500.00 per year for in state meals and lodging. Seven Commissioners X \$2500.00 = \$10,500.00 total.
- C. Mileage (in state)
Each Commissioner may be reimbursed for 1000 miles per month at \$0.31 per mile.

Maximum monthly amount	\$ 310.00 X seven Commissioners
Maximum month amount	\$ 3,720.00 X seven
Total annual	\$26,040.00

SECTION 15: On motion of Commissioner Jones, seconded by Commissioner Goodstein, the Commission unanimously passed a motion approving the recommendation of the Department to maintain the level of funding allocation for system upgrade projects at \$114.5 million for FY 1999 and that these funds be distributed to the Councils of Government and the Metropolitan Planning Organizations on the basis of population in the same manner as current year.

11/21/97

SECTION 16: There being no further business to come before the Commission, the meeting was adjourned at 10:20 a.m.

Larry C. Duke
Secretary

H. B. "Buck" Limehouse
Chairman

APPENDIX

DEPARTMENT OF TRANSPORTATION COMMISSION

Meeting of

November 21, 1997

SURPLUS RIGHT OF WAY PROPERTY - LAND

1. File 46.774 - S.C. Route 49 - York County

The Department acquired right of way for construction of S.C. Route 274 in York County under Project No. 911 from Duke Power Company by Deed to Right of Way dated January 6, 1938.

During negotiations by our Legal Section to relocate a business sign, eliminate a driveway, and establish a new control access, an agreement was reached that upon completion of the project the Department would deed a 0.30 acre parcel of old Route 274 as compensation to Mildred W. Davis. Therefore, a gratis quitclaim deed conveying 0.30 of an acre of land to Mildred W. Davis was executed on October 13, 1997.

2. File 42.951 - Road S-44 - Spartanburg County

During acquisition of right of way for improvements on Road S-44/S-538 in Spartanburg County, under File 42.951, Tract 8, the Department acquired right of way from Eugene Robinson, Jr. by Condemnation Notice dated June 30, 1986.

The City of Spartanburg requested SCDOT relinquish the property acquired to cul-de-sac White Oak Street (that is a city street) to the City for their control. The District and Engineering Sections determined this requested parcel was not needed for Road S-44 and should be relinquished to the City. Therefore, a gratis quitclaim deed transferring 0.2 of an acre of land to the City of Spartanburg was executed on October 28, 1997.

3. File 18.434 - U.S. Route 17-A Bypass - Dorchester County

The Department acquired right of way for construction of improvements on the Berlin Myers Parkway near Richland Street and Spann Elementary School in Dorchester County under File 18.434, by Letter of Dedicated Right of Way from the Town of Summerville dated February 13, 1957.

During negotiations for right of way with the School District, it was agreed that in exchange for new right of way for U.S. Route 17-A Bypass, the Department would deed its interest in a portion of the old roadbed of Magnolia Street (to be released) to the School District. Therefore, a gratis quitclaim deed conveying 0.92 of an acre of land to Summerville School District #2 was executed on October 30, 1997.

4. File 23.286 - Road S-83 - Greenville County
File 23.696 - Road S-331 - Greenville County

During acquisition of right of way for construction of improvements on Flora Louise Drive under File 23.286 and Ashmore Branch Road under File 23.696 in Greenville County, the Department acquired right of way for Road S-83 from the Ralph W. Blakely by Deed to Right of Way dated April 27, 1948.

As a result of Court Order C.A. No. 96-23-2328 by the Honorable Judge Simmons, Master-In-Equity for Greenville County, this portion of Flora Louise Drive was closed, and the Department was directed to convey the property to the Plaintiff. Therefore, a gratis quitclaim deed conveying approximately 0.85 of an acre of land to Southern Region Industrial Realty, Inc. was executed on November 6, 1997.

5. File 23.286 - Road S-83 - Greenville County
File 23.696 - Road S-331 - Greenville County

During acquisition of right of way for construction of improvements on Flora Louise Drive under File 23.286 and Ashmore Branch Road under File 23.696 in Greenville County, the Department acquired right of way for Road S-83 from the Ralph W. Blakely by Deed to Right of Way dated April 27, 1948 and from Alfred J. Mack by Deed to Right of Way dated April 30, 1948.

As a result of Court Order C.A. No. 96-23-2328 by the Honorable Judge Simmons, Master-In-Equity for Greenville County, this portion of Flora Louise Drive was closed, and the Department was directed to convey the property to the Plaintiff. Therefore, a gratis quitclaim deed conveying approximately 0.80 of an acre of land to Spinks Investments, Inc. was executed on November 6, 1997.

6. File 38.416 - Road S-119 - Orangeburg County

The Department acquired right of way for Road S-119 from the Town of Holly Hill by Letter for a 23 foot strip of dedicated right of way dated September 24, 1953. The town acquired the strip from Atlantic Coastline Railroad by Agreement only and with the provision all property rights revert back to the railroad upon abandonment.

For the purpose of helping the present landowner clear his title on this property and at the request of the Town of Holly Hill, Road S-119 was removed from the SCDOT system on August 14, 1997. Therefore, a gratis quitclaim deed conveying approximately 0.23 of an acre of land to the Town of Holly Hill was executed on November 6, 1997.

This matter is reported to the Commission in accordance with the requirements of Code Section 57-5-340.

11/10/97

SURPLUS RIGHT OF WAY PROPERTY - LAND

1. File 23.245A - Route I-85 - Greenville County

The Department acquired right of way for construction of improvements along Line Street Frontage Road, under File 23.245A for Route I-85, from Thermo-Kinetics Industries, Inc., from Paul E. Lindsey and Audrey W. Lindsey by Title to Real Estate dated March 25, 1992, from Oscar L. Blume and Joyce K. Blume by Title to Real Estate dated August 26, 1992, and from Edith Lorain Johnson by Condemnation Notice dated October 12, 1994.

During negotiations by our Legal Section for acquisition of right of way for Line Street Relocation, an agreement was reached that Thermo-Kinetics, the adjoining owner to all parcels conveyed, would acquire the remainder of surplus properties in exchange for land needed for Route I-85 right of way. Therefore, a quitclaim deed conveying a total of 0.805 of an acre of land to Thermo-Kinetics Industries was executed on July 8, 1997, for consideration of \$62,650.00 as an adjustment in the differences in value.

2. File 42.253A - Route I-85 - Spartanburg County

During acquisition of right of way for improvements to Route I-85 in Spartanburg County, under File 42.253A, the Department acquired right of way from James David Jones by Title to Real Estate dated May 8, 1992.

George W. Jones, an adjoining owner, requested to acquire a portion of property located on the northwestern side of Route I-85 and Road S-57 N.W. Frontage in Spartanburg County. After being reviewed by our Engineering Sections, it was determined that this right of way was no longer needed and could be considered surplus. Therefore, a quitclaim deed conveying 0.34 of an acre of land to James D. Jones was executed on September 4, 1997, for consideration of \$5,630.00.

3. File 42.312A - S.C. Route 101 - Spartanburg County

The Department acquired right of way for construction of improvements to S.C. Route 101 in Spartanburg County under File 42.312A, by Condemnation Notice from Amelia J. Carson and Karen M. Kleeman dated December 20, 1995 and from GT&W Inc. of Gastonia by Title to Real Estate dated May 3, 1995.

The City of Greer requested to acquire a section of Brookshire Road for the purpose of maintenance and control by the City. The Department acquired right of way and relocated a portion of Brookshire Road for alignment and safety purposes. After being reviewed by our

District Engineering Administrator, it was determined that the relocated portion of the road be relinquished to the local jurisdiction of the City of Greer, provided the land revert back to the Department should it not be used for a public roadway. Therefore, a gratis quitclaim deed conveying 2.23 acres of land to the City of Greer was executed on September 18, 1997.

4. File 37.606 - U.S. Route 76/123 - Oconee County

During acquisition of right of way for construction of U.S. Route 76/123 under File 37.448 in Oconee County, the Department acquired right of way from the Roy Callahan Estate by Right of Way Easement dated September 11, 1963.

It was discovered that an adjacent owner inadvertently encroached on the right of way during construction of a guard house entrance to Compact Air. At the request of the District, and by circulation to all Engineering Sections, it was determined that a triangular area of 4,042 square feet of land could be sold to the adjacent owner, thus removing the encroachment from the Department's ownership. Therefore, a quitclaim deed conveying approximately 4,042 square feet of land to Laurence F. Yuda was executed on September 19, 1997, for consideration of \$535.00.

5. File 25.241 - U.S. Route 278 - Hampton County

The Department acquired right of way for construction of U.S. Route 28 (now known as U.S. Route 278) under Project #206 REOP as shown on Sheet No. 8 in Hampton County, from M. E. Phillips, E. M. Middleton, W. C. Mauldin, and J. A. Mace by Deed to Right of Way in 1930. In 1946, under File 25.241, the Department relocated a section of U.S. Route 28 and abandoned 1,500 feet of the old roadbed of U.S. Route 28.

The Town of Hampton has acquired adjacent property to this 1,500 foot section of abandoned roadbed and wants to incorporate this area into their property for public use. After considering public use for the land, and keeping right of reversion should it not be used for a public roadway, it was determined that this right of way was no longer needed and could be considered surplus. Therefore, a gratis quitclaim deed conveying 1.98 acres of land to the Town of Hampton was executed on October 1, 1997.

This matter is reported to the Commission in accordance with the requirements of Code Section 57-5-340.

10/6/97

Recommendations: 11/21/97

EXTENSION OF BITUMINOUS RESURFACING CONTRACTS

TO INCLUDE ADDITIONAL RESURFACING WORK

It is recommended that the Commission approve the action of the Department in extending existing bituminous retreatment contracts to include additional resurfacing work as follows:

GREENVILLE COUNTY:

Contract of Vulcan Materials Company - File No. 23.10961 - extended to include resurfacing (File No. 23.10961) of 0.89 km on Road S-23-165 from S-23-167 to SC 253, and 0.48 km on Road S-23-94 from S-23-136 to 0.3 mile west of S-136.

Estimated Cost of Extension	No Increase in Contract (\$) Amount
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GREENWOOD COUNTY:

Contract of Satterfield Construction - File No. 24.10971 - extended to include resurfacing (File No. 24.10971) of 2.14 km on Road S-24-236 from US 25/178/221 to S-24-528.

Estimated Cost of Extension	No Increase in Contract (\$) Amount
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YORK COUNTY:

Contract of REA Construction Company - File No. 46.10971 - extended to include resurfacing (File No. 46.10971) of 2.97 km on Road S-46-65 from .30 mile south of S-46-840 to End of State Maintenance.

Estimated Cost of Extension	\$127,471.90
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These extensions were authorized by the Department prior to formal approval by the Commission since the adjacent work had reached such a stage of completion that the contractors involved could not accept the additional work unless it were authorized without delay.

Recommendations: 11/21/97

EXTENSION OF CONSTRUCTION CONTRACTS

It is recommended that the Commission approve the action of the Department in extending existing construction contracts to include additional work, as follows:

LEXINGTON COUNTY:

Contract of C. R. Jackson, Inc. - File No. 32.80971 - extended to include resurfacing (File No. 32.80971) with asphalt concrete surface course of 1.30 miles on Road S-174 (Wescott Road), 1.10 miles on Road S-1065 (Cedar Road) and 0.08 mile on Road S-1561 (Challedon Drive) for a total of 2.48 miles.

Estimated Cost of Extension

No Increase in Contract (\$) Amount

OCONEE COUNTY:

Contract of Vulcan Materials Company & Subs. Co. - File No. 37.80971 - extended to include resurfacing (File No. 37.80971) with bituminous surfacing (single treatment) for crack sealer of 1.79 km on Road S-16 (Old Salem Highway).

Estimated Cost of Extension

\$7,643.45

SPARTANBURG COUNTY:

Contract of Sloan Construction Company, Inc. - File No. 42.488A - extended to include grading, drainage, and asphalt concrete surfacing (File No. 42.80971) on I-85 Frontage Road (Landers Road) for 0.31 mile.

Estimated Cost of Extension

\$141,745.75

These extensions were authorized by the Department prior to formal approval by the Commission since the adjacent work had reached such a stage of completion that the contractors involved could not accept the additional work unless it were authorized without delay.



South Carolina
Department of Transportation
Commission

150 Normandy Road
Greenville, South Carolina 29615

Jack E. Mullinax
SCDOT Commissioner
Fourth Congressional District

PROXY STATEMENT

THE UNDERSIGNED, A CURRENT MEMBER OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION COMMISSION, DO HEREBY ASSIGN MY VOTING RIGHTS AND REPRESENTATION TO MR. H. B. LIMEHOUSE, CHAIRMAN OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION COMMISSION, FOR THE PURPOSE OF ANNOUNCING MY VOTE ADOPTING, THE SCDOT COMMISSION RESOLUTIONS REQUESTING THAT THE STATE BUDGET AND CONTROL BOARD AUTHORIZE THE ISSUANCE OF \$17,500,000 IN STATE HIGHWAY BONDS TO FUND THE CONSTRUCTION OF THE SC153 EXTENSION PROJECT, ALSO THAT THE BUDGET AND CONTROL BOARD AUTHORIZE THIS ISSUANCE CONDITIONAL ON FINAL EXECUTION OF THE LICENSE AGREEMENT BETWEEN SCDOT AND CONNECTOR 2000 ASSOCIATION, AND THE ISSUANCE AND CLOSING OF THE TOLL REVENUE BOND ISSUES TO FUND THE SOUTHERN CONNECTOR BY THE CONNECTOR 2000 ASSOCIATION.

DAY: 19, MONTH: November YEAR: 1997

NAME: JACK E. MULLINAX SIGNED: Jack E. Mullinax



South Carolina
Department of Transportation
Commission

151 Normandy Road
Greenville, South Carolina 29615

Jack E. Mullinax
SCDOT Commissioner
Fourth Congressional District

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DAY: 19, MONTH: November, YEAR: 1997

NAME Jack E. Mullinax SIGNED Jack E. Mullinax

SYNOPSIS

DEPARTMENT OF TRANSPORTATION COMMISSION

Meeting of

November 21, 1997

Commission Meeting – November 21, 1997

Marion, SC

Chairman Limehouse called the meeting to order asked for a motion to approve the Minutes of October 15, 1997. Motion was made, seconded and approved unanimously.

Chairman Limehouse introduced Representative Jim Battle who welcomed the Commission to Marion and introduced guests:

Senator Dick Elliott
Representative Doug Jennings
Bobby Gerald, Mayor of Marion
Lucy Parsons, Mayor of Bennettsville
George McEntire, Marlboro County
Representation Marion "Judge" Kinon
Frank Jones

Senator Elliott and Representative Kinon also briefly addressed the Commission about highway needs in the Marion County area.

Chairman Limehouse recognized former Highway Commissioners in attendance:

Bobby Gerald, Ronnie Crow, and O'Neil Sessions.

Executive Director Mabry presented the Recommendations as submitted previously to Commission for approval.

Commissioner Goodstein requested that the record reflect that he abstained from voting on the Sale of Surplus Right of Way portion of the Recommendations.

Chairman Limehouse noted that he had had a request from Representative Woody McKay to rename McKay Road to Honda Way.

Commissioner Jefferson offered the following motion:

"I recommend that the SCDOT Commission recommend to Florence County Council that Road S-2183 be renamed Honda Way."

Second by Commissioner Jones

Motion passed unanimously.

All recommendations were passed unanimously with the exception of the above noted abstention by Commissioner Goodstein.

The next agenda item was a presentation by Representative Doug Jennings from Bennettsville.

Representative Jennings thanked the Commission and welcomed them to the area. A handout was given to each Commission member reflecting bond retirement projection for SC Route 38 widening project in Dillon, Marion and Marlboro counties. Representative Jennings discussed the need for an inter-governmental agreement between Marion/Dillon/Marlboro counties with the SCDOT to accelerate this project. Representative Jennings also requested specifically that the DOT aggressively pursue the intergovernmental agreement with local governments in Dillon, Marion and Marlboro counties to accomplish this agreement.

Representative Jennings asked the Commission to approve, in principal, the idea of developing an intergovernmental agreement with Dillon, Marion and Marlboro Counties and to instruct the DOT staff to prepare the agreement that would call for input by local government of all the affected areas, that would call for a partner participation in the retirement of a 20 year bond, and to have the agreement ready for presentation at the January meeting of the Commission for further action.

Chairman Limehouse restated the motion as follows:

That the Commission approve in concept the proposed partnering arrangement between the tri-county area and the SCDOT and instruct the staff to meet with representative of the various counties to consolidate into an agreement that the Commission can take action on.

Motion was made by Commissioner Jones, seconded by Commissioner Goodstein and passed unanimously.

Chairman Limehouse suggested to Representative Jennings, if there are federal funds available for I-73 on a demonstration basis and if the corridor from the State line to 95 has been identified as a priority by the government, that the Commission would be supportive of any action taken by the I-73 Committee and the staff could move to try to acquire the funds without waiting for another Commission meeting.

Representative Jennings stated that the I-73 Committee would immediately ask the delegation in Washington for demonstration project funds for I-73 from the entrance into South Carolina on the northern end of the route connecting down to I-95 in Dillon county.

Representative Jennings also gave an overview of the I-73 Committee's trip to Washington, DC. Response from the delegation was good. I-73 is a reality.

The next agenda item was the Southern Connector.

Mr. Richard Few, Sr., Chairman of Board of the Connector 2000 Association addressed the Commission and gave an overview of the Southern Connector Project.

Mr. Doug Nunn briefed the Commission on the Southern Connector project regarding the issuance of bonds as well as recommending the Commission approve the members of the Connector 2000 Association

Commissioner Goodstein made a motion that the Commission go into Executive Session for discussion legal matters.

Motion failed due to lack of a second.

Commissioner Goodstein asked Mr. Nunn if due diligence had been given this matter.

Mr. Nunn assured the Commission that the matter had been covered thoroughly.

Commissioner Goodstein expressed to Mr. Nunn that if he felt due diligence had been served that he (Mr. Goodstein) was comfortable endorsing the resolutions.

Chairman Limehouse entered in to the record proxy votes from Commissioner Mullinax in support of the two resolutions.

Chairman Limehouse asked for a motion approving the Board of Directors of the Connector 2000 Association. Motion made by Commissioner Jefferson and seconded by Commissioner Whitehead. Passed unanimously.

The second resolution was for issuance of \$17,500,000, in State Highway Bonds for funding SC 153. Motion made by Commissioner Jefferson and seconded by Commissioner Jones. Passed unanimously.

Chairman Limehouse asked that his vote be noted as affirmative as well as Commissioner Mullinax's proxy votes.

Chairman Limehouse thanked Mr. Few and his Board members for their work on the Southern Connector.

Mr. Few introduced the development team as follows:

Mr. Richard Few, Jr.
Mr. Robert Ferris
Mr. Jim Taylor
Mr. John Van Duys
Mr. Tim Brett

Executive Director Mabry presented an amendment to the Commission Bylaws. The recommended change is:

Section 109, Compensation, shall be amended by deleting the present text and substituting in its place the following:

- A. Members of the Commission shall receive such per diem, mileage and subsistence as is provided by law for members of boards, commissions and committees while engaged in official business. "Official business" shall constitute the rendering of public service related to the office of Commissioner and must be approved by the Commission Chairman.
- B. Meals and Lodging (in state)
Each Commissioner may receive \$2500.00 per year for in state meals and lodging. Seven Commissioners x \$2500.00 = \$10,500 total
- C. Mileage (in state)
Each Commissioner may be reimbursed for 1000 miles per month at \$0.31 per mile.

Maximum monthly amount \$ 310.00 x seven Commissioners
Maximum month amount \$ 3,720.00 x seven
Total annual \$26,040.00

Motion was made by Commissioner Jones that the Commission confirm the Commission action taken at the meeting in Charleston and that the language be identical to that voted on in Charleston.

**Second by Commissioner Jefferson
Commissioner Goodstein voted no to this motion**

Mr. Don Freeman, State Highway Engineer presented the 1999 system upgrade portion of the STIP for Commission approval.

A motion was made by Commissioner Jones and seconded by Commissioner Goodstein as follows:

I move that the Commission approve maintaining the level of funding allocation for system upgrade projects at \$114.5 million for FY 1999 and that these funds be distributed to the Councils of Government, and the Metropolitan Planning Organizations on the basis of population in the same manner as current year.

Motion passed unanimously.

Comments from Executive Director Mabry included:

Respond to audit report
Chief Legal Counsel (early December)
Legislative liaison (early December)
Legislative packet

Commission Comments

Commissioner Goodstein

Resolution for Senator Richter - action postponed

All Commissioners thanked the hosts.

Meeting was adjourned at 10:20 a.m.

RECEIVED

DEC 29 1997

PLANNING