

SOUTH CAROLINA CONSERVATION BANK
Tuesday, November 3, 2009 at 1:00 pm
Orangeburg/Calhoun Technical College
Building C, 3250 Saint Matthews Road
Orangeburg, SC

MINUTES

The regular meeting of the Board of the South Carolina Conservation Bank (SCCB) was held at 1:00 pm on Tuesday, November 3, 2009, at the Orangeburg/Calhoun Technical College in Orangeburg, South Carolina. Notice of the date, time and place of the meeting was posted and mailed to the news media. Chairman Weston Adams, III presided at the meeting.

Board members present: Weston Adams, III, Chairman; Andrea Clark, Ben Keys; Nick Kremydas; Thomas W. Miller; James W. Roquemore; and Ex-Officio Members Frank A. McLeod, III for SC Forestry Commission and Michael G. McShane for SCDNR.

Board members absent: William L. Snow, Sr., Vice Chairman; Elliott Close; Thomas C. Taylor; Ex-Officio member Chad Prosser with SCPRT.

1. Call to Order:

Chairman Adams called the meeting to order and welcomed everyone to the meeting and noted that the Freedom of Information Act guidelines had been met.

2. Introduction of Guests and New Board Member:

Chairman Adams introduced new Board member Nick Kremydas and presented Mr. Kremydas with a SCCB Board Member hat.

3. Adoption of Minutes:

Chairman Adams called for a motion to adopt the minutes from the September 3, 2009 meeting. Mr. Roquemore moved to accept the minutes; Ms. Clarke seconded the motion and the motion passed.

4. Old Business:

Chairman Adams stated we had old business. The SCCB was \$107,000 short on being able to fund all six projects previously approved. That matter has been resolved and turned the meeting over to Mr. Davant to explain the matter.

- a. **2009-10 funding** – The legislature in the current budget asked the SCCB to a cost estimate to run the SCCB and fund the conservation easement grants that had completed all their due diligence as of June 30, 2009. We gave them the figure of \$2,107,050. When they went to the budget deliberations the \$2,000,000 stuck and \$107,050 got lost. Therefore the Bank was budgeted \$2,000,000 which was \$107,050 short to be able to

fund the six that were completed. Mr. Davant gave Margie Rish credit for obtaining the funds. She contacted the Budget office regularly and they finally said they would authorize \$107,050 to go into the Bank's funds and were able to make the grants on the six projects that had their due diligence completed. All have been paid with the exception of one that is on the agenda for later discussion. We had the funds to pay them all and five have been completely paid. We have our operating funds for the rest of the year and we will spend the rest of the year working on educational projects and trying to find ways to get our trigger clause fixed and work with others agencies to see where we can go with the budget. Bottom line is we have one more decision to make which will be addressed shortly; however, we still have 15 outstanding commitments for a total now of \$4,657,000. When we get funds back, those have to be covered before considering anything else. This is not so bad considering we have not had much funding the last two years, we have managed to pay 14 of the ones that were outstanding and it has not been a total loss. We are alive, well and kicking and moving along in whatever direction we can.

Chairman Adams stated on the funding matter, that we have some people in the House and Senate who are willing to help change the legislative provision with the kill switch in it. Chairman Adams stated that he felt that by July 1 the Bank will be back in business and the money will be flowing as it should.

- b. Edisto Packers** – Chairman Adams stated that we would need a motion on the Edisto packers question and asked Mr. Davant to explain that matter. Mr. Davant stated that the grant was initially made to The Nature Conservancy on the proviso that once it was completed, TNC would return transfer the property to USFWS for management. The USFWS has a problem with the Charleston Greenbelt in terms of their conservation easement and they are not willing to accept the easement in terms of the grant the Bank made to TNC. What they have agree to and the Charleston Greenbelt Commission is simply elect to let TNC continue to own the property and they would enter into a longtime lease with the USFWS to essentially do the same thing we gave them the easement for. This means the tract would be owned by TNC and there is no issue as far as the Bank is concerned in the operation of the easement. Chairman Adams asked if Mark Robertson wanted to add anything. Mr. Robertson deferred to Ashley Demosthenes is TNC's project manager. Ms. Demosthenes reiterated Mr. Davant's statements. Chairman Adams stated the Bank needed a motion to change the approval stating that TNC can own the property. Chairman Adams called for any further discussion and there being none, he asked for a motion. Mr. Miller moved for the motion to change approval from the USFWS to TNC and Ms. Clark second the motion. Mr. Kremydas asked if appropriate for the Bank's legal counsel to review the contract. Mr. Davant stated that legal counsel

had reviewed the agreement and had no problem with it. Mr. Kremydas stated that was fine, but that he would like to see a copy of the agreement. The Chairman called for a vote and the motion passed.

5. Executive Session:

Chairman Adams called for a motion to go into Executive Session for the purpose of discussing a legal matter. Ms. Clark made the motion and Mr. Miller second the motion and the motion passed to adjourn.

Chairman Adams called the meeting back to order and asked for a motion to reconvene the meeting from Executive Session. Mr. Miller made the motion to reconvene and Ms. Clark Second the motion.

6. Old Business (continued)

Chairman Adams stated the last application was on the Salt Point Tract and that the Bank was still holding the \$400,000 that was previously approved. Chairman Adams stated there is a legal issue that previously has been addressed by Mr. Davant and Slade Gleaton (with Trust for Public Land) about the about disbursing the money to TPL at this point. Chairman Adams recommended that Mr. Gleaton get together with Mr. Davant and George Bailey the Bank's attorney to work that out and the Board would enter into a motion not to take any action until the next Board meeting. Mr. Gleaton was in agreement and the Chairman called for a motion from the Board. Mr. Miller made the motion to defer the Salt Point matter to the next Board meeting pending discussions between Mr. Davant, Mr. Bailey and Mr. Gleaton on the legal matters and Ms. Clark second the motion and the motion was passed. Chairman Adams encouraged Mr. Gleaton to get with Mr. Davant to set up a meeting.

7. New Business – Time and Place of Next Meeting:

The Chairman asked if there was any new business. Mr. Davant stated there was none. The next Board meeting was set to be held on April 30, 2010.

The Chairman recognized Mark Robertson with the Nature Conservancy who asked about if the Board is accepting any applications for the future. Chairman Adams clarified that the Bank is still taking applications and stated that the Board believes that the statutory problem is going to be solved and the Bank will have money to spend. Therefore, the Bank would rather get the applications, at least the ones that are deals to get in the queue. Mr. Davant stated new applications are being put in a queue according to date received so they would receive priority. Mr. Robertson asked what the next deadline would be and Mr. McShane stated March 31, 2010 and Mr. Robertson stated he thought January 31, 2010. Ms. Clark and Ms. Rish stated the application deadline date had been changed at the last Board meeting to be Jan 31 and July 31. Mr. Keys asked to about the application and making it internet friendly and being able to file electronically. Mr. Davant stated we were working on. Ms. Rish stated the application is on the web page and that applications can go in and fill out the application online and send it

to the Bank via email and apparently that is where the problem exists. Mr. McShane asked Mr. Leavitt if they just wanted to be able to submit applications electronically. Mr. Leavitt stated there were different levels and suggested the example of National Scenic Byways Automated Grant Application. Chairman Adams stated we would take a look at the matter and see if to get a handle on how to improve the process. Mr. McShane stated that an issue is the Bank's materials are housed by the DNR's system. Currently the DNR is going through the new SCEIS state accounting program which appears to be more problematic than originally anticipated by anyone. We may have to leave as is at present; however Mr. McShane stated that he would make sure to get with Mr. Leavitt himself to see what could be worked on.

Chairman Adams came back to the next Board meeting and asked if April 28, 2010 was a Wednesday and if that would work for everyone. Mr. McShane offered to have in Columbia at the SCDNR's Board Room. The meeting was set for April 28, 2010 at 10:00 am in Room 325, SCDNR's Board Room. Mr. McShane stated that the General Assembly would be in session and this would be an opportunity for Board members to interact with the Legislature.

Ms. Rish reminded the Board about the articles in their folders regarding the grant awards to Rosemont Preservation Society and Rose Hill Farm Phase 1 Tract and the good reviews given.

Chairman Adams called for a motion to adjourn. Mr. Keys made the motion to adjourn, Mr. Roquemore second and the motion passed.

November 3, 2009 - SCCB Board Meeting

No Grants Reviewed or Approved