

**REGULAR MEETING OF THE FLORENCE COUNTY COUNCIL,
THURSDAY, NOVEMBER 18, 2010, 9:00 A.M., COUNCIL
CHAMBERS ROOM 803, CITY-COUNTY COMPLEX, 180 N. IRBY
STREET, FLORENCE, SOUTH CAROLINA**

PRESENT:

K. G. "Rusty" Smith, Jr., Chairman
Waymon Mumford, Vice-Chairman
H. Morris Anderson, Secretary-Chaplain
Mitchell Kirby, Council Member
Russell W. Culberson, Council Member
Johnnie D. Rodgers, Jr., Council Member
J. Ken Ard, Council Member
Alphonso Bradley, Council Member
James T. Schofield, Council Member
Suzanne S. King, Administrative Services Director
Mike Abbott, Hyman Law Firm
Connie Y. Haselden, Clerk to Council

ALSO PRESENT:

Kevin Yokim, Finance Director
Ryon Watkins, EMS Director
Ray McBride, Library Director
Pearl McDaniel, Interim Planning Director
Jack Newsome, Tax Assessor
Chuck Tomlinson, Morning News

A notice of the regular meeting of the Florence County Council appeared in the November 17, 2010 edition of the MORNING NEWS. Copies of the agenda were faxed to members of the media and posted in the lobby of the City-County Complex, the Doctors Bruce and Lee Foundation Public Library, and on the County's website (www.florenceco.org).

Chairman Smith called the meeting to order. Secretary/Chaplain Anderson provided the invocation and Vice Chairman Mumford led the Pledge of Allegiance to the American Flag. Chairman Smith welcomed everyone attending the meeting.

APPROVAL OF MINUTES:

Councilman Kirby made a motion Council approve the minutes of the October 21, 2010 regular meeting of County Council. Councilman Rodgers seconded the motion, which was approved unanimously.

PUBLIC HEARINGS:

Chairman Smith opened the public hearing and the Clerk published the title for the following:

ORDINANCE NO. 11-2010/11

An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Tax Agreement By And Between Florence County, South Carolina And Wellman Plastics Recycling, With Respect To Certain Economic Development Property, Whereby Such Property Will Be Subject To Certain Payments In Lieu Of Taxes And Other Matters Related Thereto.

APPEARANCES:

CHRISTMAS CARD CONTEST WINNER

Council Recognized Faith Hyman, 9 Year-Old Daughter Of Robbie And Kelley Hyman, The Winner Of The 2010 Christmas Card Contest And Presented Miss Hyman With A Framed Copy Of Her Artwork. In Addition, Miss Hyman Will Receive A \$100 Savings Bond.

RESOLUTION OF RECOGNITION TO BILL YONCE

Councilman Culberson made a motion Council approve a Resolution Of Recognition For Mr. Bill Yonce In Honor Of His Being Inducted Into The National Auctioneers Hall Of Fame. Councilman Anderson seconded the motion, which was approved unanimously. The Clerk published the Resolution in its entirety and Councilman Anderson presented Mr. Yonce with the framed Resolution.

DAVID HUDSON – DELMAE BASEBALL LEAGUE PRESIDENT

Mr. Hudson And Mr. J. P. Turner Appeared Before Council To Express Appreciation For Council Providing Assistance With Improvements At The Savannah Grove Athletic Complex. Members of Council expressed appreciation to Mr. Hudson, Mr. Turner and the other volunteers for their hard work and diligence in providing recreational opportunities for area youth.

DR. MARK LAWHON

Dr. Lawhon Appeared Before Council To Discuss Commercial And Residential Developers Being Considered For Short-Term Tax Relief. Dr. Lawhon stated he had a second issue he wanted to address, which was an issue between himself and the Treasurer in regard to taxes for Waverly Woods Subdivision. Dr. Lawhon requested County Council have the Attorney General investigate the Treasurer's Office. He provided a copy of a letter from The Supreme Court of South Carolina denying a Writ of Prohibition filed by Kevin A. Hall, Esquire on behalf of the County Treasurer and a copy of a letter from the Florence County Assessor requesting that the County Auditor prepare new tax notices for Waverly Woods, LLC removing the penalties and interest, pursuant to the court order. Chairman Smith stated the second item was a matter for the Circuit Court. Chairman Smith then informed Dr. Lawhon that in reference to his original request, House Bill H.3018 was passed last year on spec homes and houses being built, which

allows the developer up to six (6) years if a house was not sold before having to pay taxes on the home but the developer must apply within thirty (30) days of receiving the Certificate of Occupancy and must apply every year within those six years that the house is not sold. The multi-lot discount was also revised to allow up to ten (10) lots to receive the discount. The Chairman requested that the Clerk provide copies of the state legislation to Dr. Lawhon.

County Treasurer Dean Fowler requested to address the matter regarding the taxes on Waverly Woods Subdivision. Chairman Smith stated that Mr. Fowler was not on the agenda but asked if two members of Council would agree for Mr. Fowler to speak. There was no motion from members of Council.

PEGGY MCLEAN, CHAIR – FLORENCE CIVIC CENTER

Mrs. McLean And Kendall Wall, Executive Director Of The Florence Civic Center, Appeared Before Council To Provide An Update Of The Activities At The Civic Center. The Civic Center experienced increases in almost every category this year, including event revenue, attendance, number of events, and event days. Florence County was the only county of its size or larger to increase hotel accommodations tax revenues, which increased 1.7% for Florence County. Members of Council commended the Board, Mr. Wall and the staff for the tremendous job that has been done to continue to improve and enhance the services/programs at the Civic Center.

CAROL SCHWEITZ AND STUDENTS OF TIMROD ELEMENTARY SCHOOL

Councilmen Bradley and Anderson requested that Ms. Schweitz And Four Students From Timrod Elementary School Be Allowed To Appear Before Council To Express Appreciation For Council's Assistance In Upgrading The Playground And Fencing At The School. Each Of The Students Published A Letter Expressing Appreciation.

COMMITTEE REPORTS:

PUBLIC SERVICES & COUNTY PLANNING

Committee Chairman Schofield advised Council that the Florence Museum was well underway and making progress. The plans/design should be shown in January.

COUNCILMAN SCHOFIELD

Councilman Schofield stated he wanted to commend EMS for its rapid response to an incident that occurred at his business the previous day. EMS was on scene in just under five (5) minutes from the first call placed to dispatch.

RESOLUTIONS:

RESOLUTION NO. 03-2010/11

The Chairman published the title of Resolution No. 03-2010/11: A Resolution To Amend The Florence County Personnel Policy Manual To Reflect The Recent Change To Internal Revenue Service Regulations Regarding Cell Phones; And To Address Other Matters Related Thereto. Councilman Mumford made a motion Council approve the Resolution. Councilman Rodgers seconded the motion, which was approved unanimously.

ORDINANCES IN POSITION:

EMERGENCY ORDINANCE NO. 01-2010/11

The Clerk published the Title of Emergency Ordinance No. 01-2010/11: An Emergency Ordinance For The Purpose Of Temporarily Suspending Sunday Work Prohibitions As Provided For In Title 53 Of The South Carolina Code Of Laws, From Sunday, November 21, 2010 Through Sunday, January 2, 2011 In Florence County, South Carolina, Maintaining Existing Restrictions On The Sale Of Alcohol. Councilman Schofield made a motion Council approve Emergency Ordinance No. 01-2010/11. Councilman Culberson seconded the motion, which was approved unanimously.

ORDINANCE NO. 07-2010/11 – THIRD READING

The Clerk published the title of Ordinance No. 07-2010/11: An Ordinance To Develop A Jointly Owned And Operated Industrial/Business Park In Conjunction With Darlington County, Such Industrial/Business Park To Be Geographically Located In Darlington County And Established Pursuant To Section 4-1-170 Of The Code Of Laws Of South Carolina, 1976, As Amended; To Provide For A Written Agreement With Darlington County To Provide For The Expenses Of The Park, The Percentage Of Revenue Application, And The Distribution Of Fees In Lieu Of Ad Valorem Taxation; And Other Matters Related Thereto. Councilman Culberson made a motion Council approve third reading of the Ordinance. Councilman Rodgers seconded the motion, which was approved unanimously.

ORDINANCE NO. 09-2010/11 – SECOND READING

The Clerk published the title of Ordinance No. 09-2010/11: An Ordinance To Amend Florence County Code, Chapter 30, Zoning Ordinance, Article V, Sign Regulations, Section 30-202, Table VII-Regulation Signs By Type, Characteristics And Zoning Districts And Table VIII-Number, Dimension, And Location Of Permitted Signs By Zoning District; Section 30-205, Temporary Signs On Private Property; And Section 30-311, Definitions, Conflict With Other Laws To Revise The Portable Signs Regulations. Councilman Kirby made a motion Council approve second reading of the Ordinance. Councilman Rodgers seconded the motion. Councilman Schofield made a motion to amend the Ordinance as follows: Section 30-205, Display Period for portable signs changed from 6 months to 7 months and Display Interval read "Any 7 months in a calendar year;" and Note D) to Section 30-205 describing the height of the sign 'not to exceed 6 feet' change to 'not to exceed 8 feet.' Councilman Mumford seconded the motion to amend, which was approved unanimously. Second reading of Ordinance No. 09-2010/11 as amended was approved unanimously.

ORDINANCE NO. 10-2010/11 – SECOND READING

The Clerk published the title of Ordinance No. 10-2010/11: An Ordinance To Rezone Property Owned By William Michael Nexsen Located At 1217 Pheasant Road, Florence County From R-3, Single-Family Residential District To RU-1, Rural Community District Shown On Florence County Tax Map No. 00127, Block 01, Parcel 286 Consisting Of Approximately 1.02 Acres. Councilman Rodgers made a motion Council approve second reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

PUBLIC HEARINGS:

There being no signatures on the sign-in sheet for public hearing of Ordinance No. 11-2010/11, Chairman Smith closed the public hearing.

ORDINANCE NO. 11-2010/11 – SECOND READING

The Clerk published the title of Ordinance No. 11-2010/11: An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Tax Agreement By And Between Florence County, South Carolina And Wellman Plastics Recycling, With Respect To Certain Economic Development Property, Whereby Such Property Will Be Subject To Certain Payments In Lieu Of Taxes And Other Matters Related Thereto. Councilman Culberson made a motion Council approve second reading of the Ordinance. Councilman Rodgers seconded the motion. Councilman Rodgers made a motion to amend the Ordinance to change the number of employees from 75 to 50. Councilman Culberson seconded the motion, which was approved unanimously. Second reading of the Ordinance as amended was approved unanimously.

ORDINANCE NO. 06-2010/11 – THIRD READING

Councilman Anderson made a motion Council move Ordinance No. 06-2010/11 from the Inactive Agenda for consideration of third reading. Councilman Rodgers seconded the motion, which was approved unanimously. The Clerk published the title of Ordinance No. 06-2010/11: An Ordinance To Amend Florence County Code Chapter 6, Animal Care and Control, Section 6-2, Animal Cruelty, To Provide Regulations For The Practice Of Tethering Of Dogs And Other Matters Related Thereto. Councilman Anderson made a motion to approved third reading of the Ordinance. Councilman Bradley seconded the motion. Councilman Anderson made a motion Council amend the proposed Section 6-2(n)(1)(a) to state the tether must be at least '15 feet' and amend the phrase "man-made or natural" to insert "another animal" at the end of the phrase; (c) change one (1) hour to eight (8) hours at a time in any twenty-four (24) hour period and delete the last sentence; (f) change 'becomes' to 'is continuously;' and (i) insert "with sufficient space placed between the dogs to ensure that there is no contact with another tethered animal" at the end of the sentence. Councilman Rodgers seconded the motion to amend. Councilman Culberson expressed concerns that eight hours might not be adequate to allow for individuals working shift work to travel to and from work. Councilman Rodgers stated the County was dependent on Environmental Services Officers utilizing common sense in exercising good judgment to determine if an animal was being mistreated or exactly the circumstances surrounding a complaint regarding a tethered animal. After some discussion, Council approved the amendments as presented. Third reading of the Ordinance as amended was approved unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

The following appointments/reappointments were unanimously approved by Council with appropriate expiration terms:

- **Pee Dee Mental Health Center Board of Directors** – Approved the recommendation of the Pee Dee Mental Health Center Board of Directors to request the Governor appoint Sergeant Major Richard "Rick" Walden to replace Pamela Varela Rhoads who resigned.

- **Florence Museum Board** – Reappointed Dr. Fred Carter - Council District 8, Jean Leatherman - Council District 2, and Ben Zeigler - Council District 5; each for four (4) year terms beginning July 1, 2011.
- **Planning Commission** – Reappointed Doris Lockhart, Council District 3.
- **Policy Commission on Recreation** – Appointed Reverend Anthony Howard - Council District 7.

REPORTS TO COUNCIL:

ADMINISTRATION

MONTHLY FINANCIAL REPORTS

Monthly Financial Reports Were Provided To Council For Fiscal Year 2011 Through September 30, 2010 As An Item For The Record.

FLORENCE MUSEUM/HUMAN RESOURCES DEPARTMENT

CURATOR POSITION

Councilman Schofield made a motion Council Authorize One Full-Time Curator Position In The Florence Museum From Budgeted Funds. Councilman Mumford seconded the motion, which was approved unanimously.

PARKS & RECREATION DEPARTMENT/GRANTS

LOWCOUNTRY RESOURCE CONSERVATION AND DEVELOPMENT YOUTH ENVIRONMENTAL EDUCATION GRANT

Councilman Rodgers made a motion Council Accept A Lowcountry Resource Conservation And Development Youth Environmental Education Grant In The Amount Of \$250 To Provide Supplies For Programming At The Environmental Discovery Center (EDC) For The Florence County Parks & Recreation Department. Councilman Culberson seconded the motion, which was approved unanimously.

PROCUREMENT

AWARD OF BID #05-10/11

Councilman Rodgers made a motion Council approve The Award Of Bid #05-10/11 For Roof Replacement Project At The Olanta Magistrate's Office To Gardner Roofing, Inc., Hartsville, SC In The Amount Of \$20,500 To Be Funded From Previously Approved Bond Funds. Councilman Culberson seconded the motion, which was approved unanimously.

OTHER BUSINESS:

ROAD SYSTEM MAINTENANCE FEE (RSMF)

MCLAURIN DRIVE

Councilman Anderson made a motion Council Approve The Expenditure Of Up To \$26,737.50 From Council District 9 RSMF Funding Allocation To Pay For Crushed Asphalt For McLaurin Drive. Councilman Mumford seconded the motion, which was approved unanimously.

The following items were additions to the agenda:

LESTER AVENUE

Councilman Bradley made a motion Council Approve The Expenditure Of Up To \$62,755.50 From Council District 3 Utility Funding Allocation To Pay For Resurfacing Of Lester Avenue And 135 Square Yards Of Full Depth Patching. Councilman Anderson seconded the motion, which was approved unanimously.

CALENDAR

Councilman Anderson made a motion Council Amend The Meeting Calendar To Change The Time Of The December 9th Meeting To 10:00 A.M. To Better Accommodate The Employee Service Awards Ceremony. Councilman Mumford seconded the motion, which was approved unanimously.

EMPLOYEE CHRISTMAS BONUS

Councilman Rodgers made a motion Council Approve A \$100.00 Christmas Bonus For County Employees From Previously Budgeted Funds. Councilman Mumford seconded the motion, which was approved unanimously.

CHRISTMAS HOLIDAY

Councilman Mumford made a motion Council Approve The Addition of Tuesday, December 28, 2010 As A Holiday. Councilman Rodgers seconded the motion, which was approved unanimously.

COUNCILMAN ARD

Councilman Ard recognized City of Johnsonville Council Member Dale Strickland and City Administrator Scott Tanner. Lieutenant Governor Elect Ard expressed appreciation to the members of Council for the opportunity to serve with them. Members of Council commended Councilman Ard for his service on Council and wished him well in his new state office as Lieutenant Governor.

EXECUTIVE SESSION:

Councilman Ard made a motion Council Enter Executive Session, Pursuant To Section 30-4-70 Of The South Carolina Code Of Laws 1976, As Amended, To Discuss The Following: Contractual Matters Concerning Economic Development Projects and Contractual Matters Concerning Legal Services/Pending Actions. Councilman Mumford seconded the motion, which was approved unanimously.

Council entered executive session at 10:26 a.m.

(Councilman Rodgers left prior to Council entering the Conference Room for Executive Session. Councilman Mumford left during Executive Session.)

Council reconvened at 11:37 a.m.

Subsequent to Executive Session, Council took the following actions:

RESOLUTION NO. 04-2010/11

Councilman Ard published the title and made a motion Council Approve Resolution No. 04-2010/11: A Resolution Authorizing An Incentive And Inducement Agreement Between Wellman Plastics Recycling And Florence County, South Carolina. Councilman Anderson seconded the motion, which was approved unanimously. (Councilmen Rodgers and Mumford were absent for the vote.)

ORDINANCE NO. 12-2010/11

Councilman Culberson published the title of Ordinance No. 12-2010/11 and the Chairman declared the Ordinance introduced: An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Tax Agreement By And Between Florence County, South Carolina, And Project ICE, With Respect To Certain Economic Development Property, Whereby Such Property Will Be Subject To Certain Payments In Lieu Of Taxes And Other Matters Related Thereto.

ORDINANCE NO. 13-2010/11

Councilman Culberson published the title of Ordinance No. 13-2010/11 and the Chairman declared the Ordinance introduced: An Ordinance To Amend The Agreement For Development Of A Multi-County Industrial And Business Park Dated As Of February 6, 2006, By And Between Florence County And Williamsburg County, South Carolina, Providing For The Development Of A Jointly Owned And Operated Industrial/Business Park So As To Include Additional Property In Florence County As Part Of The Joint County Industrial/Business Park, And Other Matters Relating Thereto.



ORDINANCE NO. 14-2010/11

Councilman Ard published the title of Ordinance No. 14-2010/11 and made a motion Council introduce the Ordinance: An Ordinance To Amend The Agreement For Development Of A Multi-County Industrial And Business Park By And Between Florence County And Williamsburg County, South Carolina, Providing For The Development Of A Jointly Owned And Operated Industrial/Business Park, So As To Provide For A Fee On Personal Property Located Within A Portion Of The Joint County Industrial And Business Park And Special Source Revenue Credit On The Fee, And Other Matters Relating Thereto. Councilman Anderson seconded the motion, which was approved unanimously. (Councilmen Rodgers and Mumford were absent for the vote.)

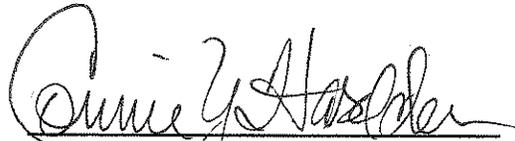
LEGAL SERVICES

Councilman Schofield made a motion Council Authorize The County Administrator To Negotiate A Contract With Malloy McEachin To Provide Legal Services To Florence County And Authorize The Chairman Of County Council To Execute Said Contract. Councilman Culberson seconded the motion, which was approved unanimously. (Councilmen Rodgers and Mumford were absent for the vote.)

There being no further business to come before Council, Councilman Anderson made a motion to adjourn. Councilman Culberson seconded the motion, which was approved unanimously.

COUNCIL MEETING ADJOURNED AT 11:40 A.M.


H. MORRIS ANDERSON
SECRETARY-CHAPLAIN


CONNIE Y. HASELDEN
CLERK TO COUNTY COUNCIL

PUBLIC HEARING

November 18, 2010

ORDINANCE NO. 11-2010/11

An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Tax Agreement By And Between Florence County, South Carolina And Wellman Plastics Recycling, With Respect To Certain Economic Development Property, Whereby Such Property Will Be Subject To Certain Payments In Lieu Of Taxes And Other Matters Related Thereto.

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