

**REGULAR MEETING OF THE FLORENCE COUNTY COUNCIL,  
THURSDAY, JANUARY 15, 2009, 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  
James T. Schofield, Council Member  
Richard A. Starks, County Administrator  
James C. Rushton, III, County Attorney  
Connie Y. Haselden, Clerk to Council

**ALSO PRESENT:**

Kevin V. Yokim, Finance Director  
William H. Hoge, Planning & Building Department Director  
Jack Newsome, Tax Assessor  
Ray McBride, Library Director  
Chuck Tomlinson, Morning News Staff Writer

**ABSENT:**

Alphonso Bradley, Council Member

A notice of the regular meeting of the Florence County Council appeared in the January 14, 2009 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](http://www.florenceco.org)).

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

**SWEARING-IN OF MEMBERS OF COUNTY COUNCIL:**

The Honorable Judge Ralph King Anderson, Jr. administered the oath of office to Councilmen Mitchell Kirby, Johnnie D. Rodgers, Jr., Ken Ard, and H. Morris Anderson.

## **ELECTION OF OFFICERS FOR 2009:**

Chairman Smith relinquished the floor to the County Attorney to conduct the election of officers for 2009.

County Attorney James C. Rushton, III opened the floor for nominations for Officers for County Council for calendar year 2009. Councilman Culberson made a motion Council appoint the same slate of officers that were currently in place. Councilman Kirby seconded the motion, which was approved unanimously. There being no further nominations, the current slate of officers were elected by acclamation.

## **APPROVAL OF MINUTES:**

Councilman Mumford made a motion Council approve the minutes of the December 11, 2008 regular meeting of County Council. Councilman Kirby seconded the motion, which was approved unanimously.

## **PUBLIC HEARINGS:**

Chairman Smith opened the public hearing for Ordinance No. 16-2008/09 and published the title: An Ordinance Authorizing the Postponement of Reassessment for Tax Year 2009 Until Tax Year 2010 and All Other Matters Relating Thereto.

## **APPEARANCES:**

### **BUILDING BRIDGES COMMITTEE**

Gerry Madison, Director Small & Minority Business, Greater Florence Chamber of Commerce requested the Building Bridges Committee be allowed to address Council regarding participation in the upcoming six-week Building Bridges session scheduled to start Monday, January 26, 2009 at 4 p.m. at Poyner Adult Center. Mr. Pete Sieler spoke on behalf of the Committee.

### **J. MIKE KING**

Mr. King appeared before Council to discuss the closing of Cain's Landing on the Great Pee Dee River. Chairman Smith stated this issue would most probably be decided by the judicial system since it dealt with private property/public access issues.

### **SHARON TAYLOR**

Mrs. Taylor appeared before Council on behalf of her mother, husband and two sons to express appreciation to Council and staff for their hard work on a rezoning issue.

### **COUNCILMAN KIRBY**

Councilman Kirby recognized Mayor Beard, Town of Timmons ville, and Judge Lynch, Timmons ville Magistrate, and stated they expressed concerns regarding safety issues on the Highway 76 Road Widening Project. He announced there would be a public meeting on Thursday, February 12 from 4 – 6 p.m. at Timmons ville High School to allow the public to comment on the proposed scope of the project. Chairman Smith encouraged the public to attend and stated the meetings were very informative.

## **COMMITTEE REPORTS:**

### **COMMITTEE ON JUSTICE & PUBLIC SAFETY**

#### **LITTER**

Committee Chairman Mumford stated the Committee held a very productive meeting prior to the Council meeting. He stated an Ordinance would be presented for introduction at the February 5, 2009 meeting relating to litter enforcement and asked that the item be removed from the Committee's agenda. He commended Environmental Services, the Sheriff's Office and County staff for their diligence in working on the issue. At Councilman Mumford's request, County Administrator Richard Starks provided a brief description of the proposed ordinance.

### **COMMITTEE ON EDUCATION, RECREATION, HEALTH & WELFARE**

#### **ANIMAL FACILITY**

Committee Chairman Anderson announced that a grand opening of the new animal facility would be scheduled for February, if construction remains on schedule.

#### **AD HOC WATER STUDY COMMITTEE**

Committee Chairman Ard stated the Committee had no report however he would like for County Council Chairman Smith to form a Committee to collaborate and interact with the Florence City Council and new Mayor to discuss issues of common interest. Chairman Smith stated he had previously met with the Mayor and other members of City Council and a Committee would be established in the near future.

## **RESOLUTIONS:**

### **RESOLUTION NO. 09-2008/09**

The Clerk published the title of Resolution No. 09-2008/09: A Resolution Authorizing The Submission Of An Application By Florence County To The South Carolina Department Of Public Safety Justice Assistance Grant (JAG) Program For Video Conferencing Systems To Provide Tools For The Courts At The Complex And Law Enforcement Facilities To Operate More Efficiently And Effectively In Prosecution And To Aid Law Enforcement In Freeing Officers For Prevention And Control Of Violent Crime. Councilman Anderson made a motion Council approve the Resolution. Councilman Rodgers seconded the motion, which was approved unanimously.

### **RESOLUTION NO. 10-2008/09**

The Clerk published the title of Resolution No. 10-2008/09: A Resolution To Amend The Florence County Personnel Policy Manual To Conform With Recent Mandatory Changes In State And Federal Legislation Pertaining To The Family Medical Leave Act Effective January 16, 2009; To Incorporate A Vehicle Idling Policy Section; And To Address Other Matters Related Thereto. Councilman Rodgers made a motion Council approve the Resolution. Councilman Anderson seconded the motion, which was approved unanimously.

## **ORDINANCES IN POSITION:**

### **ORDINANCE NO. 07-2008/09 – THIRD READING**

The Clerk published the title of Ordinance No. 07-2008/09: An Ordinance To Rezone Properties Owned By Cynthia T. Matthews And Jerry D. Taylor, Sr., And Sharon M. Taylor Located At 3434, 3435, 3465, 3501 James Turner Road, Effingham And 3 Parcels Located Off State Hwy. 35, Effingham From R-1, Single-Family Residential District To RU-1, Rural Community District, Shown On Florence County Tax Map No. 127, Block 1, Parcels 10, 11, 46, 72, 162, 273 And 274 Consisting Of 131 Acres. Councilman Rodgers made a motion Council approve third reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

### **ORDINANCE NO. 13-2008/09 – THIRD READING**

The Clerk published the title of Ordinance No. 13-2008/09: An Ordinance To Rezone Property Owned By Dorothy Ann Arzu Located At 2951 Whippoorwill Road, Florence From R-1, Single-Family Residential District To R-3, Single-Family Residential District Shown On Florence County Tax Map No. 00127, Block 1, Parcel 275 Consisting Of 1.00 Acre. Councilman Rodgers made a motion Council approve third reading of the Ordinance. Councilman Anderson seconded the motion, which was approved unanimously.

### **ORDINANCE NO. 14-2008/09 – THIRD READING**

The Clerk published the title of Ordinance No. 14-2008/09: An Ordinance To Rezone Property Owned By Real Estate Asset Management Located At 1133 East Howe Springs Road, Florence From R-1, Single-Family Residential District To B-3, General Commercial District Shown On Florence County Tax Map No. 00180, Block 1, Parcel 202 Consisting Of 2.9 Acres. Councilman Mumford made a motion Council approve third reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

### **ORDINANCE NO. 15-2008/09 – SECOND READING**

The Clerk published the title of Ordinance No. 15-2008/09: An Ordinance To Rezone Property Owned By Ivan Hanna Located At 362 North Georgetown Highway, City Of Johnsonville From B-2, Convenience Business District To B-3, General Commercial District Shown On Florence County Tax Map No. 00440, Block 5, Parcel 36 Consisting Of .68 ± Acres. Councilman Ard made a motion Council approve second reading of the Ordinance. Councilman Mumford seconded the motion, which was approved unanimously.

## **PUBLIC HEARINGS:**

There being no signatures on the sign-in sheet, Chairman Smith closed the public hearing for Ordinance No. 16-2008/09.

**ORDINANCE NO. 16-2008/09 – SECOND READING**

The Chairman published the title of Ordinance No. 16-2008/09: An Ordinance Authorizing The Postponement Of Reassessment For Tax Year 2009 Until Tax Year 2010 And All Other Matters Relating Thereto. Councilman Culberson made a motion Council approve second reading of the Ordinance. Councilman Anderson seconded the motion, which was approved unanimously.

**ORDINANCE NO. 17-2008/09 – INTRODUCED**

The Clerk published the title of Ordinance No. 17-2008/09 and the Chairman declared the Ordinance introduced: An Ordinance To Rezone Property Owned By Douglas H. Phillips Located At 3654, 3656, 3658, 3660, 3662 and 3664 South Irby Street, Florence From B-5, Office And Light Industrial District To B-3, General Commercial District Shown On Florence County Tax Map No. 00152, Block 1, Parcel 58 Consisting Of 3.79 Acres.

**ORDINANCE NO. 18-2008/09 – INTRODUCED**

The Clerk published the title of Ordinance No. 18-2008/09 and the Chairman declared the Ordinance introduced: An Ordinance Amending The Florence County Code To Remove Outdated Sections And Other Matters Relating Thereto.

**APPOINTMENTS TO BOARDS AND COMMISSIONS:**

**HOWE SPRINGS DISTRICT BOARD OF FIRE CONTROL**

The following individuals were unanimously re-appointed to serve on the Howe Springs District Board of Fire Control: R. Wallace “Rudy” Lewis, George Rhames and Billy Brown with appropriate term expirations. Mr. Jerry Woodberry was unanimously appointed to replace Mr. Teddy Hawley who resigned.

**LOWER FLORENCE COUNTY HOSPITAL BOARD OF DIRECTORS**

Dr. David Moon was unanimously appointed to serve on the Lower Florence County Hospital Board of Directors to replace Jimmy Clarke who resigned, pending approval of the Governor.

**FLORENCE COUNTY BOARD OF HEALTH**

John Calcutt was unanimously re-appointed to serve on the Florence County Board of Health representing Council District 9 with appropriate term expiration.

**REPORTS TO COUNCIL:**

**ADMINISTRATION**

**MONTHLY FINANCIAL REPORTS**

Monthly Financial Reports Were Provided To Council For Fiscal Year 2009 Through November 30, 2008 As An Item For The Record.

### **SOLID WASTE MANAGEMENT PLAN**

Councilman Ard made a motion Council Approve The January 15, 2009 Florence County Solid Waste Management Plan Update To The December 7, 2006 Plan. Councilman Culberson seconded the motion, which was approved unanimously.

### **CONTRACT AWARD FOR PROFESSIONAL ENGINEERING SERVICES**

Councilman Anderson made a motion Council Accept The Proposal For Professional Engineering Services For The Infrastructure Improvements At The Britton-Bostic-Winona Site In Preparation For Industrial Park Certification From Alliance Consulting Engineers In The Amount Of \$75,000 To Be Funded From Progress Energy Carolinas, Inc. Rural Development Act (RDA) Funding; And Authorize The County Administrator To Execute All Associated Documents To Proceed. Councilman Culberson seconded the motion, which was approved unanimously.

### **EMERGENCY MANAGEMENT**

#### **RE-BANDING FUNDS SPRINT NEXTEL**

Councilman Rodgers made a motion Council Accept The Funds From Sprint Nextel In The Amount Of \$1,884.88 To Offset Costs Associated With Re-Banding For The 800 MHz Radio System For The Florence County Emergency Management Department. Councilman Culberson seconded the motion, which was approved unanimously.

### **FINANCE**

#### **FISCAL YEAR 2008 AUDIT PRESENTATION**

Finance Director Kevin Yokim introduced Butch Whiddon with Baird & Company, CPA's, LLC to present a brief summary of the fiscal year 2008 audit. Councilman Mumford made a motion Council Accept the Fiscal Year 2008 Audit as Presented by the Firm of Baird & Company, CPA's, LLC. Councilman Rodgers seconded the motion, which was approved unanimously.

### **GEOGRAPHICAL INFORMATION SYSTEMS**

#### **2009 SC LIGHT DETECTION & RANGING STATEWIDE CONSORTIUM**

Councilman Kirby made a motion Council Approve Florence County's Participation In The 2009 South Carolina Light Detection And Ranging (LiDAR) Statewide Consortium Organized To Gather Elevation And Terrain Data Using Remote Sensing During A Flyover Of The County To Be Used For Flood Plain Data, Storm Water Drainage Planning, And Economic Development In The Amount Of \$96,000; And Authorize The County Administrator To Execute All Associated Documents To Proceed. Councilman Anderson seconded the motion, which was approved unanimously.

## **LIBRARY**

### **GRANT AWARD – MARY AC INGRAM CHARITABLE LEAD UNITRUST**

Councilman Rodgers made a motion Council Accept The Grant From The Mary AC Ingram Charitable Lead Unitrust In The Amount Of \$5,000 To Be Used To Purchase Books For Use In The Florence County Library. Councilman Mumford seconded the motion, which was approved unanimously.

## **PROBATE COURT**

### **GRANT APPLICATION – SC DEPARTMENT OF ARCHIVES & HISTORY**

Councilman Culberson made a motion Council Approve The Submission Of The Pre-Grant And Subsequent Grant Application To The South Carolina Department Of Archives & History In The Amount Of \$20,000 (\$10,000 Grant And \$10,000 Match) And Approve Inclusion In The FY2010 Budgetary Process For The Required Match. Councilman Rodgers seconded the motion, which was approved unanimously.

## **PROCUREMENT DEPARTMENT**

### **AWARD BID #11-08/09**

Councilman Rodgers made a motion Council Accept Bid #11-08/09 To Construct Olanta And Timmonsville Branch Libraries To FBI Construction Co., Inc. Of Florence, SC In The Amount Of \$2,100,884; Approve The Extension Of The Bid Amount By FBI Construction Co., Inc. In The Amount Of \$1,050,000 For The Construction Of The Johnsonville Branch Library From Grant And State Funds, And Remaining County Library Construction Funds; And Authorize The County Administrator To Execute All Associated Documents, With Contracts Subject To Review By The County Attorney. Councilman Kirby seconded the motion, which was approved unanimously.

### **AWARD BID #13-08/09**

Councilman Schofield made a motion Council Accept The Bid Of The Lowest Responsive Bidder, Boggs Paving, Inc. Of Myrtle Beach, South Carolina For The Bellevue Drive And Second Loop Road Turn Lane Widening And Signal Light Addition Project In The Amount Of \$32,991 To Be Funded From Previously Approved Council District 8 Infrastructure Funds; And Authorize The County Administrator To Execute All Associated Documents To Proceed. Councilman Mumford seconded the motion, which was approved unanimously.

### **AWARD BID #14-08/09**

Councilman Mumford made a motion Council Accept The Bid Of The Lowest Responsive Bidder, Conder Construction Co., Lugoff, South Carolina For The Storm Drainage Improvements Within Wetlands B, J, And L At The Pee Dee Touchstone Energy Commerce Park In The Amount Of \$96,488.25 To Be Funded From Pee Dee Electric Cooperative RDA Funds; And Authorize The County Administrator To Execute All Associated Documents To Proceed. Councilman Culberson seconded the motion, which was approved unanimously.

## **TREASURER'S OFFICE**

### **OCTOBER 6, 2008 TAX SALE**

Information From The October 6, 2008 Tax Sale Regarding Total Parcels Sold And Amount Received Was Provided To Council As An Item For The Record.

## **OTHER BUSINESS:**

### **INFRASTRUCTURE FUND**

#### **BROWNTOWN MUSEUM**

Councilman Ard made a motion Council Approve The Expenditure Of Funds From Council Districts 1 and 2 Infrastructure Funding Allocations In An Amount Up To \$10,000.00 (\$5,000 from each district) To The Three Rivers Historical Society To Provide Financial Assistance For Renovations And Restoration Projects At The Browntown Museum. Councilman Mumford seconded the motion, which was approved unanimously.

#### **CITY OF LAKE CITY**

Councilman Rodgers made a motion Council Approve The Expenditure Of Funds From Council District 1 Infrastructure Funding Allocation In An Amount Up To \$10,000.00 To Provide Financial Assistance To The City Of Lake City For The Purchase Of An HVAC System For The City Of Lake City's Recreational Facility Located On Calhoun Street. Councilman Kirby seconded the motion, which was approved unanimously.

### **ROAD SYSTEM MAINTENANCE FEE (RSMF) FUND**

#### **BRIARCLIFF DRIVE**

Councilman Rodgers made a motion Council Approve The Expenditure Of Funds From Council District 3 RSMF Funding Allocation In An Amount Up To \$25,000.00 For 1 ½" Hot Laid Asphalt To Resurface Briarcliff Drive. Councilman Culberson seconded the motion. Chairman Smith stated he held a proxy vote for Councilman Bradley; it was a vote in the affirmative. Motion was approved unanimously.

#### **CUBIE ROAD**

Councilman Kirby made a motion Council Approve The Expenditure Of Funds From Council District 4 RSMF Funding Allocation In An Amount Up To \$11,027.56 For MBC Stone And Crushed Asphalt For Cubie Road And Correct The Scope Of The Project To Be From Stage Coach Road To The Top Of The Hill (Total Project Cost \$28,313.99). Councilman Rodgers seconded the motion, which was approved unanimously.

#### **DELOSH ROAD**

Councilman Rodgers made a motion Council Approve The Expenditure Of Funds From Council District 5 RSMF Funding Allocation In An Amount Up To \$23,472.75 For MBC Stone And Crushed Asphalt For a portion of Delosh Road. Councilman Kirby seconded the motion, which was approved unanimously.

### **UTILITY SYSTEM FUND:**

The following item was approved as an addition to the agenda:

#### **TOWN OF OLANTA**

Councilman Rodgers made a motion Council Approve The Expenditure Of Funds From Council District 5 Utility System Funding Allocation In An Amount Up To \$6,500 For The Town Of Olanta To Install A Water Line On Highway 341. Councilman Culberson seconded the motion, which was approved unanimously.

### **INFRASTRUCTURE FUND:**

The following item was approved as an addition to the agenda:

#### **HANNAH-SALEM-FRIENDFIELD FIRE DISTRICT**

Councilman Ard made a motion Council Approve The Expenditure Of Funds From Council District 2 Infrastructure Funding Allocation In An Amount Up To \$10,000 To Provide Financial Assistance To The Hannah-Salem-Friendfield Fire District For A FEMA Grant Match. Councilman Rodgers seconded the motion, which was approved unanimously. Councilman Ard commended the Fire District for aggressively pursuing this grant and obtaining a grant in the amount of \$178,226 with the County paying only a 5% match to assist the District.

### **UTILITY SYSTEM FUND:**

#### **WILSON ROAD SIDEWALK PROJECT**

Councilman Mumford made a motion Council Approve A Change Order To The Wilson Road Sidewalk Project In The Amount Of \$49,108 To RWF Construction, Effingham, SC To Be Funded From SC Department Of Transportation "C" Funds Previously Approved By Council For The Project; And Authorize The County Administrator To Execute All Associated Documents To Proceed. Councilman Rodgers seconded the motion, which was approved unanimously. Councilman Mumford stated this was a joint project with Councilman Bradley for the residents of the area.

### **COUNCILMAN MUMFORD:**

Councilman Mumford recognized Chairman Smith's Birthday.

### **EXECUTIVE SESSION:**

Councilman Culberson made a motion Council Enter Executive Session To Discuss Contractual Matter Related To A Solid Waste Contract, Contractual Matters Relating To Real Property Transactions Pending, Contractual Matters Relating To The Museum And Some Legal Issues Including Briefing On Some Litigation. Councilman Kirby seconded the motion, which was approved unanimously.

Council entered executive session at 10:09 a.m. Council reconvened at 11:14 a.m.

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

**COUNCIL MEETING ADJOURNED AT 11:14 A.M.**