

**DILLON COUNTY COUNCIL
REGULAR MEETING
JULY 27, 2011
4:00 PM**

The Dillon County Council held a regular meeting on July 27, 2011 at 4:00 pm in the County Council Chambers, 109 S 3rd Ave, Dillon SC. Present were: Macio Williamson, Aron Gandy, Harold Moody, Andrew Graves, Joe Johnson, Bobby Moody and Archie Scott. Also present were: Clay Young (County Administrator), Ken Dubose (County Attorney), Lisa Gray (Clerk to Council) and Betsy Finklea, *arrived late – (The Dillon Herald).

The following were notified of the meeting and provided an agenda: By e-mail – Gerald Poss, Consulting, Yolanda McCormick (Librarian), Susan Norton (Perdue), The Dillon Herald, Dillon County Development Board Office, Jamie Estes (Treasurer), Manufactured Housing Institute of SC, Dan Gruszka, Charles Curry, Terry Morris, Jerry Rivers (all citizens' request), Tim Ammons (Attorney), Steve Johnson, Randy Rouse (Hometown TV), WMBF News, Dillon County Planning/ Code Enforcement Office, Bobby Holland (SCANA), Larry Abraham (Chief Deputy), Ken Dubose (County Attorney), Harold Moody, Joe Johnson, Jamie Rogers (Morning News), Gabriel Salmon (PDCAA), Dillon County GIS, Mike Burns & Lisa Morris (McNair Law Firm) James Lockemy, Gwen Hyatt (Clerk of Court), Wanda Selph (Pee Dee Regional Council of Gov) Kent Lesesne (SC Assoc of Counties), Dillon County Chamber of Commerce, Moses Heyward (Disaster Preparedness), Pee Dee Baptist Assoc, Randy Grimsley (EMS), and Frank Brockington; By fax – Dillon County E911, Farm Bureau and Pee Dee Electric.

Chairman Archie Scott presided over the meeting.

INVOCATION

Invocation was given by Andrew Graves.

APPROVAL OF AGENDA

Chairman Scott told of a change needed to add Dr. Ricky Rogers of the Open Door Community Church to the agenda. **Macio Williamson motioned to approve the agenda with that change. Joe Johnson seconded and all were in favor.**

APPROVAL OF MINUTES – 06/20 (Budget Workshop), 06/22 & 06/30/11 (Called)

Andrew Graves motioned to approve the minutes. Joe Johnson seconded and all were in favor.

REQUEST TO BAN BATH SALTS & OTHER ITEMS SOLD

(*Betsy Finklea arrived)

Dr. Ricky Rogers, pastor of Open Door Community Church, spoke about concerns he and others have with the sale of bath salts, spice, and synthetic marijuana/cocaine stating that they are very dangerous. He asked Council to see the danger, stating that some are worse than crack cocaine and asked them to ban the sale of these items. Sheriff Hulon gave Council information concerning this along with a sample ordinance which he said he will enforce if the County gives

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him the power to do so. He told that people hallucinate, hurt themselves and others as an effect from these substances. He asked for a temporary ban until the legislature deals with it in January. He stated it is a health and safety issue. Ship Daniel, Solicitor's office, spoke briefly stating a civil fine may be appropriate until the legislature makes it criminal. Jerry Rivers also spoke about how teens buy these substances and don't know the dangers and effects of them.

Chairman Scott told that Council will take this information and have the county attorney look into what can be done. He stated if needed a special called meeting may be held. Mr. Dubose told that typically states regulate and criminalize these issues. He told that he will find out where this issue stands with the state and request assistance from the SC Association of Counties, and then we'll go from there.

PUBLIC HEARING

ORDINANCE AUTHORIZING DILLON COUNTY FEE IN LIEU AGREEMENTS

See next paragraph.

ORDINANCE AMENDING THE AGREEMENT OF JOINT COUNTY INDUSTRIAL PARK

There was no public input for either ordinance therefore the public hearing was closed. (The public hearing was properly noticed in The Dillon Herald on July 7, 2011)

NEW BUSINESS

JUDGE JAMES LOCKEMY – COURTHOUSE MATTER

Judge Lockemy told of a \$2,700 balance in an account, set up when the court house was renovated, from the sale of coins and prints. He asked Council to establish a "Friends of the Dillon County Court House" Foundation to oversee the funds, along with obtaining donations and using the funds for minor projects and events at the court house. He asked that we use two words for court house. He and Gwen Hyatt told of visitors and schools frequently coming in for a tour of the court house. Bobby Moody suggested that Council set up a committee to discuss.

SC ASSOCIATION OF COUNTIES PRESENTATION – ROBERT CROOM

Mr. Croom, Director of Legal and Legislative Affairs, and Wes Covington, Staff Attorney, were present from the SCAC. Mr. Croom gave Council an overview of the services the association provides to counties. He also explained the publications and training available. He thanked Chairman Scott for his service on the SCAC Board.

DISCUSSION OF LEASE APPROVAL – GUARDIAN AD LITEM OFFICE

Mr. Young asked to table this because he had not yet received the information.

GRANT MATCH REQUEST – OAKLAND VOLUNTEER FIRE DEPT

Harold Moody motioned to approve the grant match of \$869.94. Aron Gandy seconded and all were in favor.

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AUTHORIZATION OF PURCHASE OF INDUSTRIAL PARK SIGN FOR HWY 38/917 SITE

Tonny McNeil spoke concerning the proposed sign at a cost of \$8,400 including installation. Mr. Young told that the funds could come from the capital projects sales tax for the Latta industrial area. **Joe Johnson motioned to approve the purchase. Aron Gandy seconded and all were in favor.**

REQUEST TO EXTEND FARLEY ROAD

Mr. Young told that he would like to discuss this during his administrator's report.

RECREATION REQUESTS

Joe Johnson motioned to approve the following: \$50.00 payable to St. Matthew AME Church from Macio Williamson's recreation for their 36th anniversary; \$50.00 payable to Gospel Truth Church of Jesus Christ from Archie Scott's recreation for their youth choir; and \$85.00 payable to The Dillon Warriors from Archie Scott's recreation for funding a port-a-john for their softball team. Harold Moody seconded and all were in favor.

NEW FIRE STATION – BINGHAM COMMUNITY

Mr. Gandy requested a new station be built using the special projects sales tax funds for I-95 and Hwy 38 infrastructure. He told of wanting to pursue finding the land and begin construction. Chairman Scott asked to refer this to the Council Building Committee. **Aron Gandy motioned to pursue a place for the land and start construction of the fire station. Bobby Moody seconded and all, except Chairman Scott, were in favor. Chairman Scott told that he was opposed because he wanted the Building Committee to discuss this first.** Harold Moody said the building committee can have input on what type of building is needed. Mr. Gandy stated a two bay, with tanker/pumper, storage room and community room is needed. Bobby Moody told that we should look at Eckman's study when determining the location.

OLD BUSINESS

REQUEST TO ABANDON MAINTENANCE OF HAGOOD DRIVE

This was requested by Mr. Earl Gleason, Jr. Mr. Dubose told that this is a statutory procedure. If Council consents to abandon the road, it is then up to the landowner to bring about a court order. **Bobby Moody motioned to consent to abandon the road. Aron Gandy seconded and all were in favor.** Mr. Dubose told that we will write the land owners a letter on this position.

BIDS – CITY-COUNTY BUILDING DUCT WORK

Mr. Young told that staff are still reviewing this and that it needs to go back to the Building Committee to finalize the details.

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APPROVAL OF RIGHT OF ENTRY AGREEMENT ALLOWING SCDOT ACCESS TO 7.87 ACRES TO BEGIN CONSTRUCTION OF A ROAD

Mr. Young told that this is to expedite the process of the I-73 project. He also told that staff looked at the trees on the property and determined that the timber was minimal, suggesting that we let SCDOT take the trees down after obtaining the property. **Macio Williamson motioned to approve the agreement. Andrew Graves seconded and all were in favor.**

AGREEMENT TO FIRST REFUSAL WITH KENNETH & JEAN ROUSE (HUGGINS BRIDGE LANDING AREA)

Mr. Dubose explained that this gives Kenneth and Jean Rouse rights to purchase the land back in the event that the County was to sell the land. **Bobby Moody motioned to approve the agreement. Andrew Graves seconded and all were in favor.**

FINANCE REPORT

Mr. Young gave Council information concerning the bank accounts as of June 30 2011 from the County Treasurer. Chairman Scott asked if the reports requested at the last meeting were ready. Mr. Young told that the year end reports are being prepared and he would like the Administration Committee to meet soon to go over those.

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE

APPROVAL OF PROPOSAL BY AWS FOR COLLECTION OF RECYCLABLE GOODS

Mr. Young explained the proposal and stated that the Committee had discussed looking into the differences in the County doing this ourselves. Harold Moody stated that we need some more clarification.

APPROVAL OF FUNDING FOR GOODSON CONSTRUCTION CHANGE ORDER

Mr. Young told of Arcadis' evaluation of the transfer station. They suggested that the contractor, Goodson Construction, issue a change order for the repairing/maintaining of the transfer station. Mr. Young stated he has received a proposal for the change order (scope of work only) and stated this would still keep us within the budget approved initially, which included \$140,000 allowance for additional costs (bid awarded on April 6, 2011). Harold Moody told that the Committee recommends approving the change order. **Joe Johnson motioned to approve. Andrew Graves seconded and all were in favor.**

PLANNING COMMITTEE

ORDINANCE RELATING TO PUBLIC NUISANCES

Mr. Young told of the Committee meeting today to discuss this with Ken Dubose. Macio Williamson told that they had concerns that the public viewed the County the same as the City as far as services go, but that Judge Burch was clear that the County doesn't have the same lead way as the City. This was taken as general information. Mr. Williamson also thanked Chairman

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Scott for serving on the SCAC board, stating this was the first time that we have had a member of Dillon County Council to serve.

ADMINISTRATOR'S REPORT

Mr. Young gave out an article on the MEGA site to Council from the *Living In South Carolina* publication distributed by Marlboro Electric. Concerning agenda item 5F, Request to Extend Farley Road, he told that the Tri-County park had met and recommends participation in building a 50,000 square foot spec building at an estimated cost of \$2.75 million (\$2 million for land purchase and construction plus \$750,000 to pave the extension of the road to the building) and apply for SC Department of Commerce's Coordinating Council funding in the amount of \$1,375,000 with the remaining \$1,375,000 to be funded by the three Counties. He noted that our road crew can do some of the prep work. He told that Marion County stated their crew would help with the road work also. Mr. Young told that we must apply by August 11, 2011 and recommended Council approving the letter to apply for the funding. **Harold Moody motioned to approve and authorize Chairman Archie Scott to sign the letter (to apply to the SC Coordination Council for Economic Development for \$1,375,000). Joe Johnson seconded and all were in favor.**

Mr. Gandy told that he would like to see the division line of the MEGA site and Tri-County Industrial Park. Tonny McNeil said he has those maps available. Deepal Eliatamby, Alliance Consulting Engineers, was present and told that the SC Department of Commerce looks at the Counties' willingness to work together. Mr. Gandy stated the road paving estimate seemed excessive. Mr. Eliatamby told that the proposed cost included piping, lighting, curb & gutters, etc.

Mr. Young also told of meeting with McNair Law Firm on the 501C3 status of the Economic Development Partnership Board. He gave Council information and told that he will discuss more at the next Council meeting.

ORDINANCE READINGS

THIRD READING – DILLON COUNTY ROAD ACCEPTANCE & MAINTENANCE ORDINANCE

Mr. Young asked that Council table this until they have had time to review the map and road listings for their districts. Melissa Thompson stated that this list was a starting point. **Council tabled the reading.**

THIRD READING – ORDINANCE ADOPTING A REDISTRICTING PLAN FOR DILLON COUNTY

Mr. Dubose told that this plan is the same as was at the last meeting and that we have the statistical data. He told that the next step is to send a pre-clearance letter to the Justice Department. **Macio Williamson motioned to approve third reading and pass the ordinance.**

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Harold Moody seconded and all were in favor. Mr. Williamson noted that Bobby Bowers' office and Melissa Thompson had spent a great deal of time on getting this plan ready.

SECOND READING – ORDINANCE AUTHORIZING DILLON COUNTY FEE IN LIEU AGREEMENTS

Mr. Young told that this was the same as the first reading and that it enables us to issue special source revenue bonds and accumulate funds from approximately six percent fee in lieu that may be used for economic development projects. **Joe Johnson motioned to approve the second reading by title only as set forth in the agenda. Bobby Moody seconded and all were in favor.**

SECOND READING – ORDINANCE AMENDING THE AGREEMENT OF JOINT COUNTY INDUSTRIAL PARK

Mr. Young told that this pertains to the Hwy 917 & Hwy 38 property. He asked Council to approve putting it in the multi-county park agreement with Marion County with Dillon County getting 99% and Marion County getting 1%. Tonny McNeil told that this allows us to maximize incentives to prospects. Mr. Young explained that this also helps with funding. **Harold Moody motioned to approve the second reading by title only as set forth in the agenda. Andrew Graves seconded and all were in favor.**

FIRST READING – ORDINANCE AUTHORIZING THE CONVEYANCE OF PROPERTY AND EXECUTION OF THE DEED TO CONVEY REAL PROPERTY TO THE SC DEPARTMENT OF TRANSPORTATION

Mr. Dubose explained that this must be passed before Dillon County deeds the property to SC DOT for the I-73 project. **Aron Gandy motioned to approve the reading by title only as set forth in the agenda. Bobby Moody seconded and all were in favor.**

FIRST READING - ORDINANCE AUTHORIZING MULTI-COUNTY PARK AGREEMENT BETWEEN DILLON AND MARION COUNTIES TO CREATE AND GOVERN A MULTI-COUNTY BUSINESS PARK TO BE LOCATED IN DILLON COUNTY

Mr. Young told that this was concerning the old Mohawk building just purchased by Dillon County. He said he has had discussions with McNair Law Firm and they recommend this be a separate Multi-county park agreement in order to give more opportunities to market the building. Tonny McNeil told that the seller has removed all equipment that they want and we will soon request bids from brokers to look at removing the remaining equipment. **Harold Moody motioned to approve the reading by title only as set forth in the agenda. Aron Gandy seconded and all were in favor.**

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FIRST READING - ORDINANCE AUTHORIZING INCENTIVE AGREEMENTS WITH "PROJECT HANDLE" TO PROVIDE FEE IN LIEU OF TAXES AND PROJECT INFRASTRUCTURE GRANT; PROVIDE FOR INCLUSION OF THE PROJECT IN A MULTI-COUNTY BUSINESS PARK; PROVIDE FOR SPECIAL SOURCE REVENUE CREDITS; AND ENTER INTO ANY OTHER NECESSARY AGREEMENT TO EFFECT THE INTENT OF THIS ORDINANCE

Mr. Young recommended that consideration of this reading be taken up after this is discussed in executive session.

FIRST READING – ORDINANCE TO AMEND DILLON COUNTY PROCUREMENT CODE

Lisa Gray explained that a review of a recent CDBG grant, administered by Pee Dee Regional Council of Governments, had revealed a concern that our procurement procedures need a provision encouraging minority or women owned business participation. **Bobby Moody motioned to approve the reading by title only as set forth in the agenda. Joe Johnson seconded and all were in favor.**

RESOLUTIONS

PEE DEE BAPTIST ASSOCIATION DISASTER RELIEF TEAM

Mr. Dubose read the resolution. Harold Moody commented that this work was done in his district (Little Rock) and was badly needed. He commended the crew for their hard work. Joe Johnson told that the team did a great work that we were unable to do ourselves. Mr. Ron Taylor, director, told that it was a pleasure to work with the County road crew. **Harold Moody motioned to pass the resolution. Joe Johnson seconded and all were in favor.**

APPOINTMENTS

HAZARD MITIGATION PLANNING COMMITTEE MEMBER – FITZGERALD LYTCH

Moses Heyward, Disaster Preparedness Director, told that Pee Dee Regional Council of Governments recommended a person serve on the committee to represent the school district and that Mr. Lytch is willing to serve. **Macio Williamson motioned to approve the appointment. Harold Moody seconded and all were in favor.**

PEE DEE WORKFORCE INVESTMENT BOARD – REPLACEMENT OF KEITH DEAN

Johnnie Luehrs spoke concerning the vacancy and submitted two names, as required, for Council's consideration; Ernie Adams with Wix Corp or Jason Carter with First Citizens Bank of Lake View. **Aron Gandy motioned to appoint Jason Carter. Harold Moody seconded and all were in favor.**

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**EXECUTIVE SESSION – ECONOMIC DEVELOPMENT MATTER (INDUSTRIAL
INDUCEMENT AGREEMENT)**

Harold Moody motioned to go into executive session. Joe Johnson seconded and all were in favor.

Aron Gandy motioned to come out of executive session, followed by a second from Joe Johnson. All voted in favor.

RESULTS OF EXECUTIVE SESSION

**FIRST READING - ORDINANCE AUTHORIZING INCENTIVE
AGREEMENTS WITH “PROJECT HANDLE” TO PROVIDE FEE IN LIEU OF
TAXES AND PROJECT INFRASTRUCTURE GRANT; PROVIDE FOR
INCLUSION OF THE PROJECT IN A MULTI-COUNTY BUSINESS PARK;
PROVIDE FOR SPECIAL SOURCE REVENUE CREDITS; AND ENTER INTO
ANY OTHER NECESSARY AGREEMENT TO EFFECT THE INTENT OF THIS
ORDINANCE**

Harold Moody motioned to approve the reading by title only as set forth in the agenda. Andrew Graves seconded and all were in favor.

LANDFILL TRAILER BIDS

Mr. Young told that four bids (Florence Truck Center, Piedmont International, Carolina International Trucks, & Hale Trailer) were received for a trailer for the landfill. He stated that since this is not on the agenda, he will take this up at the next meeting.

ADJOURNMENT

Andrew Graves motioned to adjourn. Aron Gandy seconded and all were in favor.

Archie Scott, Chairman

Lisa B. Gray, Clerk to Council

Date approved _____