

**REGULAR MEETING OF THE FLORENCE COUNTY COUNCIL,
THURSDAY, AUGUST 21, 2008, 6:00 P.M., COUNCIL CHAMBERS,
ROOM 803, CITY-COUNTY COMPLEX, 180 N. IRBY ST.,
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
Richard A. Starks, County Administrator
James C. Rushton, III, County Attorney
Connie Y. Haselden, Clerk to Council

ALSO PRESENT:

William H. Hoge, Planning & Building Department Director
Ray McBride, Library Director
Sheriff Kenney Boone
Chuck Tomlinson, Morning News Staff Writer

A notice of the regular meeting of the Florence County Council appeared in the August 20, 2008 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 and on the County's website (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.

APPROVAL OF MINUTES:

Councilman Anderson made a motion Council approve the minutes of the July 17, 2008 regular meeting of County Council. Councilman Kirby seconded the motion, which was approved unanimously.

Councilman Mumford made a motion Council approve the minutes of the July 24, 2008 special called meeting of County Council. Councilman Anderson seconded the motion, which was approved unanimously.

PUBLIC HEARINGS:

The Chairman opened public hearing for the following Ordinance and published the title:

ORDINANCE NO. 05-2008/09

An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Tax Agreement By And Between Florence County, South Carolina (The "County") And General Electric Company (The "Company"); And Other Matters Relating Thereto.

APPEARANCES:

RESOLUTION OF RECOGNITION

The Clerk published in its entirety a Resolution In Recognition Of The Outstanding Athletic Endeavors By The Florence Phantoms Professional Indoor Football Team In Winning The 2008 American Indoor Football Association (AIFA) Crown In The AIFA Bowl II. Councilman Mumford made a motion Council approve the Resolution. Councilman Kirby seconded the motion, which was approved unanimously. Councilman Ard presented a framed resolution to the Coach and owner of the Florence Phantoms.

TOM BALDWIN, PROJECT DIRECTOR - SMG

Mr. Baldwin with Southern Management Group (SMG) made a presentation on options for a proposed Judicial Center. Option I consisted of a new Judicial Center Complex on a new site with 128,997 square feet at an estimated cost of \$41,034,720 and would free-up 46,156 square feet of space in the current City-County Complex. Option II consisted of a Judicial Center Annex on the existing site with 80,883 square feet at an estimated cost of \$37,314,701 and would free-up 22,412 square feet of space in the current City-County Complex. Option III consisted of a Criminal Court Judicial Center at Effingham at the current jail site with 61,314 square feet with an estimated cost of \$21,788,308 and would free-up 10,695 square feet of space in the current City-County Complex. Councilman Schofield expressed concerns regarding the Criminal Court Judicial Center at Effingham and requested the County Attorney research the matter to determine, pursuant to State Code and the State Constitution, if the County Courthouse (even a portion of it) could be moved to Effingham without first being voted on by the electors of the County.

BRYAN AND ANGELIA GARDNER

Mr. Gardner appeared before Council concerning the rezoning requested by Sharon and Jerry Taylor and Cynthia Matthews. Mr. Gardner stated he represented the residents of James Turner Road and Whippoorwill Road and expressed his opposition to the rezoning request and submitted petitions against the rezoning for the record. (The petitions are an attachment to the minutes.)

SHARON M. TAYLOR

Mrs. Taylor appeared before Council to discuss matters relating to PC#2008-52 (Ordinance No. 07-2008/09). Mrs. Taylor stated the request was filed to enable them to install a mobile home for her son to live in. She presented petitions signed by individuals not opposed to the rezoning request. (The petitions are an attachment to the minutes.)

JAMES K. WARD

Mr. Ward appeared before Council to discuss matters relating to PC#2008-52 (Ordinance No. 07-2008/09) regarding the rezoning. Mr. Ward spoke in favor of the rezoning request.

SAMUEL HANNAH

Councilman Rodgers requested Council allow Mr. Samuel Hannah to speak regarding the same issue. There were no objections voiced. Mr. Hannah expressed his opposition to the rezoning request and presented petitions against the rezoning request. (The petitions are an attachment to the minutes.)

COMMITTEE REPORTS:

There were no Committee Reports.

RESOLUTIONS:

There were no Resolutions presented.

ORDINANCES IN POSITION:

ORDINANCE NO. 40-2007/08 – THIRD READING

The Chairman published the title of Ordinance No. 40-2007/08: An Ordinance To Rezone Property Owned By GBA Ships Florence, Inc. Located At 781 St. Andrews Road, Florence From R-1, Single-Family Residential District To PD, Planned Development District Shown On Florence County Tax Map No. 00074, Block 1, Parcel 12 Consisting Of 12.2 +/- Acres. Councilman Ard made a motion Council approve third reading of the Ordinance. Councilman Bradley seconded the motion, which was approved unanimously.

ORDINANCE NO. 04-2008/09 – THIRD READING

The Clerk published the title of Ordinance No. 04-2008/09: An Ordinance Classifying Facilities Engaged In The Area Of Research And Development For The Purposes Of Section 53-1-130 Of The Code Of Laws Of South Carolina, 1976, As Amended, Or To Operations Involving A Customer Service Center And/Or Call Center, And Suspending The Application Of The Work Prohibitions Contained In Chapter 1 Of Title 53 With Respect To Such Facilities Pursuant To Section 53-1-160 Of The Code Of Laws Of South Carolina, 1976, As Amended, And Other Matters Relating Thereto. Councilman Mumford made a motion Council approve third reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

PUBLIC HEARINGS:

There being no signatures on the sign-in sheet, the Chairman closed the public hearing.

ORDINANCE NO. 05-2008/09 – THIRD READING

The Chairman published the title of Ordinance No. 05-2008/09: An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Tax Agreement By And Between Florence County, South Carolina (The “County”) And General Electric Company (The “Company”); And Other Matters Relating Thereto. Councilman Anderson made a motion Council approve third reading of the Ordinance. Councilman Culbertson seconded the motion, which was approved unanimously.

ORDINANCE NO. 02-2008/09 – SECOND READING

The Clerk published the title of Ordinance No. 02-2008/09: An Ordinance To Amend Section 6.20 Water And Sewer Systems For New Subdivisions And Section 6.25 Small Family And Private Development-D Of The Florence County Land Development And Subdivision Ordinance And Section 28.6-8 Water And Sewer Systems For New Subdivisions And Section 28.6-85 Small Family And Private Development-D Lots Of The Code Of Ordinances Of Florence County To Provide Additional Exemptions For Percolation Tests And Related Septic Permits. Councilman Mumford made a motion Council approve second reading of the Ordinance. Councilman Schofield seconded the motion, which was approved unanimously.

ORDINANCE NO. 03-2008/09 – SECOND READING

The Clerk published the title of Ordinance No. 03-2008/09: An Ordinance To Zone Properties Owned By Bryan Miller And Danette P. And Ricky H. Foshee Located Off Of Country Club Drive, Johnsonville To R-1, Single-Family Residential District Shown On Florence County Tax Map No. 00441, Block 5, Parcel 188 Consisting Of 1.2 +/- Acres And Parcel 215 Consisting Of 1.8 +/- Acres. Councilman Ard made a motion Council approve second reading of the Ordinance. Councilman Anderson seconded the motion, which was approved unanimously.

ORDINANCE NO. 06-2008/09 – INTRODUCED

The Chairman published the title of Ordinance No. 06-2008/09 and declared the Ordinance introduced: An Ordinance To Adopt A New Economic Element For The Florence County/Municipal Comprehensive Plan In Accordance With The 1976 South Carolina Code Of Laws, As Amended, Title 6, Chapter 29, Section 510.

ORDINANCE NO. 07-2008/09 – INTRODUCED

The Chairman published the title of Ordinance No. 07-2008/09 and declared the Ordinance introduced: 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 A, Parcels 10, 11, 46, 72, 162, 273 And 274 Consisting Of 131 Acres. Chairman Smith stated if there were no objections, he would refer this Ordinance to the Committee on Public Service & County Planning. There were no objections voiced at the meeting by County Council.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

FLORENCE COUNTY BOARD OF ZONING APPEALS

Councilman Ard appointed Mr. Tom Stasney to represent Council District 2 on the Florence County Board of Zoning Appeals with the appropriate expiration date.

REPORTS TO COUNCIL:

EMERGENCY MANAGEMENT DEPARTMENT

GRANT AWARD SOUTH CAROLINA BUDGET AND CONTROL BOARD

Councilman Mumford made a motion Council accept the grant from the South Carolina Budget and Control Board in the amount of \$5,556.92 for the Fiscal Year 2008 First Responder Interoperability Grant to maintain the County's 800 MHz Radio System. Councilman Anderson seconded the motion, which was approved unanimously.

FINANCE DEPARTMENT

GRANT AWARD SOUTH CAROLINA BUDGET & CONTROL BOARD

Councilman Rodgers made a motion Council accept the Fiscal Year 2009 Competitive Community Grant Award from the South Carolina Budget & Control Board in the amount of \$20,000 for contracting legal and financial consultants for the Lower Florence County Hospital Board. Councilman Mumford seconded the motion, which was approved unanimously.

LIBRARY

GRANT AWARD HONDA OF SOUTH CAROLINA MFG., INC.

Councilman Kirby made a motion Council accept the grant from Honda of South Carolina Mfg., Inc. in the amount of \$25,000 to provide funding to cover costs associated with construction earmarked for the Timmonsville Library. Councilman Ard seconded the motion, which was approved unanimously. Councilman Kirby expressed his appreciation for all of the contributions Honda has made to Florence County.

PARKS & RECREATION DEPARTMENT

GRANT AWARD SOUTH CAROLINA FORESTRY COMMISSION

Councilman Anderson made a motion Council accept the Fiscal Year 2008 Urban and Community Forestry Grant Award from the South Carolina Forestry Commission to the Parks and Recreation Department in the amount of \$3,053 for the planting of trees in the Brooks McCall Community Park. Councilman Bradley seconded the motion, which was approved unanimously.

PLANNING DEPARTMENT

GRANT AWARD SOUTH CAROLINA FORESTRY COMMISSION

Councilman Mumford made a motion Council accept the Fiscal Year 2008 Urban and Community Forestry Grant Award from the South Carolina Forestry Commission for the Planning Department in the amount of \$3,260 for training and printing of informational brochures to educate the public on tree preservation. Councilman Culberson seconded the motion, which was approved unanimously.

PROCUREMENT DEPARTMENT

DECLARATION OF SURPLUS PROPERTY

Councilman Anderson made a motion Council declare (11) vehicles, (2) Motorgraders, (3) tractors, (2) dump trucks and (1) loader as surplus property and authorize the County Administrator to dispose of said property in the most advantageous manner. Councilman Rodgers seconded the motion, which was approved unanimously.

SHERIFF'S OFFICE

GRANT AWARD SOUTH CAROLINA BUDGET & CONTROL BOARD

Councilman Anderson made a motion accept the Fiscal Year 2009 Competitive Community Grant Award from the South Carolina Budget & Control Board in the amount of \$82,000 for the Digital Recording Systems for patrol vehicles for the Florence County Sheriff's Office. Councilman Mumford seconded the motion, which was approved unanimously.

GRANT AWARD SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY

Councilman Rodgers made a motion Council accept the Grant #1V07305 from the South Carolina Department of Public Safety in the amount of \$7,472 for Victim/Witness Advocate Equipment Improvements for the Florence County Sheriff's Office. Councilman Culberson seconded the motion, which was approved unanimously.

TREASURER'S OFFICE – DELINQUENT TAX DIVISION

QUARTERLY REPORTS

Pursuant to the Policies approved September 17, 1998 and amended June 5, 2003, The Florence County Treasurer's Office, Delinquent Tax Division provided Council with Quarterly Reports on Properties Coded "I" for Investigation and Tax Notices Processed as Nulla Bona as an item for the record.

PLANNING DEPARTMENT

RATIFY A SCRIVENER'S ERROR

Councilman Schofield made a motion Council ratify a scrivener's error correction of Parcel Number 54 in Ordinance No. 41- 2007/08 previously approved by Council on July 17, 2008 to Parcel Number 278. Councilman Anderson seconded the motion, which was approved unanimously.

OTHER BUSINESS:

INFRASTRUCTURE FUND:

AMERICAN RED CROSS

Councilman Bradley made a motion Council approve the expenditure of funds from Council District 3 infrastructure funding allocation in an amount up to \$8,500.00 for the American Red Cross to assist in the replacement of an air conditioning unit. Councilman Rodgers seconded the motion, which was approved unanimously.

TOWN OF COWARD

Councilman Rodgers made a motion Council approve the expenditure of funds from Council District 5 infrastructure funding allocation in an amount up to \$4,500.00 to the Town of Coward for renovations to the Town's Tennis Court. Councilman Culberson seconded the motion, which was approved unanimously.

ROAD SYSTEM MAINTENANCE FEE (RSMF) FUND:

WEST SALEM ROAD

Councilman Ard made a motion Council approve the expenditure of funds from Council District 2 RSMF funding allocation in an amount up to \$36,724.41 for MBC stone and crushed asphalt for W. Salem Road. Councilman Anderson seconded the motion, which was approved unanimously.

FLORENCE COUNTY FORWARD PROJECT

Councilman Kirby make a motion Council approve a Five-Lane Shoulder Section Design for the Florence County Forward Project, One Cent Makes Sense, Hwy. US 76 project Scope for road widening. Councilman Mumford seconded the motion, which was approved unanimously.

STATE-ISSUED CERTIFICATE OF FRANCHISE AUTHORITY

Councilman Anderson made a motion Council consent to the State-Issued Certificate of Franchise Authority submitted by Farmers Telephone Cooperative Inc. and FTC Diversified Services, Inc., a subsidiary of Farmers Telephone Cooperative Incorporated and authorize the County Administrator to complete and execute the Notice of Application for State-Issued Certificate of Franchise Authority. Councilman Rodgers seconded the motion, which was approved unanimously.

SELECTION COMMITTEE APPOINTMENT

Chairman Smith appointed Councilman Ard to serve on an Architect Selection Committee for the EMS Station in Pamplico.

EXECUTIVE SESSION:

Councilman Ard made a motion Council enter executive session to discuss pending real property transactions. Councilman Anderson seconded the motion, which was approved unanimously.

Council entered executive session at 7:09 p.m. Council reconvened at 8:15 p.m.

Subsequent to executive session, Council took the following actions:

BOAT LANDINGS

Councilman Ard stated he was not for much government intervention but in this case everything had been done to try to avoid any further action, however when a number of people have been ‘wronged’ it is Council’s role to protect public interest. He made a motion Council direct the County Attorney to pursue to judicial conclusion the matter of County citizen’s rights to access to two historically public landings. Councilman Culberson seconded the motion, which was approved unanimously.

LOWER FLORENCE COUNTY HOSPITAL BOARD

Councilman Rodgers made a motion that the County provide up to \$40,000 from Contingency to assist the Lower Florence County Hospital Board with an ongoing audit. Councilman Culberson seconded the motion, which was approved unanimously.

PURCHASE PROPERTY – 181 N. IRBY STREET

Councilman Mumford made a motion Council authorize the purchase of property located at 181 N. Irby Street, Tax Map Number 90167-01-014 for \$250,000 and associated transaction costs from funds appropriated in the FY08/09 budget and authorize County Administrator to execute all related documents. Councilman Anderson seconded the motion, which was approved unanimously.

PROSSER SETTLEMENT

Councilman Bradley made a motion Council approve the settlement of the Prosser lawsuit not to exceed \$10,000. Councilman Kirby seconded the motion, which was approved unanimously.

PURCHASE PROPERTY – GREENWOOD ATHLETIC PARK

Councilman Culberson made a motion Council authorize the purchase of five (5) acres adjacent to Greenwood Athletic Park, designated as Tax Map No. 00211-01-004 for \$84,000 and associated transaction costs from the 2008 Bond Issue and authorize the County Administrator to execute all related documents. Councilman Rodgers seconded the motion, which was approved unanimously.

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

COUNCIL MEETING ADJOURNED AT 8:18 P.M.