

MARLBORO COUNTY COUNCIL

MARLBORO COUNTY CONFERENCE ROOM

TUESDAY, JUNE 9, 2009

6 PM

CHAIRMAN	DR. CAROLYN PRINCE
VICE-CHAIR	CORRIE PLATO
ADMINISTRATOR	CECIL KIMREY
COUNTY ATTORNEY	HARRY EASTERLING, JR.
COUNCIL:	
JEAN MCLEAN, RON MUNNERLYN, DR. CAROLYN PRINCE, STEVE BLACKMON, AND	WILLIE GLADDEN, CORRIE H. PLATO, KEN ALLEN, ANTHONY WOODS

* ABSENT

INVOCATION – Dr. Carolyn Prince

EXECUTIVE SESSION – Contractual & Legal Issue

Motion made by Ms. Corrie Plato, seconded by Ms. Jean McLean to enter into executive session for discussion of a contractual issue and a legal issue. Vote in favor. Unanimous. Motion carried.

Motion made by Ms. Corrie Plato, seconded by Mr. Ron Munneryn to leave executive session and re-enter open session. Vote in favor. Unanimous. Motion carried.

Dr. Carolyn Prince, Chair advised no decisions had been made, no votes had been taken.

APPROVAL OF AGENDA ITEMS

Staff requested the following changes and additions to the agenda:

New Business

Item c. Replace Resolution # 06-09-05 with amended version as recommended by counsel.

Item k. Add item to the agenda for a proclamation for the 2010 Census which has been presented by the Census Bureau with a request for Council to adopt.

Item L. Add item to the agenda - Ordinance # 661 – An Ordinance authorizing an inducement agreement between Marlboro County, South Carolina and Industrial Performance Partners, Inc. and Aqua Sky, LLC. Pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976 as amended (“CODE”). – First Reading

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Willie Gladden to amend the agenda with the following changes and additions under New Business: Item c – replace Resolution # 06-09-05 with amended version as recommended by counsel, add Item k - County of Marlboro 2010 Census Proclamation and Item L – Ordinance # 661 – An Ordinance authorizing an inducement agreement between Marlboro County, South Carolina and Industrial Performance Partners, Inc. and Aqua Sky, LLC. Pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976 as amended (“CODE”) – First Reading. Vote in favor. Unanimous. Motion carried.

APPROVAL OF MINUTES - MAY 12, 2009

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Steve Blackmon to approve the minutes for May 12, 2009. Vote: 7/0/1. Vote in favor: Mr. Steve Blackmon, Mr. Ron Munnerlyn, Mr. Willie Gladden, Ms. Jean Wallace McLean, Mr. Ken Allen, Mr. Anthony Woods, and Dr. Carolyn Prince. Abstain: Ms. Corrie Plato (not present for meeting). Unanimous. Motion carried.

PUBLIC HEARING

ORDINANCE # 656 – AN ORDINANCE TO ADOPT THE ANNUAL BUDGET AND TO MAKE APPROPRIATIONS FOR MARLBORO COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010. –

No comments were heard.

The Public Hearing was closed.

OLD BUSINESS

ORDINANCE # 654 – AN ORDINANCE ADOPTING, REVISING, AMENDING, RESTATING, CODIFYING, AND COMPILING THE MARLBORO COUNTY SOLID WASTE MANAGEMENT PLAN DATED FEBRUARY, 2009. SECOND READING.

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Anthony Woods to approve the second reading of Ordinance # 654 – An Ordinance adopting, revising, amending, restating, codifying, and compiling the Marlboro County Solid Waste

Management Plan dated February, 2009. Vote in favor. Unanimous. Motion carried.

ORDINANCE # 657 – AN ORDINANCE AUTHORIZING THE EXECUTION OF AN OPTION FOR SALE OF THE PROPERTY KNOWN AS THE MARLBORO COUNTY SPECULATIVE BUILDING AND A SECOND PARCEL TO AQUA SKY, LLC – THIRD READING.

Mr. Ron Munneryn advised he would like the agreement amended to include a provision for the property to revert back to the county after 3 years if the purchaser does not go forward with the proposed project. He stated that if the company does not move forward with their intent, the property would not be in limbo, it would be returned to the county. Mr. Harry Easterling said the reason for setting a time limit is to prevent tying the property up. After discussion, council was agreeable to three years due to the economy.

Motion made by Mr. Ron Munneryn, seconded by Ms. Jean Wallace McLean to approve the third reading of Ordinance # 657 – an Ordinance authorizing the execution of an option for sale of the property known as the Marlboro County Speculative Building and a second parcel to Aqua Sky, LLC with one amendment – the agreement which results from the Ordinance includes a provision to return the property to the county if the terms of the inducement which are currently being negotiated are not met within a certain time limit, three (3) years. Vote in favor. Unanimous. Motion carried.

ORDINANCE # 658 – AN ORDINANCE AUTHORIZING THE EXECUTION OF AN OPTION FOR SALE OF THE INDUSTRIAL PROPERTY ADJACENT TO THE PROPERTY KNOWN AS THE MARLBORO COUNTY SPECULATIVE BUILDING PARCEL TO AQUA SKY, LLC. – SECOND READING.

Mr. Ron Munneryn advised he would like the same amendment included in the agreement for the property to revert back to the county after three years if the purchaser does not go forward with the project.

Motion made by Mr. Ron Munneryn, seconded by Mr. Anthony Woods to approve the third reading of Ordinance # 658 – an Ordinance authorizing the execution of an option for sale of the Industrial property adjacent to the property known as the Marlboro County Speculative Building parcel to Aqua Sky, LLC. with one amendment – the agreement which results from the Ordinance includes a provision to return the property to the county if the terms of the inducement which are currently being negotiated are not met within a certain time limit, three (3) years. Vote in favor. Unanimous. Motion carried.

ORDINANCE # 659 – AN ORDINANCE ENACTING AN INFORMATION POLICY FOR THE DEPARTMENTS AND ACTIVITIES UNDER THE JURISDICTION OF MARLBORO COUNTY, SOUTH CAROLINA. – THIRD READING

Motion made by Mr. Anthony Woods, seconded by Ms. Jean Wallace McLean, to approve the third reading of Ordinance # 659 – An Ordinance enacting an information policy for the departments and activities under the jurisdiction of Marlboro County, South Carolina. Vote in favor. Unanimous. Motion carried

NEW BUSINESS

RESOLUTION # 06-09-03 – A RESOLUTION ACCEPTING A FY 2009 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$19,315.00.

Motion made by Ms. Corrie Plato, seconded by Mr. Anthony Woods to approve the acceptance of Resolution # 06-09-03 – A Resolution accepting a FY 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$19,315.00. Vote in favor. Unanimous. Motion carried.

RESOLUTION # 06-09-04 – A RESOLUTION APPROVING THE BUDGET TRANSFER AS REQUESTED BY THE MARLBORO COUNTY ADMINISTRATOR.

Dr. Carolyn Prince, Chair questioned the transfer of funds for Economic Development. Mr. Cecil Kimrey, County Administrator advised these are funds being transferred from railroad funds to the general funds which were already agreed upon, not additional funds.

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Steve Blackmon, to approve acceptance of Resolution # 06-09-04 – A Resolution approving the budget transfer as requested by the Marlboro County Administrator. Vote in favor. Unanimous. Motion carried.

RESOLUTION # 06-09-05 – A RESOLUTION AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL FOR MARLBORO COUNTY.

Mr. Cecil Kimrey discussed briefly, clarifying the changes.

Motion made by Mr. Ron Munnerlyn, seconded by Ms. Corrie Plato to approve Resolution # 06-09-05 – A Resolution amending the Personnel Policies and Procedures Manual for Marlboro County. Vote in favor. Unanimous. Motion carried.

ORDINANCE # 660 – AN ORDINANCE TO POSTPONE THE IMPLEMENTATION REVISED VALUES RESULTING FROM THE EQUALIZATION PROGRAM (REASSESSMENT). – FIRST READING.

Motion made by Mr. Anthony Woods, seconded by Mr. Steve Blackmon, to approve the first reading of Ordinance # 660 – An Ordinance to postpone the implementation revised values resulting from the equalization program (Reassessment). Vote in favor. Unanimous. Motion carried.

REQUEST PERMISSION FOR RENEWAL OF FOOD SERVICE CONTRACT FOR DETENTION CENTER WITH ABL MANAGEMENT, INC.

Mr. Earl Hood, Warden was present and noted the Detention Center was pleased with the services offered.

Motion made by Mr. Steve Blackmon, seconded by Mr. Anthony Woods to approve the request for permission for renewal of the food service contract for the Detention Center with ABL Management, Inc. Vote in favor. Unanimous. Motion carried.

REQUEST PERMISSION FOR RENEWAL OF HEALTH SERVICE AGREEMENT FOR DETENTION CENTER WITH SOUTHERN HEALTH PARTNERS.

Mr. Earl Hood, Warden was present and noted the Detention Center was pleased with the services offered.

Motion made by Mr. Anthony Woods, seconded by Ms. Jean Wallace McLean to approve the request for permission for renewal of the health service agreement for the Detention Center with Southern Health Partners. Vote in favor. Unanimous. Motion carried.

RESOLUTION # 06-09-06 – A RESOLUTION DESIGNATING THE AREA OF BRIGHTSVILLE AS A COMMUNITY.

Motion made by Mr. Willie Gladden, seconded by Ms. Jean Wallace McLean to approve Resolution # 06-09-06 – A Resolution designating the area of Brightsville as a community. Vote in favor. Unanimous. Motion carried.

APPROVAL OF CHANGE ORDER NO. 02 – MARIAN WRIGHT EDELMAN LIBRARY

A change order was submitted requesting permission to add a sidewalk and concrete apron to the driveway (+\$2,920.00) and adding additional fire hydrant (+\$3,710.00) for a total addition of \$6,630.00 bringing the new contract sum to \$3,760,204.68.

Motion made by Mr. Ken Allen , seconded by Mr. Willie Gladden to approve change order # 02 – Marian Wright Edelman Library. Vote in favor. Unanimous. Motion carried.

REQUEST APPROVAL OF ARCHITECT PROPOSAL FOR CLERK OF COURT VAULT.

Motion made by Ms. Jean Wallace McLean, seconded by Mr. Ken Allen to table the request for approval of the Architect's proposal for the Clerk of Court's vault for review by the appropriate committee and report back to full council. Vote in favor. Unanimous. Motion carried.

APPROVAL OF CHANGE ORDER NO. THREE – MARLBORO COUNTY SHERIFF/MAGISTRATE COMPLEX.

Mr. Willie Gladden advised the committee over the project was agreeable to the changes requested.

The following changes and costs for the Marlboro County Sheriff/Magistrate Complex were received: Reposition doors 38 and 39, delete glass from "View" room, lower and widen window at reception - \$515, Add mop sink and wall to create janitorial area (door 36 to be relocated to this location) - \$2,200, add doors and hardware for doors at waiting, reception, and from reception to jury room one (\$935 x 3) - \$2,805 (allowance of \$250 per door for hardware), change all faucets and commodes to automatic flush units - \$7,425, install cable wire for six outlets. Wiring 6-120 volt receptacles at cable locations - \$320, provide 1-120 volt receptacle, 1 single pole switch and one 4' laying fixture for janitor's closet - \$225, provide circuit for electric range, another for microwave, one for vending machines and range hood in training room -\$970, installing bullet proof glass at the waiting room area; one 3' by 3' section with 12" by 10" stainless steel tray and bullet proof 6" "speak-thru" - \$3,560. Total costs for changes requested was \$18,040 bringing the total contract amount to \$1,201,535.

Mr. Willie Gladden questioned whether an amount could be set for the committee which included himself, Mr. Tim Brown, and Mr. Cecil Kimrey could approve within the budget without bringing it back to council and holding up the project, possibly \$5000. Council noted that it is in the purchasing ordinance for the administrator to make approvals up to \$5000 without council approval. All council members were agreeable to these terms for the committee.

Motion made by Mr. Anthony Woods , seconded by Ms. Jean Wallace McLean to approve change order # three – Marlboro County Sheriff/Magistrate Complex. Vote in favor. Unanimous. Motion carried.

COUNTY OF MARLBORO 2010 CENSUS PROCLAMATION

Motion made by Mr. Willie Gladden, seconded by Ms. Jean Wallace McLean to approve the County of Marlboro 2010 Census Proclamation. Vote in favor. Unanimous. Motion carried.

ORDINANCE # 561 – AN ORDINANCE AUTHORIZING AN INDUCEMENT AGREEMENT BETWEEN MARLBORO COUNTY, SOUTH CAROLINA AND INDUSTRIAL PERFORMANCE PARTNERS, INC. AND AQUA SKY, LLC. PURSUANT TO TITLE 12, CHAPTER 44, CODE OF LAWS OF SOUTH CAROLINA, 1976 AS AMENDED (“CODE”). – FIRST READING (TITLE ONLY)

Motion made by Mr. Anthony Woods, seconded by Mr. Steve Blackmon to approve the first reading (Title Only) of Ordinance # 561 – An Ordinance authorizing an inducement agreement between Marlboro County, South Carolina and Industrial Performance Partners, Inc. and Aqua Sky, LLC. Pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976 as amended (“CODE”). Vote in favor. Unanimous. Motion carried.

APPROVAL OF BIDS AND PROPOSALS

Pest Control, various offices - bids were received from: **Taylor Pest Control**, Bennettsville in the amount of \$7,030.00 and **Seales Pest Control**, Bennettsville in the amount of \$7,410.00. Both amounts include the five percent (5%) discount.

Motion made by Ms. Jean Wallace McLean, seconded by Mr. Ron Munnery to approve the bid from Taylor Pest Control in the amount of \$ 7,030.00 for pest control services for the various offices. Vote in favor. Unanimous. Motion carried.

Fuel – Diesel & Gas – the following bids were received based on Profit Margin per gallon: **Jackson Oil Company**, Bennettsville – gas .015 cents and diesel .015, **Preston Moore Oil Company**, Bennettsville – gas .01 cents and diesel .01 cents (based on “Tankards Only”. Mr. Cecil Kimrey, County Administrator advised Preston Moore Oil Company had advised they would split the loads.

Motion made by Mr. Anthony Woods, seconded by Mr. Steve Blackmon to approve the bid from Preston Moore Oil Company in the amounts of \$.01 cents (gas & diesel) based on profit margin per gallon and based on Preston Moore agreement to split loads. Vote in favor. Unanimous. Motion carried.

APPOINTMENTS TO BOARDS & COMMISSIONS

ECONOMIC DEVELOPMENT PARTNERSHIP BOARD

A letter was received from the Economic Development Partnership Board for approval of Mr. Bill Edwards as the Partnership Board's next chairman with his term beginning July 1, 2009. Dr. Carolyn Prince, Chair advised according to the by-laws he could not serve since he is not a resident of Marlboro County. She advised she had spoken with Mr. Edwards and the chair of the board and they agreed he could not serve as chair. She stated that another appointee, Dr. Jerry Robertson has agreed to serve as chair of the partnership for the next year.

Motion made by Mr. Ron Munneryn, seconded by Mr. Willie Gladden to approve the appointment of Mr. Jerry Robertson as the Chairman of the Economic Development Partnership Board's chairman beginning July 1, 2009. Vote in favor: Mr. Steve Blackmon, Mr. Ron Munneryn, Mr. Willie Gladden, Mr. Anthony Woods, Ms. Corrie Plato, and Dr. Carolyn Prince. Opposed: Mr. Ken Allen and Ms. Jean Wallace McLean. Vote: 6/2/0. Motion carried.

OTHER BOARDS AND COMMISSIONS

Mr. Willie Gladden requested copies of the minutes of the various boards in their packets each month.

Mr. Ron Munneryn advised that to keep in line with the requirement of three (3) minority appointments to the board by council, he would like to move Mr. Ellis O'Tuel as an Industrial Council appointee.

Motion made by Mr. Ron Munneryn, seconded by Mr. Anthony Woods to move the appointment of Mr. Ellis O'Tuel to the Economic Development Partnership Board as an Industrial Council appointee. Vote in favor. Unanimous. Motion carried.

Motion made by Mr. Anthony Woods, seconded by Mr. Ken Allen to appoint Mr. Jimmy Frazier to the Economic Development Partnership Board as an American Indian. Vote in favor. Unanimous. Motion carried.

Motion made by Mr. Willie Gladden to put Mr. Greg Ohanesian on the Economic Development Partnership Board in place of Mr. Daniel York. After various discussion no second on the motion or vote was taken on the matter.

REPORTS

COMMITTEE REPORTS

Mr. Tim Brown, Sheriff/Magistrate Complex – advised he was pleased with the progress, the project was ahead of schedule. Mr. Brown advised a combination of changes had been requested which he had approved of.

Dr. Carolyn Prince, Marian Wright Edelman Library – advised the county had received the request from the architect for an extension of eighty-six (86) days because of the removal of debris pending the approval of the county attorney. Mr. Cecil Kimrey advised he would like the extension to include the stipulation with everything pending the county attorney's review. Mr. Harry Easterling, Jr., County Attorney advised the bond company had been placed on notice. He advised pursuant to that, a meeting must be held, which had been scheduled for the following morning. He said their main point of contention is the contractor is due a number of days and wanted to know the county's position. Mr. Tim Brown spoke briefly and stated that he concurred with the architect for the eighty-six (86) days extension.

Motion made by Mr. Steve Blackmon, seconded by Mr. Anthony Woods to approve the eighty-six days extension as requested by the architects. Vote in favor: Mr. Steve Blackmon, Mr. Ron Munnerlyn, Ms. Jean Wallace McLean, Mr. Ken Allen, Mr. Anthony Woods, Ms. Corrie Plato, and Dr. Carolyn Prince. Opposed: Mr. Willie Gladden. Vote: 7/1/0.

ADMINISTRATIVE/FINANCIAL REPORT – CECIL KIMREY, COUNTY ADMINISTRATOR

Employee Recognition – the following employees were recognized with five or more years of service to Marlboro County through the month of May: Larry Brigman, Tony Chavis, Robert Johnson, Anita Stubbs, and Deborah Weldon.

Expenditures - were at 86% for the general fund through May of the total budget, Revenue is at 81 % of the budgeted amounts through April.

NETC – the next NETC payments are expected to be received June, September, and completion of building (1/4 each).

Oil/Gasoline mixture tanks – two tanks (Red Hill and McColl) convenience centers are open. An ad was run in the newspaper to inform the public of their availability.

FAA Airport Grant – the county expects to receive a grant in the amount of \$484,000 for taxiways. The schedule allows for bids to be received by July 30, 2009.

Landfill – attorneys fees were paid from the Railroad funds. The Parker Poe landfill bill was \$9,784.18 for April.

Solid Waste Plan – Alliance charged and additional \$2500 for the revisions.

ISO Fire Report – a meeting was scheduled to be held June 30, 2009 at 6 P.M. at the Clio Fire Department to present a copy of the reports to the various Fire Departments. Council was encouraged to attend.

Budget – some proposals for the 2009/2010 fiscal year was distributed and discussed briefly. A budget meeting was scheduled for Thursday, June 11, 2009 at 5 p.m.

RECOGNITION OF CITIZEN'S REQUEST BEFORE COUNCIL

Mr. Tom Wood – advised he was speaking on behalf of Mr. Belvin Sweatt. He advised there would be a meeting Friday, June 19th at 10 a.m. at the Administrative Law Court in Columbia. He advised members of their group would be there along with their attorney.

Mr. John Nickoless – advised he was an officer with the Concerned Citizens of Marlboro County. He requested members of council attend the meeting in Columbia on June 19th to show support.

Ms. Emma Huckabee – read a poem she wrote in opposition to the proposed landfill.

Mr. Benjy Rogers, Auditor – presented a check in the amount of \$1200 to the county for the library project from his Bennettsville High School class reunion (Classes of 60-69) held at the beach in April. Also present for the present were members of the library board.

RECOGNITION OF COUNCIL MEMBERS

Ms. Corrie Plato – stated that she wanted to make a suggestion which she wanted council to think about it. She said that due to the way the economy is, the cuts council has to do to the county, the situation the county is in financially, she thought it would be a wise thing not to take the trip to Hilton Head this year. She thought the trip should be cancelled and looked at again the next year. Ms. Plato said that if the employees could get a cut, council should also. Mr. Ken Allen stated he felt the same way. Mr. Steve Blackmon and Ms. Jean Wallace McLean said they felt the same way and would not be attending. Mr. Ron Munnerlyn stated he thought it would be a good idea for the chair to attend for representation of the county. Various council members stated they were agreeable. Mr. Willie Gladden stated he did not agree and he wished to attend. He stated he thought it was important to attend and meet with other counties to learn other things to bring back to the county. After various discussion, Dr. Carolyn Prince advised the council members who did not wish to attend to advise Ms. Susan Rivers,

Clerk so she would be able to cancel the reservations. Ms. Corrie Plato, Mr. Steve Blackmon, Mr. Ken Allen, and Ms. Jean Wallace McLean advised the clerk to go ahead and cancel their reservations.

EXECUTIVE SESSION

Motion made by Mr. Anthony Woods, seconded by Ms. Corrie Plato to enter executive session to discuss a contractual issue. Vote in favor. Unanimous. Motion carried.

Motion made by _____, seconded by _____ to leave executive session and re-inter open session. Vote in favor. Unanimous. Motion carried.

Dr. Carolyn Prince, Chair advised no decisions had been made and no votes had been taken.

NON AGENDA ITEMS

No discussion was heard.

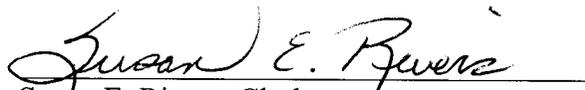
ADJOURN

No further discussion was heard. The meeting was adjourned.

(SEAL)


Dr. Carolyn A. Prince, Chair
Marlboro County Council

ATTEST:


Susan E. Rivers, Clerk
Marlboro County Council

Date Adopted: July 14, 2009