

MARLBORO COUNTY COUNCIL

MARLBORO COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP BUILDING

COUNCIL CHAMBERS

TUESDAY, SEPTEMBER 18, 2012

4:00 PM

CHAIRMAN	RON MUNNERLYN
VICE-CHAIR	DR. CAROLYN PRINCE
ADMINISTRATOR	CECIL KIMREY
COUNTY ATTORNEY	HARRY EASTERLING, JR.

COUNCIL:

JASON STEEN, RON MUNNERLYN, DR. CAROLYN PRINCE, STEVE BLACKMON, AND	WILLIE GLADDEN, CORRIE H. PLATO, KEN ALLEN, ANTHONY WOODS
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* Absent

INVOCATION – ANTHONY WOODS

APPROVAL OF AGENDA ITEMS

Mr. Ron Munnerlyn, Chairman struck Item C under New Business and inserted the discussion of the letter the County Council received from MRR regarding the landfill.

Motion made by Jason Steen, seconded by Anthony Woods to approve the agenda items. Vote in favor. Unanimous. Motion carried.

PUBLIC HEARING

ORDINANCE #707 – AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF (1) AN AMENDMENT TO A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN MARLBORO COUNTY, SOUTH CAROLINA (THE “COUNTY”) AND DOMTAR PAPER COMPANY, LLC, ACTING FOR ITSELF, ITS AFFILIATES AND ASSIGNS (THE “COMPANY”) TO PROVIDE FOR ADDITIONAL SPECIAL SOURCE REVENUE CREDITS IN CONNECTION WITH THE EXPANSION OF CERTAIN FACILITIES IN THE COUNTY (THE “EXPANSION

PROJECT”) AND (2) AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY AND THE COMPANY TO PROVIDE FOR A COUNTY ECONOMIC DEVELOPMENT FUND GRANT IN CONNECTION WITH THE EXPANSION PROJECT; AND OTHER RELATED MATTERS.

Mr. Ron King, Economic Development stated that this is an expansion that has to do with new equipment that will allow the Domtar Plant in Marlboro County to remain one of the most modern plants in North America. This plant has the capability for making different products and having better quality control; this process included a RIF Grant from the State (which was approved Sept. 6th). There was also a cash grant from Economic Development.

Mr. Cecil Kimrey, County Administrator stated that Ordinance #707 also included the newly attached 1st Amendment Fee in Lieu.

No public comments were made.

Public Hearing closed.

APPROVAL OF MINUTES – AUGUST 14, 2012, AUGUST 29, 2012 AND AUGUST 30, 2012

Correction to pages 13 – 16 August 14th Minutes - Dr. Prince stated that the entry of the anniversary names of the July County employees, and instructions for employees on how to retrieve their unemployment checks were mentioned during the Pee Dee COG meeting, and to verify the retroactive date of the pay for part-time Magistrates. Minutes were corrected accordingly.

Motion made by Dr. Carolyn Prince, seconded by Corrie Plato, to approve the minutes of August 14, 2012, August 29, 2012 and August 30, 2012 as presented with the corrected items on pgs. 13-16 of the August 14th minutes. Vote in favor. Unanimous. Motion carried.

OLD BUSINESS

ORDINANCE #707 – AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF (1) AN AMENDMENT TO A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN MARLBORO COUNTY, SOUTH CAROLINA (THE “COUNTY”) AND DOMTAR PAPER COMPANY, LLC, ACTING FOR ITSELF, ITS AFFILIATES AND ASSIGNS (THE “COMPANY”) TO PROVIDE FOR ADDITIONAL SPECIAL SOURCE REVENUE CREDITS IN CONNECTION WITH THE EXPANSION OF CERTAIN FACILITIES IN THE COUNTY (THE “EXPANSION PROJECT”) AND (2) AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY AND THE COMPANY TO PROVIDE FOR A COUNTY ECONOMIC DEVELOPMENT FUND GRANT IN CONNECTION WITH THE EXPANSION PROJECT; AND OTHER RELATED MATTERS. – THIRD READING

Mr. Munnerlyn, Chairman stated that this ordinance had been explained during the Public Hearing. Mr. Munnerlyn, Chairman asked Council if there were additional questions. There were no additional questions. Council proceeded to vote on Ordinance #707.

Motion made by Jason Steen, seconded by Dr. Carolyn Prince, to approve the third reading of Ordinance #707 – An Ordinance authorizing the execution and delivery of (1) An Amendment to a Fee in Lieu of Tax and Incentive Agreement by and between Marlboro County, South Carolina, (The “County”) and Domtar Paper Company, LLC, acting for itself, its affiliates and assigns (The “Company”) to provide for additional special source revenue credits in connection with the expansion of certain facilities in the County (The “Expansion Project” and (2) An Economic Development Agreement by and between the County and the Company to provide for a County Economic Development Fund Grant in connection with the Expansion Project; and other related matters. Vote in favor. Unanimous. Motion carried.

ORDINANCE # 711 – AN ORDINANCE APPROVING THE REQUEST OF MARLBORO WATER COMPANY FOR AN ENCROACHMENT FOR THE INSTALLATION OF WATER LINES. – SECOND READING

Mr. Cecil Kimrey, County Administrator reiterated from the August 14, 2012 Council meeting that this is a requirement that the County has for the water lines to be placed on our County road. The location for the installation of the water lines is Summit road – which is located off of Red Hill Road in Bennettsville.

Motion made by Steve Blackmon, seconded by Willie Gladden, to approve the first reading of Ordinance #711 – An Ordinance Approving the Request of Marlboro Water Company for An Encroachment for the Installation of Water Lines. Vote in favor.

NEW BUSINESS

RESOLUTION 09-12-01 – A RESOLUTION CONSENTING EXTENSION OF INVESTMENT PERIOD FOR FLAKEBOARD AMERICA)

Mr. Cecil Kimrey, County Administrator stated that basically Flakeboard America had invested an amount of \$26 million dollars and they asked for an additional 5-year extension of the investment period pertaining to the fee in lieu.

Mr. Munnerlyn, Chairman inquired Council if there were additional questions. Council proceeded to vote on Resolution 09-12-01.

Motion made by Dr. Carolyn Prince, seconded by Anthony Woods, to approve Resolution 09-12-01 – A Resolution Consenting Extension of Investment Period for Flakeboard America. Vote in favor. Unanimous. Motion carried.

RESOLUTION 09-12-02 – A RESOLUTION ESTABLISHING THE MILLAGE RATES FOR FISCAL YEAR 2012 - 2013

Mr. Munnerlyn, Chairman stated that this is something that the County does every year and this is just a formality. Mr. Munnerlyn, Chairman inquired if there were questions in regards to Resolution 09-12-02. There were no questions. Council proceeded to vote on Resolution 09-12-02.

Motion made by Anthony Woods, seconded by Corrie Plato, to approve Resolution 09-12-02 – A Resolution Establishing the Millage Rates for Fiscal year 2012-2013. Vote in favor. Unanimous. Motion carried.

DISCUSSION OF LETTER FROM MRR - LANDFILL

Mr. Munnerlyn, Chairman stated that every County Council received a copy of the MRR letter. Mr. Munnerlyn, Chairman talked with Steve Weber and wanted to make this public in order for everyone to know what was said and done. Mr. Weber was in agreement. Basically, they are saying as the County moved forward with the fight against the landfill, MRR will come back to the table and offer the County money every year to stop fighting the landfill. Mr. Munnerlyn, Chairman stated that in September 2009, the County proceeded with the fight against MRR in regards to the landfill. MRR is trying to convey that this fight against the landfill is hurting our citizens.

Mr. Munnerlyn commented that Council could re-address this letter and make a motion to put it on the agenda for the next Council meeting (Tuesday, October 9th). Mr. Munnerlyn, Chairman stated further that MRR lost a part of their case of appeals to Marlboro County.

Jason Steen stated that Council previously had already spoken on this matter and that the County should not move forward with MRR because Council's decision was already made.

Anthony Woods stated that Council had to stand united on this issue. Mr. Woods further stated that he did not have a problem with Council sitting down and listening to MRR. He stated that if they had another proposal, Council could see what MRR had to say in regards to negotiations.

Dr. Prince stated that she moved for Council to table this until the October meeting. Dr. Prince commented that she did not have a chance to read the letter from MRR. Dr. Prince further stated that in the interest of fairness, Council would be better prepared to discuss the letter from MRR in the October meeting.

Mr. Munnerlyn, Chairman stated that there was nothing to table. He expressed to Council that a normal course of action was to place the letter from MRR as a topic of discussion for the Finance Administration meeting, then to place it on the agenda for the October meeting. Mr. Munnerlyn, Chairman stated that Council had to have a plan of action to accept the letter from MRR on the agenda. Mr. Munnerlyn, Chairman stated that he personally did not like the tone of the letter and stated that releasing this information to the public was

beneficial in order to let the public know what Council had done and to know what the County had spent. He further commented that no action should be taken as far as he could see.

No decisions were made, No action taken.

AIRPORT JUST COMPENSATION – ACQUIRE AN EASEMENT FROM MS. EDITH WATSON

Mr. Kimrey, County Administrator stated that an appraiser reviewed the easement for a fair offer. Mr. Kimrey recommended that Council accept the offer presented.

Motion made by Steve Blackmon, seconded by Dr. Carolyn Prince, to approve the Airport Just Compensation – Acquire An Easement from Ms. Edith Watson. Vote in favor. Unanimous. Motion carried.

LIBRARY – PERMISSION TO HIRE TEMPORARY EMPLOYEE

Mr. Cecil Kimrey, County Administrator stated that a LSTA grant (for the “Ready to Read” project) was given to the Library in order to hire a part-time, temporary employee. The amount of the grant was \$8,777.00. Mr. Munnerlyn, Chairman inquired if this was completely grant funded. Mr. Kimrey stated that the grant completely covered the Library’s request for a temporary employee.

Motion made by Steve Blackmon, seconded by Dr. Carolyn Prince, to approve the permission for the Library to Hire A Temporary Employee. Vote in favor. Unanimous. Motion carried.

GOVERNMENT DEALS – PERMISSION TO SIGN AUCTION AGREEMENT

Mr. Kimrey, County Administrator mentioned additional funds for this agreement and that the County should accept Option B-2 on the Government Deals Auction agreement.

Motion made by Jason Steen, seconded by Anthony Woods, to approve permission to sign the auction agreement with Government Deals. Vote in favor. Unanimous. Motion carried.

SOLICITOR – LENDING TREE SETTLEMENT (\$3,246.00)

Mr. Rogers stated the solicitor’s sued Lending Tree back in 2008; the case was settled last year in 2011. The amount was \$2,224.72 for that check. The second check was in the exact amount of \$3,246.82. Mr. Rogers inquired if this check amount could be split between Council and the Solicitor’s office (\$1,623.41 each). Mr. Rogers stated that the Solicitor’s office will place this amount in their payroll account with the County.

Motion made by Anthony Woods, seconded by Corrie Plato, to approve the Lending Tree Settlement of \$3,246.82 by the Solicitor's office. Vote in favor. Unanimous. Motion carried.

AERIAL PHOTOGRAPHY

Mr. Jeff Dudley from the Tax Assessor's office presented to County Council plans for Aerial photography. Mr. Dudley stated to Council that the State has a regulation of aerial photography every ten years. The last year this was regulated was in 2003. Mr. Dudley stated that the County is due for another regulation in 2013. Mr. Dudley stated that the flights are done in February and must be reviewed by the County at this time. Mr. Dudley stated that if there is a delay in the aerial photography, a letter request must be made to the Department of Revenue.

Mr. Dudley gave Council three proposals for the flight. Each aerial photography company had different options to select from.

Dr. Prince stated that the letter was dated for March and a decision was to be given in August. Dr. Prince further stated that this was a considerable amount of money. Dr. Prince stated that she was confused on the presentation of the information. She further stated she was unable to compare one company with another due to the different options. Dr. Prince informed Council that she will not be voting on this until she has had a clearer understanding of the information presented. She recommended that Council table this for further discussion.

Mr. Munnerlyn, Chairman stated also that Council had a concern about the presentation as well. However, he stated to Mr. Dudley that he made a very good point about the delinquent tax property. He referred Mr. Dudley to the committee in order to further discuss this agenda item and to also explore other options.

Mr. Dudley informed Council that the majority of the companies have a deadline around this month.

Mr. Munnerlyn stated that Council could not give an educated opinion at that time. Mr. Gladden stated that the packet of information given by Mr. Dudley should have been submitted a month ago and Dr. Prince stated that this information should have been submitted in April.

Mr. Munnerlyn stated that Council will be better prepared for this presentation at the committee meeting.

No decision made, no action taken.

ACCEPTANCE OF FAA GRANT

Mr. Kimrey stated that this grant was mentioned at the last Council meeting (Tuesday, August 14, 2012). This grant received 95% of the money and 2.5% from the State. Mr. Kimrey stated that the amount of the grant was \$160,893.00 for the airport development. Also, the County will receive another grant reward in the next couple of days.

Motion made by Dr. Carolyn Prince, seconded by Anthony Woods, to approve the acceptance of the FAA Grant. Vote in favor. Unanimous. Motion carried.

OPENING & ACCEPTANCE OF BIDS

a. Sheriff's Vehicle

Lt. Steve Akers stated that the Sheriff's department requested to trade their vehicle for another vehicle. The cost is covered by a grant in the amount of \$12,000.00 and the trade-in value of the sheriff's vehicle. The truck requested from Bobby Jones Lincoln is a F150 4-wheel drive. Lt. Akers said that this vehicle would be of no cost to the County.

Motion made by Anthony Woods, seconded by Willie Gladden to approve the bid as presented by Lt. Steve Akers on behalf of the Sheriff's department in lieu of a grant of \$12,000.00 and a trade of the 2009 F150 truck at no cost to the County. Vote in favor. Unanimous. Motion carried.

b. Motorola – Narrowbanding Phase II

Mr. Cecil Kimrey, County Administrator stated that the County received additional grant funds and were able to receive the Motorola PM 1500 UHF 100 – Watt mobile radio for the Sheriff's department.

Motion made by Jason Steen, seconded by Willie Gladden to approve the bid as presented by Communications Technology, LLC in the amount of \$1,778.05 each for the Motorola PM1500 UHF 100-watt mobile radio (total cost \$10,668.32). Vote in favor. Unanimous. Motion carried.

c. E-911 Phone Upgrade

Mr. Roy Allison of E-911 stated that this a phone upgrade and not a radio upgrade as indicated in the agenda. Mr. Allison stated to Council that a better proposal was given after the previous proposal was placed in their packets. AT&T evaluated E-911, and they were given a better lease rate. The amount went from \$6,000.00 to \$4,000.00.

Mr. Allison further stated that the phone system was installed in 1999, and it was time for an upgrade.

Motion made by Ken Allen, seconded by Anthony Woods to approve the bid as presented by AT&T and Roy Allison of E-911. Vote in favor. Unanimous. Motion carried.

d. Cameras – Courthouse

Lt. Steve Akers proposed additional cameras in the Courthouse for security purposes – especially with the new Family Courtroom and the ‘big’ courtroom. Mr. Kimrey, County Administrator stated that Communications Technology, LLC of Chesterfield, SC was the only company willing to work with the County. The amount proposed was \$6,450.00.

Mr. Munnerlyn, Chairman referred this agenda item to the committee.

No decisions were made, no action taken.

e. “Welcome to Marlboro County” Entrance Signs

Mr. Kimrey, County Administrator stated there was a problem with the lowest bidder out of Anderson, SC (**East Coast Signs & Lighting**) because the County did not receive from them the acknowledgement of the addendum. The second lowest bidder Carolina Custom Sign out of Lexington, SC met all of the requirements.

Motion made by Dr. Carolyn Prince, seconded by Willie Gladden to approve the bid as presented by Carolina Custom Sign in the amount of \$15,385.00 for the “Welcome to Marlboro County” entrance signs. Vote in favor. Unanimous. Motion carried.

f. Pest Control

Mr. Kimrey, County Administrator stated that the County received 3 bids. However, one local bid gave the response time for specifications. Mr. Munnerlyn, Chairman asked if all the bidders gave a minimum response time for specifications. Mr. Kimrey stated that the other bidders did not give this information. Dr. Prince stated that Council should reject all bids due to the language.

Motion made by Jason Steen, seconded by Corrie Plato to formally reject previous bids in order to proceed with a re-bid of Pest Control. Vote in favor. Unanimous. Motion carried.

g. Used Oil Tank Bids

Mr. Kimrey, County Administrator stated that the County received only one bid and this was from SEWE.

Motion made by Jason Steen, seconded by Ken Allen to approve the bid as presented by SEWE – Columbia, SC in the amount of \$5,082.50 for the used oil tank bids. Vote in favor. Unanimous. Motion carried.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Anthony Woods nominated Ms. Evon Williams for District #8 for the Marlboro Historical Preservation Commission in lieu of the retirement of Mr. Jerry Kendall, Chairman on December 31, 2012.

Motion made by Anthony Woods, seconded by Ken Allen to accept the appointment of Ms. Evon Williams to the Marlboro Historical Preservation Commission for District #8. Vote in favor. Unanimous. Motion carried.

STAFF REPORTS

ADMINISTRATIVE/FINANCIAL REPORT – CECIL KIMREY, COUNTY ADMINISTRATOR

Expenditure & Revenue – report was provided to Council for the month ending August 2012. Expenditures were at 18% and revenue was at 10%.

Employees with Five Years' Service – Employees with at least five years' service through the end of August 2012 include: Stephen J. Akers (14 years), Michael A. Brigman (6 years), Shawn M. Feldner (5 years), Benetrice S. Ferguson (14 years), Ashley D. Hamer (5 years), Terry Malloy (6 years), Beverly O. McKiver (12 years), Susan E. Rivers (12 years), Timothy D. Shaw (11 years), Shane M. Sligh (6 years), John W. Walters (7 years), Janilla L. Williams (6 years), Sharon D. Wilson (12 years).

Delinquent Tax – The Delinquent Tax collector has posted over 1,000 properties. Palmetto Posting charges \$35.00 per property to post. Chesterfield County pays Palmetto Posting to post as well as other counties.

Breeden Street – The cost to remove houses on Breeden Street is expected to be \$4,000.00 to \$5,000.00 per house.

County Treasurer – The County Treasurer has recommended the County Auditor give back \$1,100,000.00 through the tax creditor factor.

Library – LSTA Grant – The library has a sole source purchase for the LSTA grant "Ready to Read" in the amount of \$8,777.00.

Trails Grant – One of the 10 of 42 Trails Grant applications was funded.

E-Waste – Due to the high cost of E-waste, Sidney Wallace of Public Works and I (the County Administrator) recommend a fee of \$2.50 for small items and \$5.00 for large items.

Sturgis Web – I (the County Administrator) have contacted Sturgis Web services; this is the Recreation company that placed our taxes online. They are to also give the county a proposal to place our delinquent taxes online.

Veteran Affairs – Mr. Jerry Kendall is resigning his position as Veterans Affairs officer effective on December 31, 2012.

Brightsville Park – The participation rates indicate there are not enough youth to have a youth program. The County Administrator recommended developing it as a passive park as the funds permit. Activities could include: 1) Installation of playground equipment and / or 2) Walking Trails. Areas such as Wallace and Blenheim struggle to maintain participation.

Building and Grounds Superintendent – The new Building and Grounds superintendent will be responsible for recreation maintenance and building department personnel. He will be able to transfer employees as needed to accomplish department needs. The County Administrator recommended this to be monitored by the Interim County Administrator (Jim Haynes) for personnel needs.

Maintenance Upgrade – The County Administrator recommended that Arthur Hamer's position be upgraded.

RECOGNITION OF CITIZEN'S REQUEST BEFORE COUNCIL

Tex Taylor – Mr. Taylor was on the Citizen's Request to speak form; however, he declined.

Betty Rainwater – Ms. Rainwater addressed the issue with Council again about the pit bulls in her area. (She originally addressed the issue with County Council at the Council meeting on Tuesday, June 19, 2012).

Ms. Rainwater stated that in regards to the issue of pit bulls in the Bounty Acres area; she was referred to contact the Humane Society. She commented that these dogs were the same as "owning an assault rifle". She further stated that she spoke with Mr. Steve Blackmon and Mr. Cecil Kimrey, County Administrator because these dogs were a danger to the Bounty Acres community.

Ms. Rainwater commented that their neighborhood was on lockdown, and she felt that this was not fair. She stated that Cheraw outlawed this issue and she wondered why our County had done been able to do the same.

Mr. Munnerlyn, Chairman stated to Ms. Rainwater that the County can only do what the law allowed. Mr. Munnerlyn stated that Council will have the Planning Commission to take a look at this issue.

Larry Pouncy – Mr. Pouncy thanked Mr. Munnerlyn, Chairman for inviting him to speak before County Council. Mr. Pouncy then stated that he did a lot of walking in his area. He commented that the streets are filthy and grass needs to be mowed – particularly on Cheraw Street. He called the County and the City in regards to revitalization. Mr. Pouncy further stated to Council that if the County could not keep up with the maintenance, then the County should stop spending the taxpayers' money. Mr. Pouncy stated that he hoped that the County would seriously look into this situation.

RECOGNITION OF COUNCIL MEMBERS

Anthony Woods – No comments.

Corrie Plato – No comments.

Jason Steen – No comments.

Dr. Carolyn Prince – Dr. Prince requested that more detailed information be given from the Administrator's report during the Committee meetings.

Ron Munnerlyn, Chairman – Mr. Munnerlyn, Chairman stated that the School Board and the County Council had dinner at the Sandy Ocean Restaurant on Monday, September 17, 2012 at 6 p.m. in order to move forward with working together. Mr. Munnerlyn stated that this was a good step for the County Council and the School Board.

Steve Blackmon – No comments.

Ken Allen – No comments.

Willie Gladden - No comments.

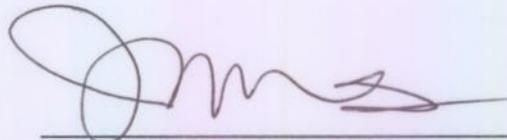
NON AGENDA ITEMS

There were no items added.

ADJOURN

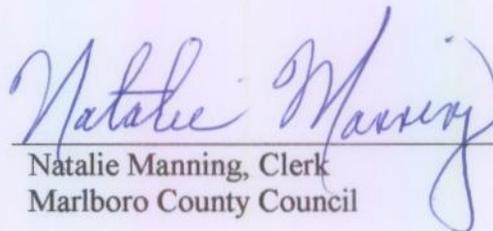
No further discussion was heard. Mr. Munnerlyn, Chairman officially adjourned the meeting. Council reconvened at the Courthouse for the Family Court Dedication.

(SEAL)



J. Ronald Munnerlyn, Chairman
Marlboro County Council

ATTEST:



Natalie Manning, Clerk
Marlboro County Council

Date Adopted: October 9, 2012