

**REGULAR MEETING OF THE FLORENCE COUNTY COUNCIL,  
THURSDAY, JUNE 20, 2013, 9:00 A.M., COUNCIL CHAMBERS  
ROOM 803, CITY-COUNTY COMPLEX, 180 N. IRBY STREET,  
FLORENCE, SOUTH CAROLINA**

**PRESENT:**

James T. Schofield, Chairman  
Alphonso Bradley, Vice Chairman  
Waymon Mumford, Secretary-Chaplain  
Russell W. Culberson, Council Member  
Kent C. Caudle, Council Member  
Jason M. Springs, Council Member  
K. G. Rusty Smith, Jr., County Administrator  
D. Malloy McEachin, Jr., County Attorney  
Connie Y. Haselden, Clerk to Council

**ALSO PRESENT:**

Arthur C. Gregg, Jr., Public Works Director  
Kevin V. Yokim, Finance Director  
Ryon Watkins, EMS Director  
Robert Franks, IT Director  
Jonathan B. Graham, III, Planning Director  
Dale Rauch, Facilities Manager  
Jack Newsome, Tax Assessor  
Sam Brockington, Fire/Rescue Services Coordinator  
Sheriff Kenney Boone  
Coroner Keith vonLutcken  
Chief Deputy Glen Kirby, Sheriff's Office  
Barbara Coker, Administrative Manager Sheriff's Office  
John Sweeney, Morning News

**ABSENT:**

Mitchell Kirby, Council Member  
Roger M. Poston, Council Member  
Willard Dorriety, Jr., Council Member

A notice of the regular meeting of the Florence County Council appeared in the June 19, 2013 edition of the **MORNING NEWS**. In compliance with the Freedom of Information Act, copies of the Meeting Agenda and Proposed Additions to the Agenda were provided to members of the media, members of the public requesting copies, posted in the lobby of the City-County Complex, provided for posting at the Doctors Bruce and Lee Foundation Public Library, all branch libraries, and on the County's website ([www.florenceco.org](http://www.florenceco.org)).

Chairman Schofield called the meeting to order. Secretary-Chaplain Mumford provided the invocation and Vice Chairman Bradley led the Pledge of Allegiance to the American flag. Chairman Schofield welcomed everyone attending the meeting.

**APPROVAL OF MINUTES:**

Councilman Mumford made a motion Council Approve The Minutes Of The May 16, 2013 Regular Meeting and the May 29, 2013 Special Called Meeting Of County Council. Councilman Springs seconded the motion, which was approved unanimously.

**PUBLIC HEARINGS:**

Chairman Schofield stated that Council was asked to defer public hearing on Resolution No. 30-2012/13. The Clerk Published The Titles Of The Remaining Items And Chairman Schofield Opened The Public Hearings For The Following:

**RESOLUTION NO. 28-2012/13**

A Resolution Authorizing The Cessation Of Maintenance On And Abandonment And Closure Of Cedar Road Located In Pamplico.

**RESOLUTION NO. 29-2012/13**

A Resolution Authorizing The Cessation Of Maintenance On And Abandonment And Closure Of A Portion Of Amanda Circle Located In Florence.

**RESOLUTION NO. 30-2012/13 (Deferred)**

A Resolution In Support Of The Issuance By The South Carolina Jobs – Economic Development Authority Of Its Economic Development Refunding Revenue Bonds (FMU Student Housing, LLC – Francis Marion University Project) Series 2013 In One Or More Series And In An Aggregate Principal Amount Not To Exceed \$14,085,000 Pursuant To The Provisions Of Title 41, Chapter 43, Code Of Laws Of South Carolina 1976, As Amended.

**ORDINANCE NO. 33-2012/13**

An Ordinance To Amend The Florence County Code, Chapter 7 – Building Regulations, Article II – Standards For Construction, Installations And Maintenance, Division 1 – Generally, Section 7-11 – International Building Code; And Other Matters Related Thereto.

**ORDINANCE NO. 34-2012/13**

An Ordinance To Amend The Florence County Code, Chapter 9.5, Drainage And Stormwater Management; And Other Matters Related Thereto.

**ORDINANCE NO. 35-2012/13**

An Ordinance To Amend The Florence County Code, Chapter 28.6 – Land Development And Subdivision Ordinance, Article VI. – Subdivision Improvements And Guarantees, Section 6.98. Acceptance Techniques In Lieu Of Completion Of All Improvements, Section 28.6-100 – Reduction Of Guarantee, And Section 28.6-101. – Release Of Guarantee; And Other Matters Related Thereto.

**ORDINANCE NO. 36-2012/13**

An Ordinance Consenting To The Extension Of Time For Project Proton To Complete The Project Pursuant To That Certain Fee Agreement Dated December 1, 2008; And Other Matters Related Thereto.

## **APPEARANCES:**

### **JACK DAVIS**

Mr. Davis Appeared Before Council To Relay Some Of The Concerns Of The Riders Of The P.D.R.T.A. Chairman Schofield thanked Mr. Davis for his comments and stated Council was acutely aware of the situation with P.D.R.T.A. and would do all it could to assist in working with the City to see that essential services would continue. Current budget restrictions limited the scope of the assistance Council could offer.

## **COMMITTEE REPORTS:**

### **ADMINISTRATION & FINANCE**

Chairman Schofield Stated That There Was No Report From The Committee But That He Wanted To Inform Council That He Would Like To Refer The “Restacking” Of The Complex To This Committee To Study.

The Chairman stated he received a letter from the South Carolina Department of Transportation dated June 3, which covered some of the questions Council asked about the road projects and what the problems were in getting the projects under way. “Let me read just a few parts of this letter. Most of you know that we have tried to say that the County has no control over the construction of the six remaining road projects and does not affect the day-to-day operation of them. The biggest problem is complying with EPA and Corps of Engineers wetlands problems. So let me just read from the letter, ‘In most cases, we are typically able to mitigate wetland and stream impacts through the purchase of credits from an existing mitigation bank. However, no mitigation bank was available in the area to draw credits from. As a result, we had to develop a mitigation site to meet the requirements for this program. The development of a mitigation site, to satisfy the requirements of the [Florence County Forward] projects, required two very complex processes: 1) the state procurement process, for the purchase of consultant services, awarded on June 26, 2012, for the development and implementation of a Final Mitigation Plan; and 2) the environmental permitting process, currently underway, for the approval of the Final Mitigation Plan by the United States Army Corps of Engineers (USACE).’ Further in the letter they say, ‘SCDOT submitted the Conceptual Mitigation Plan to USACE on August 10, 2012, and the Final Mitigation Plan to the USACE on October 26, 2012, and then after two rounds of comments on May 3, 2013, the final version was submitted which included an addendum providing justification for in-kind wetland and stream impacts, resulting from the US 378 and SC 51 projects. The USACE has given us every indication the approval of the Final Mitigation Plan and the associated permits for the US 378, US 76, and TV Road projects will be received this fall, at which time the projects will be prepared for a Special Letting where we will receive construction bids six weeks later. We plan to stagger the project lettings one month apart, in priority order, to encourage more competitive bids, unless Florence County has objection.’ Quite frankly, it has taken a long time to get there but it looks like they are telling us that, we believe that, unless the Corps of Engineers finds something else to ask for, that we will see the bids let on those three major road construction projects this fall.”

## **PUBLIC HEARINGS:**

There being no signatures on the sign-in sheets for Public Hearings, Chairman Schofield closed the Public Hearing.

## **RESOLUTIONS/PROCLAMATIONS:**

### **RESOLUTION OF APPRECIATION**

The Clerk published, in its entirety, A Resolution Of Appreciation For James Edward Delaine In Recognition And Appreciation For His Commendable Service To The Citizens Of Florence County. Councilman Mumford made a motion Council approve the Resolution as presented. Councilman Bradley seconded the motion, which was approved unanimously. Councilmen Mumford and Bradley presented Mr. Delaine with a framed Resolution of Appreciation. Councilman Bradley stated he wanted to let the public know that Councilman Mumford and the Committee on Justice & Public Safety set a goal to recognize citizens in Florence who help pick up litter and help to make Florence a more beautiful place. This was the first to be presented. He thanked Mr. Delaine for his hard work. Councilman Mumford expressed his appreciation for Mr. Delaine's efforts to make his community a better place to live. He stated that he has found that no community would be any nicer than the people who live in it. Councilman Mumford stated it would be nice to recognize a citizen each month to encourage participation. Mr. Delaine expressed his appreciation for the Resolution. Councilman Caudle stated citizens like Mr. Delaine were what would make a difference in Florence County and Mr. Delaine was a great example for others.

### **RESOLUTION NO. 28-2012/13**

The Clerk published the title of Resolution No. 28-2012/13: A Resolution Authorizing The Cessation Of Maintenance On And Abandonment And Closure Of Cedar Road Located In Pamplico. Councilman Caudle made a motion Council approve the Resolution as presented. Councilman Mumford seconded the motion, which was approved unanimously.

### **RESOLUTION NO. 29-2012/13**

The Clerk published the title of Resolution No. 29-2012/13: A Resolution Authorizing The Cessation Of Maintenance On And Abandonment And Closure Of A Portion Of Amanda Circle Located In Florence. Councilman Culberson made a motion Council approve the Resolution as presented. Councilman Bradley seconded the motion, which was approved unanimously. County Administrator K. G. Rusty Smith, Jr. provided a brief synopsis of the process.

### **RESOLUTION NO. 30-2012/13 (Deferred)**

Resolution No. 30-2012/13 was deferred: A Resolution In Support Of The Issuance By The South Carolina Jobs – Economic Development Authority Of Its Economic Development Refunding Revenue Bonds (FMU Student Housing, LLC – Francis Marion University Project) Series 2013 In One Or More Series And In An Aggregate Principal Amount Not To Exceed \$14,085,000 Pursuant To The Provisions Of Title 41, Chapter 43, Code Of Laws Of South Carolina 1976, As Amended.

**RESOLUTION NO. 31-2012/13**

The Clerk published the title of Resolution No. 31-2012/13: A Resolution Authorizing A Memorandum Of Understanding, Mutual Aid Between The Beaufort County Detention Center And The Florence County Detention Center For The Purpose Of Mutual Support In The Event Beaufort County Is Uninhabitable And Unable To Accept Inmates And Authorizing The County Administrator To Execute Said Agreement. Councilman Mumford made a motion Council approve the Resolution as presented. Councilman Bradley seconded the motion, which was approved unanimously.

**ORDINANCES IN POSITION:**

**ORDINANCE NO. 17-2012/13 – THIRD READING DEFERRED**

Chairman Schofield stated third reading of Ordinance No. 17-2012/13 would be deferred: An Ordinance To Authorize The Execution And Delivery Of Various Documents In Order To Fund A Portion Of The Costs Associated With Soil Remediation Of The Lake City Park Project; To Authorize The Execution And Delivery Of These Documents In Connection Therewith; And Other Matters Relating Thereto.

**ORDINANCE NO. 29-2012/13 – THIRD READING**

The Clerk published the title of Ordinance No. 29-2012/13: An Ordinance To Ratify FY13 Budget And Grant Council Actions Previously Authorized By Council And Other Matters Related Thereto. Councilman Mumford made a motion Council approve third reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

**ORDINANCE NO. 01-2013/14 – THIRD READING**

The Clerk published the title of Ordinance No. 01-2013/14: An Ordinance To Provide For The Levy Of Taxes In Florence County For The Fiscal Year Beginning July 1, 2013 And Ending June 30, 2014; To Provide For The Appropriation Thereof; To Provide For Revenues For The Payment Thereof; And To Provide For Other Matters Related Thereto. Councilman Culberson made a motion Council approve third reading of the Ordinance. Councilman Bradley seconded the motion. Councilman Caudle stated one thing he was opposed to was raising people’s taxes. But, due to the budget constraints and unfunded mandates by the State of South Carolina, there was no way around it. He said there was an opportunity for a penny tax that would eliminate property tax and he was in favor of it. Chairman Schofield stated that in order to enhance/improve services for the citizens, especially EMS, there was no way around the increase in millage. He stated if the General Assembly would do what it was required to do by funding the local governments in the State of South Carolina, there would be no millage increase this year. But the Legislature chose not to do that and to allocate the funding elsewhere. In response to a question by Councilman Caudle, Finance Director Kevin Yokim responded that the 3.5 mill increase would equate to a \$14 annual increase in property taxes for a home valued at \$100,000. Councilman Springs stated he joined the public service arena six/seven years ago because he was frustrated with taxes but quickly became educated that a lot of the funding issues were not the fault of the local governing body. As much as he hated to raise taxes, he stated he felt Council had no choice. Councilman Mumford commented that as a member of the Board of Directors for the South Carolina Association of

Counties, the staff of the Association worked very closely with the Legislature trying to get them to fund the unfunded mandates, but it appears to fall on deaf ears. He stated that he would rather see the increase in sales tax than property tax, but Florence County was caught in a dilemma. Third Reading of the Ordinance was approved unanimously.

**ORDINANCE NO. 36-2012/13 – THIRD READING**

The Clerk published the title of Ordinance No. 36-2012/13: An Ordinance Consenting To The Extension Of Time For General Electric Company To Complete The Project Pursuant To That Certain Fee Agreement Dated December 1, 2008; And Other Matters Related Thereto. Councilman Caudle made a motion Council approve third reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

**ORDINANCE NO. 31-2012/13 – SECOND READING**

The Clerk published the title of Ordinance No. 31-2012/13: An Ordinance To Zone Properties Owned By Ladonna M. Beylotte, Cephus & Maxine Peterson Jr., Bessie Wilks, Erik T. & Sarah L. Knotts, Vanona M. Dubose Morris, Ryan J. Johnson, McArthur & Yvonne F. Lynch, James T. Hurst And Located At 227, 233, 237, 241, 243, 247, 249, And 251 Mill Street, Town Of Scranton, As Shown On Florence County Tax Map No. 00194, Block 31, Parcels 25, 077 And 104; And A Portion Of 021, 022, 023, 024 And 111; Consisting Of Approximately 3.16 Acres From Unzoned, To R-1, Single-Family Residential District; And Other Matters Related Thereto. Councilman Springs made a motion Council approve second reading of the Ordinance. Councilman Mumford seconded the motion, which was approved unanimously.

**ORDINANCE NO. 32-2012/13 – SECOND READING**

The Clerk published the title of Ordinance No. 32-2012/13: An Ordinance To Rezone Property Owned By Judy H. Thomas And Debra A. Holloway Located At 2005 Hazelwood Lane, Florence, As Shown On Florence County Tax Map No. 00127, Block 01, Parcel 008; Consisting Of Approximately 8.709 Acres From R-3, Single-Family Residential District, To RU-1, Rural Community District, Limited; And Other Matters Related Thereto. Councilman Caudle made a motion Council approve second reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

**ORDINANCE NO. 33-2012/13 – SECOND READING**

The Clerk published the title of Ordinance No. 33-2012/13: An Ordinance To Amend The Florence County Code, Chapter 7 – Building Regulations, Article II – Standards For Construction, Installations And Maintenance, Division 1 – Generally, Section 7-11 – International Building Code; And Other Matters Related Thereto. Councilman Caudle made a motion Council approve second reading of the Ordinance. Councilman Springs seconded the motion, which was approved unanimously.

**ORDINANCE NO. 34-2012/13 – SECOND READING**

The Clerk published the title of Ordinance No. 34-2012/13: An Ordinance To Amend The Florence County Code, Chapter 9.5, Drainage And Stormwater Management; And Other Matters Related Thereto. Councilman Mumford made a motion Council approve second reading of the Ordinance. Councilman Bradley seconded the motion, which was approved unanimously.

**ORDINANCE NO. 35-2012/13 – SECOND READING**

The Clerk published the title of Ordinance No. 35-2012/13: An Ordinance To Amend The Florence County Code, Chapter 28.6 – Land Development And Subdivision Ordinance, Article VI. – Subdivision Improvements And Guarantees, Section 6.98. Acceptance Techniques In Lieu Of Completion Of All Improvements, Section 28.6-100 – Reduction Of Guarantee, And Section 28.6-101. – Release Of Guarantee; And Other Matters Related Thereto. Councilman Springs made a motion Council approve second reading of the Ordinance. Councilman Caudle seconded the motion, which was approved unanimously.

**ORDINANCE NO. 37-2012/13 – INTRODUCED**

The Clerk published the title of Ordinance No. 37-2012/13 and the Chairman declared the Ordinance Introduced: An Ordinance Confirming The Inclusion Of Certain Property Of Angus-Palm LLC In A Joint County Industrial And Business Park With Marion County; Providing For An Extension Thereof; And Addressing Other Matters Related Thereto.

**APPOINTMENTS TO BOARDS AND COMMISSIONS:**

**COMMISSION ON ALCOHOL AND DRUG ABUSE**

Council Unanimously Approved The Re-Appointment Of Dawn Floyd To Serve On The Commission On Alcohol And Drug Abuse, Serving In The At-Large Seat Representing Pharmacy, With Appropriate Expiration Term.

**REPORTS TO COUNCIL:**

**ADMINISTRATION**

**MONTHLY FINANCIAL REPORTS**

Monthly Financial Reports Were Provided To Council For Fiscal Year 2013 Through April 30, 2013 As An Item For The Record.

**FINANCE**

**ACCOMMODATIONS TAX ADVISORY COMMITTEE**

Councilman Caudle made a motion Council approve the expenditure of \$200,000 in state accommodations tax funding allocations to be distributed to the various recipients as recommended by the Accommodations Tax Advisory Committee for FY2013/2014. Councilman Mumford seconded the motion. Councilman Bradley made a motion to amend the tax accommodation recommendation and adjust the Florence CVB from \$97,000 to \$96,000 and adjust Florence Downtown Development Corporation Pecan Festival from \$500 to \$1,500. Councilman Mumford seconded the motion, which was approved unanimously. The Recommendation as Amended, was approved unanimously.

In response to a question from the Chairman, Mr. Smith stated that based on County Code the proper course of action would be for the amendment to be referred to a Reconciliation Committee, comprised of members of the Administration & Finance Committee and the Accommodations Tax Advisory Committee, who will then deliberate on the amendment and make a recommendation back to Council. Mr. Smith stated he would like to note that the allocations in that fund were down and much of the decrease in funding was due to the annexation of several areas into the City of Florence.

## **INFORMATION TECHNOLOGY/PROCUREMENT**

### **SOLE SOURCE PURCHASE**

Councilman Mumford made a motion Council Approve The Sole Source Purchase Of The Bradford Networks, Inc. "Network Sentry" Network Access Control Solution From Converged Networks Of Charleston, SC In The Amount Of \$53,225.00 As Funded And Approved In The FY12-13 Budget. Councilman Bradley seconded the motion, which was approved unanimously. Councilman Caudle commented that, while he knew the County did all it could to encourage local vendors to participate, he would like to see more local vendors selected for projects, etc.

## **PROCUREMENT**

### **DECLARATION OF SURPLUS PROPERTY**

Councilman Culberson made a motion Council Declare Five (5) Pickups, One (1) Van, One (1) Ambulance And One (1) Tractor As Surplus Property For Disposal Through Public Internet Auction Via GovDeals. Councilman Springs seconded the motion, which was approved unanimously.

## **SHERIFF'S OFFICE**

### **CONTRACTUAL AGREEMENT – TOWN OF PAMPLICO**

Councilman Mumford made a motion Council Approve A Contractual Agreement With The Town Of Pamplico To Provide Victim Services. Councilman Culberson seconded the motion, which was approved unanimously.

## **SHERIFF'S OFFICE/GRANTS**

### **USDOJ EDWARD BYRNE MEMORIAL JUSTICE GRANT**

Councilman Springs made a motion Council Approve The Submission Of A Grant Application For The FY2013 United States Department Of Justice (USDOJ) Edward Byrne Memorial Justice Grant (JAG) Program Local Solicitation In The Amount Of \$22,738 To Provide Capital/Replacement Equipment For The Florence County Sheriff's Office. Councilman Caudle seconded the motion, which was approved unanimously.

## **OTHER BUSINESS:**

### **INFRASTRUCTURE**

#### **SOUTH LYNCHES FIRE DEPARTMENT**

Councilman Springs made a motion Council Approve The Expenditure Of Up To \$14,000 From Council District 1 Infrastructure Funding Allocation To Assist The South Lynchs Fire Department With The Purchase And Installation Of Emergency Lights, Striping, Radios, Water Tank, Pump And Hoses Necessary For A Brush Truck. Councilman Culberson seconded the motion, which was approved unanimously.

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

##### **AARON CIRCLE**

Councilman Mumford made a motion Council Approve The Expenditure Of Up To \$46,557.50 From Council District 7 RSMF Funding Allocation To Pay For Full Depth Patching And Resurfacing On Aaron Circle. Councilman Bradley seconded the motion, which was approved unanimously.

##### **N. CARNABY CIRCLE**

Councilman Mumford made a motion Council Approve The Expenditure Of Up To \$11,154 From Council District 7 RSMF Funding Allocation To Pay For Resurfacing On N. Carnaby Circle. Councilman Bradley seconded the motion, which was approved unanimously.

### **UTILITY**

#### **TOWN OF PAMPLICO**

Councilman Culberson made a motion Council Declare One (1) 2008 Ford F-250 Truck (VS137) As Surplus; Authorize The Sale Of The Vehicle To The Town Of Pamplico In The Amount Of \$15,300; And, Approve The Expenditure Of Up To \$7,500 From Council District 2 Utility Funding Allocation To Assist The Town Of Pamplico With The Purchase Of The Truck. Councilman Springs seconded the motion, which was approved unanimously.

#### **SARDIS-TIMMONSVILLE FIRE DEPARTMENT**

Councilman Caudle made a motion Council Approve The Expenditure Of Up To \$300 From Council District 4 Utility Funding Allocation To Pay For 20 Feet Of 24" Metal Pipe For Sardis-Timmons ville Fire Department Station #3, Pending Receipt Of An Encroachment Permit From The SCDOT. Councilman Mumford seconded the motion, which was approved unanimously.

#### **OLANTA RURAL FIRE DEPARTMENT**

Councilman Caudle made a motion Council Approve The Expenditure Of Up To \$4,200 From Council Districts 1 And 5 Utility Funding Allocations (\$2,100 From Each District) To Pay For A Concrete Drive For The Olanta Rural Fire Department Substation Located At 2160 Old Creek Road. Councilman Springs seconded the motion, which was approved unanimously.

## **INFRASTRUCTURE/UTILITY**

### **HOWE SPRINGS FIRE DISTRICT**

Councilman Caudle made a motion Council Approve The Expenditure Of Up To \$17,000 From Council Districts 2, 4, 5, 6, 7, and 8 Infrastructure/Utility Funding Allocations (Approximately \$2,834 From Each District) To Pay For Sewer Repairs At The Howe Springs Fire Department Headquarters Station Located On Howe Springs Road. Councilman Culberson seconded the motion, which was approved unanimously.

### **EXECUTIVE SESSION:**

Councilman Culberson made a motion Council Enter Executive Session, Pursuant To Section 30-4-70 Of The South Carolina Code Of Laws 1976, As Amended, To Receive Legal Advice And A Briefing. Councilman Springs seconded the motion, which was approved unanimously.

Council entered executive session at 9:39 a.m. Council reconvened at 10:46 a.m.

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

### **COUNCIL MEETING ADJOURNED AT 10:46 A.M.**