

MARLBORO COUNTY COUNCIL

MARLBORO COUNTY COUNCIL CONFERENCE ROOM &

MARIAN WRIGHT EDELMAN PUBLIC LIBRARY CONFERENCE ROOM

TUESDAY, DECEMBER 14, 2010

6 PM

CHAIR	DR. CAROLYN PRINCE
VICE-CHAIR	RON MUNNERLYN
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
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\* Absent Ms. Corrie Plato called prior to the meeting to advise she had to be out of town and could not attend.

INVOCATION – Mr. Anthony Woods

Dr. Carolyn Prince, Chair recognized Ms. Jean McLean, District 1 Council member who will be leaving office at the end of December. Ms. McLean was presented a clock and a resolution was read recognizing the many years of service in which Ms. McLean served on Council and as Council Chair. Ms. McLean was advised the park in Wallace was to be named "The Jean Wallace McLean Recreation Park" in her honor. Ms. McLean thanked everyone and stated she appreciated it.

APPROVAL OF AGENDA ITEMS

No items were added to the agenda.

APPROVAL OF COUNCIL MINUTES - November 9, 2010

**Motion made by Mr. Anthony Woods, seconded by Ms. Jean Wallace McLean, to approve the minutes of November 9, 2010. Vote in favor. Unanimous. Motion Carried.**

PUBLIC HEARING

ORDINANCE # 679 – AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A SPECIAL SOURCE REVENUE CREDIT AGREEMENT BY AND BETWEEN MARLBORO COUNTY, SOUTH CAROLINA, AND DOMTAR PAPER COMPANY, LLC, ITS AFFILIATES AND ASSIGNS, TO PROVIDE FOR A SPECIAL SOURCE REVENUE CREDIT; TO PROVIDE FOR THE INCLUSION OF THE PROJECT IN A MULTI-COUNTY BUSINESS OR INDUSTRIAL PARK; AND OTHER RELATED MATTERS. – THIRD READING

Mr. Fred Nickoless questioned what the Ordinance was for.

No further comments were heard. The public hearing was closed.

OLD BUSINESS

ORDINANCE # 678 – AN ORDINANCE ESTABLISHING THE MARLBORO COUNTY CONSTRUCTION BOARD OF APPEALS – THIRD READING

Council was advised there would be eight members on the board, in which council was presented a list of potential board members in their packets. The board members were to be approved at the next council meeting in January.

**Motion made by Mr. Ron Munnerlyn, seconded by Mr. Steve Blackmon, to approve the third reading of Ordinance # 678 – An Ordinance establishing the Marlboro County Construction Board of Appeals. Vote in favor. Unanimous. Motion carried.**

ORDINANCE # 679 – AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A SPECIAL SOURCE REVENUE CREDIT AGREEMENT BY AND BETWEEN MARLBORO COUNTY, SOUTH CAROLINA, AND DOMTAR PAPER COMPANY, LLC, ITS AFFILIATES AND ASSIGNS, TO PROVIDE FOR A SPECIAL SOURCE REVENUE CREDIT; TO PROVIDE FOR THE INCLUSION OF THE PROJECT IN A MULTI-COUNTY BUSINESS OR INDUSTRIAL PARK; AND OTHER RELATED MATTERS. – THIRD READING

**Motion made by Mr. Anthony Woods, seconded by Ms. Jean Wallace McLean, to approve the third reading of Ordinance # 679 - An Ordinance authorizing the execution and delivery of a Special Source Revenue Credit Agreement by and between Marlboro County, South Carolina, and Domtar Paper Company, LLC, Its Affiliates and Assigns, to provide for a Special Source Revenue Credit; to provide for the inclusion of the project in a Multi-County Business or Industrial Park; and other related matters. Vote in favor. Unanimous. Motion carried.**

ORDINANCE # 680 – AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN MARLBORO COUNTY, SOUTH CAROLINA AND DOMTAR PAPER COMPANY, LLC, ITS AFFILIATES AND ASSIGNS, TO PROVIDE FOR FEE-IN-LIEU OF TAX INCENTIVE; TO PROVIDE FOR THE INCLUSION OF THE PROJECT IN A MULTI-COUNTY BUSINESS OR INDUSTRIAL PARK; AND OTHER RELATED MATTERS. – THIRD READING

**Motion made by Mr. Ron Munnerlyn, seconded by Mr. Anthony Woods, to approve the third reading of Ordinance # 680 – An Ordinance authorizing the execution and delivery of a Fee-in-Lieu of tax agreement by and between Marlboro County, South Carolina and Domtar Paper Company, LLC, Its Affiliates and Assigns, to provide for Fee-in-Lieu of tax incentive; to provide for the inclusion of the project in a Multi-County Business or Industrial Park; and other related matters. Vote in favor. Unanimous. Motion carried.**

#### NEW BUSINESS

ORDINANCE # 663A – AN ORDINANCE TO AMEND THE FRANCHISE AGREEMENT FOR THE COLLECTION AND DISPOSAL OF HOUSEHOLD SOLID WASTE – FIRST READING

Dr. Carolyn Prince, Chair advised the major changes to the agreement is allowing the company to bill on a monthly basis and to add a \$2.00 handling fee to the bills.

**Motion made by Mr. Willie Gladden, seconded by Mr. Steve Blackmon, to approve the first reading of Ordinance # 663A – An Ordinance to amend the franchise agreement for the collection and disposal of household solid waste. Vote in favor. Unanimous. Motion carried.**

RESOLUTION # 12-10-01 – A RESOLUTION AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BETWEEN MARLBORO COUNTY, SOUTH CAROLINA (“THE COUNTY”) AND DOMTAR PAPER COMPANY, LLC, ACTING FOR ITSELF OR AN AFFILIATE OR OTHER PROJECT SPONSOR (COLLECTIVELY, THE “COMPANY”), IN CONNECTION WITH THE EXPANSION OF CERTAIN MANUFACTURING FACILITIES IN THE COUNTY (THE “PROJECT”); (2) THE COUNTY TO COVENANT IN SUCH AGREEMENT TO ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO THE PROJECT; AND (3) OTHER MATTERS RELATING THERETO.

Mr. Sam Moses, special attorney for Marlboro County advised the Resolution is required for the fee in lieu.

**Motion made by Ms. Jean Wallace McLean, seconded by Mr. Anthony Woods, to approve Resolution # 12-10-01 – A Resolution authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement between Marlboro County, South Carolina (“The County”) and Domtar Paper Company, LLC, Acting for itself or an affiliate or other project sponsor (collectively, the “Company”), in connection with the expansion of certain manufacturing facilities in the county (the “Project”); (2) the County to covenant in such agreement to accept certain negotiated fees in lieu of *Ad Valorem* taxes with respect to the project; and (3) other matters relating thereto. Vote in favor. Unanimous. Motion carried.**

RESOLUTION # 12-10-02 – A RESOLUTION APPROVING THE BUDGET TRANSFER AS REQUESTED BY THE MARLBORO COUNTY ADMINISTRATOR.

Mr. Cecil Kimrey, County Administrator read and discussed the Resolution briefly. He advised the funds would be moved from an account in the Treasurer’s Office to each department as needed. The funds are to cover the elimination of two (2) furloughs in December and January (state law only allows ten furlough days per year) and the elimination of the five (5) additional furlough days in the fiscal year provided the Treasurer agrees with the transfer.

**Motion made by Mr. Steve Blackmon, seconded by Ms. Jean Wallace McLean to approve Resolution # 12-10-02 – A Resolution approving the budget transfer as requested by the Marlboro County Administrator. Vote in favor. Unanimous. Motion carried.**

APPROVAL OF ADDENDUM TO THE INMATE COMMISSARY CONTRACT DATED THE 5<sup>TH</sup> DAY OF OCTOBER, 2010 BETWEEN MARLBORO COUNTY, SOUTH CAROLINA AND SWANSON SERVICES CORPORATION.

The Addendum dated October 5, 2010 extends the Swanson Services contract dated September 2005 for a period of sixty (60) months, increases the contract commission percentage rate to 32% effective November 1, 2010, states that any unilateral decision by Marlboro County which adversely affects the population or the per capita spendable income of the residents (charges for room and board, or incoming money freezes, etc.) could require negotiation of a new commission rate and/or service option; and advised in all other respects the terms and conditions of the agreement shall continue unchanged and if full force and effect. Mr. Earl Hood, Warden was present to answer questions. He advised the funds from the commissary were used to offset the budget. The funds are used to provide items such as soap, shampoo, deodorant, etc. to inmates without funds. He advised the five year contract is a standard contract.

Mr. Willie Gladden questioned Mr. Hood about the inmates food which falls under a separate contract. Mr. Gladden stated he had spoken with inmates who work outside the detention center and was advised they only receive two (2) peanut butter sandwiches and chips to take with them for lunch. Mr. Gladden stated he did not believe this was sufficient food for them from 7:15 a.m. until 4:00 p.m. He advised he wanted an investigation into the

meals for the inmates. Mr. Hood advised the inmates were fed based on 2800 calories per day. They were provided with breakfast before leaving and fed dinner at 4 p.m. after returning. Mr. Gladden questioned the breakfast provided to employees and others the previous Friday and asked if this was also served to the inmates. Mr. Hood advised "No" the breakfast was not provided to the inmates. He advised the funds for the breakfast came out of his personal pocket. No county funds were used for the breakfast. Dr. Prince questioned the funds from the commissary and the pizza for super bowl. Mr. Hood advised the funds from the commissary were used for the inmates as required by law. They provided pizza for the inmates for the super bowl. Dr. Prince requested Mr. Hood obtain information from the other counties on the meals they serve their inmates.

**Motion made by Mr. Ron Munnerlyn, seconded by Mr. Anthony Woods, to approve the addendum of the Inmate Commissary Contract dated the 5<sup>th</sup> day of October, 2010 between Marlboro County, South Carolina and Swanson Services Corporation. Vote in favor: Ms. Jean Wallace McLean, Mr. Anthony Woods, Mr. Ron Munnerlyn, Dr. Carolyn Prince, Mr. Steve Blackmon, and Mr. Ken Allen. Opposed: Mr. Willie Gladden. Vote: 6/1/0. Motion carried.**

#### APPROVAL OF ARCHITECTS DESIGN FEES FOR FAMILY COURT

A proposal was received from Mr. Hal Fuller, F W Architects for design fees for Family Court. The total fees were \$16,000 with a breakdown which included: Design/Bid Award (80% of Fee) - \$12,800, and Construction Administration (20% of fee) – \$3,200. There is also a \$3000 additional fee for the existing survey. The funds will come from the bond money.

**Motion made by Ms. Jean Wallace McLean, seconded by Mr. Steve Blackmon, to approve the Architects design fees for Family Court. Vote in favor: Ms. Jean Wallace McLean, Mr. Anthony Woods, Mr. Ron Munnerlyn, Dr. Carolyn Prince, Mr. Steve Blackmon, and Mr. Ken Allen. Abstain: Mr. Willie Gladden. Vote: 6/0/1. Motion carried.**

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

No appointments were made.

#### REPORTS

##### COMMITTEE REPORTS

**Mr. Ron Munnerlyn, Economic Development Search Committee** – advised the committee had received forty-four applications and had interviewed four potential applicants. Mr. Munnerlyn advised the Committee wished to recommend Mr. Ron King of Bennettsville for the position of Economic Development Executive Director. He requested council vote on the recommendation.

**Motion made by Ms. Jean Wallace McLean, seconded by Mr. Anthony Woods to hire Mr. Ron King for the position of Economic Development Executive Director. Vote in favor. Unanimous. Motion carried.**

ADMINISTRATIVE/FINANCIAL REPORT – CECIL KIMREY, COUNTY ADMINISTRATOR

**Expenditures** – were at 38% of the budget through the end of November 2010 for the general fund budget. **Revenues** – were at 22% of the budget through the end of November 2010.

**Recognition of Employees** – employees with at least five years service through the end of November included: Billy Cheek, Jr. (19 years), Brittany English (8 years), Dorsa (DJ) Fox (5 years), Timothy McDuffie (7 years), Kenneth McLain (12 years), Channing Terry (6 years), and Willard Wallace, Jr. (8 years).

**Reminder** – The Christmas Drop-in was scheduled for December 15<sup>th</sup> at the Administration Building from 11:00 a.m. to 2:00 p.m.

**Enclosure** – a copy of the GASB-45 update was provided to Council Members with the Administrator's report.

**Rail line** – the county will proceed with placing the rail line in a Multi-County Park.

**I-95 Gateway** – Dillon County requested that Marion, Dillon, and Marlboro Counties construct a spec building at the I-95 Gateway Industrial Park.

**Land** – the county will submit an application to the FAA to purchase land so trees in the zones can be removed.

**Animal Control** – A positive meeting was held with the Humane Society. The county expects to have a good relationship with them. The Humane Society has offered to help the county to expand adoption hours and a broader range of services.

**Leave** – the county administrator advised he would like to take annual leave December 22, 23, and 29<sup>th</sup>. He also advised he would like to take a partial sick leave day on December 17, 2010.

**Lake** – DNR advised they intended to start lowering the boating area of Lake Paul Wallace beginning December 13<sup>th</sup>. The lake is expected to be drained for eight to twelve weeks.

**Bids** – a letter to Bonnie Ammons regarding the bids for Marlboro Water was provided to council with the Administrator's report.

**Chair** – Council was advised they needed to appoint a new Chairman for the Historical Preservation Commission.

RECOGNITION OF CITIZEN'S REQUEST BEFORE COUNCIL

**Mr. Belvin Sweatt** - advise eight or nine of their citizens were subpoenaed to go to Florence for a written speech of information and where they received their information concerning MRR and the proposed landfill. He stated it was determined they had not said anything detrimental against MRR.

Mr. Sweatt also discussed that Domtar is getting involved in the Biomass Industry in which they do not want. He requested council not to agree to biomass. He also discussed eucalyptus trees which come from New Zealand and said they do not want them in the county.

RECOGNITION OF COUNCIL MEMBERS

**Dr. Carolyn Prince, Chair** - thanked Domtar Officials, Ron Munnerlyn, county attorneys (Mr. Harry Easterling, Jr., Mr. Sam Moses, and Mr. Ray Jones) and Council for working together to finalize a possible Domtar expansion.

**Mr. Jean Wallace McLean** – stated she had enjoyed working with everyone, she was appreciative of the recognition she was given, and she wished Mr. Jason Steen (present) good luck.

**Mr. Ron Munnerlyn** – thanked Mr. Sidney Wallace and Mr. Cecil Kimrey for handling the complaints with animal control. He advised everyone (county, humane society, and veterinarian) had gotten together and seemed to be moving in the same direction. He advised he had spoken with Dr. Eades the previous evening and Dr. Eades was satisfied with the way things were going.

**Dr. Carolyn Prince, Chair** – in closing stated she wished to thank the Administrative Staff (Mr. Cecil Kimrey, Administrator, Ms. Susan Rivers, Clerk to Council, and Mr. Harry Easterling, Jr., County Attorney) for their hard work during the year. She also wished to thank Council Members for working together, they were a good group.

NON-AGENDA ITEMS

No agenda items were heard.

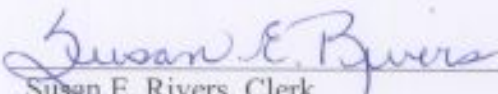
ADJOURN

No further discussion was heard. The meeting was adjourned

(SEAL)

  
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Chair  
Marlboro County Council

ATTEST:

  
\_\_\_\_\_  
Susan E. Rivers, Clerk  
Marlboro County Council

Date Adopted:            January 13, 2011