

MARLBORO COUNTY COUNCIL

MARLBORO COUNTY COUNCIL CONFERENCE ROOM &

MARIAN WRIGHT EDELMAN PUBLIC LIBRARY CONFERENCE ROOM

TUESDAY, NOVEMBER 9, 2010

4 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

INVOCATION – Mr. Anthony Woods

APPROVAL OF AGENDA ITEMS

Motion made by Ms. Jean Wallace McLean, seconded by Mr. Steve Blackmon, to accept the Agenda as proposed. Vote in favor: Ms. Jean Wallace McLean, Mr. Ron Munneryn, Dr. Carolyn Prince, Mr. Steve Blackmon, Mr. Willie Gladden, and Mr. Anthony Woods. Vote: 6/0/0 (Ms. Corrie Plato and Mr. Ken Allen were not present for vote). Motion carried.

EXECUTIVE SESSION – DISCUSSION OF MATTERS RELATING TO THE PROPOSED LOCATION, EXPANSION, OR THE PROVISION OF SERVICES ENCOURAGING LOCATION OR EXPANSION OF INDUSTRIES OR OTHER BUSINESSES IN THE AREA SERVED BY THE PUBLIC BODY.

Motion made by Ms. Steve Blackmon, seconded by Ms. Jean Wallace McLean, to enter into executive session for the discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body. Vote in favor: Ms. Jean Wallace McLean, Mr. Ron Munneryn, Dr. Carolyn Prince, Mr. Steve Blackmon, Mr.

Willie Gladden, and Mr. Anthony Woods. Vote: 6/0/0 (Ms. Corrie Plato and Mr. Ken Allen were not present for vote). Motion carried.

Ms. Corrie Plato joined the meeting during executive session.

Motion made by Mr. Ron Munnerlyn, seconded by Ms. Jean Wallace McLean, to leave executive session and re-enter open session in the conference room of the Marian Wright Edelman Public Library. Vote in favor: Ms. Jean Wallace McLean, Mr. Ron Munnerlyn, Dr. Carolyn Prince, Mr. Steve Blackmon, Mr. Willie Gladden, Ms. Corrie Plato and Mr. Anthony Woods. Vote: 7/0/0 (Mr. Ken Allen was not present for vote). Motion carried.

Mr. Ken Allen joined the meeting at the library prior to reconvening. The Meeting reconvened in the conference room of the Marian Wright Edelman Public Library at 6 p.m. Dr. Carolyn Prince, Chair advised no decisions had been made, no votes had been taken.

APPROVAL OF COUNCIL MINUTES - October 12, 2010

Dr. Carolyn Prince, Chair noted the correction of the county attorneys name in the minutes as Harry Easterling, Jr.

Motion made by Mr. Anthony Woods, seconded by Ms. Jean Wallace McLean, to approve the minutes of October 12, 2010 as amended. 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. – SECOND READING

The public hearing was postponed until the December 14, 2010 council meeting.

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. – SECOND READING

Mr. Ray Jones attorney representing Marlboro County with the Domtar agreement was recognized. Mr. Jones went over the basic terms of the agreement between Marlboro County and Domtar. He stated that Domtar will invest forty million dollars and in return they want Marlboro County to provide a fee in lieu of tax incentive with a 6% millage rate for a period of thirty years. The agreement will also include a special source revenue credit for a period of ten years at 35%. The final terms of the agreement will be presented at the next meeting.

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

OLD BUSINESS

ORDINANCE # 457C – AN ORDINANCE TO AMEND ORDINANCE # 457B SECTION 6C – CREATION OF THE MARLBORO COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP BOARD – THIRD READING.

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Anthony Woods, to approve the third reading of Ordinance # 457C – An ordinance to amend ordinance # 457B Section 6C – Creation of the Marlboro County Economic Development Partnership Board.. Vote in favor. Unanimous. Motion Carried.

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

Dr. Carolyn Prince, Chair advised the County Administrator is working on a list of persons qualified to serve on the board.

Motion made by Ms. Corrie Plato, seconded by Mr. Anthony Woods, to approve the second 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. – SECOND READING

Motion made by Mr. Steve Blackmon, seconded by Mr. Ron Munnerlyn, to approve the second 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. – SECOND READING

Motion made by Mr. Anthony Woods, seconded by Mr. Willie Gladden, to approve the second 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

APPROVAL OF BLENHEIM BROWNFIELD PROJECT

A proposal was received from Winyah Environmental, PC for professional geological services in support of the Brownfield project. The cost of \$2,500.00 included plan review, on-site field work oversight, data review, and final report review. Mr. Cecil Kimrey, County Administrator advised the county's portion of \$1,250.00 would be taken from the Recreation Budget.

Motion made by Mr. Anthony Woods, seconded by Ms. Jean Wallace McLean, to approve the proposal from Winyah Environmental, PC for the Blenheim Brownfield project and to provide \$1,250.00 for the project from the Recreation Budget. Vote in favor. Unanimous. Motion carried.

APPROVAL OF ADDENDUM TO THE INMATE COMMISSARY CONTRACT DATED THE 5TH 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. Harry Easterling, Jr., County Attorney advised the Detention Center brought it to the Administrator and recommended Council approve. He also advised the Service Provider wanted the addendum with the approval of the Sheriff. Council members wished to send the agreement to committee for further review.

Motion made by Mr. Willie Gladden, seconded by Ms. Corrie Plato, to table the addendum of the Inmate Commissary Contract dated the 5th day of October, 2010 between Marlboro County, South Carolina and Swanson Services Corporation until it could be reviewed by the appropriate committee. Vote in favor. Unanimous. Motion carried.

APPROVAL OF PARD APPLICATION

The Recreation Committee recommends the following projects for the PARD funds allotted:

- Metal Roof for concession stand & picnic shelter – Bennett Park
- Brightsville Picnic Shelter (if land is available)
- Metal picnic tables – Bennett Park, C W Love, & Brightsville
- Bleachers – Bennett Park & C W Love

Mr. Willie Gladden questioned the date of availability for the land in Brightsville. and stated he did not think the Brightsville area should have to wait. Mr. Cecil Kimrey, County Administrator advised he thought the land would not be available until June 2011 and other PARD funds would be available in four or five months. Mr. Gladden stated he did not agree and he did not want the Brightsville area put in line. Council instructed Mr. Kimrey to check on the status of the property.

Motion made by Mr. Anthony Woods, seconded by Mr. Willie Gladden to approve the recommendations of the Recreation Committee for the PARD funds dependent upon the stipulation on the terms of the agreement for the purchase of the property in Brightsville. Vote in favor. Unanimous. Motion carried.

ACCEPTANCE OF GRANT AWARD FROM NESAS FOR \$20,000.

A grant award in the amount of \$20,000 was given to Marlboro County by NESAS to improve the visibility and marketing ability of Marlboro County.

Motion made by Mr. Ron Munnerlyn, seconded by Ms. Corrie Plato, to approve the acceptance of the grant award from NESAS in the amount of \$20,000. Vote in favor. Unanimous. Motion carried.

APPROVAL OF AMERICAN FOREST MANAGEMENT, INC. PROPOSAL FOR SALE OF TIMBER.

Per Council request American Forest Management, Inc. was contacted by the County Administrator and County Attorney for a proposal for the potential timber sale on the Industrial Park tract which included sixty-two (62) acres of upland sites occupied by merchantable forest products. Mr. Fred Beck, American Forest Management, Inc. has advised there are some forested areas on the tract which are occupied by trees that are not merchantable. Their estimate for timber on the sites which were cruised were \$34,760. If hired they would handle the timber sale, market the sale by using sealed bids, furnish the contract, and monitor the logging activities for a 6% commission. Mr. Beck did advise there are two (2) boundary lines that should be located by a licensed surveyor with an estimate of \$1000 for location. Mr. Cecil Kimrey, County Administrator recommended proceeding with the sale of the timber. The funds from the sale will go back into Economic Development.

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Anthony Woods, to approve the acceptance of the proposal for sale of timber as submitted by American Forest Management, Inc. Vote in favor. Unanimous. Motion carried.

APPROVAL OF HOLIDAY SCHEDULE FOR FY 2011.

Mr. Cecil Kimrey, County Administrator advised the Clerk of Court and Treasurer's Office wished to close on January 3, 2011 in lieu of December 31st scheduled for other county offices.

Motion made by Ms. Jean Wallace McLean, seconded by Mr. Anthony Woods, to approve the holiday schedule for FY 2011 as presented with the exception of the Clerk of Court and Treasurer's Office which will have the option to close on January 3, 2011 for New Years. Vote in favor. Unanimous. Motion carried.

APPROVAL OF ARCHITECTS DESIGN FEES FOR FAMILY COURT

Council members were advised the Committee would meet on November 10th.

Motion made by Mr. Willie Gladden, seconded by Corrie Plato, to table the decision for the architects design fees for family court until the next council meeting for a report from the committee. Vote in favor. Unanimous. Motion carried.

OPENING & ACCEPTANCE OF BIDS

Marlboro Water Company/Bennettsville Interconnect & Pump Station – Bids received were: Dixon Construction Co., Inc. - \$156,045.42, Four \$ Construction Inc. - \$271,349.00, J & B Construction - \$288,508.00, RWF Construction LLC - \$297,862.40, and McArthur Construction Company - \$335,181.94. All bidders had the bid bond and acknowledged the addendum. The County Administrator advised he had received a request from Marlboro

Water Company requesting the decision for the bid be tabled due to incomplete information on the bids.

Motion made by Mr. Anthony Woods, seconded by Ms. Jean Wallace McLean to table the decision on the Marlboro Water Company/Bennettsville Interconnect & Pump Station Bid until further notice. Vote in favor. Unanimous. Motion carried.

APPOINTMENTS TO BOARDS AND COMMISSIONS

No appointments were made.

REPORTS

COMMITTEE REPORTS

Mr. Anthony Woods, Recreation - in the playoffs. An open Jamboree was to be held in Clio with the next one being planned next year in Blenheim.

Mr. Willie Gladden – stated he went to the game on Saturday where the Bulldogs beat Conway # 1. He said they would play Conway #2 later in the week.

ADMINISTRATIVE/FINANCIAL REPORT – CECIL KIMREY, COUNTY ADMINISTRATOR

Expenditures were at 31% through the end of October 2010 for the general fund budget. Revenues were at 11% through the end of September 2010.

Employee Recognition - employees with at least five years service through the end of October included: Lori Davis (7 years), John Grooms (10 years), Garry Harrington (5 years), Jessica Jones (7 years) Jerry Kendall (5 years), Sherry Odom (10 years), Patricia Starnes (13 years), and Earl Hood (23 years).

Christmas Drop In (s) – the Drop in is December 15th at the Administration Building from 11:00 a.m. to 2:00 p.m. and Marlboro Economic Development Partnership is December 9th from 3:30 p.m. to 5:30 p.m.

Image Campaign - the Image Committee expects to have information to present to council by the January Council Meeting.

Furloughs – the county cannot furlough employees more than ten days according to new state law. Therefore, I am recommending that November and December be the two months without furloughs. A resolution will be prepared to transfer funds for the December meeting. Council agreed employees would not be furloughed in December and January per state law.

Environmental – the Parker Poe bill for environmental services for September was \$30,019.91 and \$6,758.82.

Page Eight – November 9, 2010 Council Minutes

Funds – the county is applying for a Community EMS Assistance Program grant in the amount of \$9,725.26 with a \$556.02 match to be provided by Marlboro Rescue.

Delta – a notification letter from SCDHEC regarding the Delta site was enclosed in the council packet.

Turkey Shoot – the Kiwanis Club is having a Turkey Shoot at Lindsey Park. The club has liability insurance.

Library – the Civic Center would pay the final bills for the library and would be reimbursed when the donations come in.

RECOGNITION OF CITIZEN'S REQUEST BEFORE COUNCIL

Mr. Fred Nickoless – advised he would like the citizens to be kept up to date on the lawsuit with MRR. He questioned the decision for the hearing which was scheduled October 20th. He said the citizens do not know what is going on. Mr. Harry Easterling, Jr., County Attorney advised the meeting was cancelled and even though the citizens are not actually participating in the lawsuit, their attorney was advised of the hearing cancellation. Mr. Easterling also advised several of the Citizens were contacted. Dr. Carolyn Prince, Council Chair also advised that no decision had been made by the Judge for the hearing held in Florence in September.

RECOGNITION OF COUNCIL MEMBERS

Mr. Ron Munnerlyn – questioned the Delta site land and whether the county would lose the Fire Department Funds if the site is annexed into Chesterfield County for Fire protection.

Mr. Steve Blackmon – stated county employees had done wonderful during stressful times with the economy. He voiced his concerns that council needed to help more with the furloughs. Mr. Blackmon said he was made aware of the Treasurer's Office having an excess of \$85,000 in an account which the county needed to look into using the first of the year for the employees. Mr. Blackmon said he would like to see the employee furloughs cease and believes the county has the funds to do it.

Mr. Willie Gladden – questioned the status of the Norwood Acres water project. Mr. Cecil Kimrey, County Administrator advised he had contacted the Highway Department and was advised they are working on it.

Mr. Gladden questioned the status of the county Christmas float and wanted to make sure the county was given a good position in the parade. Mr. Kimrey advised it had been ordered. Mr. Gladden wanted to know about the position and after various discussion advised he would check on it. When questioned as to who would ride on the

Page Nine – November 9, 2010 Council Minutes

float, Mr. Gladden advised he wanted the council members to ride on it. Other council members stated they did not wish to ride on the float.

Dr. Carolyn Prince – advised she would like to share something that had happened at the High School earlier in the day. She stated one of the football players, Lateek Townsend was invited by Army to play in the 2011 All American Football game.

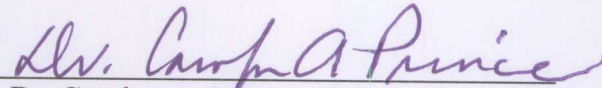
NON-AGENDA ITEMS

No agenda items were heard.

ADJOURN

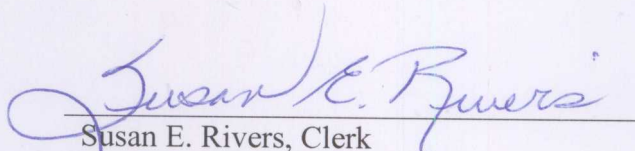
No further discussion was heard. The meeting was adjourned

(SEAL)



Dr. Carolyn A. Prince, Chair
Marlboro County Council

ATTEST:



Susan E. Rivers, Clerk
Marlboro County Council

Date Adopted: December 14, 2010