

MARLBORO COUNTY COUNCIL

MARLBORO COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP BUILDING

COUNCIL CHAMBERS

TUESDAY, APRIL 10, 2012

6 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
--	--

\* Absent

INVOCATION – Anthony Woods

APPROVAL OF AGENDA ITEMS

Added item under New Business as Item G. This item number is in reference to Senate Bill #947 – Lake Paul Wallace.

**Motion made by Dr. Carolyn Prince, seconded by Mr. Anthony Woods to approve the agenda items. Vote in favor. Unanimous. Motion carried.**

EXECUTIVE SESSION

**Motion made by Dr. Carolyn Prince, seconded by Mr. Willie Gladden to approve Executive Session for discussion of Economic Development Contractual Agreement. Vote in favor. Unanimous. Motion carried.**

Mr. Anthony Woods joined the meeting during the Executive Session.

**Motion made by Mr. Willie Gladden, seconded by Mr. Steve Blackmon to leave executive session and to re-enter open session. Vote in favor. Unanimous. Motion carried.**

APPROVAL OF COUNCIL MINUTES - March 13, 2012

Correction to page 4 – Ordinance #702 – Unsafe Abatement Code. This ordinance was tabled during the last Council Meeting. This is actually the first reading. However, per Mr. Munnerlyn will leave this ordinance under Old Business. Minutes were corrected accordingly.

**Motion made by Dr. Carolyn Prince, seconded by Ms. Corrie Plato to approve the minutes of March 13, 2012 with corrections as stated. Vote in favor: Unanimous. Motion Carried.**

PUBLIC HEARING

ORDINANCE # 702 – UNSAFE ABATEMENT CODE. THESE REGULATIONS SHALL BE KNOWN AS THE UNSAFE STRUCTURE ABATEMENT CODE OF MARLBORO COUNTY, HEREINAFTER REFERED TO AS “THIS CODE.” THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO ALL RESIDENTIAL AND NONRESIDENTIAL STRUCTURES AND CONSTITUTE MINIMUM SAFEGUARDS FOR STRUCTURES, AND FACILITIES FOR LIFE SAFETY, SAFETY FROM FIRE AND OTHER HAZARDS; THE RESPONSIBILITY OF OWNERS; THE OCCUPANCY OF EXISTING STRUCTURES, AND FOR ADMINISTRATION, ENFORCEMENT AND PENALTIES.

Mr. Ron Munnerlyn, Chairman advised Council this was dealing with derelict property and fire and safety hazards. Mr. Munnerlyn, Chairman asked Mr. Cecil Kimrey, County Administrator to give a report on what was found in regards to this ordinance. Mr. Kimrey stated that the recommendation was approved and then inquired the Clerk of Council if this item was approved by the Planning Commission on March 19, 2012. The Clerk of Council advised Council that this item was indeed approved. No further comments were made. The public hearing was closed.

OLD BUSINESS

ORDINANCE # 700 – AN ORDINANCE APPROVING THE ALLOCATION OF TEN PERCENT OF ALL REVENUE DERIVED FROM INCENTIVE AGREEMENTS BETWEEN MARLBORO COUNTY AND ONE OR MORE COMPANIES LOCATED WITHIN A MULTI-COUNTY INDUSTRIAL PARK TO THE MARLBORO COUNTY ECONOMIC DEVELOPMENT FUND; AND OTHER MATTERS RELATED THERETO.  
– THIRD READING



Mr. Ron Munnerlyn, Chairman advised Council this ordinance is a way to fund the activities of Economic Development. Mr. Munnerlyn asked Council if they were ready to approve the third reading of Ordinance #700.

**Motion made by Mr. Ken Allen, seconded by Dr. Carolyn Prince to approve the third reading of Ordinance # 700 - An Ordinance approving the allocation of ten percent of all revenue derived from incentive agreements between Marlboro County and one or more companies located within a Multi-County Industrial Park to the Marlboro County Economic Development Fund; and other matters related thereto. Vote in favor. Unanimous. Motion carried.**

ORDINANCE 701 – AN ORDINANCE TO AMEND THE AGREEMENT FOR DEVELOPMENT OF A MULTI-COUNTY INDUSTRIAL AND BUSINESS PARK BY AND BETWEEN DARLINGTON COUNTY AND MARLBORO COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK SO AS TO INCLUDE ADDITIONAL PROPERTY IN DARLINGTON COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK, AND OTHER MATTERS RELATING THERETO. – THIRD READING

Mr. Cecil Kimrey, County Administrator advised Council on this brief discussion that we would get an incentive of 1% for agreeing with this ordinance.

**Motion made by Mr. Jason Steen, seconded by Mr. Steve Blackmon, to approve the third reading of Ordinance # 701 - An Ordinance to amend the agreement for development of a Multi- County Industrial and Business Park by and between Darlington and Marlboro County, South Carolina, providing for the development of a jointly owned and operated Industrial/Business Park so as to include additional property in Darlington County as part of the joint county Industrial Park, and other matters relating thereto. Vote in favor. Unanimous. Motion carried.**

ORDINANCE # 702 – UNSAFE ABATEMENT CODE. THESE REGULATIONS SHALL BE KNOWN AS THE UNSAFE STRUCTURE ABATEMENT CODE OF MARLBORO COUNTY, HEREINAFTER REFERRED TO AS “THIS CODE.” THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO ALL RESIDENTIAL AND NONRESIDENTIAL STRUCTURES AND CONSTITUTE MINIMUM SAFEGUARDS FOR STRUCTURES, AND FACILITIES FOR LIFE SAFETY, SAFETY FROM FIRE AND OTHER HAZARDS, THE RESPONSIBILITY OF OWNERS; THE OCCUPANCY OF EXISTING STRUCTURES, AND FOR ADMINISTRATION, ENFORCEMENT AND PENALTIES. – FIRST READING

Mr. Ron Munnerlyn, Chairman stated that Ordinance #702 will be left under old business and listed as the first reading because the first discussion was tabled during the Council meeting on March 13, 2012. Mr. Munnerlyn addressed Council if there were any questions or discussion on this. Dr. Carolyn Prince asked if this ordinance was from another county. Mr. Harry Easterling, Jr. answered that this was from another county. Dr. Prince stated her



concerns about the authority of the Code official in terms of abuse due to problems in the past. Dr. Prince advised that a “checks and balance” should be in place. Mr. Harry Easterling, Jr., County Attorney informed Council that the Marlboro County Appeals Board has a number of experts to construe the actions of the officials. Mr. Munnerlyn stated that this is a code enforcement matter. However, the committee needs to meet and study this ordinance in depth before the next reading.

**Motion made by Dr. Carolyn Prince, seconded by Mr. Willie Gladden to approve the first reading of Ordinance # 702 – Unsafe Abatement Code. These regulations shall be known as The Unsafe Structure Abatement Code of Marlboro County, hereinafter referred to as “this code.” The provisions of this article shall apply to all residential and nonresidential structures and constitute minimum safeguards for structures, and facilities for life safety, safety from fire and other hazards; the responsibility of owners; the occupancy of existing structures, and for administration, enforcement and penalties.**

ORDINANCE 703 – LEASE AGREEMENT FOR A CONVENIENCE CENTER IN WALLACE, SC. THIS LEASE (“LEASE”) MADE AS OF MARCH 2012, BY AND BETWEEN THE COUNTY OF MARLBORO, A BODY POLITIC OF THE STATE OF SOUTH CAROLINA (THE “COUNTY”), AND PEE DEE ICE & FUEL, INC., P.O. BOX 1, CHERAW, SC 29520 (“PEE DEE ICE”), A SOUTH CAROLINA CORPORATION.” - SECOND READING

Mr. Ron Munnerlyn, Chairman asked Mr. Kimrey for any updates on Ordinance #703. Mr. Kimrey stated that the lease agreement is basically clear for the site on the County’s part. Mr. Kimrey advised Council that next month the County hopes to have the fence up. The County is currently advertising bids for the fence. In addition, the County has applied for grants in order to fund the purchase of placing the rock foundation. Mr. Kimrey further advised Council that the County is still looking for a permanent place to purchase. Mr. Munnerlyn noted to Council that this is a proactive move to serve our citizens.

**Motion made by Mr. Jason Steen, seconded by Mr. Anthony Woods, to approve the second reading of Ordinance # 703 – A lease agreement for a convenience center in Wallace, SC. This Lease (“Lease”) made as of March 2012, by and between the County of Marlboro, a body politic of the State of South Carolina (The “County”), and Pee Dee Ice & Fuel, Inc., P.O. Box 1, Cheraw, SC 29520 (“Pee Dee Ice”), A South Carolina Corporation.” Vote in favor. Unanimous. Motion carried.**

#### NEW BUSINESS

ORDINANCE #704 – AN ORDINANCE TO ADOPT THE ANNUAL BUDGET AND TO MAKE APPROPRIATIONS FOR MARLBORO COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013 – FIRST READING

Mr. Munnerlyn, Chairman advised Council that this was the first reading on Ordinance #704 and a copy of the budget was given. Mr. Kimrey, County Administrator stated to Council



that the County does not have enough revenue. For example, the Department of Motor Vehicles tax is declining; the County may need to make additional cuts. Mr. Kimrey advised that Council will need an hour prior to the next meeting in order to discuss this Ordinance in detail. Mr. Munnerlyn, Chairman stated that this is a process in order to get things started for the budget. Dr. Prince requested that if changes were made that individual sheets regarding the budget be administered instead of bulks of paper in order to conserve.

**Motion made by Dr. Carolyn Prince, seconded by Ms. Corrie Plato, to approve the first reading of Ordinance # 704 – An Ordinance to adopt the Annual Budget and to make appropriations for Marlboro County for the fiscal year beginning July 1, 2012 and ending June 30, 2013 Vote in favor. Unanimous. Motion carried.**

ORDINANCE #705 – AN ORDINANCE TO APPROVE THE CAPITAL IMPROVEMENT PLAN FOR MARLBORO COUNTY FOR THE PERIOD OF FY 2013 – FY 2017 – FIRST READING

Mr. Cecil Kimrey, County Administrator stated to Council that there is not very much in the Capital Improvement Plan due to lack of funds. Mr. Kimrey stated that at this current time, the County will not know according to the current projections.

**Motion made by Dr. Carolyn Prince, seconded by Mr. Steve Blackmon, to approve the first reading of Ordinance # 705 – An Ordinance to approve the Capital Improvement Plan for Marlboro County for the Period of FY 2013 – FY 2017. Vote in favor. Unanimous. Motion carried.**

ORDINANCE #706 – AN ORDINANCE AUTHORIZING MARLBORO COUNTY TO CONTINUE AN AGREEMENT WITH MARLBORO COUNTY RESCUE SQUAD PROVIDING PARAMEDIC LEVEL EMERGENCY SERVICE AND TRANSFER SERVICE THROUGHOUT MARLBORO COUNTY – FIRST READING

Mr. Cecil Kimrey, County Administrator advised Council that the agreement with Marlboro County Rescue Squad will go from a 1 - year agreement to a 3 - year agreement. Mr. Kimrey also stated that the money will be the same as last year's agreement.

**Motion made by Mr. Ken Allen, seconded by Mr. Jason Steen, to approve the first reading of Ordinance # 706 – An Ordinance authorizing Marlboro County to continue an agreement with Marlboro County Rescue Squad providing paramedic level emergency service and transfer service throughout Marlboro County. Vote in favor. Unanimous. Motion carried.**

JUBILEE FESTIVAL CARROLL FIELD PARK

Mr. Cecil Kimrey, County Administrator stated to Council that he did not have very much information about this. The festival was advertised in the *Marlboro Herald Advocate* without any details given to the County. Mr. Kimrey stated that the County has not received information about this festival from the Arts Council. Mr. Harry Easterling, Jr., County

Attorney advised Council that this event is covered by Ordinance #513 for the citizens to abide by and follow.

**Motion made by Mr. Ken Allen, seconded by Mr. Anthony Woods, to approve Jubilee Festival in Carroll Field Park as long as citizens follow the mandate for Ordinance #513. Vote in favor. Unanimous. Motion carried.**

APPROVAL OF CONTROL MANAGEMENT, INC. (CMI) AGREEMENT

Mr. Cecil Kimrey, Administrator advised Council that this is the second year for the Preventative Maintenance system for the library.

**Motion made by Dr. Carolyn Prince, seconded by Mr. Jason Steen, for approval of Control Management, Inc. (CMI) Agreement in regards to Preventative Maintenance for the Library. Vote in favor. Unanimous. Motion carried.**

ACCEPTANCE JAG GRANT

Mr. Cecil Kimrey, County Administrator advised Council that the County will get a \$12,127.00 JAG grant. However, the County must be compliant by January 1, 2013 of next year in regards to the narrowbanding. The amount of the SLED grant is \$34,072.92. The amounts are close to meeting the Sheriff department's requirements. Mr. Kimrey further advised that there is a severe fine if the County is not compliant by the date established.

**Motion made by Mr. Jason Steen, seconded by Mr. Ken Allen, for acceptance of JAG Grant. Vote in favor. Unanimous. Motion carried.**

SENATE BILL #947 – LAKE PAUL WALLACE

Council provided copies of the Subcommittee minutes from the Fish, Game and Forestry Committee meeting of Wednesday, March 28, 2012 in regards to Senate Bill #947 that was held in Columbia, SC. Cecil Kimrey, County Administrator and Councilman Jason Steen attended the hearing and testified with regards to the County's opposition to the Bill's provision that local government be required to fund staff and expenses for the proposed Lake Wallace Authority.

Councilman Steen and Administrator Kimrey stated that Senators Sheheen and Williams understood the financial burden and spoke on the County's behalf even before they could address the Subcommittee. Recognizing the County's opposition, the Senators debated and agreed to remove the funding requirement upon a motion by Senators Kent M. Williams and Vincent A. Sheheen.

Councilman Steen stated that after the meeting Senator Gerald Malloy was not pleased with the outcome, and confronted Mr. Steen. Senator Malloy stated that he was now controlling things for Marlboro County including grants such as the PARD recreation funds. Mr. Steen commented on how Senator Malloy stated he could stop Marlboro County's funding. Mr.



Steen further stated that Senator Gerald Malloy also threatened to have County Administrator Kimrey removed for appearing at the hearing.

Mr. Steen informed Council that Senator Malloy “really talked down to him and Mr. Kimrey”. Mr. Steen further stated that Senator Malloy’s demeanor was not very professional towards them and that the comments were made in front of a DNR staff member. Mr. Steen was concerned that Senator Malloy could “hurt” the County since Senator Malloy is a powerful man in the Senate.

Mr. Munnerlyn, Chairman stated that he applauded Senators Williams and Sheheen for their action. He also reiterated that several council members had offered their input to Senator Malloy in the year prior but were told by Senator Malloy that he did not need this input.

Mr. Kimrey and Mr. Steen informed Council that Mr. Kimrey had notified City Administrator Alderman but that there were no representatives of the City of Bennettsville present for the meeting.

Mr. Munnerlyn, Chairman stated the Senate Bill #947 – Lake Paul Wallace could raise the water bill for the water customers of the City of Bennettsville for the lake’s operation and that any requirements for funding by local government could raise taxes.

Mr. Steen stated that he received phone calls in regards to who controlled the funding for Lake Paul Wallace. Mr. Steen stated that he addressed Mr. Bill Kinney with the Marlboro-Herald Advocate about correcting a previous article in regards to who controls the funding. It was confirmed that the funding was controlled by the delegation and DNR and that the surplus should be geared toward fixing what the County has. However, Mr. Kinney did not honor Mr. Steen’s request for retraction.

Council inquired and discussed intensely about Lake Paul Wallace repairs, governmental guidelines, and recreational activities for the young citizens of Marlboro County in conjunction with the City of Bennettsville.

Council agreed to have a budget workshop and meeting on Monday, April 23, 2012. It was stated that an open invitation to the City of Bennettsville should also be extended in regards to the City paying half of the bill for the summer program at Lake Paul Wallace.

Council also agreed to have meetings televised in order for citizens to see what is exactly going on during the Council meetings.

**Motion made by Mr. Willie Gladden, seconded by Mr. Jason Steen, for discussions on Senate Bill #947- Lake Paul Wallace and other Council meetings to be televised on Channel 22 – Metrocast and placed on DVD. Vote in favor. Unanimous. Motion carried.**

OPENING & ACCEPTANCE OF BIDS

- A. Entrance Signs** - Mr. Cecil Kimrey, County Administrator advised the bids for entrance signs were advertised; however, there were no bids offered. No action was taken.
- B. Street Signs** – **4 S Sign & Supply, Inc.**, - (\$40,641.20), **IBIS Signs** – (\$19,805.00), **Burchette Sign Corporation** – (\$121,498.72), **M D Solutions** – (\$27,613.88), **Allmac Signs** – (\$25,668.40), **Custom Products Corp.**, (\$31,348.24), **Lightle Enterprises** – (\$28,725.80), **Rocal Inc.** – (\$24,153.60). Mr. Kimrey recommended acceptance of the lowest bid as presented by IBIS Signs. Mr. Kimrey informed Council that everyone had the same specifications. There were 3 fairly close bids. Mr. Kimrey stated that the County will receive a sample from the lowest bid. Mr. Munnerlyn, Chairman stated that the County is obligated to the lowest bid in addition to shipping and handling included for the sample.

**Motion made by Mr. Jason Steen seconded by, Mr. Steve Blackmon to approve sending samples and the bid as presented by IBIS Signs in the amount of \$19,805.00 for the Street signs. Vote in favor. Unanimous. Motion carried.**

- C. Graceland Project – Furr Grading & Paving** - (\$43,190.00), **Palmetto Corp of Conway** – (\$41,227.80), **Hudson Paving, Inc.** – (\$52,737.50), **Cherokee, Inc.**– (\$49,137.50). Mr. Kimrey advised Council that the County received 4 bids; however, he recommended the acceptance of the lowest bid as presented by Palmetto Corp.

**Motion made by Mr. Ken Allen, seconded by Dr. Carolyn Prince, to approve the bid as presented by Palmetto Corp. of Conway in the amount of \$41,227.80 for the Graceland Project. Vote in favor. Unanimous. Motion carried.**

- D. Boro Sewer Proposals – HPG and Company** - (\$4,760.00), **Alliance Consulting Engineers** – (\$28,400.00). Mr. Kimrey advised Council that the County received 2 bid proposals. He recommended the acceptance of the lowest bid as presented by HPG and Company.

**Motion made by Mr. Steve Blackmon, seconded by Mr. Jason Steen, to approve the bid as presented by HPG and Company in the amount of \$4,760.00 for the Boro Sewer Proposals. Vote in favor. Unanimous. Motion carried.**

- E. Marlboro County Rescue Radios – Amerizon Wireless-** (\$10,167.02), **Holzberg Communications** – (\$10,110.00), **Two Way Carolina**– (\$9,826.88). Mr. Kimrey advised Council that the County received 3 bid proposals; however, he advised Council that the Marlboro County Rescue recommended the acceptance of the bid as presented by Amerizon Wireless due to the type of charger – with grant approval.



**Motion made by Mr. Jason Steen, seconded by Mr. Willie Gladden, to approve the bid as presented by Amerizon Wireless in the amount of \$10,167.02 for the Marlboro County Rescue Radios. Vote in favor. Unanimous. Motion carried.**

### REPORTS

Mr. Ron King with Economic Development displayed a letter presentation on the TV monitor from Mr. Robb Kaufman. Mr. King read this letter of appreciation in regards to the probable economic, industrial growth due to the recent purchase of the former Ox Bodies plant in the Industrial Park. The letter spoke of employment plans and an expected 80% business expansion for the Bennettsville area in the next ten years.

### APPOINTMENT TO BOARDS AND COMMISSIONS.

#### Other Boards & Commissions

Mr. Anthony Woods nominated the appointment of Mr. Tim McCoy to the Parks & Recreation Commission for District #8.

**Motion made by Mr. Anthony Woods seconded by, Ms. Corrie Plato to approve Mr. Tim McCoy to the Parks & Recreation Commission for District #8. Vote in favor: Unanimous. Motion carried.**

### ADMINISTRATIVE/FINANCIAL REPORT – CECIL KIMREY, COUNTY ADMINISTRATOR

**Expenditure & Revenue** – report was provided to Council for the month ending March 2012. Expenditures were at 69% and revenue was at 66%.

**Employees with Five Years' Service** – Employees with at least five years service through the end of payroll March 24 and April 7, 2012 include: Judy McQueen, Annie R. Caulder, Robert Eskridge, Cathy Pearson, Lewis Cooper, William Freeman, Arthur Hamer, Warren McColl, Christopher Byers, Curtis McDuffie, Ann Polson, and Thomas Stevens.

**Historic Preservation Grant** – Marlboro County did not receive the Historic Preservation Grant for the Administration Building. There were limited funds, and the building is not on the Historic Registry.

**Budget Hearing** – The required budget hearing is scheduled for May 8, 2012 at 6:00 p.m.

**APHIS (Beaver Control Contract)** – with USDA is expected to increase from \$27,500.00 to \$31,250.00 per year.

**Septic Tank for New Hanger** – Cecil Kimrey, Marlboro County Administrator has provided a layout showing the septic tank for the new hanger. Talbert & Bright approved the location.

**JAG Grant** – The JAG Grant was proposed for narrowbanding requirements for radios.

**SLED Grant for Narrowbanding** – The County received a SLED grant in the amount of \$34,672.92 for narrowbanding.

**Letter Request for Office Space** – Angela Warren, Department of Corrections Intensive Supervision Officer provided a letter to Council requesting office space.

**Watson Property** – Watson property is in the process of being surveyed. As soon as this is completed, a draft offer for this land at the airport will be prepared.

**Landfill Expenditures** – The landfill expenditures to date are \$653,507.00.

**Fire Department's Equipment** – Financing the Fire Department's equipment is in the amount of \$180,000.00. The percentage and payments are listed as follows: At **2.35%** - 120 payments of **\$1,689.05**, At **3.250%** - 120 payments of **\$1,765.30**, Interest **2.350%** = **\$22,686.00**, Interest **3.250%** = **\$31,836.00**.

**DNA Testing for Inmates** – A final determination has not been made on required DNA testing for inmates committing designated crimes.

RECOGNITION OF CITIZEN'S REQUEST BEFORE COUNCIL:

**Mr. Belvin Sweatt** - congratulated Council on an excellent job and to continue encouraging the citizens of Marlboro County. Mr. Sweatt stated that many thought that the citizens of Marlboro County could not win the defamation suit, but we did win against MRR. He gave examples of neighboring counties such as Bishopville who won a 2.5 million dollar lawsuit in regards to their landfill dispute. He acknowledged Council as being a great staff and that our county should continue to welcome other industries like Wal-mart into our area.

RECOGNITION OF COUNCIL MEMBERS

**Mr. Anthony Woods** – Mr. Woods spoke of some areas holding elections for Council on April 10, 2012, and about the new baseball teams and new commissioner. Mr. Woods also suggested to Council member Mr. Gladden about forming a committee with the citizens in order to resolve some issues regarding Brightsville Park, in addition to making sure that Garry Harrington, Recreations Director is present for the meetings.

**Ms. Corrie Plato** – Ms. Plato spoke of a citizen who wanted to sell fried chicken and hotdogs in the park as a food vendor. Mr. Harry Easterling, County Attorney stated that Marlboro County's Ordinance #513 provides a step by step process for people who want to use the County Park as long as they follow the mandates of the Ordinance. If the vendor is setting up within city limits, then the vendor must retrieve a business license and follow the rules of DHEC. Once this information is gathered, the County is to give Ms. Plato a copy of the information.