MARLBORO COUNTY COUNCIL

MARLBORO COUNTY CONFERENCE ROOM

TUESDAY, JULY 14, 2009 6 PM

CHAIRMAN	DR. CAROLYN PRINCE
VICE-CHAIR	CORRIE PLATO
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

* ABSENT

INVOCATION – Dr. Carolyn Prince

APPROVAL OF AGENDA ITEMS

Staff & Council Chair requested the following changes and additions to the agenda:

New Business

Dr. Carolyn Prince, Chair advised an executive session was needed at the end of the meeting as **Item 11** an Executive Session for discussion of pending legal litigation.

Motion made by Mr. Anthony Woods, seconded by Ms. Jean Wallace McLean to add an executive session as item 11 – pending legal litigation. Vote in favor. Unanimous. Motion carried.

Item b. Ordinance # 662 – Fire Study. 1st Reading (Temporary Title Only).

Item h. Amend Resolution # 07-09-06 with corrected amounts of $13,000 for request for Clerk of Court and $1000 for County Treasurer.

Motion made by Ms. Corrie Plato, seconded by Mr. Anthony Woods to amend the agenda with the following additions and corrections under New Business: Item b – add temporary title (first reading by title only) as Ordinance # 662 – Fire Study Vote in favor. Unanimous. Motion carried.

Dr. Carolyn Prince, Chair advised an executive session was needed at the end of the meeting as **Item 11** an Executive Session for discussion of non-pending legal litigation.

Motion made by Mr. Anthony Woods, seconded by Ms. Jean Wallace McLean to add an executive session as item 11 –non-pending legal litigation. Vote in favor. Unanimous. Motion carried.

APPROVAL OF MINUTES

JUNE 1, 2009

Motion made by Mr. Anthony Woods, seconded by Ms. Corrie Plato to approve the minutes for June 1, 2009. Vote in favor. Unanimous. Motion carried.

JUNE 9, 2009

Motion made by Mr. Ron Munnerlyn, seconded by Ms. Jean Wallace McLean to approve the minutes for June 9, 2009. Vote in favor. Unanimous. Motion carried.

JUNE 11, 2009

Ms. Jean Wallace McLean advised she was not present for the June 11, 2009 meeting. She advised of an error on page three, paragraph 4 which included her name in a council vote. The minutes were corrected.

Motion made by Mr. Steve Blackmon, seconded by Ms. Corrie Plate to approve the minutes for June 11, 2009 as corrected. Vote in favor: Mr. Steve Blackmon, Mr. Ron Munnerlyn, Mr. Willie Gladden, Mr. Ken Allen, Mr. Anthony Woods, Ms. Corrie Plato, and Dr. Carolyn Prince. Abstain: Ms. Jean Wallace McLean (not present for meeting). Vote: 7/0/1. Motion carried.

PRESENTATIONS

Mr. Chuck Black, Fire Departments - addressed Council in reference to the Fire Study meeting held between Council members and the various fire departments. He thanked council for conducting the ISO meeting and requested the fire departments be given time to review the study as presented by Mr. Ken Askins before meeting again with council in August to discuss. He advised they were in agreement with a lot of what they had already seen, but, would like to review the document in detail before

having additional conversation with council. Dr. Prince advised by looking at the agenda council is showing their committee to working with the rural fire departments by creating the fire committee. She advised Mr. Black that when the fire departments got together if they had any recommendations as to how the fire committee should be structured – to give it to Mr. Kimrey so council and the fire departments could work together.

PUBLIC HEARING

RURAL DEVELOPMENT PROJECT CONSISTING GENERALLY OF PURCHASING NEW VEHICLES FOR THE SHERIFF'S OFFICE, DETENTION CENTER, LITTER CONTROL AND ECONOMIC DEVELOPMENT USING RDA GRANT FUNDS.

No comments were heard.

The Public Hearing was closed.

OLD BUSINESS

ORDINANCE # 655 – AN ORDINANCE TO ADOPT THE CAPITAL IMPROVEMENT PLAN FOR MARLBORO COUNTY FOR THE PERIOD OF FY 2010 – FY 2014. – THIRD READING

Motion made by Mr. Ron Munnerlyn, seconded by Ms. Jean Wallace McLean to approve the third reading of Ordinance # 655 – An Ordinance to adopt the capital improvement plan for Marlboro County for the period of FY 2010 – FY 2014. Vote in favor. Unanimous. Motion carried.

ORDINANCE # 660 – AN ORDINANCE TO POSTPONE THE IMPLEMENTATION REVISED VALUES RESULTING FROM THE EQUALIZATION PROGRAM (REASSESSMENT) – SECOND READING.

Motion made by Ms. Jean Wallace McLean, seconded by Ms. Corrie Plato to approve the second reading of Ordinance # 660 – An Ordinance to postpone the implementation revised values resulting from the equalization program (reassessment). Vote in favor. Unanimous. Motion carried.

ORDINANCE # 657 – AN ORDINANCE AUTHORIZING THE EXECUTION OF AN OPTION FOR SALE OF THE PROPERTY KNOWN AS THE MARLBORO COUNTY SPECULATIVE BUILDING AND A SECOND PARCEL TO AQUA SKY, LLC – REVISITED

Mr. Ron Munnerlyn advised at the last meeting he had offered an amendment in which the prospect had to be bound to a number of jobs and/or capital investment in order to

purchase the property which caused a problem with the prospect. Mr. Munnerlyn stated council had a lot of information flowing at them at that time. He said since that time he along with Dr. Carolyn Prince, Mr. Cecil Kimrey, and Mr. Butch Mills visited with the prospect and was very impressed and felt like they were a strong company. Mr. Munnerlyn advised based on that subjective opinions along with these options which require them to pay pretty much the full price of the property, he would offer as the person who made the amendment the recommendation that council reconsider and remove the amendment which would mean the Original Ordinance would allow him to purchase the property as stated in the agreement with no specific requirements of job requirements or capital investments.

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Anthony Woods to revisit Ordinance # 657 – An Ordinance authorizing the execution of an option for sale of the property known as the Marlboro County Speculative Building and a second parcel to Aqua Sky, LLC. Vote in favor. Unanimous. Motion carried.

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Steve Blackmon to reconsider and remove the restricted language for Ordinance # 657 – An Ordinance authorizing the execution of an option for sale of the property known as the Marlboro County Speculative Building and a second parcel to Aqua Sky, LLC. Vote in favor. Unanimous. Motion carried.

ORDINANCE # 658 – AN ORDINANCE AUTHORIZING THE EXECUTION OF AN OPTION FOR SALE OF THE INDUSTRIAL PROPERTY ADJACENT TO THE PROPERTY KNOWN AS THE MARLBORO COUNTY SPECULATIVE BUILDING PARCEL TO AQUA SKY, LLC. – REVISITED.

Mr. Ron Munnerlyn stated he also wished to revisit Ordinance # 658 for the same reasons as Ordinance # 657.

Motion made by Mr. Steve Blackmon, seconded by Mr. Anthony Woods to revisit Ordinance # 658 – An Ordinance authorizing the execution of an option for sale of the industrial property adjacent to the property known as the Marlboro County Speculative Building parcel to Aqua Sky, LLC. Vote in favor. Unanimous. Motion carried.

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Anthony Woods to reconsider and remove the restricted language for Ordinance # 658 – An Ordinance authorizing the execution of an option for sale of the industrial property adjacent to the property known as the Marlboro County Speculative Building parcel to Aqua Sky, LLC. Vote in favor. Unanimous. Motion carried.

PROPOSAL FOR CLERK OF COURT VAULT EXPANSION

The estimated cost for the expansion was $250,000 - $300,000. Dr. Carolyn Prince, Chair advised at the last meeting the architects agreed to do the design and prepare for the bid for $18,900. Once the bid is prepared it goes to committee and then council. Council was requested to approve the $18,900 proposal for design and preparation of bid.

Motion made by Mr. Steve Blackmon, seconded by Mr. Ron Munnerlyn, to accept the proposal of $18,900 for the Clerk of Court Vault expansion. Vote in favor. Unanimous. Motion carried

NEW BUSINESS

ORDINANCE # 661 – AN ORDINANCE AUTHORIZING MARLBORO COUNTY TO CONTINUE AN AGREEMENT WITH THE MARLBORO COUNTY RESCUE SQUAD PROVIDING PARAMEDIC LEVEL EMERGENCY SERVICE AND TRANSFER SERVICE THROUGHOUT MARLBORO COUNTY – FIRST READING.

Mr. Cecil Kimrey requested the appropriate committee review the agreement before the next council meeting. He advised the agreement is the same as past years.

Motion made by Mr. Anthony Woods, seconded by Mr. Ken Allen, to approve the first reading of Ordinance # 661 – An Ordinance authorizing Marlboro County to continue an agreement with the Marlboro County Rescue Squad providing paramedic level emergency service and transfer service throughout Marlboro County. Vote in favor. Unanimous. Motion carried.

ORDINANCE # 662 – FIRE STUDY – FIRST READING (TEMPORARY TITLE ONLY)

Dr. Carolyn Prince, Chair previously it had been questioned whether the county had established a fire committee. After review by the Clerk to Council it was noted as part of another document it was stated that a fire committee should be established. Dr. Prince advised per legal advice, council is making it an ordinance – they are working with the fire chiefs to recommend a structure for approval as to how the fire committee will be set up as far as members, what it will cover and to set up bylaws. This item was placed on the agenda to show the fire departments council is doing the right thing and doing it in an orderly process.

Motion made by Mr. Ron Munnerlyn, seconded by Ms. Jean Wallace McLean, to approve the first reading (Temporary Title Only) of Ordinance # 662 – Fire Study. Vote in favor. Unanimous. Motion Only.

RESOLUTION # 07-09-01– A RESOLUTION ESTABLISHING THE MILLAGE RATES FOR FISCAL YEAR 2009 – 2010.

Mr. Cecil Kimrey, County Administrator advised includes a 3.8% millage increase which will be offset by the Sales Tax Credit Factor. He advised there is enough in reserve to offset the increase.

Motion made by Ms. Jean Wallace McLean, seconded by Ms. Corrie Plato to approve the acceptance of Resolution # 07-09-01 – A Resolution establishing the millage rates for fiscal year 2009-2010. Vote in favor. Unanimous. Motion carried.

RESOLUTION # 07-09-02 – A RESOLUTION TO ACCEPT THE FY 2010 WASTE TIRE/AUTOMOBILE DISMANTLER RECYCLING GRANT IN THE AMOUNT OF $7,000.

Motion made by Mr. Anthony Woods, seconded by Mr. Steve Blackmon, to approve the acceptance of Resolution # 07-09-02– A Resolution to accept the FY 2010 Waste Tire/Automobile Dismantler Recycling Grant in the amount of $7,000. Vote in favor. Unanimous. Motion carried.

RESOLUTION # 07-09-03 – A RESOLUTION ACCEPTING THE FY 2009 RECOVERY ACT JAG PROGRAM GRANT (JAG) - $79,644.

Motion made by Mr. Ken Allen, seconded by Mr. Anthony Woods to approve Resolution # 07-09-03 – A Resolution accepting the FY 2009 Recovery Act JAG Program Grant (JAG) - $79,644. Vote in favor. Unanimous. Motion carried.

RESOLUTION # 07-09-04 – A RESOLUTION APPROVING THE PROGRAM INCOME PLAN – MARLBORO COUNTY CDBG PROGRAM INCOME PLAN.

Mr. Cecil Kimrey, County Administrator advised the program had strict conditions which must qualify under CDBG such as Wallace Water lines, etc. Projects must meet all CDBG criteria.

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Anthony Woods to approve Resolution # 07-09-04 – A Resolution approving the Program Income Plan – Marlboro County CDBG Program Income Plan. Vote in favor. Unanimous. Motion carried.

RESOLUTION # 07-09-05 – A RESOLUTION TO ACCEPT THE FY 2010 USED OIL GRANT IN THE AMOUNT OF $1,500.00.

Motion made by Ms. Corrie Plato, seconded by Ms. Jean Wallace McLean to approve Resolution # 07-09-05 – A Resolution to accept the FY 2010 Used Oil Grant in the amount of $1,500.00. Vote in favor. Unanimous. Motion carried.

RESOLUTION # 07-09-06 – A RESOLUTION APPROVING THE BUDGET TRANSFERS AS REQUESTED BY THE MARLBORO COUNTY ADMINISTRATIOR FOR FISCAL YEAR 2008/2009.

Mr. Cecil Kimrey, County Administrator advised the funds would be transferred from property insurance to both accounts.

Motion made by Mr. Ken Allen, seconded by Ms. Corrie Plato to approve Resolution # 07-09-06 – A Resolution approving the budget transfers as requested by the Marlboro County Administrator for Fiscal Year 2008/2009. Vote in favor. Unanimous. Motion carried.

FIRE RESERVE FUNDS

Dr. Carolyn Prince, Chair advised that Blenheim Fire Department had received $20,000 for their building and McColl Fire Department had received $40,784.40. She stated Marlboro County needed to honor their commitment of $45,000 to the rural fire departments without strings attached. Mr. Ken Allen stated that in the future the county needed to do more auditing on what the funds were actually spent on, not just hand it out. Council members agreed the rural Fire Departments needed to be brought up to the $45,000 standard. Mr. Steve Blackmon wanted to clarify that the $20,000 Blenheim Fire Department received was emergency funds which were needed. It was agreed that in the future funds would be disbursed on need. It was recommended the funds be sent to the fire departments the following week. It was noted the county already has an employee on staff in training as the county fire marshal, Mr. Dwayne Byers.

Motion made by Mr. Anthony Woods, seconded by Ms. Jean Wallace McLean to honor Marlboro County's commitment of $45,000 standard to the rural fire departments. Vote in favor. Unanimous. Motion carried.

COUNTY ATTORNEY RE-APPOINTMENT

The Administrative/Finance & Personnel Committee recommended the re-appointment of Mr. Harry Easterling, Jr. as the attorney until the regular council meeting January 2010 to get on a yearly cycle.

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Willie Gladden approve the re-appointment of Mr. Harry Easterling, Jr. as the county attorney until the regular meeting January 2010. Vote in favor. Unanimous. Motion carried.

DISCUSSION OF INDUSTRIAL PARK PURCHASE

Dr. Carolyn Prince advised it was recommended the county purchase property adjacent to the industrial park. Mr. Harry Easterling, County Attorney advised he had

examined the title for the proposed additional property the county wished to purchase in the industrial park and determined that the University had a greater interest than previously thought. He advised he had sent a letter to them advising they did have a greater interest enclosing all the information. He stated he gave them a whole lot of reasons why the county can not pay a whole lot for the property. He advised Mr. Kimrey became involved and talked with the owners. It is their current understanding the university will raise the price on the additional interest approximately $217 as opposed to $20,000. He stated he needed a motion to pay the additional funds for the property of interest owned for University. Mr. Butch Mills, Economic Development Director was present and advised he had received information earlier in the day which was relevant to the matter. He advised the application from NESA was approved for matching funds on dollar for dollar basis up to $30,000. Mr. Kimrey Clarified by stating the county had to send $30,000 to NESA to get $60,000 back.

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Anthony Woods to authorize the purchase of the additional property of interest owned by the University upon the terms as worked out by staff up to $5000. Vote in favor. Unanimous. Motion carried.

DISCUSSION OF CONTINUING & GRANTS WITH NO MATCH

Mr. Ron Munnerlyn advised it was the Administrative/Finance & Personnel Committee's recommendation to give the Administrator and Council Chair the authority to accept grants with no match and which do not cost the county anything and with the budgeted match funds available.

Motion made by Mr. Willie Gladden, seconded by Ms. Jean Wallace McLean to authorize the County Administrator and Council Chair the authority to accept continuing & grants with no cash match. Vote in favor. Unanimous. Motion carried.

DISCUSSION OF STATE BUDGET AND CONTROL BOARD LOCAL GOVERNMENT GRANT FOR MARLBORO COUNTY/WALLACE WATER COMPANY – DIXON CONSTRUCTION.

Mr. Cecil Kimrey, County Administrator advised Wallace Water had two (2) grants for two projects – one which was not completed because of the developer, was unable to complete the other because of shortage of funds – requested transferring the funds from the project not completed because of the developer to the other project.

Motion made by Mr. Anthony Woods, seconded by Mr. Ken Allen to approve Wallace Water Company's request to transfer funds from one project to the other. Vote in favor. Unanimous. Motion carried.

CONSIDERATION OF MEMORANDUM OF AGREEMENT FOR DETENTION OF JUVENILES BETWEEN MARLBORO COUNTY AND THE S.C. DEPARTMENT OF JUVENILE JUSTICE AND AUTHORIZING SIGNATURE THEREOF.

Motion made by Mr. Anthony Woods, seconded by Mr. Steve Blackmon, to approve the memorandum of agreement for detention of juveniles between Marlboro County and the S.C. Department of Juvenile Justice and authorizing signature thereof. Vote in favor. Unanimous. Motion carried.

APPOINTMENTS TO BOARDS & COMMISSIONS

Dr. Carolyn Prince referred to a memo concerning the board appointments for both the Planning Commission and the Board of Zoning Appeals, noting the vacancies and new appointments for each board. Once appointments are made, staff will make plans for Pee Dee COG to provide the 6 hours (2 nights/3 hours) of certification as well as the continuing ed training which is required each year. Mr. Bob Eskridge of Planning & Zoning had advised there is an item which will come before the Board of Zoning Appeals for consideration, however, it cannot be done until council has five additional board members trained. The clerk will contact Pee Dee COG to obtain a potential date in late August or mid September to allow council time to make appointments.

Mr. Willie Gladden questioned whether the county could pay the board members on the Planning Commission Board and the Board of Zoning & Appeals for going to training. After various conversation concerning paying for training, it was stated that it should be discussed further in another workshop. Dr. Carolyn Prince, Chair requested the administrator to survey other counties to see how they handle appointments to these boards. She asked council to make thoughtful consideration to who they appoint to the Board of Zoning Appeals because county council has no control or intervention on those decisions – if it is contested by the person making the appeal – it goes to circuit court. She requested council be prepared to make appointments in August.

Mr. Willie Gladden advised he would like council to also take into consideration the training which the fire departments have to receive. He questioned the number of hours each year – Mr. Chuck Black advised 280 hours. Mr. Gladden advised he asked because in a discussion with one of the fire members, they go to training and receive nothing for gas, etc. He believes a budget should be set up to pay for transportation. Council agreed to discuss in a workshop.

Mr. Ron Munnerlyn referred to a letter of resignation received from Mr. Hubert Meggs on June 23, 2009 from the Economic Development Partnership Board. He requested a letter be sent to Mr. Meggs thanking him for his service and also a letter be sent to the legislative delegation requesting an appointment for the vacancy on the Economic Development Board left by Mr. Hubert Meggs resignation.

REPORTS

COMMITTEE REPORTS

Ms. Corrie Plato, Pee Dee Cog Board – advised she had attended a meeting the previous evening, July 13, 2009. She stated Ms. Tyner had advised the stimulus funds to continue their summer domestic program had been cut. They are at 15% reduction in their adult, 15% reduction youth program, and 38% reduction on the dislocated workers. In all the program was cut over one million dollars – it went to other states. Ms. Plato advised Mr. Phil Goff said there are approximately $700 to $9000 in stimulus funds to put out evenly through the various counties for energy efficiency and could possibly be used for the library – must be an energy efficient upgrade. Ms. Plato advised there are several active projects including Marlboro County's Hwy 385 water project and the City of Bennettsville's "Paint the Town".

Mr. Ron Munnerlyn, Public Service & Public Safety Committee – advised the architects are moving forward with the analysis of the Administration Building.

Mr. Anthony Woods, Recreation Committee – advised his committee would schedule a meeting in August to include the Recreation Commission, Mr. Gary Harrington, and Mr. Thomas Stevens. He advised the recreation activities are in low mode from now until August. The fall sports are going to be very tight with the sponsorships. He stated they needed to find some way of generating some revenue. He stated changing the times games are played may be a possibility. He discussed PARD funds and how they can be used. Ms. Jean Wallace requested to have the property in Wallace cut even though they cannot doing anything else to it to interfere with the grant funds. Mr. Cecil Kimrey requested the Recreation Committee come up with long range plans. Mr. Willie Gladden questioned plans for the Brightsville Area, he stated they needed to be first on the list – Mr. Anthony Woods advised the county cannot do anything unless the county owns the land.

Dr. Carolyn Prince – referred to a letter received from the Voter's Registration Office requesting improvements and repairs to the new office they will be occupying on Marlboro Street. She requested Mr. Willie Gladden and the building committee work with them to work up the total costs. Mr. Gladden advised he had also advised Ms. Phyllis Hagan, Voter's Registration Director that he needed information in writing.

Mr. Tim Brown, Marian Wright Edelman Library. Mr. Brown advised a meeting had been held June 25th to meet the requirements under the performance bond – required to meeting the contractor, owner, bonding company (via phone), and architects. He advised the group had spent a lot of time discussing change order number three where at the last council meeting, council had voted for 86 additional days for debris removal for the contractor of which the architects recommended. He advised the contractor Mungo wanted 101 days and when they were given the executed change order they did not approve of the 86 days – advised new change order number four with compromise

requesting 94 days. Mr. Brown recommended giving the 94 days, if council does not, the contractor will file a claim which would stall the project and take longer than the additional 8 days. Mr. Harry Easterling Jr., County Attorney advised he had discussed the situation with the contractor's Attorney, Mr. Jackson – said it is only 8 days, everything else is governed by the contract. He advised Mr. Harry Easterling, Sr. was also in agreement with the 8 days if it would get the job done. Mr. Brown advised if they are given the 94 days it moves the deadline date to October 26th, if they miss the deadline date they will be $500 per day default in liquidated damages. They would have no other excuses. Mr. Willie Gladden advised he thought the original completion date was July 17th. He stated he could not see the 8 days helping them.

Mr. Brown updated council on the current status of the project. He advised the total invoices to-date were $2,273,515.78 – with stored materials of $578,298.00. He advised if you removed the stored materials, the total actual payments for construction total $1,686,217.68. Mr. Brown advised based on the figures, a total of 44% of the project is complete. He stated it took fifteen months to get to 44%, he did not see how they could complete the balance of 56% before October 26th.

Motion made by Mr. Ron Munnerlyn, seconded by Ms. Jean Wallace McLean to approve change order number four for the library project allowing for the additional 8 days for a total of 94 days. Vote in favor: Mr. Steve Blackmon, Mr. Ron Munnerlyn, Ms. Jean Wallace McLean, Mr. Ken Allen, Mr. Anthony Woods, and Ms. Corrie Plato. Opposed: Mr. Willie Gladden and Dr. Carolyn Prince. Vote: 6/2/0. Motion Carried.

Mr. Tim Brown, Sheriff/Magistrate Complex – request approval of Change Order No. Four for Sheriff/Magistrate Complex – a change order was submitted which included the following changes: Labor and material to provide voice/data cable at Office Complex - $22,335.00, Furnish and install 6 electric hand dryers - $4,510.00, Furnish and install two bells and two panic buttons (does not include $20.00 per month maintenance fee) - $1,375.00, Add door, frame and hardware to Jury Room Two - $935.00, and add wire and OSB to interior walls at drug evidence room - $635.00. Total changes of Change Order is $29,790.00 bringing total of contract to $1,231,325.00.

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Willie Gladden to approve Change Order No. Four for Sheriff/Magistrate Complex. Vote in favor. Unanimous. Motion carried.

Mr. Brown advised the building was moving ahead of schedule by approximately seven weeks. The additional three acres had been purchased adjacent to the Detention Center and Justice Complex. He advised he had met with the engineer that had designed the parking lots for the Justice Complex, and they along with the contractor have come up with a drawing for additional parking and road on the other side. He

advised he had spoken with Mr. Crow, Marlboro County Transportation Committee – the committee will be meeting to see if they can assist with the additional parking.

Mr. Brown advised he has received a letter from the contractor requesting the county reduce the funds retained as stated in the contract (states the county will retain 10% of the earned monies throughout the project). However, it states under the contractor's pay request the county will hold 10% retainage as the work progresses. It also says the county "will" release retainage on major portions of the work when the work has been completed and accepted as being in conformance with the contract documents, etc. Mr. Brown stated this is a very subjective way of releasing retainage in which he is not comfortable with doing it this way and he has advised the contractor of his feelings. He advised he would be more comfortable following a standard AIA Contract clause which states that when the contract is 50% complete, the county will not hold any more retainage after that point unless you have problems. Mr. Brown advised the property is more than 50% complete. Mr. Brown advised the county is withholding $61,500 (estimated) at present and recommended not withholding any future funds unless a problem occurs. Mr. Harry Easterling recommended amending the contract to reflect the change.

Motion made by Mr. Ken Allen, seconded by Mr. Willie Gladden to authorize staff to amend the contract to reflect to change for the county not retaining funds in the future. Vote in favor. Unanimous.

ADMINISTRATIVE/FINANCIAL REPORT – CECIL KIMREY, COUNTY ADMINISTRATOR

Employee Recognition – the following employees were recognized with five or more years of service to Marlboro County through the month of June: Tonya Jackson, Yvonne Frazier, Denise Patrick, Katherine Leggett, Carol Lily, Jackie Purvis, Lashawn Wheeler, Teresa Woods, and Nehemiah Williams.

Expenditures - were at 93% for the general fund through June of the total budget, Revenue is at 85 % of the budgeted amounts through May. He advised the figures were tentative – did not include all of June's revenues.

Swimming Permits – Representative Jennings requested the county obtain swimming permits from SCDHEC for Lake Paul Wallace.

CDC – the county administrator with the approval of Dr. Carolyn Prince, Chair of Council issued an executive order designating the CDC (Community Development Corporation of Marlboro County) as the entity to apply to Health and Human Services to build it's capacity in outreach to community based on non-profits and assist them in working with low-to-moderate income citizens. This was necessary to meet the application deadline.

Brightsville – SCDOT will install the signs as requested.

Employee Furloughs – the first employee furlough was scheduled for July 17, 2009.

Railroad Taxes – Aberdeen and Rockfish has always paid the property taxes. Since the taxes have increased substantially, they are now requesting the county pay the taxes as required by the agreement. They have agreed to pay the taxes due and subtract the appropriate amount from the annual amount.

PARD – A total of $47,336.96 has to be spent in PARD funds by October 31, 2010 and $22,078.70 by May 31, 2011. McColl is planning to apply for $10,000 and Bennettsville is planning to apply for $20,000. The Recreation Committee will make a recommendation.

Grants – Energy grants are available as Ms. Corrie Plato advised. The county was evaluating the grant stipulations for the old library for a new heating and air system and possibly the voters registration office – no match is required. Mr. Kimrey advised it would depend on how old the unit is.

Meeting – the administrator advised he would like to schedule a meeting with the Justice and Public Safety Committee, Sheriff Department, Solicitor, and Public Defender.

Airport Hangar Taxiway and Apron Expansion Bids – will be opened July 30th at 11 a.m. in Council Chambers.

Grant Application – The Sheriff Department is planning to apply for funds through the Office of the United States Attorney District of South Carolina Project Safe Neighborhood Initiative 2009 Grant Solicitation. The grant will pay for 100 percent (100%) of the program costs.

Hilton Head Conference – the clerk will be sending payment to the South Carolina Association of Counties this week. Those council members who have not advised whether they intend to go this year, please advise her before leaving council meeting tonight.

Legal Services Agreement – Mr. Harry Easterling, County Attorney advised Legal Services of South Carolina provides legal services from indigents. They are partnering with the CDC and requesting a grant – the purpose of the grant is to hire another attorney who will represent citizens with mortgage foreclosures, etc. All that is being requested from the County is for certification that they provide services to the county to the Elderly and indigent form – it does not cost the county anything.

CDC – Reverend Charles Malloy has requested a letter of support for the Homeless Initiative Program.

RECOGNITION OF CITIZEN'S REQUEST BEFORE COUNCIL

No discussion was heard.

RECOGNITION OF COUNCIL MEMBERS

Mr. Willie Gladden – advised when the Brightsville Community signs come in he wishes to hold a small celebration at the Fire Department. He encouraged the other council members to attend.

Dr. Carolyn Prince – requested the dead palmetto trees located at several of the Welcome to Marlboro County signs need to be removed by Public Works.

Dr. Prince recognized Townsend Cleaners for fifty (50) years of service to Marlboro County. They have been in business from 1959 – 2009.

Dr. Prince requested the council members pay close attention to their boards and commissions.

EXECUTIVE SESSION - Discussion of pending litigation and legal issue.

Motion made by Mr. Anthony Woods, seconded by Ms. Corrie Plato to enter executive session for discussion of pending litigation and legal issue. Vote in favor. Unanimous. Motion carried.

Motion made by Mr. Anthony Woods, seconded by Ms. Jean Wallace McLean to leave executive session and re-inter open session. Vote in favor. Unanimous. Motion carried.

Dr. Carolyn Prince, Chair advised no decisions had been made and no votes had been taken.

NON AGENDA ITEMS

No discussion was 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: August 11, 2009