MARLBORO COUNTY COUNCIL

MARLBORO COUNTY CONFERENCE ROOM

TUESDAY, MAY 12, 2009 6 PM

CHAIRMAN	DR. CAROLYN PRINCE
VICE-CHAIR	CORRIE PLATO
ADMINISTRATOR	CECIL KIMREY
COUNTY ATTORNEY	HARRY EASTERLING, JR.

COUNCIL:

JEAN MCLEAN,	WILLIE GLADDEN,	
RON MUNNERLYN,	CORRIE H. PLATO,	*
DR. CAROLYN PRINCE,	KEN ALLEN,	
STEVE BLACKMON, AND	ANTHONY WOODS	

* ABSENT

INVOCATION – Dr. Carolyn Prince, Chair.

APPROVAL OF AGENDA ITEMS

Dr. Carolyn Prince, Chair advised of the following requested changes to the agenda:

New Business

Item a. Legal Counsel has prepared a Resolution which Council adopted at the April 7th meeting for the purchase of the three +/- acres of property from the Marlboro County Department of Disabilities and Special Needs. The resolution prepared takes care of the option and the actual purchase. No other resolution is need. We would like to delete item a. under New Business.

Item f. When the agenda and packets were sent out, staff did not have the title for the resolution to purchase the parking lot on Market and Marlboro Streets. The Resolution has been received and presented to council - we would like to amend the agenda with the item # e and title " A Resolution authorizing the county to purchase a parking lot adjacent to the Marlboro County Administration Building in Bennettsville, SC.

Item g. Legal Counsel has determined it would be best to adopt an Ordinance for enacting an information policy in place of a resolution. We would like to amend the agenda to delete Resolution # 05-09-03 and add Ordinance # 659 in its place as item f titled "An Ordinance enacting an information policy for the departments and activities under the jurisdiction of Marlboro County, South Carolina. – First Reading.

Motion made by Mr. Ron Munnerlyn, seconded by Ms. Jean Wallace McLean, to amend the agenda with the following changes under New Business – deletion of item a. Resolution # 05-09-01, correction of title for item f as follows – Item e. Resolution # 05-09-02 " A Resolution authorizing the county to purchase a parking lot adjacent to the Marlboro County Administration Building in Bennettsville, SC, and correction for item g with deletion of Resolution # 05-09-03 and addition of Item f. Ordinance # 659 – An Ordinance enacting an information policy for the departments and activities under the jurisdiction of Marlboro County, South Carolina – First Reading. Vote in favor. Unanimous. Motion carried.

RECOGNITION OF CITIZEN'S REQUEST BEFORE COUNCIL

David Carr, ACS – addressed Council regarding a contract between the Clerk of Courts Office and COTT for computer services which was recently signed. The contract with ACS will expire in June 2009 – the Clerk of Court wished to go with COTT because of poor service with ACS. Mr. Carr requested Council void the contract with COTT and bid it out in a public bidding format.

Mr. Belvin Sweatt, Chair of Citizens for Marlboro County – addressed Council concerning the proposed landfill in Marlboro County. He advised his group has been traveling to Columbia for various meetings, advised of up coming meetings concerning the landfill, and requested council members show their support by attending the meetings in Columbia.

Mr. John Nickoless – addressed council concerning the proposed landfill. He stated he has contacted numerous members of the House of Representatives (approximately 120 members) and stated all of them seemed to lean toward keeping South Carolina clean. He stated that Representative Jennings advised he is with their group and will vote no on the landfill – Mr. Nicholess questioned where Council stands.

Mr. Dean Moore – addressed council concerning the proposed landfill. He read a newspaper article which stated the Marlboro County Landfill would not be affected by the moratorium and questioned what that meant.

PRESENTATIONS

Ms. Tricia Lecque, Census Bureau – addressed council concerning the Census which has been mandated by Congress since 1970. She advised this determines representation in Congress – South Carolina is eligible again this year for representation and possibly

additional funds. She requested Council let the community know that the census is safe and confidential and to encourage them to complete the forms and return them. Ms. Lecque advised that South Carolina ranks forty-nine (49) out of the fifty (50) states in mailing the forms back. She encouraged Council to issue a proclamation or Resolution in support of the Census.

APPROVAL OF MINUTES

March 10, 2009

Correction to page 6 – Mr. Steve Blackmon attended the PD Cog Meeting also.

Motion made by Mr. Anthony Woods, seconded by Ms. Jean Wallace McLean to approve the minutes of March 10, 2009 as corrected. Vote in favor. Unanimous. Motion carried.

April 7, 2009

Correction to page 7 – Census Comments – Dr. Carolyn Prince advised one of the coastal areas (possibly Horry or Beaufort) may be getting another congressional seat, not Marlboro County.

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Steve Blackmon to approve the minutes of April 7, 2009 as corrected. Vote in favor. Unanimous. Motion carried.

April 21, 2009

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Anthony Woods to approve the minutes of April 21, 2009. Vote in favor. Unanimous. Motion carried.

PULBIC HEARING

ORDINANCE # 653 – AN ORDINANCE TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE RDA ECONOMIC DEVELOPMENT BUDGET FOR THE FISCAL YEAR 2008-2009.

No comments were heard.

The Public Hearing was closed.

OLD BUSINESS

ORDINANCE # 653 – AN ORDINANCE TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE RDA ECONOMIC DEVELOPMENT BUDGET FOR THE FISCAL YEAR 2008-2009 – THIRD READING

Motion made by Ms. Jean Wallace McLean, seconded by Mr. Ken Allen, to approve the third reading of Ordinance # 653 – An Ordinance to provide a supplemental appropriation to the RDA Economic Development Budget for the Fiscal Year 2008-2009. Vote in favor. Unanimous. Motion carried.

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

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Anthony Woods to approve the second 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 # 656 – AN ORDINANCE TO ADOPT THE ANNUAL BUDGET AND TO MAKE APPROPRIATIONS FOR MARLBORO COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010. – SECOND READING.

Mr. Cecil Kimrey advised the budget is a work in progress.

Motion made by Mr. Ken Allen, seconded by Ms. Jean Wallace McLean to approve the second reading of Ordinance # 656 – An Ordinance to adopt the annual budget and to make appropriation for Marlboro County for the Fiscal Year beginning July 1, 2009 and ending June 30, 2010. Vote in favor. Unanimous. Motion carried.

DISCUSSION OF FIRE STUDY

Mr. Cecil Kimrey, County Administrator advised the information had not been received from Mr. Askins on the Fire Study.

Motion made by Mr. Willie Gladden, seconded by Mr. Ken Allen, to table the discussion of the fire study until the information had been received and reviewed by the Public Service Committee. Vote in favor. Unanimous. Motion carried.

NEW BUSINESS

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 – FIRST READING.

Motion made by Ms. Jean Wallace McLean, seconded by Mr. Ron Munnerlyn to approve the first reading of 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. – FIRST READING.

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Anthony Woods to approve the first reading of 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.

REQUEST PERMISSION TO APPLY FOR AN RDA GRANT FOR VEHICLES FOR THE SHERIFF DEPARTMENT, ENVIRONMENTAL CONTROL OFFICER, AND DETENTION CENTER.

Mr. Cecil Kimrey, County Administrator advised this is a thirty-five percent (35%) grant. This equipment is essential to department operations.

Motion made by Mr. Ken Allen, seconded by Mr. Willie Gladden to approve the request to apply for an RDA Grant for vehicles for the Sheriff Department, Environmental Control Officer, and Detention Center. Vote in favor. Unanimous. Motion carried.

APPROVAL OF CHANGE ORDER NO. TWO – MARLBORO COUNTY SHERIFF/MAGISTRATE COMPLEX.

A change order was submitted requesting permission to delete one window, add one hollow metal door, and to add wire and OSB to common wall between training and property – total of amount of change order was additional $915.00 totaling the contract and extras for $1,183,495.00.

Motion made by Mr. Anthony Woods , seconded by Mr. Steve Blackmon to approve change order # two – Marlboro County Sheriff/Magistrate Complex. Vote in favor. Unanimous. Motion carried.

RESOLUTION # 05-09-02 – A RESOLUTION ATHORIZING THE COUNTY TO PURCHASE A PARKING LOT ADJACENT TO THE MARLBORO COUNTY ADMINISTRATION BUILDING IN BENNETTSVILLE, SC.

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Ken Allen to approve Resolution # 05-09-02 – A Resolution authorizing the County to purchase a parking lot adjacent to the Marlboro County Administration Building in Bennettsville, SC. Vote in favor. Unanimous. Motion carried.

ORDINANCE # 659 – AN ORDINANCE ENACTING AN INFORMATION POLICY FOR THE DEPARTMENTS AND ACTIVITIES UNDER THE JURISDICTION OF MARLBORO COUNTY, SOUTH CAROLINA.

Motion made by Mr. Ron Munnerlyn, seconded by Ms. Jean Wallace McLean, to approve the first reading of Ordinance # 659 – An Ordinance enacting an information policy for the departments and activities under the jurisdiction of Marlboro County, South Carolina. Vote in favor. Unanimous. Motion carried.

REQUEST PERMISSION TO MOVE THE VOTERS REGISTRATION OFFICE TO THE OLD CITY PLANNING AND ZONING OFFICE ON MARLBORO STREET.

Mr. Willie Gladden voiced concerns over improvements which are needed at the proposed site which included the doors, roof and various work inside the building. Mr. Gladden was advised the needs would be addressed by the proper committee.

Motion made by Mr. Willie Gladden, seconded by Mr. Ron Munnerlyn to approve the request to move the Voters Registration Office to the Old City Planning and Zoning Office on Marlboro Street . Vote in favor. Unanimous. Motion carried.

APPROVAL OF BIDS AND PROPOSALS

Handicap Accessible Doors, Various Offices - only one bid was received – Rosser Roofing Company, Blenheim, SC for a total cost of $16,065.73. The bid included: **Economic Development Building** - bringing the existing ladies restroom up to handicap accessible codes ($9,150.28), bringing the rear entrance doorway up to handicap accessibility codes ($1,238.69). **Old Drug Court** – installing a new (42") steel door at rear of the building ($3,281.76), and installing double full view glass doors with appropriate hardware at front entrance ($2,395.00). Removal of all debris from job site was included in proposal. Mr. Kimrey advised the funds would have to be transferred

from contingency with the possible exception to use Railroad funds for the Economic Development Office.

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Steve Blackmon to approve the proposal from Rosser Roofing Company in the amount of $16,065.73 for the handicap accessible doors for the various offices. Vote in favor. Unanimous. Motion carried.

Clerk of Court, Copier Machines – the following bids were received: Xerox - $273.85 (four copiers) minimum lease payment and $.0129 per print rate, Herald Office Systems - $294.72 (four copiers) lease payment and $.012 per copy (black) and $.08 per copy (color). Mr. William Funderburk, Clerk of Court advised by letter that he would prefer doing business with Herald Office Systems. Mr. Funderburk was present and advised his office would start charging .25 cents per copy to help make up the difference in place of the .10 cents per copy his office has been charging.

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Steve Blackmon to approve the bid for four copiers from Herald Office Systems for the Clerk of Court Office. Vote in favor. Unanimous. Motion carried.

APPOINTMENTS TO BOARDS & COMMISSIONS

After careful review of the April 7, 2009 council meeting tape, it was noted that the following appointments would need to be completed with a motion, second, and vote – Mr. Raymond Brown, Recreation Commission, Mr. Jerry Robertson, Economic Development Board, and Mr. J. P. Down, Recreation Commission.

Motion made by Mr. Anthony Woods, seconded by Mr. Steve Blackmon to appoint Mr. Raymond Brown to the Recreation Commission. Vote in favor. Unanimous. Motion carried.

Motion made by Mr. Steve Blackmon, seconded by Mr. Anthony Woods to appoint Mr. Jerry Robertson to the Economic Development Commission. Vote in favor. Unanimous. Motion carried.

Motion made by Mr. Steve Blackmon, Seconded by Mr. Anthony Woods to appoint Mr. J. P. Down to the Recreation Commission. Vote in favor. Unanimous. Motion carried.

REPORTS

COMMITTEE REPORTS

Mr. Tim Brown, Library & Sheriff/Magistrate Complex Report – advised the Sheriff/Magistrate Complex is progressing as planned – plumbing and electrical has been roughed in, walls are up, and the addition of the roof should start the next day. Mr. Brown advised the complex needed a lot of changes which their committee agreed upon which ended with a wash out in prices. He stated the contractor was most receptive in accommodating everyone. Mr. Brown recommended sticking to the color scheme of the rendering of the building – hunter green roof and red brick. He advised the brick had been purchased from Palmetto Brick. He advised of other issues which needed to be addressed which included purchasing additional acreage for additional parking, the installation of a dog kennel, etc. Mr. Brown advised the project is on schedule.

Mr. Brown advised the library project continues to be behind schedule. He advised November 30, 2009 is the present completion schedule, however, debris on the site will drag out the completion of the building. Mr. Brown stated a Recovery Schedule is warranted as stated in the statute. Mr. Kimrey has requested the Recovery Schedule be provided. Mr. Brown also recommended notification of the bonding company that the project is behind schedule to protect the county from possible litigation. He spoke with a contractor earlier on council meeting day and was advised a new superintendent would be on site within two weeks and would have a recovery schedule. The contractor advised they would not do poor quality work. Mr. Brown recommended council contact the architect to discuss the status of the project. Mr. Brown advised of the financial status for the project stating there was a deficit of $550,590.82, however, also advising that all of the pledges had not come in. In ending Mr. Brown advised the project was at a stand-still due to a problem with the construction of the archway at the front of the building. He stated that until the archway was constructed, the building could not move forward – it was a complex design and they are trying to determine the best way to build it – on site or off site. He briefly described how to construct it. Mr. Brown advised council he needed to discuss a contractual issue in an executive session.

Mr. Ron Munnerlyn, Building Committee – advised the committee met with a couple of architects to discuss the administrative building and would meet again on May 26th to discuss the options.

Mr. Anthony Woods, Recreation Committee – advised the baseball season was winding down with general problems which were handled. Mr. Willie Gladden advised some churches in his district were trying to work together on some projects. He questioned whether the county could help with their property such as disking up, etc. Mr. Woods advised the county can not go onto private property, however, if the property were leased to the county for an extended period of time for one dollar ($1.00),

the county could possibly help. It was recommended that Mr. Woods attends the next group meeting in Mr. Gladden's district.

EXECUTIVE SESSION

Motion made by Mr. Anthony Woods, seconded by Mr. Ron Munnerlyn to enter executive session to discuss a contractual issue. Vote in favor. Unanimous. Motion carried.

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Ken Allen 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.

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 April: Jackie Baldwin, Troomer Lily, Roy Allison, Teresa Burgess, Christopher Byers, Carla Cloer, Lewis Cooper, William Freeman, Arthur Hamer, Curtiss McDuffie, and Ann Polson.

Expenditures - were at 78% for the general fund through April of the total budget, Revenue is at 73 % of the budgeted amounts through March.

County Website – the viewed pages report for the month of April showed 6135 visitors.

Library – as presently designed, there will be no doors on the bathrooms.

Payroll Deductions – the county has had several requests to add several payroll deductions which include: United Way, American Family Life, etc.

NESA – in order for Marlboro County to receive $30,000 from NESA for a proposed development project, the county will have to send a check for $30,000. NESA will return $60,000.

Protest – a representative of ACS Government Records Management appeared before Council regarding a protest. A protest for the Clerk of Court was filed too late and no protests are allowed for professional services.

Code Update – the administrator made the final changes for the code update and returned them to the code corporation.

Landfill – the landfill attorney fees have exceeded $100,000. The administrator advised additional funds would have to be transferred to pay for the expected expenses for the current year.

Metrocast Digital Lineup – changed on April 15, 2009.

RECOGNITION OF COUNCIL MEMBERS

Mr. Anthony Woods – advised the PARD application had been signed. Mr. Kimrey advised it must be re-submitted per Senator Kent Williams.

Mr. Willie Gladden – voiced his concerns where Mr. Butch Mills, Economic Development Director addressed the Marlboro County School Board regarding the reasons given to him as to why various industries decided not to locate in Marlboro County. Mr. Harry Easterling, County Attorney, advised council needed to have Mr. Mills come and discuss the issue with them.

NON AGENDA ITEMS

No discussion was heard.

ADJOURN

No further discussion was heard. The meeting was adjourned.

(SEAL)

Dr. Carolyn A. Prince, Chairwoman
Marlboro County Council

ATTEST:

Susan E. Rivers, Clerk
Marlboro County Council

Date Adopted: June 9, 2009