MARLBORO COUNTY COUNCIL

MARIAN WRIGHT EDELMAN PUBLIC LIBRARY CONFERENCE ROOM

TUESDAY, OCTOBER 12, 2010 6 PM

CHAIR	DR. CAROLYN PRINCE
VICE-CHAIR	RON MUNNERLYN
ADMINISTRATOR	CECIL KIMREY
COUNTY ATTORNEY	HARRY EASTERLING, JR.

COUNCIL:

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

* Absent

INVOCATION – Mr. Anthony Woods

APPROVAL OF AGENDA ITEMS

Motion made by Mr. Anthony Woods, seconded by Ms. Jean Wallace McLean, to accept the Agenda as proposed. Vote in favor. Unanimous. Motion carried.

APPROVAL OF COUNCIL MINUTES - September 14, 2010.

Motion made by Mr. Ron Munnerlyn, seconded by Ms. Corrie Plato, to approve the minutes of September 14, 2010. Vote in favor. Unanimous. Motion Carried.

OLD BUSINESS

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

Mr. Ron Munnerlyn advised he had received calls from some of the Economic Development Board members who wished to read the ordinance one more time before council formally adopts it. The board did not meet in September due to Industry Appreciation. Mr. Munnerlyn requested the Ordinance be tabled until the November meeting.

Motion made by Mr. Steve Blackmon, seconded by Ms. Corrie Plato, to table the third reading of Ordinance # 457C until the November Council meeting. Vote in favor. Unanimous. Motion Carried.

NEW BUSINESS

ORDINANCE # 678 – AN ORDINANCE ESTABLISHING THE MARLBORO COUNTY CONSTRUCTION BOARD OF APPEALS – FIRST READING (TITLE ONLY)

Council members were advised this is a working document. Mr. Harry Easterling, Jr., County Attorney advised council needed to appoint board members with expertise such as contractors, plumbers, and electricians. Dr. Carolyn Prince, Chair requested Mr. Easterling look into the legalities of appointing board members at large in place of districts.

Motion made by Mr. Steve Blackmon, seconded by Mr. Anthony Woods, to approve the first reading (title only) 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 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. – FIRST READING (TITLE ONLY)

Mr. Harry Easterling, Jr., County Attorney advised the county is working with specialized attorneys. He also advised this is an existing site.

Motion made by Ms. Corrie Plato, seconded by Ms. Jean Wallace McLean, to approve the first reading (title only) 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. – FIRST READING (TITLE ONLY)

Mr. Harry Easterling, Jr., County Attorney advised this is the turbine.

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Anthony Woods, to approve the first reading (title only) 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.

RESOLUTION # 10-10-01 - A RESOLUTION APPROVING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATING TO AN EXISTING FEE-IN-LIEU OF TAXES ARRANGEMENT WITH OX BODIES, INC.

Council were advised the building is occupied by Mr. Kaufman. The County owns the land and building and leases it to the company. The company wants a lease hold agreement while interest rates are down. The county previously made the same arrangements four years ago.

Motion made by Mr. Ron Munnerlyn, seconded by Mr. Steve Blackmon, to approve Resolution # 10-10-01 - A Resolution approving the execution and delivery of documents relating to an existing fee-in-lieu of taxes arrangement with Ox Bodies, Inc. Vote in favor. Unanimous. Motion carried.

RESOLUTION # 10-10-02 – A RESOLUTION APPROVING THE EXECUTION OF A CERTIFICATE OF LANDLORD BY MARLBORO COUNTY, SOUTH CAROLINA FOR THE BENEFIT OF CERTAIN LENDERS TO FLAKEBOARD AMERICA LIMITED IN CONNECTION WITH THE FEE IN LIEU OF TAXES TRANSACTION BETWEEN MARLBORO COUNTY, SOUTH CAROLINA AND FLAKEBOARD AMERICA LIMITED.

Mr. Easterling advised this is the same situation as with Ox Bodies.

Motion made by Mr. Steve Blackmon, seconded by Mr. Anthony Woods, to approve Resolution # 10-10-02 – A Resolution approving the execution of a certificate of landlord by Marlboro County, South Carolina for the benefit of certain lenders to Flakeboard America Limited in connection with the Fee in Lieu of taxes transaction between Marlboro County, South Carolina and Flakeboard America Limited. Vote in favor. Unanimous. Motion carried.

RESOLUTION # 10-10-03 – A RESOLUTION REQUESTING SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES (SCDNR) CORRECT A SERIOUS MAINTENANCE DEFICIENCY, AND ELIMINATE A POTENTIALLY DANGEROUS

FLOODING SITUATION AND LOSS OF MUNICIPAL WATER SUPPLY AT LAKE PAUL WALLACE.

Motion made by Ms. Jean Wallace McLean, seconded by Ms. Corrie Plato, to approve Resolution # 10-10-03 – A Resolution requesting South Carolina Department of Natural Resources (SCDNR) correct a serious maintenance deficiency, and eliminate a potentially dangerous flooding situation and loss of municipal water supply at Lake Paul Wallace. Vote in favor. Unanimous. Motion carried.

APPROVAL OF WORK ORDER #07 FOR MARIAN WRIGHT EDELMAN PUBLIC LIBRARY FOR DECREASE OF <$48,347.00>.

Discussion was held concerning the work order which included a decrease from the original contract amount. Mr. Kimrey advised this represented some credits for expenses included in the original contract but not used. It also included a $20,000 payout the county agreed to give to the contractor in a contract dispute. The contractor had originally requested $75,000 above the original amount, but agreed to accept the $20,000. Mr. Willie Gladden stated he did not feel the county should be obligated to pay the additional funds. Mr. Ken Allen stated it was not worth the fight, but it would be better for the county to go ahead and pay the $20,000.

Motion made by Ms. Corrie Plato, seconded by Mr. Steve Blackmon, for the Approval of Work Order #07 for Marian Wright Edelman Public Library for decrease of <$48,347.00>. Vote in favor: Mr. Ken Allen, Mr. Steve Blackmon, Ms. Corrie Plato, Mr. Ron Munnerlyn, Ms. Jean Wallace McLean, and Mr. Anthony Woods. Opposed: Dr. Carolyn Prince and Mr. Willie Gladden. Vote: 6/2/0. Motion carried.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Motion made by Ms. Corrie Plato, seconded by Mr. Ken Allen, to appoint Mr. Ronnie Gibson to the Marlboro County Advisory Board for Parks and Recreation. Vote in favor. Unanimous. Motion carried.

REPORTS

COMMITTEE REPORTS

No committee reports were given.

ADMINISTRATIVE/FINANCIAL REPORT – CECIL KIMREY, COUNTY ADMINISTRATOR

Expenditures were at 22% through the end of September 2010 for the general fund budget. Revenues were at 8% through the end of August 2010.

Employee Recognition - employees with at least five years service through the end of September included: Ray C. Kelly (8 years), Sandra Liner (8 years), and Lee T. McQueen (10 years).

Architects– the total amount of the F. W. Architects design bill is $12,225.00 for the old sheriff building. Mr. Kimrey advised there was a preconstruction meeting scheduled for the next morning.

PARD - the decision needs to be made as soon as possible. Mr. Kimrey advised there is approximately $25,000 which needs a decision now. Mr. Anthony Woods advised need to look at Clio and McColl. Mr. Willie Gladden was advised there will still be funds available for his district.

Landfill – the environmental fee for litigation for September was $62,077.14.

Float – the cost for the Christmas Parade float in Bennettsville is $350.00. Mr. Willie Gladden advised he wanted the county to put a float in the parade.

Millage for 2010/2011 – the millage is: County Ordinary 80.80, NETC 3.70, Rural Fire 10.35, County G O Bond 5.25 and EMS 10.45 totaling $110.55. School Operations 175.28 and School Bond 30.00 totaling $205.28 with total of both $315.83. The millage for Bennettsville and Clio is 305.48, LOST Credit = .001320, and Road Maintenance Fee of $27.50.

RECOGNITION OF CITIZEN'S REQUEST BEFORE COUNCIL

Mr. Belvin Sweatt – advised Camp Horizon was discussed at the previous meeting and after thirty days it was still not clean. He stated it was not fair to the citizens of Shady Rest. He also wished to thank the council members who attended the landfill hearing. Mr. Sweatt read part of a letter sent to the county attorney, Donnie McDonald dated May 21, 2008 stating the letter was a mockery. He presented a copy of the letter to the county attorney. In closing he asked the county to continue fighting.

RECOGNITION OF COUNCIL MEMBERS

Dr. Carolyn Prince – thanked the employees who cleaned around the Murchison Building, reminded council members of the Fall SCAC meeting in Columbia on October 15th, and reminded council of the landfill hearing in Columbia on October 20th. She questioned Mr. Harry Easterling, Jr., County Attorney as to the reason for the hearing. Mr. Easterling advised he would have to get back in touch with her.

Mr. Ken Allen – questioned Mr. Cecil Kimrey, County Administrator as to the status of his contract. Mr. Kimrey advised his old contract expired in September. Mr. Allen questioned how this came about and why council members were not informed. Mr. Allen stated the Administrator should not be expected to work without a contract. Dr. Carolyn Prince, Chair advised council had previously discussed the issue in executive session, stating they had

decided to wait for the new council members to come on board after the first of the year. After disagreement among the council members concerning discussing the issue previously and not agreeing to wait until the first of the year a motion was made.

Motion made by Mr. Ken Allen, seconded by Mr. Steve Blackmon, to add the decision for the administrator's contract to the agenda for tonight. Vote in favor. Unanimous.

Dr. Carolyn Prince advised council needed to go into executive session to discuss the issue before proceeding.

Motion made by Mr. Anthony Woods, seconded by Ms. Corrie Plato, to enter executive session to discuss the County Administrator's contract. Vote in favor. Unanimous. Motion carried.

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

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

NON-AGENDA ITEMS

Motion made by Mr. Ken Allen, seconded by Mr. Steve Blackmon, to extend the Administrator's contract for two years effective October 12, 2010 without the automatic rollover. Vote in favor: Mr. Ken Allen, Mr. Steve Blackmon, Ms. Corrie Plato, Ms. Jean Wallace McLean, and Mr. Anthony Woods. Opposed: Mr. Ron Munnerlyn and Mr. Willie Gladden. Abstain: Dr. Carolyn Prince. Vote: 5/2/1. Motion carried.

Mr. Ron Munnerlyn stated he believed council had to hold three readings on the Administrator's contract and requested the county attorney look into the matter.

Mr. Willie Gladden – advised he had been by Voter Registration and seen a fence which the Administrator and Maintenance Supervisor had taken upon themselves to put up for Ms. Hagan. Mr. Gladden stated the fence was uneven and did not look good. He had suggested it be taken down. He requested something be done to replace the fence.

Motion made by Mr. Willie Gladden, seconded by Mr. Steve Blackmon authorizing staff to fix the fence at the Voters Registration Office. Vote in favor. Unanimous. Motion carried.

Mr. Anthony Woods – advised he wished to thank Ms. Susan Rivers, Mr. Cecil Kimrey, Ms. Lisa Frazier, and the other economic development volunteers for their work with the golf tournament and dinner for Industry Appreciation. He stated everything had gone over very well and he had received a lot of calls complimenting staff and the event.

He also wished to thank Mr. Sidney Wallace for his help with the Clio Cotton Festival.

Ms. Jean Wallace McLean – stated she was glad to see Marlboro County go green. She stated she and her husband had been doing it for several weeks and had recycled a lot of items. She actually had very little "garbage".

Mr. Steve Blackmon - voiced his concerns over Lake Paul Wallace. He stated there were some serious problems at the lake. Mr. Blackmon stated it was his belief the safety issues should be addressed first and he was committed to continue working toward solutions for the future of the lake.

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: November 9, 2010