REGULAR MEETING OF THE FLORENCE COUNTY COUNCIL,
THURSDAY, OCTOBER 18, 2018, 9:00 A.M., COUNTY COMPLEX,
COUNCIL CHAMBERS, ROOM 803, 180 N. IRBY STREET,
FLORENCE, SOUTH CAROLINA

PRESENT:
Kent C. Caudle, Chairman
Willard Dorriety, Jr., Vice Chairman
Waymon Mumford, Secretary-Chaplain
Mitchell Kirby, Council Member
Alphonso Bradley, Council Member
James T. Schofield, Council Member
Roger M. Poston, Council Member
Jason M. Springs, Council Member
H. Steven DeBerry, IV, Council Member
K. G. Rusty Smith, Jr., County Administrator
D. Malloy McEachin, Jr., County Attorney
Connie Y. Haselden, Clerk to Council

ALSO PRESENT:
Wayne Joye, County Auditor
Sheriff Kenney Boone
Keith Lutken, Coroner
Doris P. O’Hara, Clerk of Court
Chief Deputy Glen Kirby
Arthur C. Gregg, Jr., Public Works Director
Kevin V. Yokim, Finance Director
Dusty Owens, Emergency Management Department Director
Ryon Watkins, EMS Director
Shawn Brashear, Planning Director
Patrick Fletcher, Procurement Director
Samuel K. Brockington, Jr., Fire/Rescue Services Coordinator
Mitch Fulmore, 911 Central Dispatch Manager
Perry B. Strickland, Assistant to the Administrator
Jamie Floyd, Interim Tax Assessor
Alan Smith, Library Director
John Crouse, Captain/Special Services
Mona Lisa Andrews, Sheriff’s Office Paralegal
Debra Dennis, Deputy Auditor
Matthew Christian, Morning News Staffwriter
A notice of the regular meeting of the Florence County Council appeared in the October 17, 2018 edition of the **MORNING NEWS**. In compliance with the Freedom of Information Act, copies of the meeting Agenda were provided to members of the media, members of the public requesting copies, posted in the lobby of the County Complex, provided for posting at the Doctors Bruce and Lee Foundation Public Library, all branch libraries, and on the County’s website (**www.florenceco.org**).

Chairman Caudle called the meeting to order. Secretary/Chaplain Mumford provided the invocation and Vice Chairman Dorriety led the Pledge of Allegiance to the American Flag.

**APPROVAL OF MINUTES:**
Councilman Dorriety made a motion Council Approve The Minutes Of The September 13, 2018 Regular Meeting Of County Council. Councilman Mumford seconded the motion, which was approved unanimously.

**PUBLIC HEARINGS:**
No Public Hearings Were Required Or Scheduled.

**APPEARANCES:**

**JAMES TANNER – HICKORY HILL DELEGATION**
Mr. Tanner On Behalf Of The Hickory Hill Delegation Appeared Before Council Concerning Plans To Build A Trash Transfer Site On Diamond Branch Road. *(This Appearance Was Deferred From The September 13th Meeting.)* Mr. Tanner stated he had lived in the Hickory Hill community since 1989 and the purpose of the appearance was to ask Council to not support funding of a trash transfer site on Diamond Branch Road. He stated the community was not against the trash transfer station and that it was needed but not at the proposed location. The Hickory Hill Delegation obtained over 150 signatures on a petition against the proposed trash transfer site. Chairman Caudle thanked Mr. Tanner for his presentation and advised that the property acquisition was under the authority of the City of Johnsonville and encouraged him to express those concerns to that entity. The presentation was accepted as information. Councilman Springs asked if this would truly be a transfer station. County Administrator K. G. Rusty Smith, Jr. replied that it would not be a transfer station. He stated further that this item was currently under discussion by the City of Johnsonville as a potential resolution for the inferior site currently being utilized. Mr. Smith stated that in response to remarks made by Mr. Tanner regarding the acreage, the more acreage available for a site would enable better operations, a cleaner site and greater accessibility for trucks turning around on the site. Mr. Smith stated further that from a County perspective, this was only discussion for possible funding of the site but no funds had been allocated or put into place for this site.
REVEREND DOCTOR RAY T. NELSON
Rev. Dr. Nelson requested to speak on the matter. There were no objections voiced by Council. Rev. Dr. Nelson stated he was a resident of Hickory Hill Subdivision and displayed a drawing he had done depicting the location of the proposed site in relation to his property. He expressed concerns regarding inadequate drainage currently on that site and in his opinion the problem would only get worse. Chairman Caudle encouraged Rev. Dr. Nelson to express his concerns to the City of Johnsonville and to contact the State regarding the drainage issues.

MARTHA McCALL – PEE DEE COALITION
Ms. McCall, Director Of Community Victim Services, Outreach And Training, Appeared Before Council To Speak Briefly Concerning Services Offered And Upcoming Events. Ms. McCall stated October was Domestic Violence Awareness Month and different activities were scheduled throughout the area to heighten awareness. At one point, South Carolina was number one in the Nation as far as domestic violence and women killed as a result of domestic violence. South Carolina had improved slightly and moved to number six but she would like to see South Carolina move out of the top 10 in those statistics. They had expanded services into the Timmonsville area and were seeking space in the Johnsonville community because transportation was an issue for many victims of domestic violence so the Coalition was working on acquiring locations in the various communities. She expressed appreciation for Council's support and funding of improvements to current facilities used for emergency shelters. In response to a question from Councilman Kirby, Ms. McCall stated that based on data, research and her experience in working with the Coalition that the reason South Carolina was so high in the statistics for domestic violence was related to culture. Often times when talking with individuals the offense or abuse was not considered domestic violence or abuse and was accepted as part of the culture of the area. Councilman Mumford expressed his appreciation for the work done by Ms. McCall and the Coalition. Chairman Caudle expressed appreciation for the consistency of the services provided by the Pee Dee Coalition.

COMMITTEE REPORTS:
There Were No Committee Reports.

RESOLUTIONS/PROCLAMATIONS:
RESOLUTION OF APPRECIATION AND RECOGNITION
The Clerk published in its entirety a Resolution Of Appreciation And Recognition For Janis Munnerlyn In Honor Of Her Commendable And Meritorious Service. Councilman DeBerry made a motion Council approve the Resolution as presented. Councilman Kirby seconded the motion, which was approved unanimously. Councilman DeBerry presented Ms. Munnerlyn with a framed Resolution and expressed his appreciation for her over thirty years of service, not just on the Library Board but also for her work with Crimestoppers and in the community. Ms. Munnerlyn thanked Council for the recognition and its support of the Library system.

Florence County Council Regular Meeting
October 18, 2018
CHAIRMAN CAUDLE
Chairman Caudle published a letter he received from Dr. Dan Ervin expressing his appreciation for the opportunity extended to him to serve on the Airport Authority.

RESOLUTION NO. 05-2018/19
The Clerk published the title of Resolution No. 05-2018/19: A Resolution To Provide An Interest Free Loan To Florence-Darlington Technical College In The Amount Of $2,350,000 For FY2018/19 From The General Fund Balance Of Florence County And To Increase The Property Tax Millage To Be Levied For Florence-Darlington Technical College To 9.8 Mills For Tax Year 2019 Only. Councilman Dorriety made a motion Council approve the Resolution as presented. Councilman DeBerry seconded the motion, which was approved unanimously. Councilman Springs asked for an explanation on this item.

Mr. Smith stated that pursuant to SC Code Section 12-39-140 “The auditor, on or before the thirtieth day of September of each year, shall make up and complete the tax books of the county, as required in Section 12-39-150.” Also pursuant to State Statute, the Auditor was charged to determine the sum to be levied on all items of property as described in Section 12-39-180. Mr. Smith stated that upon learning of the lamentable error by the Auditor’s office, he met with the County Attorney to discuss with the Treasurer, Auditor and Finance Director options available to remedy the situation. There were in essence three (3) viable options:

Option 1) Reissue all notices and collect applicable taxes due for Tech and distribute them accordingly. The problem with this option was that several thousand notices had already been paid prior to learning of the error so staff would need to determine how to collect 4.9 mills on those specific notices. It would also entail postage of approximately $40,000 as well as the cost of the forms.

Option 2) Issuance of supplemental notices for just the 4.9 mills but this was problematic in that it would require complex programming with homestead exemption, changes between 4% and 6%, etc., similar costs of option 1 with $40,000 for postage and the cost for forms; would also be confusing for County staff, taxpayers, closing attorneys, and many others, since every parcel would have two notices for this tax year.

Option 3) Resolution No. 05-2018/19 allowing for the loan to Tech for the current fiscal year and collection of the taxes in FY2020. This was determined to be the best option and least costly solution.

Mr. Smith stated that the County’s fund balance was currently above the required 25% at 27.25% so this would allow this loan to take place and then replace that fund balance in the following fiscal year. He instructed the Finance Director to implement a policy whereby the Auditor, Treasurer, and Assessor review the tax table prior to the taxes being calculated each year. He stated he certainly did not desire to supersede the authority of the Auditor’s office and understood fully the State Law, but he was hoping that they could work together to communicate, cooperate and collaborate to allay the fears of a reoccurrence of this error in the future. He also recommended that in preparing the millage table rate each year that the previous year’s correct table be utilized to prevent this error in the future.
Councilman Kirby asked what the cost would be to the County on earned interest. Mr. Smith responded that the earned interest loss would be approximately $25,000 to $25,500.

In response to a comment from Councilman Springs, Mr. Smith confirmed that the following year's tax notice would have some type explanation as to the millage for Tech. He stated the County Attorney had vetted all of the information and process, he had met with the Department of Revenue and been assured that this was the proper legal action to take in trying to overcome a very unfortunate situation.

Councilman Mumford asked if this had ever occurred before. Mr. Smith responded not to his knowledge.

ORDINANCES IN POSITION:

ORDINANCE NO. 07-2018/19 – THIRD READING
The Clerk published the title of Ordinance No. 07-2018/19: An Ordinance To Rezone Property Owned By Chandler Investment Properties, Inc. Located On Pisgah Road, Florence, SC, As Shown On Florence County Tax Map No. 00097, Block 01, Parcel 104; Consisting Of Approximately 31.402 Acres From Unzoned District (UZ) To Planned Development District (PD); And Other Matters Related Thereto. Councilman Bradley made a motion Council approve Third Reading of the Ordinance. Councilman Kirby seconded the motion, which was approved unanimously.

ORDINANCE NO. 08-2018/19 – THIRD READING
The Clerk published the title of Ordinance No. 08-2018/19: An Ordinance To Amend A Previously Approved Planned Development (PD#2018-1), Property Owned By Leacon, Inc. Located On Second Loop Road And S. Thomas Road, Florence, SC As Shown On Florence County Tax Map No. 90019, Block 01, Parcels 003, 023 And 024; Consisting Of Approximately 1.535 Acres; And Other Matters Related Thereto. Councilman Dorriety made a motion Council approve Third Reading of the Ordinance. Councilman Mumford seconded the motion, which was approved unanimously.

ORDINANCE NO. 09-2018/19 – SECOND READING
The Clerk published the title of Ordinance No. 09-2018/19: An Ordinance For Text Amendments To The Florence County Code Of Ordinances, Chapter 30, ZONING ORDINANCE, ARTICLE III. – CONDITIONAL USE REGULATIONS, Section 30-111. – Development Standards For Unzoned Areas, (6) Certain Uses And Industrial Projects., b. Convenience Centers Or Drop-Off Centers.; And Other Matters Related Thereto. Councilman Dorriety made a motion Council approve Second Reading of the Ordinance. Councilman Mumford seconded the motion, which was approved unanimously.
ORDINANCE NO. 10-2018/19 – SECOND READING
The Clerk published the title of Ordinance No. 10-2018/19: An Ordinance For Text Amendments To The Florence County Code Of Ordinances, Chapter 30, ZONING ORDINANCE, ARTICLE III. – CONDITIONAL USE REGULATIONS, Section 30-115. – Aviation Notification, Levels 2 & 3 Solar Energy System Requirements, c. Decommissioning; And Other Matters Related Thereto. Councilman Kirby made a motion Council approve Second Reading of the Ordinance. Councilman Springs seconded the motion, which was approved unanimously. Councilman Springs asked if there was ever any discussion that would require a decommissioning bond. Planning Director Shawn Brashear responded there was not. Councilman Springs asked if that was something that South Carolina allowed. He stated the reason he asked was that he was talking with someone in Virginia and they were going through the process of having a solar farm installed and part of the local requirement was that a bond be placed for decommissioning to ensure there was funding available in the event clean-up was necessary. He asked if that was even possible in South Carolina. Mr. Brashear responded that it was not currently part of the plan but it could be amended or changed. Councilman Springs asked him to research to determine if that was feasible. Mr. Smith stated that one of the requirements in the decommissioning language was that the parties must file with the Register of Deeds in the Clerk of Court’s Office, which ensures the landowner would be responsible for clean-up and the plan must be submitted prior to so that the landowner acknowledges prior to engaging in the solar farm activity that he would ultimately be responsible. This recording must take place prior to planning department approval of the solar farm. Councilman Kirby asked how many solar farms were being planned in Florence County. Mr. Smith stated that Council approved final reading of an Ordinance for seven different groups in a recent meeting.

ORDINANCES FOR INTRODUCTION
The Clerk published the titles and the Chairman declared the following Ordinances Introduced:

ORDINANCE NO. 11-2018/19 – INTRODUCED
An Ordinance To Rezone Property Owned By Asset Holdings Trust, LLC, Located Off N. Williston Road, Florence, SC, As Shown On Florence County Tax Map No. 00202, Block 01, Parcel 078; Consisting Of Approximately 80.065 Acres From Industrial District (B-6) To General Commercial District (B-3); And Other Matters Related Thereto.

ORDINANCE NO. 12-2018/19 – INTRODUCED
An Ordinance For Text Amendments To The Florence County Code Of Ordinances, Chapter 30, ZONING ORDINANCE, ARTICLE II. – ZONING DISTRICT REGULATIONS, DIVISION 1. – GENERALLY, Sec. 30-29. – Table II: Schedule Of Permitted And Conditional Uses And Off-Street Parking Requirements For Business & Rural Districts; ARTICLE III. – CONDITIONAL USE REGULATIONS, Sec. 30-114.8. – Solar Energy System Permitted Use., Table 1: Solar Energy System Use Table And Sec. 30-114.9. – Height Limitations., Table 2: Height Limitations*; And Other Matters Related Thereto.
APPOINTMENTS TO BOARDS AND COMMISSIONS:

LIBRARY BOARD OF TRUSTEES
Councilman Poston made a motion Council Approve The Appointment Of Donna Askins To Serve On The Library Board Of Trustees, Filling A Seat That Is Vacant Due To Resignation, Representing Council District 2 With Appropriate Expiration Term. Councilman Dorriety seconded the motion, which was approved unanimously.

REPORTS TO COUNCIL:

ADMINISTRATION

ADMINISTRATOR’S REPORT
Mr. Smith reported that Council was provided with updates for the Capital Project Sales Tax I and II, as well as updates from department heads.

He reported that CPST I projects continued to progress with the majority of the widening projects being either complete or substantially complete. The Alligator Road widening project continued to progress and was on schedule.

Progress continued under Section XIII of the CPST II with 317 roads completed and approximately 25.5 miles of road construction projects were currently ongoing. The Award of Bid No. 05-18/19 was on that meeting Agenda for 6” MBC stone for three roads in District 4. The ditches and slopes on Horace Matthews Road in District 5 had received additional attention for stabilization due to recent rain/storm events.

Resurfacing was under construction for 2 miles of road in District 6 with only one road remaining to complete and Bid 06-18/19 was currently out for a new dirt to pave package. The Award of Bid No. 04-18/19 for 1.6 miles of roadway in the Spaulding Heights neighborhood in District 7 was on the meeting Agenda.

Resurfacing projects in Districts 8 and 9 were under construction with all major work completed and some minor concrete work remaining. New bid packages were being developed for resurfacing in both districts and a new piping replacement project on W. Eagle Street in District 9. Paving on Hampton Pointe Road was completed on October 16, 2018.

A total of $1,176.00 was collected in litter fines, however, due to Hurricane Florence and the ensuing infestation of the mosquito population, the litter detail crew was unfortunately not in a position to effectively assist during the month of September. With the alarming increase in the mosquito population came the added expense and task of spraying pesticide. Environmental Services sprayed 653.84 miles, treated 23,775 acres for a total of approximately 150 gallons of pesticide used to date.

The Florence County Animal Shelter assisted in the adoption of 104 animals during the month of September.
Mr. Smith also apprised Council of an emergency procurement for the Florence County Sheriff’s Office that was precipitated by the tragic shooting event that occurred on Wednesday, October 3rd. Section 11.5-38 of the Florence County Procurement Code allowed the County Administrator to authorize emergency procurements of property, supplies, services, and/or construction when there exists a threat to public health, welfare, or safety under emergency conditions. Since the items requested were to sustain the ability of the FCSO to maintain continuity of operation in protecting the lives and property of the citizens of Florence County, he approved the requested emergency procurement but wanted to make Council aware of the purchase.

MONTHLY FINANCIAL REPORTS
Monthly Financial Reports Were Provided To Council For Fiscal Year 2019 Through August 31, 2018 As An Item For The Record.

LYNCHES STATE SCENIC RIVER – LETTER OF SUPPORT FOR SCDNR
Councilman DeBerry made a motion Council Authorize The County Administrator To Provide A Letter Of Support To The South Carolina Department Of Natural Resources (SCDNR) For The Acquisition Of Approximately 1,836 Acres Adjoining The Lynches State Scenic River To Be Placed Into The State Scenic Rivers Program And Wildlife Management Area Program. Councilman Springs seconded the motion, which was approved unanimously. Mr. Smith added that by accepting this property and it being turned into a wildlife management area there were six (6) parcels ranging anywhere from 89 acres to 581 acres. The total taxes that would be abated was $1,927. This would offer a lot of opportunity for citizens and joins 1,100 acres of conservation owned by the Pee Dee Land Trust in that area so this would be a wonderful recreational outlook for citizens. The Chairman said for the public’s edification that this was located in Council District 2 between the Neck and Creek Road. Councilman Poston stated this would be a good recreational venue for people to access the river.

ADMINISTRATION/FINANCE
SOUTH LYNCHES FIRE DISTRICT LEASE RENEWAL
Councilman Springs made a motion Council Approve Renewing A Lease Between South Lynches Fire District (Lessees) And Florence County (Lessor) For Space In The Lower Florence County Public Service Building For An Additional Ten Years, To Expire On June 30, 2029, And To Authorize The County Administrator To Execute Lease Extension After County Attorney Preparation, Review, And Approval. Councilman Mumford seconded the motion, which was approved unanimously.
EMS/PROCUREMENT

PURCHASE OF TWO REPLACEMENT AMBULANCES
Councilman Schofield made a motion Council Authorize The Use Of Florida Sheriff’s Association Bid #FSA18-VEF13.0 Awarded To Wheeled Coach Industries To Purchase Two Replacement Ambulances With Required Options And Up-Fits At $160,430.80 Each ($320,861.60 Total) Including Sales Tax From Select Custom Apparatus, Falkland, North Carolina An Authorized Regional Representative For Wheeled Coach Industries To Be Funded From FY19 Departmental Budgeted Funds. Councilman Dorriety seconded the motion, which was approved unanimously.

PROCUREMENT

CEI SERVICES – DAVIS AND FLOYD PROGRAM MANAGER CONTRACT
Councilman Mumford made a motion Council Authorize Additional Services To Davis And Floyd Program Manager Contract For The Necessary Construction Engineering And Inspection Services (CEI) For Resurfacing Projects Included In Bid #04-18/19 For District 7 In An Amount Not To Exceed $20,500 To Be Funded From Capital Project Sales Tax II Funds. Councilman Bradley seconded the motion, which was approved unanimously.

DECLARATION OF SURPLUS PROPERTY
Councilman Dorriety made a motion Council Declare One (1) Vehicle, Two (2) Trucks And Two (2) Excavators As Surplus Property For Disposal Through Public Internet Auction Via GovDeals. Councilman Mumford seconded the motion, which was approved unanimously.

PUBLIC WORKS/PROCUREMENT

AWARD BID NO. 04-18/19
Councilman Mumford made a motion Council Award Bid No. 04-18/19, Resurfacing Project Package 2 For Various District 7 Roads In The Amount Of $295,894.00 To C. R. Jackson Of Florence, SC From The Capital Project Sales Tax II Funds. Councilman Dorriety seconded the motion, which was approved unanimously.

AWARD BID NO. 05-18/19
Councilman Kirby made a motion Council Award Bid No. 05-18/19 For 7,200 Tons Of 6” MBC Stone For District 4 Roads (Phase I) To Kirven Construction Of Darlington, SC In The Amount Of $151,200.00 To Be Funded From The Capital Project Sales Tax II Funds. Councilman Dorriety seconded the motion, which was approved unanimously. Councilman Kirby stated there were some concerns regarding a bridge on Meadowprong. Public Works Director Carlie Gregg stated his office received a complaint concerning one of the pylons leaning and contacted SCDOT to inspect the bridge. The SCDOT bridge inspector went out and stated the bridge was constructed that way and it was fine.
OTHER BUSINESS:

INFRASTRUCTURE

SAVANNAH GROVE COMMUNITY FOUR HALL
Councilman Kirby made a motion Council Approve The Expenditure In An Amount Up To $4,475.00 From Council Districts’ 3, 4, And 7 Infrastructure Funding Allocations (Approximately $1,491.67 From Each District) To Assist The Savannah Grove Community Four Hall With Renovations/Improvements To The Building And Make Restrooms Handicap Accessible. Councilman Mumford seconded the motion, which was approved unanimously.

EXECUTIVE SESSION:
Councilman Dorriety made a motion that Council Enter Executive Session Pursuant to Section 30-4-70 of the South Carolina Code of Laws 1976, As Amended, For A Legal Briefing Regarding An Ongoing Criminal Investigation. Councilman Schofield seconded the motion, which was approved unanimously.

Council entered Executive Session at 9:51 a.m.

Council reconvened at 11:44 a.m.

Chairman Caudle stated no action was taken in Executive Session.

There being no further business to come before Council, Councilman Springs made a motion to adjourn. Councilman Dorriety seconded the motion, which was approved unanimously.

COUNCIL MEETING ADJOURNED AT 11:45 A.M.