

**REGULAR MEETING OF THE FLORENCE COUNTY COUNCIL,  
THURSDAY, MAY 19, 2011, 9:00 A.M., COUNCIL CHAMBERS  
ROOM 803, CITY-COUNTY COMPLEX, 180 N. IRBY STREET,  
FLORENCE, SOUTH CAROLINA**

**PRESENT:**

K. G. "Rusty" Smith, Jr., Chairman  
Waymon Mumford, Vice-Chairman  
H. Morris Anderson, Secretary-Chaplain  
Mitchell Kirby, Council Member  
Russell W. Culberson, Council Member  
Johnnie D. Rodgers, Jr., Council Member  
Alphonso Bradley, Council Member  
James T. Schofield, Council Member  
Richard A. Starks, County Administrator  
Malloy McEachin, County Attorney  
Connie Y. Haselden, Clerk to Council

**ALSO PRESENT:**

Arthur C. Gregg, Jr., Public Works Director  
Kevin Yokim, Finance Director  
Ryon Watkins, EMS Director  
Ray McBride, Library Director  
Barbara Coker, Sheriff's Office  
Chuck Tomlinson, Morning News

A notice of the regular meeting of the Florence County Council appeared in the May 18, 2011 edition of the **MORNING NEWS**. Copies of the agenda were faxed to members of the media and posted in the lobby of the City-County Complex, the Doctors Bruce and Lee Foundation Public Library and all branch libraries, and on the County's website ([www.florenceco.org](http://www.florenceco.org)).

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

**SPECIAL CALLED MEETING:**

Chairman Smith welcomed everyone attending the meeting and announced that Council would hold a special meeting on Tuesday morning, May 31<sup>st</sup> at 8:00 a.m. to deal with an industry issue and hold a budget worksession.

### **APPROVAL OF MINUTES:**

Councilman Anderson made a motion Council approve the minutes of the April 21, 2011 regular meeting of County Council. Councilman Mumford seconded the motion, which was approved unanimously.

### **PUBLIC HEARINGS:**

The Clerk published the titles and the Chairman opened public hearing for the following:

#### **ORDINANCE NO. 19-2010/11**

An Ordinance To Amend The Comprehensive Plan Land Use Map For Property In Florence County Located At 122 South Georgetown Highway, Johnsonville, SC From Transitional Growth And Preservation To Commercial Growth And Preservation As Shown On Florence County Tax Map No. 50007, Block 05, Parcel 002 Consisting Of .297 Acres.

#### **ORDINANCE NO. 21-2010/11**

An Ordinance Authorizing The Lease Of Property Owned By Florence County Designated As Tax Map No. 60006-03-014 To The Town Of Pamplico And Other Matters Related Thereto.

#### **ORDINANCE NO. 22-2010/11**

An Ordinance To Ratify FY11 Budget And Grant Council Actions Authorized By Council And Other Matters Related Thereto.

#### **ORDINANCE NO. 23-2010/11**

An Ordinance To Amend Florence County Code Chapter 6 – Animals And Fowl, To Establish Regulations And Penalties Related To Habitually Barking Dogs; To Amend Animal Cruelty Regulations; To Amend Public Animal Adoption Policies; And Other Matters Related Thereto.

#### **ORDINANCE NO. 24-2010/11**

An Ordinance Accepting The Transfer By The Town Of Timmons ville, South Carolina To The Florence County Election Commission Of The Authority To Conduct Municipal General Elections Of The Town Of Timmons ville, South Carolina And Authorizing The Execution Of An Agreement Providing For Such Transfer And Other Matters Related Thereto.

#### **ORDINANCE NO. 25-2010/11**

An Ordinance To Amend Florence County Code Chapter 2, Administration, Article V, Boards, Commissions, Committees And Agencies, Division 2, City-County Civic Center Commission, To Provide For Additional Two Appointees, One By Florence County Council And One By City Of Florence And Other Matters Related Thereto.

#### **ORDINANCE NO. 01-2011/12**

An Ordinance To Provide For The Levy Of Taxes In Florence County For The Fiscal Year Beginning July 1, 2011 And Ending June 30, 2012; To Provide For The Appropriation Thereof; To Provide For Revenues For The Payment Thereof; And To Provide For Other Matters Related Thereto.

## **APPEARANCES:**

### **RAY MCBRIDE, DIRECTOR – FLORENCE COUNTY LIBRARY**

Chairman Smith stated that Mr. McBride would appear at the next regular meeting of County Council to provide a much more detailed presentation concerning the Lake City Library Project.

### **BARRINGER F. WINGARD, JR., CHAIRMAN – VETERANS PARK**

Mr. Wingard Appeared Before Council To Solicit Support For A Significant, Unique, Patriotic, And Uplifting Cultural Addition To The Veterans Park. Mr. Wingard revealed a miniature replica of a proposed monument entitled “Home Safe” to be erected at Veterans Park scheduled for Veterans Day, November 11, 2011. The estimated cost of the sculpture was approximately \$180,000. The Doctors Bruce and Lee Foundation committed \$90,000 and the City and County of Florence were each asked to contribute \$25,000. Chairman Smith stated the County would review the request.

### **REP “BUTCH” WHIDDON, CPA, PARTNER – BAIRD & CO.**

Mr. Whiddon Appeared Before Council To Present A Procedures Report Recently Completed. Mr. Whiddon stated the purpose of his appearance was due to the fact that during the audit process there was a ‘finding’ and the Firm was asked to conduct some additional procedures related to the ‘finding.’ He stated there were three key things: the check (no. 226102) for \$78.33 was not issued for delinquent taxes; SC Law allows the County to have an accounting system; and, Florence County Code requires the issuance of a warrant prior to the issuance of a check. In response to a question from Council, Mr. Whiddon stated the Firm was not supplied with a warrant for the check in question. County Administrator Richard Starks asked Mr. Whiddon for clarification on which office the findings were against. Mr. Whiddon responded the findings were against the County Treasurer’s Office.

## **COMMITTEE REPORTS:**

### **PUBLIC SERVICES & COUNTY PLANNING**

Committee Chairman Schofield provided an update on the status of the construction of the Voter Registration/Elections building and the Florence County Museum.

## **RESOLUTIONS:**

### **RESOLUTION NO. 19-2010/11**

The Chairman published the title of Resolution No. 19-2010/11: A Resolution To Re-Issue The Florence County Personnel Policy Manual As A Single Document Consolidating All Council Approved Resolutions Since May 2006 And Minor Text Revisions For Readability For All Users To Be Effective July 1, 2011. Councilman Anderson made a motion Council approve the Resolution. Councilman Mumford seconded the motion, which was approved unanimously.

## **ORDINANCES IN POSITION:**

### **ORDINANCE NO. 17-2010/11 – THIRD READING**

The Clerk published the title of Ordinance No. 17-2010/11: An Ordinance Dissolving Pursuant To Section 4-9-30(5)(E) Of The Code Of Laws Of South Carolina, 1976, As Amended, The Johnsonville Rural Fire District As A Special Tax Fire District Created Pursuant To Section 4-9-30 Of The Code Of Laws Of South Carolina, 1976, As Amended, Incident To The Establishment Of Said District As A Special Tax Fire District Under Article 19 Of Title 4 Of The Code Of Laws Of South Carolina, 1976, As Amended, Providing For The Conditions With Respect To Said Dissolution, And Other Matters Related Thereto. Councilman Anderson made a motion Council approve third reading of the Ordinance. Councilman Culbertson seconded the motion, which was approved unanimously.

### **ORDINANCE NO. 18-2010/11 – THIRD READING**

The Clerk published the title of Ordinance No. 18-2010/11: An Ordinance To Create And Reestablish The Johnsonville Rural Fire District In Florence County, South Carolina Pursuant To Title 4, Chapter 19 Of The Code Of Laws Of South Carolina, 1976, As Amended, To Approve The Annual Levy And Collection Of Ad Valorem Taxes And The Imposition Of Rates And Charges For The Operation And Maintenance Thereof, To Authorize The Issuance Of General Obligation Bonds On Behalf Of The District From Time To Time, And Other Matters Relating Thereto. Councilman Rodgers made a motion Council approve third reading of the Ordinance. Councilman Anderson seconded the motion, which was approved unanimously.

## **PUBLIC HEARINGS:**

Mr. Joe Firimonte, President of the Hampton Pointe Homeowners Association signed to speak with regard to Ordinance No. 23-2010/11. There being no additional signatures on any of the sign-in sheets, Chairman Smith closed the public hearings.

### **ORDINANCE NO. 19-2010/11 – SECOND READING**

The Clerk published the title of Ordinance No. 19-2010/11: An Ordinance To Amend The Comprehensive Plan Land Use Map For Property In Florence County Located At 122 South Georgetown Highway, Johnsonville, SC From Transitional Growth And Preservation To Commercial Growth And Preservation As Shown On Florence County Tax Map No. 50007, Block 05, Parcel 002 Consisting Of .297 Acres. Councilman Anderson made a motion Council approve second reading of the Ordinance. Councilman Rodgers seconded the motion, which was approved unanimously.

**ORDINANCE NO. 20-2010/11 – SECOND READING**

The Clerk published the title of Ordinance No. 20-2010/11: An Ordinance To Rezone Property Owned By Glenn Badger Bazen Located At 122 South Georgetown Hwy., Johnsonville, From B-2, Convenience Business District To B-3, General Commercial District On Florence County Tax Map No. 50007, Block 05, Parcel 002 Consisting Of 0.297 Acres. Councilman Rodgers made a motion Council approve second reading of the Ordinance. Councilman Mumford seconded the motion, which was approved unanimously.

**ORDINANCE NO. 21-2010/11 – SECOND READING**

The Clerk published the title of Ordinance No. 21-2010/11: An Ordinance Authorizing The Lease Of Property Owned By Florence County Designated As Tax Map No. 60006-03-014 To The Town Of Pamplico And Other Matters Related Thereto. Councilman Anderson made a motion Council approve second reading of the Ordinance. Councilman Rodgers seconded the motion, which was approved unanimously.

**ORDINANCE NO. 22-2010/11 – SECOND READING**

The Clerk published the title of Ordinance No. 22-2010/11: An Ordinance To Ratify FY11 Budget And Grant Council Actions Authorized By Council And Other Matters Related Thereto. Councilman Mumford made a motion Council approve second reading of the Ordinance. Councilman Rodgers seconded the motion, which was approved unanimously.

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The Clerk published the title of Ordinance No. 24-2010/11: An Ordinance Accepting The Transfer By The Town Of Timmons ville, South Carolina To The Florence County Election Commission Of The Authority To Conduct Municipal General Elections Of The Town Of Timmons ville, South Carolina And Authorizing The Execution Of An Agreement Providing For Such Transfer And Other Matters Related Thereto. Councilman Kirby made a motion Council approve second reading of the Ordinance. Councilman Rodgers seconded the motion, which was approved unanimously.

### **ORDINANCE NO. 25-2010/11 – SECOND READING**

The Clerk published the title of Ordinance No. 25-2010/11: An Ordinance To Amend Florence County Code Chapter 2, Administration, Article V, Boards, Commissions, Committees And Agencies, Division 2, City-County Civic Center Commission, To Provide For Two Additional Appointees, One By Florence County Council And One By City Of Florence And Other Matters Related Thereto. Councilman Rodgers made a motion Council approve second reading of the Ordinance. Councilman Kirby seconded the motion, which was approved unanimously.

### **ORDINANCE NO. 01-2011/12 – SECOND READING**

The Clerk published the title of Ordinance No. 01-2011/12: An Ordinance To Provide For The Levy Of Taxes In Florence County For The Fiscal Year Beginning July 1, 2011 And Ending June 30, 2012; To Provide For The Appropriation Thereof; To Provide For Revenues For The Payment Thereof; And To Provide For Other Matters Related Thereto. Councilman Anderson made a motion Council approve Second reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously. Councilman Schofield stated he wanted to voice a few ideas so the public could understand the situation Council was faced with on the budget, which was almost entirely caused by reductions in the State Local Government Fund (LGF). In 2008/09 the County had \$7.6 million in State mandates but only received about \$7.3 from the State, resulting in a \$300,000 shortfall. In FY2011, approximately \$8 million in State mandated services with the LGF being cut significantly to \$5.4 million, resulting in a \$2.6 million shortfall. It was estimated that the FY2012 budget would incur \$7.8 million in mandates with \$4.5 LGF resulting in approximately a \$3.3 million shortfall. State law was written governing counties much different than the cities. For instance, the Airport Commission, whose funding was set based on per capita, therefore the County has no say in that budget and no authorization to implement any cuts. This year, increase in solid waste collection was estimated to be around \$250,000; insurance increase of \$400,000 as of January 1, 2012, almost \$1.5 million in recent years. The powers that be in Columbia dictate that counties cannot raise taxes or limit what counties can do, even if Council chose to raise taxes (which Council has no inclination to do; the public can't stand any more taxes than its got now) it could only raise about \$400,000. What would that do against a \$3.5 million shortfall from the State to pay for State mandated services? This budget will affect the service to the citizens, but again, because of State law, the County is pretty much powerless to do a lot about it. Some departments could be closed as some have suggested and some departments are being cut. Even in the 40% of the budget that the County Council does have some control over, there isn't much to be done to raise over \$3.5 million so the County was forced to implement across the board cuts. Around 60% of the budget is other elected officials and Council's hands are tied within those budgets. Some departments could withstand the cuts better than others, but State law doesn't allow for Council to implement those cuts. So when employees are laid off and services are slower, the public will have to understand that when the Sheriff's deputies or EMS can't come quite as fast it's a matter of the County's inability to fund those services. The County could implement salary reductions across the board, however State law, again, other elected officials would not be required to participate in that measure. The State mandates magistrates and Florence County spends more money on Magistrates than for the Treasurer's Office, Delinquent Tax Office, and Solicitor's Office combined. Again,

Council is powerless to do anything about the number of magistrates. He stated the public needed to know the County was between a rock and a hard place. The public was paying as much as it could stand in property taxes, but the amount the County could raise with that was not close to the reduction mandated by the State. Council was limited in how it could cut the budget so here they were taking a chain saw to the budget when what was really needed, if the law would allow, was to take a scalpel in certain places. Some suggested that the County didn't need all its libraries but the County needs all the libraries it has; that's where people can go to seek employment through the services available. Some suggested that the County offices in Lake City be closed. That's not the answer to the problem; people in Lake City would have to drive and spend two hours of the day in Florence to take care of business. Some people say the County has plenty of money. The County is financially sound, but doesn't have plenty of money to operate every year when it loses \$3.5 million from the budget due to State reductions in revenue. Some suggested the County use the road fund to balance the budget. That was the approach that brought Mr. Whiddon back again; taking money from a revenue source and using it to pay a bill that did not have a proper warrant to pay for a service that was incurred in that office. The taking of any of the road funds to do a one-time fix to attempt to make up for State budget cuts cannot be done legally. Councilman Schofield stated that he wanted the public to understand Council would have a budget meeting and was doing the best that it could under the circumstances. Chairman Smith stated he concurred and as far as the libraries "An investment in knowledge always pays the best interest."

#### **ORDINANCE NO. 26-2010/11 – INTRODUCED BY TITLE ONLY**

The Clerk published the title of Ordinance No. 26-2010/11 and the Chairman declared the Ordinance introduced: An Ordinance Authorizing The Execution And Delivery Of A Fee Agreement Between Florence County, South Carolina, And Project Oliver, As Sponsor, And One Or More Sponsor Affiliates, To Provide For A Fee In Lieu Of *Ad Valorem* Taxes Incentive Agreement, To Include The Grant Of Certain Infrastructure Credits As Part Of The Fee-In-Lieu Of Taxes Arrangement; And Other Related Matters.

#### **APPOINTMENTS TO BOARDS AND COMMISSIONS:**

##### **POLICY COMMISSION ON RECREATION**

Council unanimously approved the following appointments/reappointments to the Policy Commission on Recreation with appropriate expiration terms: Joseph Huggins, District 8 and Geer Ward, District 9.

#### **REPORTS TO COUNCIL:**

##### **ADMINISTRATION**

##### **MONTHLY FINANCIAL REPORTS**

Monthly Financial Reports Were Provided To Council For Fiscal Year 2011 Through March 31, 2011 As An Item For The Record.

## **PROCUREMENT**

### **AWARD OF BID #20-10/11**

Councilman Anderson made a motion Council Approve The Award Of Bid #20-10/11 For A Bunker And Field Rake To Revels Turf And Tractor, Myrtle Beach, SC In The Amount Of \$12,767 For The Parks And Recreation Department To Be Funded From Budgeted Departmental Funds. Councilman Mumford seconded the motion, which was approved unanimously.

### **RFP PANEL APPOINTMENT – TAX FORMS AND PROCESSING**

Chairman Smith appointed Councilman Schofield To Serve On The Tax Forms And Processing RFP Evaluation Committee.

## **OTHER BUSINESS:**

### **UTILITY**

#### **EARL CIRCLE**

Councilman Bradley made a motion Council Approve The Expenditure Of Up To \$17,600 From Council District 3 Utility Funding Allocation To Pay For The Resurfacing Of Earl Circle. Councilman Anderson seconded the motion, which was approved unanimously.

**The following items were additions to the Agenda:**

## **REPORTS TO COUNCIL:**

### **ADMINISTRATION**

#### **EQUIPMENT**

Councilman Anderson made a motion Council Authorize Ken Ard To Retain A County-Issued Laptop Computer In The Continuance Of His Public Service. Councilman Rodgers seconded the motion, which was approved unanimously.

## **OTHER BUSINESS:**

### **INFRASTRUCTURE**

#### **SARDIS-TIMMONSVILLE RURAL FIRE DEPARTMENT**

Councilman Kirby made a motion Council Approve The Expenditure Of Up To \$12,900 From Council District 4 Infrastructure Funding Allocation For The Purchase Of Three (3) ISI Air Packs For The Sardis-Timmons ville Rural Fire Department. Councilman Rodgers seconded the motion, which was approved unanimously.



## **UTILITY**

### **WEST BLACK CREEK ROAD**

Councilman Mumford made a motion Council Approve The Expenditure Of Approximately \$7,190 From Council Districts 3 And 7 Utility Funding Allocations (\$3,595 Each) For A One Time Emergency Repair To Patch Potholes On A Section Of West Black Creek Road Consisting Of 1,100 Feet From TV Road To The First Curve On West Black Creek Road, Under Florence County Code Section 2-44(f); And To Accept Said Section Of West Black Creek Road Into The County Maintenance System Contingent Upon Receipt Of Appropriate Legal Access From Landowners As Determined By The County Attorney And Funding From The Florence County Transportation Committee To Recover And Repave The Road Section. Councilman Bradley seconded the motion, which was approved unanimously.

### **EXECUTIVE SESSION:**

Councilman Kirby made a motion Council Enter Executive Session, Pursuant To Section 30-4-70 Of The South Carolina Code Of Laws 1976, As Amended, For Legal Briefing And A Contractual Matter With SC DOT. Councilman Culberson seconded the motion, which was approved unanimously.

Council entered executive session at 9:42 a.m. Council reconvened at 10:18 a.m.

### **CAIN LANDING**

Councilman Schofield made a motion Regarding The Cain Landing On The Great Pee Dee River And The Pending Lawsuit Of The County Of Florence Versus Old River Road, LLC To Accept The Offer Of Settlement Of Old River Road, LLC Contained In The Letter Of Old River Road, LLC Dated August 1, 2009. Councilman Anderson seconded the motion, which was approved unanimously.

### **SC DOT MOA**

Councilman Anderson made a motion Council Approve SCDOT's Recommendation For The US Army Corps Of Engineers (USACE) To Act As The Lead Federal Agency On The Federal Highway Administration's (FHWA) Behalf For The Florence County Road Projects, Except In The Cases Of: (1) Widening Of Pine Needles Road From South Ebenezer Road To Southborough Road (Where FHWA Oversight Is Required); (2) Widening Of SC Highway 51 From Claussen Road To US Highway 378; And (3) Completion Of The US Highway 301 Bypass From US Highway 76 To US Highway 52. Chairman Smith asked County Administrator Richard Starks if this action would affect the US Highway 52 Project or if that Project would stay part of the original package. Mr. Starks responded that SCDOT was using the Corps as the lead agency and 378 would continue under that posture. The only thing this action would leave open was for the Council to possibly use the FHWA related to Highways 301 and 51, with 51 still being under discussion. Chairman Smith stated he just wanted to ensure this action would not slow down progress on the Highway 378 Project. Mr. Starks responded that it would not and should actually keep the project moving more quickly, according to SCDOT. Councilman Rodgers seconded the motion, which was approved unanimously.

**CITY OF FLORENCE JULY FESTIVAL**

Councilman Mumford made a motion Council Approve \$2,500 From Contingency Fund To Assist The City Of Florence With The July Festival This Year. Councilman Anderson seconded the motion, which was approved unanimously.

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

**COUNCIL MEETING ADJOURNED AT 10:21 A.M.**