

**REGULAR MEETING OF THE FLORENCE COUNTY COUNCIL,  
THURSDAY, NOVEMBER 15, 2012 9:00 A.M., COUNCIL  
CHAMBERS ROOM 803, CITY-COUNTY COMPLEX, 180 N. IRBY  
STREET, FLORENCE, SOUTH CAROLINA**

**PRESENT:**

Waymon Mumford, Vice-Chairman  
H. Morris Anderson, Secretary-Chaplain  
Mitchell Kirby, Council Member  
Russell W. Culberson, Council Member  
Alphonso Bradley, Council Member  
James T. Schofield, Council Member  
Roger M. Poston, Council Member  
Suzanne S. King, Administrative Services Director  
D. Malloy McEachin, Jr., County Attorney  
Connie Y. Haselden, Clerk to Council

**ALSO PRESENT:**

Arthur C. Gregg, Jr., Public Works Director  
Kevin V. Yokim, Finance Director  
Joe Eason, Director of Parks & Recreation  
Ryon Watkins, EMS Director  
Jonathan B. Graham, III, Planning Director  
Keith Lutcken, Lieutenant/Forensics Sheriff's Office  
Barbara Coker, Administrative Manager Sheriff's Office  
David Alford, Voter Registration & Elections Director  
John Sweeney, Morning News  
Tonya Brown, TV15 News Reporter

**ABSENT:**

K. G. Rusty Smith, Jr., Chairman

A notice of the regular meeting of the Florence County Council appeared in the November 14, 2012 edition of the **MORNING NEWS**. In compliance with the Freedom of Information Act, copies of the Meeting Agenda and Proposed Additions to the Agenda were provided to members of the media, members of the public requesting copies, 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)).

Vice Chairman Mumford called the meeting to order. Secretary-Chaplain Anderson provided the invocation and Councilman Bradley led the Pledge of Allegiance to the American Flag. Vice Chairman Mumford welcomed everyone attending the meeting.

### **APPROVAL OF MINUTES:**

Councilman Anderson made a motion Council Approve The Minutes Of The October 18, 2012 Regular Meeting Of County Council. Councilman Kirby seconded the motion, which was approved unanimously.

### **PUBLIC HEARINGS:**

The Vice Chairman Opened The Public Hearings And The Clerk Published The Titles Of The Following:

### **ORDINANCE NO. 11-2012/13**

An Ordinance To Amend The Florence County Comprehensive Plan Land Use Map For Properties In Florence County Located In The Town Of Scranton On Church Street, More Specifically Shown On Tax Map Numbers 01941-01-003, 01941-01-004, 01941-01-005, 01941-01-007, On Railroad Avenue More Specifically Shown On Tax Map Number 00194-31-125 From Residential Growth And Preservation To Rural Preservation; And Other Matters Related Thereto.

### **ORDINANCE NO. 13-2012/13**

An Ordinance Authorizing (1) The Re-Documentation Of That Certain Lease Purchase Agreement Dated December 1, 1998, Between Florence County, South Carolina (The "County") And Honda Of South Carolina Mfg., Inc. (The "Company") Pertaining To The Company's Existing Manufacturing Facilities Located Within The County; (2) Extension Of The Period For Payment Of Fees In Lieu Of *Ad Valorem* Taxes With Respect To Assets Under Said Lease Purchase Agreement; And (3) Other Matters Relating Thereto.

### **APPEARANCES:**

### **CHRISTMAS CARD WINNER**

Florence County Parks & Recreation Department Director Joe Eason Announced That The Winner Of The 2012 Annual Christmas Card Contest Was Ayden Rodgers, a 4 Year-Old Student At McLaurin Elementary School. Mr. Eason presented Master Rodgers with a framed copy of his artwork and stated the original artwork would be placed with all the prior contest winners at the Drs. Bruce and Lee Foundation Public Library.

### **COMMITTEE REPORTS:**

### **PUBLIC SERVICE & COUNTY PLANNING**

Committee Chairman Schofield stated that the Committee had not met, but that he wanted to provide Council with an item of interest regarding the Florence County Museum. An action was taken by the City of Florence Design Review Board regarding the Henry Timrod Schoolhouse, which was owned by the Museum, and the Committee would be investigating and taking appropriate action for the project to move forward.

### **RESOLUTIONS/PROCLAMATIONS:**

No Resolutions/Proclamations were presented.

## **ORDINANCES IN POSITION:**

### **ORDINANCE NO. 21-2011/12 – THIRD READING DEFERRED**

The Vice Chairman stated third reading of Ordinance No. 21-2011/12 would be deferred: An Ordinance To Declare As Surplus Real Property Owned By Florence County Located At 124 Epps Street, Lake City, South Carolina And Designated As Tax Map Number 80008-12-008: And To Authorize The Conveyance Thereof To Florence School District Three; And Other Matters Relating Thereto.

### **ORDINANCE NO. 27-2011/12 – THIRD READING**

The Clerk published the title of Ordinance No. 27-2011/12: An Ordinance To Zone Property Located On Pisgah Road, Enterprise Drive, Florence Park Drive, Mechanicsville Road, Prosperity Way, Otis Way, Success Way And Cecil Road, Florence, SC, As Shown On Florence County Tax Map No. 00120, Block 01, Parcels 001-003, 022, 025, 034, 039-040, 052, 058-059, 061-063, 065, 073, 075, 077-082, 085-086, 088-090, 092-093; Florence County Tax Map No. 00145, Block 01, Parcels 076-077, 085-089, 093, 095, 100, 103-104; Consisting Of 773.14 Acres To B-6, Industrial District, Consistent With The Land Use Element And Map Of The Florence County Comprehensive Plan; And Other Matters Related Thereto. Councilman Anderson made a motion Council approve third reading of the Ordinance. Councilman Bradley seconded the motion, which was approved unanimously.

### **ORDINANCE NO. 08-2012/13 – THIRD READING**

The Clerk published the title of Ordinance No. 08-2012/13: An Ordinance To Amend The Florence County Comprehensive Plan Land Use Map For Properties In Florence County Located On Pisgah Road, Enterprise Drive, Florence Park Drive, Mechanicsville Road, Prosperity Way, Otis Way, Success Way And Cecil Road, More Specifically Shown On Tax Map Numbers 00120, Block 1, Parcels 001-003, 022, 025, 034, 039-040, 052, 059, 061-063, 065, 073, 075, 077-082, 085-086, 088-090, 092-093; Florence County Tax Map No. 00145, Block 001, Parcels 076, 085-086, 089, 093, 095, 100, 103-104 To Industrial Growth And Preservation; And Other Matters Related Thereto. Councilman Bradley made a motion Council approve third reading of the Ordinance. Councilman Anderson seconded the motion, which was approved unanimously.

### **ORDINANCE NO. 09-2012/13 – THIRD READING**

The Clerk published the title of Ordinance No. 09-2012/13: An Ordinance To Amend The Text Of The Florence County Comprehensive Plan Land Use Element To Include Zoning Districts R-3A (Single-Family Residential District) And R-5A (Multi-Family Residential District) In Sections: Single And Multi-Family Residential, Commercial Sales And Service, Future Land Use Designations And Objectives And Zoning Districts Interpretations; And Other Matters Related Thereto. Councilman Anderson made a motion Council approve third reading of the Ordinance. Councilman Bradley seconded the motion, which was approved unanimously.

### **ORDINANCE NO. 10-2012/13 – THIRD READING**

The Clerk published the title of Ordinance No. 10-2012/13: An Ordinance To Amend The Florence County Code, Chapter 30, Zoning Ordinance, Section 30-1, Establishment Of Districts And Section 30-2, Purpose Of Districts To Include Zoning Districts R-3A (Single-Family Residential District) And R-5A (Multi-Family Residential District); And Other Matters Related Thereto. Councilman Bradley made a motion Council approve third reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

### **PUBLIC HEARINGS:**

Ryan Johnson was the only speaker during the Public Hearing segment and Mr. Johnson spoke in opposition to Ordinance No. 11-2012/13.

There Being No Additional Signatures On The Sign-In Sheets, The Vice Chairman Closed The Public Hearing. (The Sign-In Sheets Are Attached And Incorporated by Reference.)

### **ORDINANCE NO. 11-2012/13 – SECOND READING**

The Clerk published the title of Ordinance No. 11-2012/13: An Ordinance To Amend The Florence County Comprehensive Plan Land Use Map For Properties In Florence County Located In The Town Of Scranton On Church Street, More Specifically Shown On Tax Map Numbers 01941-01-003, 01941-01-004, 01941-01-005, 01941-01-007, On Railroad Avenue More Specifically Shown On Tax Map Number 00194-31-125 From Residential Growth And Preservation To Rural Preservation; And Other Matters Related Thereto. There being no motion made, Second Reading of Ordinance No. 11-2012/13 failed due to lack of a motion.

### **ORDINANCE NO. 12-2012/13 – SECOND READING**

The Clerk published the title of Ordinance No. 12-2012/13: An Ordinance To Rezone Properties Owned By Caretha Green, Et Al. Located At 2224, 2225, 2226, 2228 Church Street And 2322 Railroad Avenue, Scranton As Shown On Florence County Tax Map No. 01941, Block 01, Parcels 003, 004, 005, And 007 And Florence County Tax Map No. 00194, Block 31, Parcel 125; Consisting Of 2.0 Acres From R-2, Single-Family Residential District To RU-1, Rural Community District; And Other Matters Related Thereto. There being no motion made, Second Reading of Ordinance No. 12-2012/13 failed due to lack of a motion.

### **ORDINANCE NO. 13-2012/13 – SECOND READING**

The Clerk published the title of Ordinance No. 13-2012/13: An Ordinance Authorizing (1) The Re-Documentation Of That Certain Lease Purchase Agreement Dated December 1, 1998, Between Florence County, South Carolina (The “County”) And Honda Of South Carolina Mfg., Inc. (The “Company”) Pertaining To The Company’s Existing Manufacturing Facilities Located Within The County; (2) Extension Of The Period For Payment Of Fees In Lieu Of *Ad Valorem* Taxes With Respect To Assets Under Said Lease Purchase Agreement; And (3) Other Matters Relating Thereto. Councilman Kirby made a motion Council approve second reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

### **ORDINANCE NO. 14-2012/13 – SECOND READING**

The Clerk published the title of Ordinance No. 14-2012/13: An Ordinance Authorizing: (1) The Execution And Delivery Of A Fee In Lieu Of Tax And Incentive Agreement (The “Incentive Agreement”) Between Florence County, South Carolina (The “County”) And ~~“Project Creseent,”~~ Honda of South Carolina, Mfg., Inc., Acting For Itself And One Or More Affiliates Or Other Project Sponsors, (The “Company”), Pursuant To Which The County Shall Covenant To Accept Certain Negotiated Fees In Lieu Of Ad Valorem Taxes With Respect To The Expansion Of Certain Manufacturing Facilities Located In The County (The “Project”); (2) The Benefits Of A Multi-County Industrial Park To Be Made Available To The Company; And (3) Other Matters Relating Thereto. Councilman Kirby made a motion Council approve second reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

### **ORDINANCE NO. 15-2012/13 – INTRODUCED**

The Clerk published the title and the Vice Chairman declared Ordinance No. 15-2012/13 introduced: An Ordinance To Amend The Florence County Comprehensive Plan Land Use Map For Properties In Florence County Located In The Town Of Pamplico On W. Sixth Avenue, More Specifically Shown On Tax Map Number 60001-01-021, From Residential Preservation And Rural Preservation To Suburban Development; And Other Matters Related Thereto.

### **ORDINANCE NO. 16-2012/13 – INTRODUCED**

The Clerk published the title and the Vice Chairman declared Ordinance No. 16-2012/13 introduced: An Ordinance To Rezone Property Owned By Pamplico Rescue And Ambulance Service, Inc. Located At 191 West Sixth Avenue, Pamplico As Shown On Florence County Tax Map No. 60001, Block 01, Parcel 021; Consisting Of Approximately 3.91 Acres From R-5, Multi-Family Residential District, RU-2, Rural Resource District And R-1, Single-Family Residential District To B-1, Limited Business District; And Other Matters Related Thereto.

### **ORDINANCE NO. 17-2012/13 – INTRODUCED BY TITLE ONLY**

The Clerk published the title and the Vice Chairman declared Ordinance No. 17-2012/13 introduced by Title Only: An Ordinance To Authorize The Execution And Delivery Of Various Documents In Order To Fund A Portion Of The Costs Associated With Soil Remediation Of The Lake City Park Project; To Authorize The Execution And Delivery Of These Documents In Connection Therewith; And Other Matters Relating Thereto.

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

Council Approved The Following Appointments/Re-Appointments To Various Boards & Commissions With Appropriate Expiration Terms:

- **Accommodations Tax Advisory Commission:** Shelby Kirby – Seat 6
- **Board of Assessment Appeals:** Ted Walters – District 1
- **Economic Development Partnership:** Stewart Altman – District 1
- **Florence County Museum Board:** Gary Cooper – District 1
- **Florence City-County Historical Commission:** Kent Daniels – Seat 2
- **Hannah-Salem-Friendfield Fire District:** Lanney Ard and Randolph Bazen
- **Planning Commission:** Roger Kirby – District 1
- **Policy Commission on Recreation:** Eric Sebnick – District 1
- **West Florence Rural Fire District:** Charles T. Tolson – Seat 1; Avery R. Hewitt – Seat 2 (replacing James Richard Hewitt who resigned due to medical reasons); and, Howard S. Worrell – Seat 3 (replacing Jason E. Smith who resigned due to leaving the department)

## **REPORTS TO COUNCIL:**

### **COUNTY ATTORNEY**

#### **CITY OF FLORENCE**

Councilman Culberson made a motion Council Approve The Agreement, And Termination Of Agreement And Lease Dated June 29, 1970 Between Florence County And The City Of Florence Regarding The City-County Complex. Councilman Schofield seconded the motion, which was approved unanimously.

#### **SEVERANCE AGREEMENT**

Councilman Anderson made a motion Council Accept The Severance Agreement Between Florence County And County Administrator Thomas B. Robinson Effective November 15, 2012. Councilman Bradley seconded the motion.

Councilman Schofield made the following comments: “Mr. Chairman and fellow Council members, my vote “no” is about the timing and the details of his dismissal. I don’t want the public to be under any misunderstanding. For many months, we have been working ... we have been marking time due to the ineffective leadership at the administrative level. Though what I think the majority actions of this Council are probably going to be is not what I would have done at this time, I will work hard to make this transition successful. Why it didn’t work (the man had impeccable credentials, as many of you have read) I will leave that to others to ponder the question, but Mr. Robinson lost the confidence of Council many months ago and could not recover from it. Specific examples are to include not being prepared for the Council meetings when members would ask him a question about a matter before the Council and his inability to work with most any of the department directors and some of the other elected officials in handling the day to day business of this County. We’ve got to hit the road running in January and December, taking action on many pressing issues and I pledge to the voters

of Florence County and my fellow Council members to work tirelessly to make this work and to always be vigilant to the taxpayers best interest, which is providing essential services, such as EMS, fire protection at a level that meets the needs of our citizens and promoting economic development with the associated quality of life issues that attract new industries, businesses and jobs to our community; for without the new jobs and workers, I know that we will not be able to protect the citizens from an ever escalating tax rate increase. So, to sum that up, I am definitely ... count me in that Mr. Robinson was not doing an adequate job and that surprised me greatly with his credentials, but ... I just can't support voting for this at this time."

Councilman Anderson stated that when Mr. Robinson was interviewed, he gave him a 5 star rating and was convinced that he was the man to take over as Administrator and would do an outstanding job. Councilman Anderson said he had no fault with his personality or him as a person but, as Councilman Schofield stated, he simply either could not or would not do the job.

The motion To Accept The Severance Agreement was approved with a 5 to 2 vote. Voting in the affirmative were Councilmen Culberson, Kirby, Mumford, Anderson and Bradley. Voting against the motion were Councilmen Schofield and Poston.

#### **COUNTY ADMINISTRATOR**

Councilman Anderson made a motion Council Authorize The County Attorney And Vice-Chairman Of County Council To Negotiate A Contract Of Employment Between The County And K. G. Rusty Smith, Jr. To Fill The Position Of County Administrator And To Further Authorize The Vice-Chairman To Execute The Contract Of Employment On Behalf Of The County. Councilman Bradley seconded the motion.

Councilman Schofield stated, "Mr. Robinson was not performing up to the level I expected, however the timing of this action is not something I can support or feel good about. I would have preferred for this action to have occurred in the new year when we have a newly elected Council. We could have just told Mr. Robinson that we would not be renewing his contract at the time, since he would have less than a year, and evaluated the candidates for the position, then hired someone to immediately take over, being that Mr. Smith or anybody else. Hiring Mr. Smith to be Administrator is not something I can support at this time. Mr. Smith has a long record of serving this County and other members of this Council felt it was worth giving him a try and I understand what you gentlemen are saying. What will be done will be done today, but when you serve on the Council sometimes you do not get the vote you want to. Your duty is to move forward hoping that those who have made the choice will be proven correct in their assessment. I pray they will be proven correct and I will do all that I can to make it work and move this County forward in a professional manner. Mr. Smith has his work cut out for him as does this Council in earning the trust of the public. I will do all that I can to see that this County is run professionally and for the benefit of the taxpayers. Council sets the policies of this County and it is up to the Administrator to see that they are carried out. I would just make a comment there; when Mr. Robinson said ... that Council wanted him to do our bidding, well quite frankly, that is exactly what he's supposed to do is the bidding. As

Council does by State law set the policy and it is up to the Administrator to carry them out. This will be a new style of work for Mr. Smith, not something he has been accustomed to over many years of setting and guiding the policies of this County and, for me for the most part, this County is in very good condition; he's done a good job. ... I know he cares greatly for the County and will give it his best. In January this Council will have new members and new leadership and I am hopeful that we can get on with the business of Florence County because we have been marking time too long."

Councilman Anderson stated, "When I was elected to this Council eight years ago, I had my doubts about Mr. Smith's ability. But having worked with him closely, I have found him to be greatly in favor of doing that which is best for Florence County and I know that there have been a lot of folks that have questioned his motives but if there is any 'hanky panky' going on, I have not seen it and I feel like that with his love, as James has said, for Florence County and his character trait that makes him want to do his very best, I feel like that he will make us all proud and I just want to say that and let you know that Rusty Smith will do a good job. I believe that with all my heart."

Councilman Mumford stated, "I can't think of anyone else that knows more about county government than Councilman Smith. You got to give him the credit there; he knows county government inside out. He also has a great love for this community and he has contributed so much to this County and this Council in the twenty plus years that he has served. I do believe that he will do an excellent job as Florence County Administrator."

The motion was approved with a 5 to 2 vote. Voting in the affirmative were Councilmen Culberson, Kirby, Mumford, Anderson and Bradley. Voting against the motion were Councilmen Schofield and Poston.

## **FINANCE**

### **MONTHLY FINANCIAL REPORTS**

Monthly Financial Reports Were Provided To Council For Fiscal Year 2013 Through September 30, 2012 As An Item For The Record.

## **PUBLIC WORKS/PROCUREMENT**

### **AWARD OF BID #07-12/13**

Councilman Kirby made a motion Council Approve Award Of Bid #07-12/13 For A Motorgrader To Blanchard Machinery Company, Florence, SC In The Amount Of \$228,131.64 To Be Funded From FY13 Departmental Funds. Councilman Culberson seconded the motion, which was approved unanimously.



## **SHERIFF'S OFFICE/PROCUREMENT**

### **UPGRADE TO TELEPHONE SYSTEM AT LEC**

Councilman Anderson made a motion Council Authorize An Upgrade To The Existing Telephone System At The Florence County Law Enforcement Center From The Current Vendor, TelCom System, Utilizing \$53,985.45 In FY13 Sheriff's Office Budgeted Funds. Councilman Culberson seconded the motion, which was approved unanimously.

## **OTHER BUSINESS:**

### **INFRASTRUCTURE**

#### **LAKE CITY POLICE DEPARTMENT**

Councilman Culberson made a motion Council Approve The Expenditure Of Up To \$10,000 From Council District 1 Infrastructure Funding Allocation To Assist The Lake City Police Department With The Establishment Of A Shooting Range; To Include Construction Of A Safe Target Area With Stands, A Shelter For Shooting, Secure Storage And Paved Access Areas. Councilman Anderson seconded the motion, which was approved unanimously.

#### **NATIONAL CEMETERY PROPERTY**

Councilman Schofield made a motion Council Authorize The County Attorney To Enter Into Negotiations To Purchase Properties Adjacent To The Florence National Cemetery Owned By Deborah Artis To Expand The Cemetery, In An Amount Not To Exceed \$150,000; Authorize The County Administrator To Execute An Option To Purchase Real Estate; And Approve The Expenditure From Council Districts' Infrastructure/Utility Funding Allocations As Indicated On The Approving Documentation. Councilman Anderson seconded the motion, which was approved unanimously.

### **ROAD SYSTEM MAINTENANCE FEE (RSMF)**

#### **L.E. CIRCLE**

Councilman Culberson made a motion Council Approve The Expenditure Of Up To \$49,896 From Council District 6 RSMF Funding Allocation To Pay For Rock And Crushed Asphalt For L.E. Circle. Councilman Anderson seconded the motion, which was approved unanimously.

### **UTILITY**

#### **CITY OF LAKE CITY**

Councilman Anderson made a motion Council Approve The Expenditure Of Up To \$10,000 From Council District 1 Utility Funding Allocation To Assist The City Of Lake City With The Replacement Of A Domestic Wastewater Flow Meter At The Nan Ya Plastics Facility. Councilman Culberson seconded the motion, which was approved unanimously.

**The following were Additions to the Agenda:**

**MCLAURIN DRIVE**

Councilman Anderson made a motion Council Approve The Expenditure Of Up To \$27,027 From Council District 9 RSMF Funding Allocation To Pay For Additional Crushed Asphalt For McLaurin Drive. Councilman Schofield seconded the motion, which was approved unanimously.

**TOWN OF TIMMONSVILLE**

Vice Chairman Mumford stated that Councilman Kirby would like to defer the request for the Town of Timmons ville to the December meeting.

**FY13 EMPLOYEE CHRISTMAS BONUS**

Councilman Anderson made a motion Council Authorize The FY13 Christmas Bonus For County Employees As Budgeted And Outlined In Section 8b. Of Ordinance No. 01-2012/13 (The Budget Ordinance). Councilman Kirby seconded the motion, which was approved unanimously. Vice Chairman Mumford stated that just for information, each employee would receive a \$100 Christmas Bonus. He stated he wished Council could have done more, but Council had to work with what was available. On behalf of Council, He Wished All Employees A Merry And A Safe And Blessed Christmas.

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

**COUNCIL MEETING ADJOURNED AT 9:37 A.M.**