

**WORKSESSION OF THE FLORENCE COUNTY COUNCIL,
TUESDAY, FEBRUARY 11, 2014, 7:30 A.M., CONFERENCE ROOM,
ROOM 802, COUNTY COMPLEX, 180 N. IRBY STREET,
FLORENCE, SOUTH CAROLINA**

PRESENT:

James T. Schofield, Chairman
Waymon Mumford, Vice Chairman
Mitchell Kirby, Secretary-Chaplain (entered @ 9:07 a.m.)
Russell W. Culberson, Council Member
Alphonso Bradley, Council Member (entered @ 7:36 a.m.)
Roger M. Poston, Council Member
Kent C. Caudle, Council Member (entered at 7:49 a.m.)
Willard Dorriety, Jr., Council Member
Jason M. Springs, Council Member
K. G. Rusty Smith, Jr., County Administrator
D. Malloy McEachin, County Attorney
Connie Y. Haselden, Clerk to Council

ALSO PRESENT:

Suzanne S. King, Administrative Services Director
Kevin V. Yokim, Finance Director
Dusty Owens, Emergency Management Department Director
Samuel K. Brockington, Jr., Fire/Rescue Services Coordinator
Chief Deputy Glen Kirby
Ben Zeigler, Attorney
Gavin Jackson, Morning News

A notice of the worksession of the Florence County Council appeared in the February 10, 2014 edition of the **MORNING NEWS**. Copies of the agenda were faxed and emailed to members of the media and public requesting such documents, posted in the lobby of the County Complex, at the Doctors Bruce and Lee Foundation Public Library and all branch libraries, and on the County's website (www.florenceco.org).

DISCUSSION OF MOTOROLA CONTRACT/RADIO SYSTEM UPGRADE

Chairman Schofield called the worksession to order and stated the first order of business was the Discussion of Motorola Contract/Radio System Upgrade. County Administrator K. G. Rusty Smith, Jr. provided a brief overview of the project as approved by the voters in the Capital Project Sales Tax (CPSTII) referendum in November 2013. One component of the project was the upgrade of radios used by emergency responders. Mr. Smith stated that during discussions on the radio upgrades, the 6000XE model radio appeared to be the one most compatible for fire service providers. Parties involved met and discussed the option of changing out the radios originally ordered for the 6000XE and Motorola essentially agreed to take back the previously ordered radios that were still unopened. Since these radios were still within the budget allocated by the CPSTII, Attorney Ben Zeigler was of the opinion that it would be within the scope of the project

to update the contract with the requested radios. Mr. Smith stated he felt it was imperative to bring the issue before Council to ensure Council approved of the change. Councilman Springs displayed three models of the radios being discussed: one that was currently used by South Lynches Fire Department (which he was a member of), one that was scheduled to be refurbished and provided to the fire departments, and one 6000 model. One of the features on the model requested was larger knobs so that firefighters could turn the knobs with their fire gloves on and not have to remove the gloves to adjust the volume, channel, etc. on the radios while in a fire situation. These radios also minimize the potential for explosion in an intense fire situation. The increase in cost for the model requested was approximately \$291,000 more, which was still well under budget. Staff was also pursuing a Homeland Security Grant to assist with funding for a portion of the costs. There would be two towers installed, one in Olanta and the other in the Windy Hill Fire Department area. The projected cost for that was approximately \$600,000, which would maximize efficiency for the overall system and would still be under budget. Councilman Dorriety stated he was of the opinion that if these radios were under budget and safer that Council should approve. Councilman Culberson concurred. Councilman Mumford asked why the model 6000 radio was chosen to begin with instead of the 6000XE. Emergency Management Director Dusty Owens stated he went with the 6000 because the two radios (6000 and 6000XE) internally were identical. The major difference was the larger knobs and he was of the opinion at the time that for the cost difference, he didn't see the need for purchasing the XE. Chairman Schofield stated this radio was safer for the firemen and protecting the firemen when entering a fire and as long as it was within budget, he was in favor of the upgrade. It was the consensus of the members to move forward with the upgrade.

DISCUSSION OF STEVENS AND WILKINSON ARCHITECTS' CONTRACT FOR SCHEMATIC DESIGN AND DESIGN DEVELOPMENT OF THE NEW FLORENCE COUNTY COURTHOUSE

Chairman Schofield stated the issue for Council was that staff wanted clarification prior to moving forward with the recommendation of Stevens and Wilkinson (S&W) on a proposed new courthouse facility. S&W provided several different options/sizes of the building. He stated he was of the understanding that Council wanted to build something that would be expandable. Councilman Dorriety asked if there was a timeframe established. The Chairman responded that there was not an established timeframe for building the courthouse, but this would provide design documents for the public to see what was proposed, then determine how to fund the project. Councilman Dorriety asked if the project were delayed, would the proposed plans go 'stale.' Chairman Schofield stated not the site plans, but if the construction documents were drawn up, that would be a potential issue. In response to a question from Councilman Springs, the Chairman responded that according to the architects, the design they would provide would be good for approximately forty years. In response to a question regarding cost, the Chairman responded a little over a million dollars. Mr. Smith clarified that the fee was based on 8.5% of the scenario chosen. For instance, there were six (6) scenarios offered so if Council chose option 4, the fee would be \$1.29 million. Mr. Smith stated one question he had was that in the proposal they asked about the County selecting a construction

manager at risk. Chairman Schofield stated his recommendation would be that the County not go with that option but follow a bid process like was done with the Florence County Museum. Mr. Smith stated this would be Phase I and would take approximately nine months to complete. The schematic design would provide conceptual drawings to delineate the floor plans, elevations, direction of the building. The design development develops the technical aspects of the facility such as masonry, type of roof, etc. The Chairman said he didn't want to go to the public and ask for funding without something to show and tell them exactly what was being proposed. Mr. Smith stated that basically represents 38% of the overall cost and the remaining 62% would be incurred during construction. The Chairman reminded Council that the consultants ranked the Florence County courthouse in the top 5 worst courthouses in America for security, safety, and efficiency of the courthouse. The County received a letter from the Chief Justice several years ago asking the County to address the courthouse. This was a proactive step. Mr. Smith stated if it was the will of Council staff would move forward with executing the contract for Scenario 4. The Chairman asked if there were any objections to going forward. Councilman Dorriety asked where the funding would come from. The Chairman responded from on-hand building funds for the County Complex. No objections were voiced.

Mr. Smith stated the re-stacking of the facility was going extremely well and that he would provide Council with a report on the status.

RFP PANEL APPOINTMENT

The Chairman appointed Councilman Bradley to serve on the Program Management Services – Capital Project Sales Tax II RFP Panel.

DISCUSSION OF FIRE SERVICES AND PROPOSED ORDINANCES NO. 17-2013/14 AND NO. 18-2013/14

The Chairman stated the next item on the Agenda was the Discussion of Fire Services and Proposed Ordinances No. 17-2013/14 and No. 18-2013/14. He provided two (2) spreadsheets containing information such as millage and bond issuances for each of the fire districts currently in Florence County. (A copy of the information is attached for reference.)

According to the existing Code, a 501(C)(3) was not supposed to own any part of Florence County fire equipment or buildings. He stated that in his opinion, many of the districts had begun to blur the lines between the boards established by County Council and the 501(C)(3) boards. He stated if Council did the equalization at 16 mills, 48,750 people living in five fire districts would see a tax reduction of 34 mills and 29,176 people living in two fire districts would experience a tax increase of 9 mills. The Chairman stated "I'm not worried about being criticized for what I view as a minimal tax increase of \$32 on a \$100,000 home for equalization and to get things set fair. I am more concerned for being criticized for knowing that tax funds have been embezzled on two occasions, and not much has changed other than those fire boards are trying to do a better job and that we might wait and not do something. I am more concerned about the citizens

being upset because public tax dollars, in violation of the law, have been converted into private corporations which have no accountability to the public for the purchase of land and buildings, in direct violation of County Ordinances. I say we should not wait.”

The Chairman read an excerpt from a letter provided by four of the fire chiefs expressing concern that County funding could not be spent on privately owned property, which meant purchases utilizing the capital project sales tax penny would be owned by Florence County or a public entity, not a private corporation. (A copy of the correspondence is attached for reference.) There was no centralized control over these districts that receive public funding. If the fire districts took tax dollars that were in excess of operating costs and transferred the funding to a 501(C)(3) and then purchased land or other items under the corporate name, that was in violation of the County Ordinance. Some of the fire districts were not responding to the County’s request as to the funding held in reserves. If those districts were holding enough funding in reserves to pay off bond issuances, the funding should be used for that purpose.

The Chairman said he could not guarantee that he would vote for these ordinances on third reading but that he was committed to working hard to equalize funding for all districts to ensure Florence County had adequate coverage countywide and to go to the State to change State Law regarding fire districts for the benefit of the citizens.

The Chairman stated if Council opted not to move forward with the two ordinances or denied them on third reading, Council would have to deal with deficits in two fire districts for fiscal year 2015. He stated most fire departments were no longer just responsible for house or structure fires, but were first responders to vehicular accidents and other incidents that occur at local businesses and industries. He stated that as Chairman he would not place the matter on the regular meeting Agenda until he had at least five members that were in favor of moving forward.

Councilman Mumford commended the Chairman for his presentation and stated regardless of what Council did in working with the fire departments, they needed the Legislature to change Section 4-19 of the Code of Laws of South Carolina 1976 as amended. He was of the opinion that the matter needed to be on hold for another year until some of the problems could be resolved.

Councilman Bradley stated that, given some of the things that were in the works, such as the issue before the State Legislature, he would like to give County Administrative staff the opportunity to come up with an alternate plan rather than raising millage. He agreed the County needed to ensure money was not being mismanaged.

Councilman Springs asked Mr. Smith if he was aware of any way to move forward if the Legislation was not changed. Mr. Smith responded that there were a couple of other suggestions, such as expanding some of the other districts that were under Section 4-19. He had previously discussed with Mr. Zeigler the option of maybe developing a public safety district under Section 4-09. He was also working with SCAC staff in meeting with various legislators regarding the proposed amendment to Section 4-19.

Councilman Culberson stated he would like to leave the options open. Councilman Springs stated he agreed that sitting and waiting was not a viable option in his opinion. Councilman Caudle stated he was more concerned about Council *not* doing something than Council *doing* something to resolve the situation. He said one of his biggest concerns was that the County didn't have the authority to inspect buildings in the County nor enforce violations of fire code.

Councilman Poston stated he agreed that Council needed to move forward to keep options open. He stated he had a problem that these entities could use public funding but the County couldn't even audit the financial records of these entities.

Councilman Mumford stated he would like for this item to not be placed on the next regular meeting Agenda to allow the Chairman opportunity to meet with the Chiefs at their next meeting. Chairman Schofield stated in order to stay in line with the budget process and keep things moving, he would like to move forward with introduction at the February meeting. There would still be two additional readings and a public hearing, before Council could finalize the ordinances. In response to a question, Finance Director Kevin Yokim responded that there was about a \$600,000 deficit to fund the fire districts in the fiscal year 2015 budget.

Council discussed South Lynches Fire District and the potential for South Lynches to join the Florence County Fire District, as well as the potential impact on Williamsburg County since South Lynches served both counties.

Councilman Dorriety stated the West Florence Fire Chief was concerned about annexation. The City was currently trying to annex the area where Academy Sports was building off David McLeod Boulevard and a new Bonefish Grille was coming. That would hurt revenue for the West Florence Fire Department. The developers for all new developments were working to annex areas into the City because of water/sewer, etc. All of this would affect revenues for the proposed County fire district. He said he wouldn't vote on anything without a budget. He said another issue he was concerned about was the variance in water rates charged by the City of Florence for the City versus the County.

Chairman Schofield stated one source of funding would be curb-side garbage service. This would increase the annual cost to the taxpayer, but would reduce/eliminate the need for approximately \$900,000 funding for solid waste from the County General Fund. Several members of Council expressed support for this item.

Councilman Bradley stated with all of the issues before Council, the public needed to be informed and the Council needed public support to move forward.

The Chairman stated if he had the concurrence of at least five members of Council, he would move forward with introduction of Ordinances 17 and 18-2013/14 on the February 20, 2014 regular meeting Agenda. He received the concurrence of five members.

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

COUNCIL MEETING ADJOURNED AT 9:31 A.M.