



**Minutes**  
**Clarendon County Council**  
**Regular Council Meeting**  
**Monday, February 14, 2011, 6:00 P.M.**  
**Weldon Auditorium, Manning, SC**

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**COUNCIL MEMBERS PRESENT:**

1. County Council Chairman Dwight L. Stewart, Jr.
2. County Council Vice-Chairman W. J. Frierson
3. County Councilman A.C. English, Jr.
4. County Councilman Billy Richardson
5. County Councilman Benton Blakely

**COUNTY STAFF MEMBERS PRESENT:**

- David W. Epperson, County Attorney  
(*Interim Administrator*)
- Mia R. Jackson, Clerk to County Council
- Linda P. Lemon, Director of Human Resources

**MEDIA PRESENT:**

Darren Price- The Item

- I. **Chairman Stewart called to order at 6:02pm**  
Chairman Stewart thanked the public for being present and asked Vice-Chairman Frierson to perform the invocation.
- II. **Invocation** was performed by Vice-Chairman Frierson.
- III. **Pledge of Allegiance** was recited in unison.
- IV. **Approval of Council Agenda:** After reviewing the agenda, a motion by Vice-Chairman Frierson, seconded by Councilman English to accept the February 14, 2011 as presented. *Motion passed unanimously.*
- V. **Approval of the Regular Meeting Minutes:** County Council was given an opportunity to review the minutes from the February 14, 2011 Council Meeting for correction and editing, Chairman Stewart asked council if there were any corrections or additions to the minutes. With no comments, questions, or changes by council, Chairman Stewart entertained a motion to accept the minutes as presented. **ACTION:** A motion was made by Councilman English, seconded by Vice-Chairman Frierson to accept the February 14, 2011, Regular Council Meeting. *Motion passed unanimously.*
- VI. **Audit Statement review of Clarendon County performed by McGregor & Company, LLP presented by Lori Salley, CPA:** Ms. Salley began by thanking council for allowing her time to review the audit report this year. Ms. Salley stated that she would not review the audit report in its entirety, however will only highlight portions of the audit and answer any questions council may have. Ms. Salley began by reviewing: 1) Page 1, the Independent Auditor's Report letter. Ms. Salley stated that the county received an unqualified opinion audit, which the best type of audit to receive. She stated that the letter reviews what the audit consisted of and how the audit was conducted as well as the purpose of the audit. 2) Ms. Salley went on the highlight pages 3-

10 Management's Discussion and Analysis. Ms. Salley highlighted the General Fund balance of 5.0 Million and county's total net assets of \$1.4 million, which is an increase since the last audit. Ms. Salley stated the Management's Discussion and Analysis continued on pages 5-10. 3) She went on to review page 11, the Statement of Net Assets year ending June 30, 2010. Ms. Salley focused on the final total of the county's net assets which stood at \$27, 849, 303, "which is very strong," she said. 4) Ms. Salley continued to page 13 which contained the balance sheet for the various county funds. Ms Salley highlighted the General fund category noting the general fund unreserved balance of \$4, 950, 377. 5) On page 14 Ms. Salley highlighted the net increase in the fund balance of \$1,370,318. Ms. Salley stated that the increase was mainly a result of underestimation of revenue from tax collection. 6) On page 16, Ms. Salley reviewed more of the general fund balances by highlighting the revenues for the year. She noted the \$929, 513 dollars received in grant funding and a total of \$1, 719, 980 received through revenue from Taxes, Licenses and Permit Fees, Intergovernmental Charges, Charges for Services, Fines and Forfeitures, Interest, and miscellaneous charges. 7) She reviewed the Proprietary Fund of the Water & Sewer Department stating that the Water & Sewer fund shows a net loss of \$27, 798 which were largely due to start up costs, repairs, and maintenance needed on some of the water systems acquired during the fiscal year. 8) Ms. Salley stated to council that the remainder of the financial statements began on page 22. She noted page 86, the Schedule of Expenditures of Federal Awards Clarendon County. Total amount of \$1,100,880 in grant funds were received by the county in the fiscal year. 9) She went on to page 88 to the Schedule of Findings and Questioned Costs. She stated that there were neither deficiencies nor any findings to mention. Ms. Salley advised council that any recommendations to be made would only be to streamline control within the various departments. She suggested that the County Landfill Department began keeping a detailed log of customer names and fees should be kept and filed. In the Procurement Department, she recommended that purchases made for the Sheriff's Office follow the established procurement policy. She also noted a vehicle was purchased for the Fire Department using a local vendor; however the records indicated only one vendor was contacted. She suggested that if a bid is requested from one local business all local vendors should be included. She also noted equipment for the Fire Department was purchased not following the procurement process. She mentioned the construction of a picnic table that was not initiated through procurement. She mentioned the Water & Sewer Department were not collecting late fees on their customers. She stated that collecting the late fees would encourage the customers to be timelier in paying their bill. Ms. Salley concluded by stating that overall the audit went really well, she commended Lynden Anthony and his staff for having the documentation prepared and making the audit almost seamless. She thanked council for another opportunity to make her presentation allowing and McGregor & Co. to conduct the audit again this year.

**Chairman Stewart thanked Ms. Salley for her presentation.** Chairman Stewart stated that procurement is working to improve its efficiency and he stated that council is also working with its Elected Officials to improve their procurement procedures as well. He stated that the Department Supervisors are encouraged to follow the procurement processes in place. Chairman Stewart thanked Ms. Salley again for her time and asked council if any of them had questions; with no questions, Chairman Stewart proceeded to the next item on the agenda.

- VII. **Resolutions:** Chairman Stewart reported that the Clarendon County Disabilities and Special Needs Boards (CCDSNB) were planning to apply for funding through the South Carolina Department of Mass Transit FTA Section 5361 & 5217 Program. Chairman Stewart stated that a component of their application is to receive a Resolution of Support from the County in which

they plan to service. Chairman Stewart recited the resolution in its entirety advising council and the public that the CCDSNB will provide transportation to the elderly and disabled of Clarendon County. With no further questions or concerns from council; **ACTION:** Chairman Stewart entertained a motion by Vice-Chairman Frierson, seconded by Councilman Richardson to accept and support the efforts of the Clarendon County Disabilities and Special Needs Board. *Motion passed unanimously.*

- VIII. **Proclamations:** Chairman Stewart reported that Weldon Auditorium will be hosting its final shows for the season in the next few months. He stated that as council has done for the first several shows, there were proclamations read in honor of the performances at Weldon Auditorium. After reading the proclamations, Chairman Stewart entertained a motion to accept the proclamations. **ACTION:** A motion by Councilman English, seconded by Councilman Blakely to accept the Weldon Auditorium Proclamations as presented. *Motion passed unanimously.*

*\*Sandi Tucker, Weldon Auditorium Director asked for the floor before Chairman Stewart continued. Upon permission, Ms. Tucker wanted to personally thank County Council for providing a way for the children of Clarendon County School Districts 1, 2, & 3 with the opportunity to see Beauty and the Beast. She stated that approximately 2, 000 children from the county would fill Weldon on February 18<sup>th</sup> to see the play. Ms. Tucker commented that the Columbia Ballet will be performing Cinderella that same evening.*

- IX. **Clarendon School District No. 3 Funding Request-** Chairman Stewart reported that Clerk Jackson received a letter from Dr. Dennis, Clarendon School District No. 3 Superintendent requesting that the school district utilize the excess funds totaling \$125, 000, available to them by the 1% sales tax received for debt retirement. Chairman Stewart commented that the letter stated the money would go towards a camera system at East Clarendon Middle/High School, an audible alarm system at Walker-Gamble Elementary and at East Clarendon Middle/High School. The letter also stated that once council approves the funding Dr. Dennis would then need to get approval from the Board of Trustees at their January 20, 2011 meeting. **ACTION:** Upon motion from Councilman Blakely, seconded by Councilman English to authorize Clarendon School District No. 3 to utilize the \$125, 000 available in 1% sales tax funds in excess of the funds needed for debt retirement. *Motion passed unanimously.*

- X. **Clarendon County Transportation Committee:** At 6:30pm Chairman Stewart declared that the meeting of the Clarendon County Transportation Committee was officially open. Chairman Stewart turned the floor over to Attorney Epperson to review the requests presented to council. Mr. Epperson stated that there were 3 requests before the committee and they were as follows: **A) Review of the 2011 Road Paving Recommendations List:** Attorney Epperson stated that council has received the list in each of their packets and that the Engineer, Mark Blackmon has reviewed and commented on each road as presented. Attorney Epperson stated that based on the information from Public Works Director Tim Hilliard and Engineer Mark Blackmon the 2011 Road Paving Recommendations List would be as follows: **1.** Rowe Road, **2.** Farmstead Group(to include: Farmstead, Birch Haven, Cassie Lynn, Carrie Lynn, and Raccoon Road), **3.** Northern J.W. Carter Road, **4.** Goodwill Church Road, **5.** Parker Road, **6.** Hector Walker Road, **7.** DeBerry Street and Unnamed Cul de Sac. **Vice-Chairman Frierson** asked about the status of the

Brogdon road area and wanted to know whether there were any new developments with them. He reported the status of Brogdon Road, stating that there are a total of 28 homes on Brogdon Road, 14 of the homes have either refused to sign or the heirs cannot be located to sign the easements. Attorney Epperson stated that Clerk Jackson has spoken with some of the residents of Brogdon road; Clerk Jackson responded, "Yes, I have spoken with Ms. Harvin over the phone and at one of our council meetings. After the council meeting several months ago, she was to come in and pick up a copy of the list so that she can try and make contact with the other property owners so she could reach out to them about signing the easements. She never followed up." **Councilman Blakely** asked whether or not has any one reviewed or considered William Gibbons Road. Attorney Epperson stated no, however he will have the Engineer review that road and will have a report by the next council meeting. Attorney Epperson stated that action would need to be taken in order to update the Road List. Chairman Stewart asked council if there were any additions or changes to the list aside from William Gibbons Road and with no reply action was taken on this matter. **ACTION:** A motion by Councilman Richardson, seconded by Vice-Chairman Frierson to approve and accept the 2011 Road Paving List as presented. **Motion passed unanimously.** **DISCUSSION:** Chairman Stewart instructed Clerk Jackson and Attorney Epperson to have William Gibbons Road reviewed to see whether or not it can be a candidate for the Road Paving List.

*(Before moving on, Vice-Chairman Frierson inquired about J.W. Rhames Road (Landfill Road). Attorney Epperson stated that Mr. Blackmon reported that the paving company the county has contracted with is not equipped to perform the amount of repair work and repaving needed on Rhames Road. He advised council that there is an option of contracting with SCDOT to perform the work and repaving, however the cost would exhaust the C-Funds for the entire year.*

**B) Funding Request for Road Maintenance by SCDOT:** Attorney Epperson reported that the County Engineer, Mark Blackmon received a request from SCDOT for their state appropriated portion of the C-Funds in the amount of \$365,000. They are requesting the funds in order to perform maintenance and paving of J.W. Carter Road. **Chairman Stewart** pointed out to the committee that they have the option to suggest another state road for SCDOT to work on should the committee desire to do so. However if not, action can be taken on the request before them. **ACTION:** A motion by Councilman Richardson, seconded by Councilman English to accept and approve the Programming request in the amount of \$365,000 made by SCDOT to complete a full depth patching, leveling, and resurfacing of S-14-14 (Rev. J.W. Carter Rd.) from US 301 (Alex Harvin Hwy) to S-14-25 (Moses Dingle Rd.) in Davis Station.

**C) Funding Request made by Public Works Director, Timothy Hilliard:** Attorney Epperson reported that Mr. Hilliard has currently exhausted all of his road paving and maintenance materials. He stated that in order for Mr. Hilliard to continue the upkeep of the paved and unpaved roads, he will be required to replenish his road material stock. Attorney Epperson stated the amount requested was \$150, 000 however, the council packets reflected \$165,000(as noted by Councilman Richardson) (*\*Note: Adjustment to requested amount was updated shortly before the council meeting without prior notice. Neither Council nor its Clerk were given notice of adjustment*). With no further questions or concerns, Chairman Stewart entertained a motion. **ACTION:** A motion made by Vice-Chairman Frierson, seconded by Councilman Blakely to approve the funding request in the amount of \$150,000 for road maintenance materials made by Public Works Director Timothy Hilliard. **Motion passed unanimously.**

*At 6:42pm Chairman Stewart stated that the Clarendon County Transportation Committee has exhausted the items for consideration and would entertain a motion to conclude the February*

*Committee meeting. ACTION: A motion made by Vice-Chairman Frierson, seconded by Councilman Richardson to conclude the Clarendon County Transportation Committee Meeting.*

- XI. **Administrators Report:** Attorney Epperson (Interim Administrator) thanked Chairman Stewart for the floor. Attorney Epperson reported the financial status of the County, the Water & Sewer Department and the C-Fund Accounts to date. (See below report)

➤ **Clarendon County Finances**

MONTH END January 31, 2011

January Revenue \$4, 400, 299

January Expenditures \$1, 760, 428

**Year to Date TOTALS**

Year to Date Revenue \$10, 769, 076 or 60% of Budget

Year to Date Expenditures \$10, 223, 543 or 57% of Budget

➤ **Water & Sewer Department**

7 MONTH REVIEW

Operating Revenue \$198, 361

Operating Expenses -\$ 177, 230

Depreciation -\$ 21, 131

Income/(Loss) \$384

➤ **C-Fund Report-**

Cash Balance as of January 31, 20 \$987, 737

Funds committed to State Projects -\$370, 697

Funds committed to Local Projects -\$ 84, 925

Stated Required Reserve funds -\$ 90, 000

TOTAL Committed C-Funds \$545, 622

TOTAL Uncommitted C-funds \$442, 115

After reviewing the monthly financial reports Interim Administrator Epperson updated council on several of the counties ongoing projects:

1) **The Administrative Building:** Mr. Epperson reported that Meadors Architects are scheduled to meet with each Department Head in the coming weeks to discuss their individual needs within the new Administrative Building. He stated that each Department has received a 30page questionnaire to review prior to their interview with the architects. He also stated that Meadors has completely cleaned out the inside of the building thus far. They have planned to move forward in the coming weeks once schematics have been finalized.

2) **Animal Control Department/Shelter:** Attorney Epperson reported that the Facility opened on Saturday Feb. 12<sup>th</sup>, however since the facility is only open by appointment on the weekends, it officially opened on Monday February the 14<sup>th</sup>. He stated that Sheriff Garrett hired an Animal Control Officer, Mr. Welch, and right before leaving his office the last report he received were that 9 dogs were collected the first day. Mr. Epperson stated that all seems to be going well thus far, there have been no problems to report or any complaints.

3) **Archives Building:** Attorney Epperson stated that the reconstruction on the Archives Building has been going well. He stated that the roof is scheduled to be temporarily removed

tomorrow (Tuesday 2/15) and currently the plans for completion are on schedule. He stated that Nancy Cave and her staff are eager to return in their building.

4) **Gym Renovations:** The FEMA funded project is on track and on schedule to be completed this October. This concluded Interim Administrator Epperson's Report; he thanked council and turned the floor back to Chairman Stewart.

XII. **Chairman's Report:** Chairman Stewart stated that each Councilman received a copy of the Chairman's Report in their packets however he wanted to mention that the Summerton Town Councilman Terrance Tindal has invited council and the public to attend the Benefit GALA on Saturday, February 19, 2011 at the Scott's Branch High School. Chairman Stewart concluded his report and stated that next on the agenda was Executive Session.

XIII. **Executive Session:** Chairman Stewart stated that there are four (4) items listed that needs discussion in Executive Session: 1) A legal Matter, 2) Contractual Matter, 3) Economic Development, 4) and Personnel Matter. Chairman Stewart entertained a motion to enter into Executive Session. **ACTION:** A motion was made by Councilman English, seconded by Councilman Richardson to enter into Executive Session at 7:15pm. (*\*Note: During Executive Session Council asked the following people to attend in order to provide necessary information. Each attendee was called in at their appropriate time: Judge Bobbie Reaves, Deepal Eliatamby & Bob Freeman of Alliance Engineers, Inc., John Truluck, Sam Moses of Parker Poe, Linda Lemon, and Sheriff Randy Garrett.*)

**Open Session:** At 8:20pm a motion made by Vice-Chairman Frierson, seconded by Councilman Richardson to exit Executive Session and resume the regular council meeting. *Prior to reviewing Executive Session, Chairman Stewart stated that he will entertain a motion to move item 15 on the agenda to be considered next. Motion made by Councilman Richardson, seconded by Vice-Chairman Frierson.*

XIV. **Consideration of First Reading of Ordinance No. 2011-01;**  
An Ordinance Authorizing Pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as Amended, The Execution and Delivery of a Fee-In-Lieu of Agreement, by and Between Clarendon County, South Carolina, and [Project Whole], as Sponsor, and one or more Sponsor Affiliates, to Provide for a Fee-In-Lieu of Ad Valorem Taxes Incentive, to Provide for the "Manufacturer's Abatement" and Other Related Matters. Chairman Stewart stated that during Executive Session Council received a briefing on this matter from Economic Development Director John Truluck and Attorney Sam Moses of Parker Poe. He stated that this ordinance will provide a Fee-In-Lieu agreement between Clarendon County and the company currently named "Project Whole". He explained that during negotiations it is customary that the name of the company remain confidential. Chairman Stewart stated he would entertain a motion to consider the first reading of Ordinance No. 2011-01. **ACTION:** A motion made by Vice-Chairman Frierson, seconded by Councilman English to accept First Reading of Ordinance No. 2011-01. *Motion passed unanimously.*

XV. **Chairman Stewart** reviewed the items presented to council during Executive Session. He stated that several of the items may require action. He began with: **1) Legal Matter:** Chairman Stewart stated that that Council received a legal briefing on a matter from Attorney Epperson and no action will need to be taken.

**2) Contractual Matters: (1) Notice of Intent:** Chairman Stewart stated that council received a briefing on the USDA Highway 260 Waterline Matter. He stated that RFP's recently went out and a company was selected based on the bids received. Chairman Stewart stated that the next step in the award process is authorizing the Notice of Intent to Award to the winning bidder. Chairman Stewart noted that this is not the final step in the award process. He stated that we are still working with USDA and gathering all the required documentation needed to move forward. Chairman Stewart stated that he would entertain a motion to authorize the County to enter into and execute the Notice of Intent to Award with winning bidder. **ACTION:** A motion made by Councilman English, seconded by Councilman Richardson to authorize the County to enter into and execute the Notice of Intent to Award. *Motion passed unanimously.* **(2) Amended agreement with City of Manning:** Chairman Stewart reviewed the second Contractual Matter for consideration. Chairman Stewart turned the floor over to Attorney Epperson to review this matter further. Attorney Epperson stated that the County is in the process of acquiring 2 new Water Systems, Quail Ridge and Eagle Point. He stated in doing so, the county is required to increase the water capacity agreement with the City of Manning. Mr. Epperson stated that council would be required to authorize an amendment to the current agreement with the City of Manning to increase the monthly charge by \$1200.22. Mr. Epperson continued by saying this would allow the county more capacity for water in order to accommodate the growing customer base. **ACTION:** A motion was made by Councilman English, seconded by Vice-Chairman Frierson to authorize the County Administrator to proceed with amending and executing an Amended Water Capacity Agreement with the City of Manning. *Motion passed unanimously*

**3) Economic Development:** Chairman Stewart stated that Council received an Economic Development briefing from John Truluck and Attorney Sam Moses, presenting an economic opportunity for growth in Clarendon County. Chairman Stewart stated this briefing was in reference to the ordinance that was previously read and authorized. He stated that action has already been taken on this matter and no further action was needed at the time.

**4) Personnel Matter:** Chairman Stewart reported that Council received a briefing on several personnel matters and some needed action. Chairman Stewart turned the floor to Attorney Epperson to review each matter for consideration. Attorney Epperson did not review each personnel matter, however asked for a motion to approve the recommendations as presented. **ACTION:** A motion made by Vice-Chairman Frierson, seconded by Councilman Blakely to approve the personnel recommendations made during Executive Session. *Motion passed unanimously.*

XVI. **Adjournment-**With the agenda exhausted and no further business to discuss, a motion made by Vice-Chairman Frierson, seconded by Councilman English to adjourn the Monday, February 14, 2011 Regular Council Meeting passed unanimously.