

PUBLIC HEARING & REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

February 6, 2017

A Public Hearing and Regular Meeting of the County Council of Darlington County was held this 6th day of February 2017, at 6 p.m., at the Courthouse Annex/EMS Building, 1625 Harry Byrd Highway (Highway 151), Darlington, South Carolina.

NOTICE OF MEETING

In compliance with the Freedom of Information Act, a copy of the agenda providing the date, time, and place of the meeting was emailed to the local newspapers, persons requesting notification, and posted on the county's website, on the bulletin board in the lobby of the courthouse, and at the entrance of the Courthouse Annex/EMS Building.

COUNCIL MEMBERS PRESENT

Chairman Bobby Hudson, Vice Chairman Marvin Le Flowers, Chaplain Dannie Douglas, Jr., Mr. J. Lewis Brown, Mr. David Coker, Mr. Robert L. Kilgo, Jr., Ms. Mozella Nicholson, and Ms. Joyce W. Thomas.

ALSO PRESENT

County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Development Services Director Terri Cribb, Emergency Management Director Mac McDonald, Environmental Services Director Renee Howle, Finance Director Sherman Dibble, Library Director Jimmie Epling, Roads and Bridges Director Bobby Richardson, Sheriff Tony Chavis, Tax Assessor Kyle Johnson, Chief Deputy Sheriff Joshua Edwards, Captain Mark Campbell, Lieutenant Robert Kilgo, III, Lieutenant Kaynnera Capers, Senior Planner Paula Newton, Emergency Management Coordinator Molly Odom, and others.

REPORTERS PRESENT

Ms. Samantha Lyles of the News and Press and Mr. Jim Faile of the Messenger.

PUBLIC HEARING

Ordinance No. 17-01, An Ordinance To Amend Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article 3 (How Development Districts Are Established And Governed - Airport Districts and Flood Districts), Section 3.4.4 (Provisions for Flood Hazard Reduction) To Require That All Permit Applications Be Reviewed To Determine Whether Proposed Building Sites Will Be Reasonably Safe From Flooding -
SECOND READING

Chairman Hudson declared the public hearing open at 6 p.m. to receive public comments on Ordinance No. 17-01.

There being no comments, the public hearing was closed.

REGULAR MEETING

Call To Order / Invocation / Pledge Of Allegiance

Chairman Hudson called the meeting to order. Mr. Douglas presented the invocation and Mr. Flowers led the Pledge of Allegiance.

Citizens' Comments

Mr. Harold Johnson expressed opposition to the proposed Solar Farm Ordinance. He questioned whether the ordinance would help the citizens or out-of-state investments. He felt that solar farms would be subsidized by the taxpayers and without a decommissioning bond, the citizens would have to dispose of the equipment when they become out dated.

Mr. Nolen Jay Johnson, of Byrdtown Community, stated that he did not oppose solar power plants and respected land owners for doing what they see fit for their land. However, he researched other ordinances and regulations regarding the operation of animal farms, flea markets, etc. and found that all had regulations or standards. Mr. Johnson requested that there be a standard buffer around solar power plants so that they will not be visible to the public.

Mr. William Griggs requested that the proposed ordinance require a buffer and decommission bond for the protection of the community. He suggested a per acre fee or a flat fee for the decommissioning bond.

Ms. June Johnson stated that she was not opposed to renewable energy. However, she felt that the county, landowners, and solar companies will receive income from the solar farms, but the citizens will have to live around them and see them every day. Therefore, she requested that Council consider an ordinance from all angles. Ms. Johnson requested that there be a buffer around the entire solar farm and a decommissioning bond.

Mr. Hal Johnson mentioned the number of people who signed a petition opposing solar farms. He felt that a fair compromise had been reached; however, Council may want to change it. Mr. Johnson talked about tax credits and the need for a decommissioning bond. He asked Council to be fair and responsible.

Ms. Stephanie Howle expressed opposition for solar farms. She requested stricter laws and a barrier around the entire solar farm. Ms. Howle also talked about how this issue has affected the rural communities.

Mr. Stephen Byrd said he would echo what everyone said about solar farms. He emphasized that the requirement for a decommissioning bond was important.

Mr. Norm Steadman, Greater Darlington Chamber of Commerce Executive Director, invited Council members to the Chamber's Annual Award Banquet scheduled for Thursday,

February 9th at Darlington Country Club. He also invited Council members' participation on the Committee that will plan the Freedom Fest event.

Personal Appearances - Ms. Lesley Williams, Southern Current - Ordinance No. 16-19 Regarding Solar Farms

Ms. Williams reported that she had attended each Planning Commission and County Council meeting regarding the proposed solar farm ordinance. She mentioned that the proposed changes to the ordinance were the most stringent in South Carolina. However, they would not have a problem with any of the provisions in the proposed ordinance. They will accommodate the changes.

Ms. Williams requested that Section 19.6(8) which reads, "Utility Company Agreement" be changed to "Utility Company Application – proof of application payment" because it could take up to two and one half years to obtain the agreement. She also stated that the concerns presented tonight had been covered in the ordinance. Ms. Williams also talked about solar technology, incentives, and state tax credits to the owners.

Mr. Kilgo stated that Ms. Williams did not address the State bill that recently passed in the House of Representatives.

Ms. Williams responded that the bill mirrors the legislation adopted in North Carolina. She talked about the difference in the tax base change (from agriculture to commercial) and the fact that solar would not be a burden on the taxes for services such as infrastructure, roads, schools, fire, etc.

Mr. Kilgo questioned whether Ms. Williams' company was lobbying for the bill.

Ms. Williams' response was yes. She mentioned that Council had already approved a Fee-In-Lieu-of-Tax Agreement for an existing solar farm.

Mr. Kilgo requested to see, in dollars, what "x" would be prior to the State bill and what "x" would be after the State bill.

Mr. Douglas questioned whether the State bill would hurt the farms. Ms. Williams' response was no. The owner of the solar development would pay all taxes and roll back taxes.

Personal Appearances - Mr. Jon Davis, Capital Solar - Ordinance No. 16-19 Regarding Solar Farms

Mr. Davis was not present at the meeting.

Consent Agenda (Receive As Information)

Included in the Consent Agenda were the following:

- 6.A. Building Permit Report, December 2016
- 6.B. Animal Control Report, December 2016
- 6.C. Building Inspection Report, December 2016
- 6.D. Airport Commission Minutes, October & November 2016
- 6.E. Historical Commission Minutes, Stats, & Information Packet, January 5, 2017
- 6.F. County Parks, Recreation & Tourism Monthly Report, January 2017

MOTION was made by Mr. Flowers and seconded by Mr. Kilgo to receive the Consent Agenda items as information.

The motion carried unanimously.

Approval Of Minutes - Minutes Of Regular Meeting, January 3, 2017

MOTION was made by Mr. Kilgo and seconded by Ms. Thomas to approve the minutes of the regular meeting of January 3, 2017.

The motion carried unanimously.

Approval Of Minutes - Minutes Of Worksession, January 17, 2017

MOTION was made by Mr. Kilgo and seconded by Mr. Brown to approve the minutes of the worksession of January 17, 2017.

The motion carried unanimously.

Ordinances

Ordinance No. 16-19, An Ordinance To Amend Darlington County Code Of Ordinance, Appendix A (Development Standards Ordinance), Article Nineteen (Renewable Energy Systems) To Update The Verbiage, To Clarify The Process And Regulations, And To Establish The Effective Date Of This Ordinance - AS AMENDED, SECOND READING

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to approve second reading of Ordinance No. 16-19.

MOTION was made by Mr. Coker and seconded by Ms. Thomas to amend Ordinance No. 16-19, section 19.4(13) by deleting the last sentence which states, "Screening is not required along properties adjacent to non-residential use or along roadways." He requested that screening go around the entire solar farm.

Mr. Flowers questioned where would it stop with the county telling landowners what they can and cannot do with their land. He also questioned whether the county should require people to screen everything that others do not want to see.

Mr. Coker said it would stop with his proposed amendment to Section 19.4. He explained that solar farms were new to this area and to South Carolina, and screening was not too much to ask for.

Mr. Flowers talked about his constituents not wanting solar farms and a few people dictating to everyone who has an opportunity to create income in areas that are depressed for jobs and income.

Mr. Coker emphasized that he was not trying to stop anything. He was trying to protect both sides by asking for the solar farms to be screened.

Mr. Flowers and Mr. Coker further discussed their views and opinions about screening the entire solar farm.

Chairman Hudson called for the vote. Those voting in favor of the amended motion were Mr. Coker and Ms. Thomas. Opposing were Mr. Kilgo, Mr. Brown, Mr. Flowers, Mr. Douglas, and Ms. Nicholson.

The motion failed.

MOTION was made by Mr. Coker and seconded by Ms. Nicholson to amend Ordinance No. 16-19, regarding decommissioning of solar farms. Mr. Coker stated that in forty years, Council would not know the value of aluminum and copper. Therefore, he suggested that there be a \$50,000 decommissioning bond for solar farms.

Mr. Flowers talked about Council not requiring a decommissioning bond for anything else (Sonoco, Nucor, chicken farms, Wellman, dry cleaners, lawyers, industrial parks, etc.).

It was Mr. Coker's opinion that Council needs to protect the county if the county has to clean up 600 acres of aluminum and the aluminum is of no worth.

After further discussion between Mr. Flowers and Mr. Coker regarding a decommissioning bond, Chairman Hudson called for the vote.

Those voting in favor of the amended motion were Mr. Coker and Ms. Thomas. Those opposing were Mr. Kilgo, Mr. Brown, Mr. Flowers, Mr. Douglas, and Ms. Nicholson.

The motion failed.

Mr. Kilgo thanked everyone for their comments. He explained that he objected to Ms. June Johnson's request for individuals in the audience to stand or raise their hand because such quorum requires people to refrain from such actions to maintain control.

Mr. Brown talked about the county having an unhealthy situation whereby about 80 percent of the revenue was being generated from about three districts. He also talked about solar farms generating significant revenue for the county, and the proposed bill not having a negative impact on the county. Mr. Brown stated that a majority of his Council district would not be affected by solar farms. However, he talked with many landowners who are in favor of them. Mr. Brown said he was sensitive to the needs of the other Council districts and how things impact the entire county population.

Mr. Douglas talked about people not wanting Council to tell them what they can and cannot do with their land. Therefore, Council could not do everything that everybody wants.

Ms. Nicholson stated that her constituents would love to have solar farms. She talked about the rising cost of electricity and how it impacts individuals with fixed incomes. Ms. Nicholson suggested that Council look at using the interest from escrow money as a resource for decommissioning.

Chairman Hudson called for the vote to approve second reading of Ordinance No. 16-19 as presented.

The motion carried with Mr. Coker opposing.

Ordinance No. 17-01, An Ordinance To Amend Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article 3 (How Development Districts Are Established And Governed - Airport Districts and Flood Districts), Section 3.4.4 (Provisions for Flood Hazard Reduction) To Require That All Permit Applications Be Reviewed To Determine Whether Proposed Building Sites Will Be Reasonably Safe From Flooding -
SECORD READING

MOTION was made by Mr. Kilgo and seconded by Ms. Thomas to approve second reading of Ordinance No. 17-01.

The motion carried unanimously.

Resolutions

There were no resolutions.

Committee Reports

There were no committee reports.

Other Items

Appointments To Boards/Commissions (Alcohol & Drug Citizen Advisory Committee - Coker). (Airport Commission - Flowers). (Construction Board of Adjustment & Appeals - Douglas & Flowers), & (Library Board - Flowers)

Mr. Coker, Mr. Flowers, and Mr. Douglas carried over their appointment(s).

Amendment To The Agenda

Attorney Cox stated that Council was being asked to appoint Dr. Ed Behling to Pee Dee Regional Health Services District Board. This was a nomination from that board, and he felt that it would be appropriate for Council to make this appointment tonight.

MOTION was made by Mr. Flowers and seconded by Mr. Coker to amend the agenda to consider the appointment of Mr. Ed Behling to Pee Dee Regional Health Services District Board.

Attorney Cox said this seat had been vacant for four to five months and the Board had been waiting to get this appointment approved.

The motion carried unanimously.

Appointment To Pee Dee Regional Health Services District Board

MOTION was made by Mr. Flowers and seconded by Ms. Nicholson to approve the appointment of Dr. Ed Behling to Pee Dee Regional Health Service District Board.

The motion carried unanimously.

Appointment Of The FY17/18 Accommodations Tax Advisory Committee

MOTION was made by Mr. Kilgo and seconded by Ms. Thomas to reappoint the county Accommodations Tax Advisory Committee.

Members reappointed included Ms. Hannah Stanley of Hartsville (Lodging), Mr. Steve Tinney of Hartsville, (Lodging), Mrs. Carol Bishop of Society Hill (Hospitality Business), Mr. Joseph Saleeby, Jr. of Darlington (Hospitality Business), Mr. David McFarland of Hartsville (Citizen At Large), Mr. Scotty Jeffords of Darlington (Citizen At Large), and Mrs. Joyce Wingate of Darlington (Cultural).

The motion carried unanimously.

Mr. Brown asked that Accommodations Tax Advisory Committee looked at the law regarding what Accommodations Tax funds must be used for and submit a recommendation to Council for groups/events that promote tourism where people travel over 50 miles for an event or stay in hotels. He requested that the Committee validate where people are travel from.

Mr. Flowers stated that Accommodations Tax funds are not just about heads in beds.

Mr. Kilgo stated that some things will fall under Hospitality Tax instead of Accommodations Tax, which Council could take care of.

Bid Award For Renovations To Meet ADA Compliance In DSS Areas In The Mozingo Building

Finance Director Sherman Dibble explained that Mr. Kilgo was correct in that there are other restrooms on the first floor of the Mozingo Building. Mr. Dibble did not look at all the other restrooms initially because they had numbers above the doors, and he did not think they were restrooms. However, after looking at the other restrooms, it would cost more to renovate those instead of the restroom behind the elevator, as proposed. He said the pictures in Council's agenda package were pictures of the restroom behind the elevator. Therefore, the advisement to Council would remain the same.

MOTION was made by Mr. Kilgo and seconded by Mr. Coker to approve awarding the bid contract to Carolina Construction, Inc. to renovate the doorway and the walk-through area in the restroom behind the elevator on the first floor of the Mozingo Building to meet ADA Compliance at a cost of \$13,774 from the Contingency Line Item Account.

Mr. Kilgo stated that this was an unfunded mandate from the State of South Carolina and suggested that the Governor's Office be notified that Council objects to such mandates.

The motion carried unanimously.

Request To Change The Vehicle Purchase For Roads and Bridges Department

MOTION was made by Mr. Flowers and seconded by Mr. Douglas to approve the request to change the lease purchase vehicle from an F-450 to an F-750 for the Roads and Bridges Department at an additional cost of \$26,342.

The motion carried unanimously.

Purchase Of 24 Vehicles For The Sheriff's Office

MOTION was made by Mr. Flowers and seconded by Ms. Thomas to approve the purchase of 24 vehicles for the Sheriff's Office.

Mr. Kilgo announced that he would abstain from discussion and voting on this issue due to his son working with the Darlington County Sheriff's Office.

Mr. Flowers requested that Council allow the Sheriff to explain his request.

Sheriff Chavis reported that the requested purchase was for 23 sport utility vehicles which would be \$404 less than budget. Of the 23 vehicles, fourteen would be fully marked, six semi-marked, and three unmarked for administrative use. With the remaining funds (approximately \$19,000), the department was requesting to purchase an unmarked Malibu for the patrol division.

Lt. Robert Kilgo, III further explained that fourteen fully marked vehicles would be deputy package vehicles, the six semi-marked vehicles would be sergeant package vehicles, and the three unmarked vehicles would be for administrative/special ops use. The semi-marked sergeant package vehicles would not have light bars and prisoner cage. This reduced the cost and allowed the department to fully outfit the deputy vehicles and distinguish them

from the sergeant vehicles. The unmarked cars would be simple with lights in front, back, and sides to be compliant with state law as law enforcement vehicles. Lt. Kilgo also explained that a current unmarked Charger will be marked and placed on the road. He pointed out that the previous proposal contained \$70,000 for video cameras. As a result of the Sheriff contacting DPS, the cameras (28 cameras) will be provided and installed at no cost to the county, saving the taxpayers \$70,000.

It was Chairman Hudson's understanding that the vehicle purchase proposal was changed in order to purchase more vehicles. He asked how many more vehicles would be purchased.

Lt. Kilgo responded that the previous request was for ten Ford Explorers, four F-150, two more Ford Explorers, another three Ford Explorers, a Detention Center van, two Equinoxes, and a transit van.

Sheriff Chavis explained that upon inquiring about the condition of the current van, the Detention Center Director indicated that nothing was wrong with it. Sheriff Chavis also stated that he did not need additional pickup trucks; instead, he needed cars for law enforcement to answer calls. The proposal included all the equipment and equipment installation with a savings of \$404.

Mr. Coker asked whether the county offered this bid to local vendors.

Sheriff Chavis responded that if approved by Council, local vendors would be given an opportunity to match the specs and price.

The motion carried with Kilgo abstaining.

Ms. Thomas reported that during a recent visit to the Sheriff's Office, she noticed that the building was very filthy, especially the women's restroom. She questioned whether a cleaning service or someone could clean the building.

Mr. Coker requested that there be a uniform officer at the door of Council meetings for safety reasons. Lieutenant Capers was standing at the door in regular clothing.

Budget Transfer Request To Purchase Personal Protective Equipment, Sheriff's Office

MOTION was made by Mr. Douglas and seconded by Ms. Thomas to approve the budget transfer request to allow the purchase of personal protective equipment from Dana Safety Supply, Inc. in the amount of \$32,374.80.

The Sheriff's Department was requesting to transfer \$32,374.08 from Fuel/Vehicle/Equipment (001-035-42100-62100) to Uniform/Clothing/PPE (001-035-42100-61700) due to the high percentage of deputies operating with expired armor.

Mr. Coker asked whether the requested personal protective equipment could be purchased locally.

Sheriff Chavis' response was no.

The motion carried with Mr. Kilgo abstaining.

Purchase Of Belt And Platform For "M" Series Horizontal Compactor, Environmental Services

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to approve the purchase of a belt and platform from Becker Complete Compactor using funds (\$165,267.99) from Landfill Recycling General/Machinery Over \$500 (010-183-43213-74100).

The motion carried unanimously.

Administrative Update

County Administrator Charles Stewart was not present due to illness.

Clerk to Council JaNet Bishop reminded Council that the Employees' Appreciation Banquet would be held on Saturday, March 4, 2017, at 7 p.m., at Darlington Country Club.

Requests / Comments - Members Of Council

Mr. Kilgo requested that at Council's next meeting, Council consider a resolution recognizing Facilities Manager Andrew Smith for 50 years of service with Darlington County. He requested that the resolution be placed on Council's agenda.

Mr. Douglas thanked everyone for attending the meeting.

Mr. Coker commended the Sheriff's Office. He asked his constituents to try work together and look out for the community.

Chairman Hudson thanked everyone for attending the meeting.

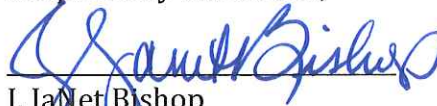
Vote For Executive Session

There was not a vote for executive session.

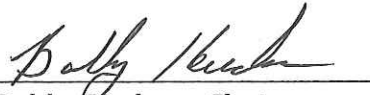
Adjournment

MOTION was made by Mr. Flowers and seconded by Ms. Nicholson to adjourn the meeting. There being no further discussion, the meeting was adjourned at 7:19 p.m.

Respectfully submitted,



J. JaNet Bishop
Clerk to Council



Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of March 6, 2017.