

REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

August 15, 2016

A regular meeting of the County Council of Darlington County was held this 15th day of August 2016, at 6 p.m., at the Darlington County Courthouse Annex/EMS Building, 1625 Harry Byrd Highway, Darlington, South Carolina.

NOTICE OF MEETING

In compliance with the Freedom of Information Act, a copy of the agenda, giving the date, time, and place of the meeting was mailed in advance 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 Robbin Brock, Chaplain Dannie Douglas, Jr., Mr. David Coker, Mr. Marvin Le Flowers, Mrs. Wilhelmina P. Johnson, Ms. Mozella Nicholson (6:11 p.m.), and Mr. Robert L. Kilgo, Jr.

ALSO PRESENT

Interim County Administrator Charles Stewart, County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Finance Director Sherman Dibble, Procurement Analyst Portia Davis, Emergency Services Director Michelle Moore, Emergency Management Director Mac McDonald, Elections/Voter Registration Director Hoyt Campbell, Prison Farm Director Johnathan McFadden, Interim Fire Chief Ricky Flowers, Library Director Jimmie Epling, Environmental Services Director Renee Howle, Roads and Bridges Director Bobby Richardson, Tax Assessor Kyle Johnson, Interim Recreation Director Le Andrews, Chief Deputy Sheriff James Hudson, Human Resources Manager Ginger Winburn, Interim Development Services Director Terri Cribb, Corrections Director Waddell Coe, Sheriff Wayne Byrd, Sheriff Elect Tony Chavis, and others.

REPORTERS PRESENT

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

Call To Order / Invocation / Pledge Of Allegiance

Chairman Hudson called the meeting to order at 6 p.m. Mr. Douglas presented the invocation and Mr. Brock led the Pledge of Allegiance.

Citizens' Comments

Mr. Jimmy Gainey, Swift Creek Baptist Church Deacon Board Chairman, requested that Section 3 of Resolution No. 669 be amended to state that no racing events are to be scheduled to start before 12 noon. He stated that Swift Creek Baptist Church is located behind the dragstrip and the noise interrupts their service which starts at 10 a.m. and ends

at 12 noon. He commended the efforts of the dragstrip and the owner. Mr. Gainey indicated that he has no objection to racing on Sundays. However, he would request that the events begin at 12 noon instead of 10 a.m. to respect the church service. Mr. Gainey also stated that the church objects to beer and wine being sold at the Dragway on Sundays. However, the church nor Council has control over the sale of alcoholic beverages.

Mr. Olin Kirven, Jr., Swift Creek Baptist Church Treasurer, indicated that he was present to support Mr. Jimmy Gainey. He too requested that racing begins later than 10 a.m. since the church is located behind the track.

Mr. Tim Skipper, Calvary Tabernacle Church Pastor, reported that his church was located next door to the dragstrip and their service does not end until 1 p.m. He requested that racing begin at 12 noon as opposed to 10 a.m.

Mr. Norm Steadman, Darlington Chamber of Commerce Executive Director, provided Council members with a written report and presented highlights of the Third Annual Freedom Fest Fireworks Festival held on July 4th at Darlington Raceway. He thanked Council and the various agencies for their support. Mr. Steadman also provided highlights on upcoming Chamber events and ribbon cuttings.

Personal Appearance - Ms. Diane Wilkes, CEO, Hartsville Medical Enrichment Services

Ms. Wilkes, Hartsville Medical Enrichment Services CEO, reported that during last week, she gave Council members a letter regarding the bid process for medical and Physical Fitness Testing. Since she did not receive an answer, she felt that she should read the letter in open session. Ms. Wilkes read the letter and concluded by stating that her company will investigate the possibility of seeking redress through the judicial system.

~ ~ Councilwoman Nicholson arrived at 6:11 p.m. ~ ~

Consent Agenda

Included in the Consent Agenda were the following:

- 5.A. *Pee Dee Workforce Development Board Quarterly Report, July 1, 2015 - June 30, 2016*
- 5.B. *Pee Dee Workforce Development Board Minutes, May 3, 2016*

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

The motion carried unanimously.

Approval Of Minutes - Minutes Of Public Hearing & Regular Meeting, July 18, 2016

MOTION was made by Mr. Douglas and seconded by Mr. Kilgo to approve the minutes of the public hearing and regular meeting of July 18, 2016.

The motion carried unanimously.

Ordinances

Ordinance No. 16-17, An Ordinance To Amend Ordinance No. 16-14, FY16/17 General Fund Budget, For A Supplemental Appropriation To Provide Funds For The Thirty (30) Percent Fee Associated With The Collection Of Delinquent Taxes And To Establish The Effective Date Of This Ordinance, First Reading

Chairman Hudson read the title of Ordinance No. 16-17 for First Reading.

Resolutions

Resolution No. 669, A Resolution Granting A Permit For The Operation Of The Darlington Dragway On Sundays, Subject To Certain Restrictions

MOTION was made by Mr. Kilgo and seconded by Mr. Douglas to approve Resolution No. 669.

Mr. Flowers said there were concerns about the start time for racing on Sundays. No one had a problem with the track being open or track related activities, except for racing starting at 10 a.m. He also stated that he had received complaints from citizens who reside in the area about how late racing last. Mr. Flowers questioned whether there should be a different cutoff time for racing on Friday and Saturday nights. This was specifically for racing of the cars.

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to amend Section 3(B) to state that no racing events are to be scheduled to start before 12 noon and must end by 8 p.m.

Mr. Douglas suggested that no racing begin until 1 p.m. because some churches are not out at 12 noon.

Mr. Flowers commended the recent events at the Darlington Dragway. He did not want to do anything to hurt the track. But at the same time, Council must consider the neighbors around the track. Mr. Flowers said he would agree with racing beginning at 12 noon or 1 p.m. However, he was not sure about 8 p.m. on a Sunday night.

Chairman Hudson suggested 1 p.m. He felt that the racing may take longer than 8 p.m. on Sunday nights.

Mrs. Johnson suggested 12 noon or 1 p.m. and not touch the end time.

Ms. Nicholson was concerned about not placing the restrictions in an ordinance as opposed to a resolution. She said this activity and Dragway were being used by predominantly black bikers and dragsters. Ms. Nicholson stated by Council placing restrictions on the Dragway, this would force the public to compare the restrictions on the Dragway with the restrictions on Darlington Raceway. Therefore, the restrictions would need to be fair. She suggested that the restrictions be reduced to ordinance in order to receive public input prior to placing the restrictions on one segment of the population.

Mr. Flowers pointed out that should Council not pass the resolution, the owner could not race on Sundays, except for the one event. This was an ongoing resolution so that the owner could have Sunday events. He also mentioned that there was a special resolution for one-time events such as the NHRA, IHRA, Spring National, Winter Nations, Shootouts, etc. This was a continuing resolution to allow the owner to operate every Sunday without having to come back to Council for the same process. This was different from what NASCAR does with the Southern 500. Mr. Flowers said Council needed to pass the Resolution in some form

so that the owner could go about his business of racing on Sundays, which the neighbors were not opposed to. It was just a matter of the start time. He said there also needs to be discussion about how late on Saturday nights to continue the racing events.

Ms. Nicholson asked whether the resolution could be carried over to give the public a chance to respond to the restrictions.

Attorney Cox pointed out that a motion and a second was on the floor, as well as an amendment and a second.

Mrs. Johnson requested to delete the cutoff time on the motion and move on with the start time.

Mr. Kilgo agreed to remove the end time of 8 p.m. on Saturdays and go with the 12 noon start time. Mr. Flowers agreed with the amendment and seconded the motion for a 12 noon start time and delete the 8 p.m. end time.

MOTION was made by Mr. Flowers and seconded by Mr. Kilgo that 12 mid-night on Saturday night/Sunday morning be the last time for racing. He did not care about track operations after this time. Actual racing events would end at 12 mid-night on Saturday, other than nationally sanctioned events.

Chairman Hudson repeated the amendment which would be to start at 12 noon.

Mr. Flowers stated that the amendment to the amendment would be to stop racing on Saturdays at 12 mid-night; not track operations – just racing.

Mr. Douglas said the churches asked that the racing not begin before 12 noon. However, he suggested the start time of 1 p.m.

Mr. Kilgo requested that Council take care of the closing time at 12 mid-night on Saturday nights.

Mr. Flowers pointed out that national sanctioned events would be excluded. For normal weekly operations, racing would stop on Saturday at mid-night.

Ms. Nicholson asked whether a national sanctioned event would be akin to NASCAR.

Mr. Flowers explained that he was referring to an IHRA Winter National, NHRA Shootout, Spring National, or any tour events from a national sanctioning body hosted at the dragstrip. He said this would be equivalent to NASCAR weekend.

Chairman Hudson called for the vote on the end time on Saturday nights. Those voting in favor of the motion were Mr. Kilgo, Mr. Flowers, Mrs. Johnson, Mr. Brock, Mr. Douglas, and Mr. Coker. Ms. Nicholson opposed.

The motion carried unanimously.

Mr. Kilgo stated that the amendment has been changed to noon on Sunday and mid-night on Saturday nights, except for national events.

Mr. Coker said he would agree with Mr. Douglas that racing should start at 1 p.m. on Sundays.

MOTION was made by Mr. Coker and seconded by Mr. Douglas that no racing events are to be scheduled to start before 1 p.m.

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

The motion carried unanimously.

Mr. Kilgo clarified that racing could start at 1 p.m. on Sundays and end by mid-night on Saturday nights.

Chairman Hudson called for the vote. Those voting in favor of the motion were Mr. Kilgo, Mr. Flowers, Mrs. Johnson, Mr. Brock, Mr. Douglas, Mr. Coker, and Mr. Hudson. Ms. Nicholson opposed.

The motion carried unanimously.

Committee Reports

There were no committee reports.

Other Items

Request For An Additional Corrections Officer Position For The Detention Center

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to approve an additional officer for the Detention Center using funds from the Prison Farm.

Ms. Nicholson asked whether the four vacancies had been filled that had been in existence last month.

Corrections Director Waddell Coe responded from the audience that the positions had been filled.

Ms. Nicholson said this was one of the complaints that had been lodged against former County Administrator Terence Arrington; that the positions had not been filled. She wanted it on record that the four positions had been filled since Mr. Arrington terminated his employment with the County.

Mr. Coe indicated that all the positions had been filled, except for possibly two.

Human Resources Manager Ginger Winburn indicated that she did not have this information with her at the meeting. However, she had a new hire today, along with another termination.

Ms. Nicholson was concerned that the department was asking for money for additional positions when the current positions were vacant. She wanted to confirm that the four positions that were vacant had been filled since the former County Administrator left employment with the county. She questioned asking for more money when all the vacant positions had not been filled.

MOTION was made by Mr. Flowers and seconded by Mr. Coker to amend the agenda to allow the Sheriff to appear before Council.

The motion carried unanimously.

Sheriff Wayne Byrd reported that this item was a part of an agreement that was reached between former County Administrator Terence Arrington and Mr. Blake Taylor of South Carolina Department of Corrections. The agreement was that the county would add two positions to the Detention Center staff in order to lift the restrictions on trustees being at the Detention Center.

Mr. Flowers asked whether this would take the number of positions from 52 to 54.

Sheriff Byrd's response was yes. He went on to explained that Mr. Taylor's position was that this would show good faith on behalf of County Council to meet the requirement of the nine additional employees. The agreement, as presented to him, was that Mr. Arrington

felt that there would be enough funds somewhere in the county budget to pay for one position and the Sheriff would find the funds to pay for an additional position; therefore, creating two positions. Sheriff Byrd said he did not have the figures from last year's budget for the Detention Center. However, the Sheriff's Department ended the year with over \$150,000. He was not asking to carry over the funds. He suggested that if and when the position is created and filled, he would transfer the funds into the Detention Center budget to cover the second position. Sheriff Byrd clarified that Mr. Arrington had agreed to find funds for one position, he (Sheriff Byrd) would find money for the other positions, and Mr. Taylor agreed that if this was done by Council, he would consider this a good faith effort on the county's part to meet SCDC's (South Carolina Department of Corrections) request.

Mr. Kilgo suggested the funds be taken from the Prison Farm because he averaged that about the same number of prisoners as employees were at Prison Farm. Therefore, this was a logical place to take the funds from.

Mrs. Johnson said there needed to be an additional officer, but the Prison Farm was the most productive thing in the county. She suggested that the funds come from someplace else.

MOTION was made by Mrs. Johnson to fill the additional correctional officer position and for the funds to come from someone else.

Attorney Cox stated that based upon the agreement with South Carolina Department of Corrections, the money had already been set aside.

Interim County Administrator Charles Stewart clarified that the money had been set side this year. It was carried over on a purchase order with the expectation that the two positions would be added to the Detention Center. He pointed out that the funds would have to be found for next year's budgeting process. Mr. Stewart also stated that from the Sheriff's assessment, there are funds available to pay for the second position. Therefore, the funds were available for this year.

Based upon the information presented, Mr. Kilgo requested to remove his request to take the funds from the Prison Farm budget. Mr. Flowers agreed.

Chairman Hudson called for the vote. The motion carried with Ms. Nicholson opposing.

Automatic Aid Agreement Between Alligator Fire Department and Darlington County Fire District

MOTION was made by Mr. Flowers and seconded by Mr. Brock to approve the Automatic Aid Agreement between Alligator Fire Department and the County Fire District.

Mr. Brock asked whether this would be forever. Interim Fire Chief Ricky Flowers indicated, yes.

The motion carried unanimously.

Automatic Aid Between Palmetto Fire Department And Darlington County Fire District

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to table this item. Mr. Flowers said tabling the item was moving it to later in the agenda.

The motion carried unanimously.

Vehicle Loan Agreement For Darlington Raceway To Use Spare Class A Pumper Fire Truck During Upcoming Race Event

MOTION was made by Mr. Kilgo and seconded by Mrs. Johnson to approve the Vehicle Loan Agreement for Darlington Raceway to use a spare Class A Pumper Fire Truck during upcoming race events.

The motion carried with Mr. Flowers abstaining.

Acceptance Of Letter Of Resignation From Robert P. Jordan, dba Hill & Jordan, CPA, For County Auditing Service For Fiscal Year Ended June 30, 2015

MOTION was made by Mr. Kilgo and seconded by Mr. Brock to accept the letter of resignation from Mr. Robert Jordan.

Ms. Nicholson and Mrs. Johnson questioned whether the June 2015 date was correct.

The motion carried with Mrs. Johnson not voting.

Appointments To Boards/Commissions (Airport Commission- Flowers), (Construction Board of Adjustment & Appeals - Douglas & Flowers), (Library Board - Flowers), (Planning Commission - Johnson)

Council members Flowers, Douglas, and Johnson carried over their appointments to the listed Boards/Commissions.

Lease Purchase For Vehicles And Equipment

Mr. Stewart stated that Council members were given a revised copy of the six-year term and ten-year term purchases. The vehicles and equipment listed had gone through the procurement process and were ready to be purchased upon Council's approval. This was not all the money and there would be more vehicles and equipment to purchase.

MOTION was made by Mr. Kilgo and seconded by Mrs. Johnson to approve the purchases as listed on the revised list with the caveat that the local dealerships be given a chance to bid.

The motion carried with Ms. Nicholson opposing.

HVAC Preventive Maintenance Contract With MKA Mechanical, Inc. And HVAC Contract For Emergencies Calls With Walkup Electrical Construction

Mr. Stewart pointed out that Council members were given a revised contract because there was a bidder with a lower amount for the contract for emergency repairs. The low bidder was Walkup Electrical Construction instead of D&L, Inc.

MOTION was made by Mr. Flowers and seconded by Mrs. Johnson to approve the revised contract for HVAC services.

Mr. Brock questioned whether D&L had the HVAC contract.

Mr. Stewart explained that D&L was originally listed on the agenda to receive the contract.

Finance Director Sherman Dibble added that no one currently has a contract for HVAC emergency repairs. The contracts were being presented so that the county would have a vendor to call instead of trying to find a vendor each time one is needed. Due to a calculation error, D&L was listed in the agenda information instead of Walkup Electrical Construction.

Mr. Coker questioned having one vendor for HVAC preventative maintenance and another vendor for emergency repairs.

Mr. Stewart indicated that the staff called the vendors to verify that they were willing to do their contract in the proposed manner since their bid was for the entire package.

Mr. Dibble pointed out that the RFP was not set up initially to be all inclusive. It was set up for preventive maintenance and for emergency repairs.

Mr. Coker questioned what would be designated as an emergency.

Mr. Stewart explained that preventative maintenance would include cleaning, charging, filtering, oiling, etc. All repairs would be done by Walkup Electrical who provided a price for Monday through Friday hours and a price for emergency call hours.

Mr. Coker clarified that the repairs would be done by the emergency vendor, along with after-hours calls, which would be an emergency anyway.

Ms. Nicholson requested to review the contract. The staff indicated that the information was included in Council's agenda package.

The motion carried unanimously.

Administrative Update

Mr. Stewart reported that he was making contact with individuals involved with Darlington County and trying to get the Courthouse Construction Committee back together. He also mentioned that the telephone was out in the Solicitor's Office today due the rodents chewing the telephone lines. Mr. Stewart said he would continue to work on the lease purchase and needs of the various departments.

Requests / Comments - Members Of Council

Mr. Coker stated that Council needs to look at how to evaluate and give the new county administrator guidelines to succeed. He said the taxpayers deserve this and better from County Council.

Ms. Nicholson said she would mirror Mr. Coker's comments. She said it was the general idea that County Council only has one contract employee. However, it was her understanding that Council has other contract employees, as well. Therefore, she requested that the Interim County Administrator provide Council with a list of all contract employees and a copy of their contract at the next meeting.

Mr. Douglas thanked Mr. Charles Stewart for stepping in to help Council and get things straight.

Mr. Brock said Council should ensure that there are no errors with the next County Administrator's contract as with the past two contracts.

Mrs. Johnson talked about the there being no sidewalks and the children throughout the county having to walk in the road to get to and from the school bus. She also talked about and commended county staff for paving the roads in the South Darlington Watershed area.

Mr. Flowers stated that he met with Environmental Services Director Renee Howle to create an agenda for a Solid Waste Study Committee meeting scheduled for next week. He asked Mr. Douglas and Mr. Coker to contact Ms. Howle about possible meeting dates/times.

Mr. Kilgo recognized Mr. Rob Jordan, who was in the audience, and thanked him for 30 plus years of service to Darlington County. He commended Mr. Jordan's work as the auditor for the county and wished him the best.

Mr. Kilgo also thanked the ministers for appearing before Council and requesting what they wanted. He also told Mr. Stewart that Council was here for him.

Chairman Hudson reminded Council about the joint dinner meeting hosted by the City of Hartsville on Monday, August 29, 2016 at 6 p.m. He said the newspapers stated that the School District was going for another penny on their bond. However, the county needed a courthouse and Council would try to get the penny sales tax.

Automatic Aid Between Palmetto Fire Department And Darlington County Fire District

MOTION was made by Mr. Flowers and seconded by Mr. Coker to bring forth the previously tabled item concerning Palmetto Rural Fire District.

The motion carried unanimously.

MOTION was made by Mr. Flowers and seconded by Mrs. Johnson to approve the Automatic Aid Agreement between Palmetto Fire Department and Darlington County Fire District.

Mr. Kilgo said Palmetto Fire Department sets in his Council district. However, he was bringing up this matter because one of his constituents, who is serviced by Palmetto Fire Department, lost his house because the agency did not act fast enough. Mr. Kilgo said he referred his constituent to the Senator's Office and found out that he had already spoken to the Senator regarding this matter. He said there appears to be serious problems with Palmetto Fire Department, which seems to be more of an ambulance business than a fire department. Therefore, he was worried about joining any agreement with them until Council could meet with them, discuss the problems, and decide whether the county can help. Mr. Kilgo stated that during the 1980's, he wanted to bring them into the "fold," but they wanted to remain separate. Therefore, he would vote against this matter because he felt that this was a dangerous situation.

MOTION was made by Mr. Flowers and seconded by Mr. Coker to amend the agenda to allow the Interim Fire Chief to appear before Council.

The motion carried unanimously.

Mr. Flowers asked Interim Fire Chief Ricky Flowers to bring Council up to speed on what was going on.

Interim Fire Chief Flowers said there were about six residents within a one-mile stretch along Anderson Farm Road, outside the Fire District's five-mile radius, but within the five-mile radius of Palmetto Fire Department. He said the county would continue to respond and would be toned out simultaneously, just as they do with Alligator Fire District. The

Automatic Aid Agreement would allow the residents along Anderson Farm Road to gain the same insurance coverage as the remainder of the County Fire District. Currently, the residents were paying triple for their insurance. This was the best way to fix this problem immediately.

Mr. Flowers confirmed that this resolution (Automatic Aid Agreement) would not address the issue with response time inside Palmetto Fire District.

Interim Fire Chief Ricky Flowers indicated that this was correct. He reported that the Fire District has offered its assistance to Palmetto and would continue to help in the same manner as they have always done with Mutual Aid.

Mr. Kilgo asked the number of firemen, ambulance drivers, etc. at Palmetto Fire Department.

Interim Fire Chief Ricky Flowers stated that there were about six individuals around most of the time. All the of the individuals who drive ambulances were also firefighters.

Chairman Hudson said that if a call comes in and the individuals are on ambulance calls or doing transports, then there would not be anyone to run the fire trucks.

Interim Fire Chief Ricky Flowers said that according the Palmetto Fire Chief, individuals not running ambulances are available for fire calls.

Mr. Kilgo asked where Palmetto Fire Chief resides.

Fire Chief Ricky Flowers believed that Chief Spivey resides in McCall in Marlboro County.

Mrs. Johnson suggested that the item be tabled until the matter could be worked on by the County and Palmetto Fire District.

Mr. Flowers suggested that Council approve the resolution (Automatic Aid Agreement) since it directly affects people's pocket books. It has nothing to do with the underlying problems regarding fire coverage for that area. He pointed out that the County has no say regarding how Palmetto Fire District is managed. However, the county has the opportunity to allow the residents to obtain an ISO rating from Palmetto Fire Department which would reduce their insurance to a reasonable amount. Mr. Flowers suggested that Council create a committee/task force or invite Palmetto to discuss and address the underlying issues regarding general fire service in that area of the county. He indicated that he would like for there to be a unified county system. However, probably was not feasible. Nevertheless, he did not want to cause the residents anymore trouble.

Mr. Kilgo said this was a way to get Palmetto Fire District to pay attention to the problem. This was why he was making the request that Council votes no on this matter. He said that if the people who resides in Palmetto Fire District find out that their problem is their fire department, then they would push to correct the issues. Mr. Kilgo stated that it was embarrassing that the Fire Chief lives forty plus miles away in another county.

Chairman Hudson called for the vote. Those voting in favor of the motion were Mr. Flowers, Mr. Hudson, Mr. Brock, Mr. Douglas, and Mr. Coker. Opposing wee Mr. Kilgo, Mrs. Johnson, and Ms. Nicholson.

The motion carried.

MOTION was made by Mr. Flowers and seconded by Mr. Coker to instruct Darlington County Fire Chief to create a meeting with Palmetto Fire District for informational purposes with members of County Council.

Mrs. Johnson suggested that the meeting be scheduled for next month.

The motion carried unanimously.

Vote For Executive Session

There was not a vote for executive session.

Adjournment

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to adjourn the meeting. There being no further discussion, the meeting was adjourned at 7:12 p.m.

Respectfully submitted,

J. JaNet Bishop
Clerk to Council

Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of September 19, 2016.