

PUBLIC HEARING & REGULAR MEETING  
DARLINGTON COUNTY COUNCIL  
DARLINGTON, SC

August 7, 2017

A Public Hearing and Regular Meeting of the County Council of Darlington County was held this 7<sup>th</sup> day of August 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.

A Notice of Public Hearing for Ordinance No. 17-08 was published in the News and Press and the Hartsville Messenger on July 19, 2017.

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 Administrator Marion Charles Stewart, III, County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Central Communication Coordinator Lynette Beasley, Development Services Director Terri Cribb, Economic Development Director Frank Willis, Elections/Voter Registration Director Hoyt Campbell, Emergency Medical Services Director Michelle Moore, Emergency Management Director Mac McDonald, Finance Director Sherman Dibble, Fire Chief Ricky Flowers, Human Resource Manager Ginger Winburn, Library Director Jimmie Epling, Roads and Bridges Director Bobby Richardson, Sheriff Tony Chavis, Emergency Management Coordinator Molly Odom, Chief Deputy Sheriff Josh Edwards, Lieutenant Robby Kilgo, and others.

REPORTERS PRESENT

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

**PUBLIC HEARING**

Ordinance No. 17-08, An Ordinance To Amend Darlington County Code Of Ordinances, Chapter 8 (Buildings and Building Regulations), Article III. (Establishment Of The Building Inspection/Code Enforcement Department), Appendix A (Permit Fees), To Include An Electrical Reconnect Fee And Establish The Effective Date Of This Ordinance - SECOND READING

Chairman Hudson declared the Public Hearing open at 6 p.m. to receive public comments on Ordinance No. 17-08.

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. Brown led the Pledge of Allegiance.

### Citizens' Comments

There were no citizens' comments.

### Personal Appearance - Mr. Everett A. Samuel - Status Of Drainage Problem In Pecan Pointe #2 Subdivision

Mr. Samuel reported that he had received a copy of the letter that County Attorney Cox sent to Mr. Tony Hall of Lexus Development, Inc. He mentioned that the letter instructs the developer to contact Attorney Cox, which he had not done. Mr. Samuel stated that he had contacted other counties regarding their ordinance and permitting process. He recapped his concerns about the developer, Mr. Hall, providing approval for him to erect a fence in July 2016 but directed him to the Home Owner Association regarding the drainage problems in October 2016. Mr. Samuel concluded by stating that he expects the county to resolve this issue.

~ Councilman Kilgo arrived at 6:06 p.m. ~

### Personal Appearance - Mr. James E. Goldwire - Spokesperson For Residents Along Shadeland Circle, Florence (Darlington County) Regarding Drainage Problem

Mr. Goldwire reported that he was representing the residents in Pine Acres and was trying to get a drainage problem resolved.

Mr. Kilgo called for a point of order. He said the rules state that nothing should be placed on the agenda that does not fall under Council's jurisdiction. He also stated that until such time that the County Administrator tells Council that it needs to look at the matter and the grieved party has met with the County Administrator, he feels that this was out of order.

Mr. Stewart indicated that he had discussed this matter with Mr. Goldwire and the matter was under the jurisdiction of the State (South Carolina Department of Transportation).

Roads and Bridges Director Bobby Richardson confirmed that Shadeland Circle was under the State's jurisdiction and the county had nothing to do with the drainage problem in this area.

Chairman Hudson directed Mr. Goldwire to the State Highway Department.

Mr. Goldwire stated that the county staff was working with them (the residents) and had indicated that they would clean the pipes.

Chairman Hudson responded that the county was asked to help the State.

Mr. Richardson confirmed that this was not the county's jurisdiction.

Personal Appearance - Mr. Ronald Martin - Pending Matters Regarding Darlington County EMS

Mr. Ronald Martin said he was concerned about EMS.

Mr. Kilgo called for a point of order. He stated that under Subsection F, the matter has to fall within Council's jurisdiction and until such time that the County Administrator tells Council that it needs to review this matter, it was out of order.

Mr. Stewart stated that he would meet with Mr. Martin to discuss the matter. Then he would let Council know whether the matter falls within Council's jurisdiction or a personnel matter under the County Administrator.

Mr. Martin stated that he was going to ask Council to form a subcommittee.

Mr. Kilgo pointed out that this was still out of order. This needed to be addressed by the County Administrator first.

Mr. Hudson directed Mr. Martin to meet with the County Administrator.

~ Councilwoman Nicholson arrived at 6:10 p.m. ~

Mr. Coker questioned why it would be out of order for an individual to speak to Council. He also questioned the matter being approved and placed on the agenda.

Chairman Hudson explained that matters are out of order if they come before Council when they need to go through the County Administrator first.

Mr. Flowers stated that when individuals want to speak about personnel matters, committee creations, etc., it would be out of order as far as public information and not under Council's jurisdiction.

Chairman Hudson stated that personnel issues regarding EMS should go through the County Administrator. Then, if there is something that Council needs to address, the County Administrator will present it to Council.

Mr. Stewart indicated that he would contact Mr. Martin.

Consent Agenda (Receive As Information)

Included in the Consent Agenda were the following:

- 6.A. *Marlboro/Darlington County Beaver Report, June 2017*
- 6.B. *Animal Control Report, June 2017*
- 6.C. *Inspections Report, June 2017*
- 6.D. *Permits Issued Report, June 2017*
- 6.E. *Darlington County Animal Shelter Quarterly Report, April - June 2017*
- 6.F. *County Transportation Committee (CTC) Minutes, June 28, 2017, & Agenda, July 26, 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, July 10, 2017

**MOTION** was made by Mr. Flowers and seconded by Mr. Kilgo to approve the minutes of the regular meeting of July 10, 2017.

The motion carried unanimously.

Ordinances

Ordinance No. 17-07, An Ordinance Authorizing The Execution And Delivery Of Infrastructure Credit Agreements By And Between Darlington County, South Carolina And Project Phoenix Providing For The Issuance Of Special Source Revenue Credits And Other Matters Related Thereto - THIRD READING

**MOTION** was made by Mr. Kilgo and seconded by Mr. Flowers to approve third reading of Ordinance No. 17-07.

The motion carried unanimously.

Ordinance No. 17-08, An Ordinance To Amend Darlington County Code Of Ordinances, Chapter 8 (Buildings and Building Regulations), Article III. (Establishment Of The Building Inspection/Code Enforcement Department), Appendix A (Permit Fees), To Include An Electrical Reconnect Fee And Establish The Effective Date Of This Ordinance - SECOND READING

**MOTION** was made by Mr. Kilgo and seconded by Mr. Douglas to approve second reading of Ordinance No. 17-08.

The motion carried unanimously.

It was Mr. Brown's understanding that the County was accepting too much liability.

Mr. Stewart explained that Darlington County was the only county or municipality in the surrounding area that was doing reconnects in the manner in which the county was doing them. The proposed ordinance would place the county into compliance as to the way reconnects are conducted by local municipalities and counties. He also mentioned that the proposed fee was within the range of surrounding counties and municipalities. Mr. Stewart explained that rather than someone calling and requesting that their power be turned back on and the county submitting the request to the power company, the county would now send someone out to make sure that the connection (outside the residence) for the power company meets code.

Ordinance No. 17-09, An Ordinance To Amend Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article Two (Activities Governed By The Ordinance), Section 2.3 (Plat Approval, Recordation) To Require New Lots To Have Direct Access, A Legal Right-Of-Way, Or Private Easement To A Public Road; And Article Five (Development Design Standards), Section 5.8 (Lot and Parcel Design Requirement) To Increase The Number Of Lots Off An Access Or Utility Easement; And Establish The Effective Date Of This Ordinance- FIRST READING

The title of Ordinance No. 17-09 was read for first reading. No action required.

Ordinance No. 17-10, An Ordinance To Amend Ordinance No. 17-02 (Darlington County FY17/18 Budget Ordinance) For A Supplemental Appropriation To The Library Fund To Receive And Expend An Additional \$17,191 In State Aid Funds For Darlington County Library System And Establish The Effective Date Of This Ordinance - FIRST READING

The title of Ordinance No. 17-10 was read for first reading. No action required.

Ordinance No. 17-11, An Ordinance To Amend The Darlington County Code Of Ordinances, Chapter 10 (Businesses), Article III. (Hospitality Tax), To Add A Section Establishing Lamar Local Hospitality Tax - A Local Hospitality Tax On The Sales Of Prepared Meals And Beverages Sold In The Corporate Limits Of The Town Of Lamar In Darlington County - FIRST READING

The title of Ordinance No. 17-11 was read for first reading. No action required.

Resolutions

There were no Resolutions.

Committee Reports

There were no Committee Reports.

Other Items

Appointments To Boards/Commissions/Committees:

Councilman Douglas – Appointments Representing Council District 2

Mr. Douglas carried over his appointment to the Alcohol & Drug Citizen Advisory Committee (Attendance), the Ambulance Commission (Appointment), and the Construction Board Of Adjustment/Appeals (Vacant).

Councilwoman Thomas – Appointments Representing Council District 3

Ms. Thomas nominated and Council approved the appointment of Mr. Thomas Sawyer to the Ambulance Commission for a term to expire June 30, 2021.

Councilman Hudson - Appointments Representing Council District 4

Chairman Hudson carried over his appointment to the Alcohol & Drug Citizen Advisory Committee (Attendance), the Construction Board Of Adjustment/Appeals (Reappointment of Robert Windham), and the Parks & Recreation Commission (Attendance).

Councilman Flowers - Appointments Representing Council District 5

Mr. Flowers carried over his appointment to the Airport Commission (Vacant), the Alcohol & Drug Citizen Advisory Committee (Attendance), the Board of Assessment Appeals (Appointment), the Construction Board Of Adjustment/Appeals (Vacant), the Historical Commission (Appointment), and the Parks & Recreation Commission (Appointment).

Councilwoman Nicholson – Appointments Representing Council District 6

Ms. Nicholson carried over her appointment to the Airport Commission (Reappointment), the Library Board (Attendance), and the Parks & Recreation Commission (Attendance).

Councilman Brown – Appointments Representing Council District 7

Mr. Brown carried over his appointment to the Alcohol & Drug Citizen Advisory Committee (Attendance).

Councilman Coker – Appointments Representing Council District 8

Mr. Coker carried over his appointment to the Historical Commission (Appointment). Mr. Coker nominated and Council approved the reappointment of Mr. Mark A. Watkins to the Parks & Recreation Commission for a term to expire June 30, 2021.

Appointment To The Courthouse Construction Advisory Committee (Physically Disabled Representative) - Chairman Hudson

Chairman Hudson carried over his appointment to the Courthouse Construction Advisory Committee.

FY17/18 Employee Assistance Program Service Contract With Rubicon Family Counseling Services, \$2,500

**MOTION** was made by Mr. Kilgo and seconded by Mr. Flowers to approve the FY17/18 Employee Assistance Program Service Contract with Rubicon Family Counseling Services.

The motion carried unanimously.

Contract With Darlington County Humane Society To Operate Darlington County Animal Shelter

**MOTION** was made by Mr. Flowers and seconded by Mr. Brown to approve the contract with Darlington County Humane Society to operate Darlington County Animal Shelter during FY17/18.

Mr. Flowers questioned whether this was fully funded in the budget.

Mr. Stewart responded yes. Compared to last year's contract, the changes included the date and new funding amount as approved in the budget.

The motion carried unanimously.

Memorandum Of Agreement For The Detention Of Juveniles

**MOTION** was made by Mr. Flowers and seconded by Ms. Nicholson to approve the Memorandum of Agreement for the Detention of Juveniles.

The motion carried unanimously.

### Administrative Update

Mr. Stewart indicated that the staff was working on an employee directory at the request of a Council member. Council and the public would be able to use the directory.

### Requests / Comments - Members Of Council

Ms. Thomas commented on the recent South Carolina Association of Counties Conference and thanked the Clerk to Council for her work and professionalism in coordinating information for Council during the conference.

Mr. Brown also commented on the recent South Carolina Association of Counties Conference and the Institute of Government classes. He requested the date for Council's Worksession.

Mr. Stewart indicated that the Worksession was scheduled for Tuesday, August 29, 2017, beginning between 9:30 a.m. and 10 a.m. Council members could meet with the facilitator prior to the meeting. The location of the worksession would be distributed once established.

Mr. Flowers asked Council to allow the Sheriff to provide an overview of the Memorandum of Agreement for the Detention of Juveniles.

Sheriff Chavis explained that the county could not house juveniles at the county detention center. Therefore, the county must seek assistance from South Carolina Department of Juvenile Justice. Juveniles arrested in the county and in the municipalities and ordered by Family Court must be transported to Columbia to be housed. The county has to pay for juveniles who are housed in Columbia. Juveniles do not lay head in the county detention center.

Mr. Stewart added that this was a more cost-saving method than the county trying to meet the separation/segregation rules, etc.

Sheriff Chavis also noted that juveniles cannot be transported or housed with an adult. Juveniles with offenses as minor as truancy must be housed at the Department of Juvenile Justice.

Mr. Kilgo pointed out that the Fourth Circuit, he thought, was the only Circuit in the State of South Carolina that sends juveniles to jail for truancy. He said the school district and the Solicitor's Office were participating in sending children to jail when everybody else was handling truancy within the school system. Mr. Kilgo also noted that when children go to Columbia to the Department of Juvenile Justice, the school district does not pay - the county has to pay.

Mr. Douglas questioned whether the county has to pay for housing juveniles who are arrested in the municipalities.

Mr. Stewart responded that the county pays for housing juveniles. The Council would have to set a policy that the county will no longer pay the bill for the cities' arrests.

Ms. Nicholson talked about a house near her home being advertised for sale for about \$110,000. She was concerned that the advertised price for the home was more than its fair market value based on the age and location of the home. Ms. Nicholson requested that the staff look at the assessed value for this home because she was concerned that similar practice of homes being financed for more than they value caused the crash in 2007. She will provide the staff with the address of the house.

Ms. Nicholson also asked the date of the last assessment and how property is assessed. She talked about people not being able to get their property annexed into the city for protection, and people not knowing that they were gerrymandered into her district.

Mr. Stewart indicated that the Tax Assessor could look at this. However, the county could not make the realtor change the sales price of the property.

Mr. Coker expressed concerns about individuals, such as Mr. Goldwire, not being able to speak in the public forum without going through the County Administrator. He felt that, as public officials, Council should hear what individuals have to say regardless if it is out of context and especially if they have gone through the County Administrator. If the County Administrator knows that an individual wants to talk about something that is not pertinent to Council, the individual should be notified before the meeting.

Mr. Stewart responded that he contacted Mr. Goldwire and explained to him that the drainage issue was a State issue and not the county.

Mr. Coker stressed that he would not want people to sign up to speak and then not be allowed to speak. He suggested developing a policy to find out what people want to talk about prior to the meeting.

Mr. Stewart stated that he could talk with anyone requesting a personal appearance, evaluate the matter, and advise the Chairman as to whether Council has jurisdiction.

Mr. Coker pointed out that before Mr. Martin got into his presentation, he was told that Council could not discuss personnel matters. It was Mr. Coker's opinion that Council should listen to individuals and then inform them if the matter is not under Council's jurisdiction.

Mr. Douglas questioned why names appear on the agenda if the individuals cannot speak before Council.

Attorney Cox responded that the County Administrator could give his opinion. However, Council, as a whole, has to decide whether to override the County Administrator and let the individual(s) speak. Council could have overruled the County Administrator.

Mr. Coker clarified that when Mr. Kilgo announced that the individual was out of order, he could have requested that the individual be allowed to speak.

Attorney Cox responded that Mr. Coker could have requested a vote.

Mr. Coker apologized to everyone who was not allowed to speak tonight. The next time he will request a vote.

Chairman Hudson thanked everyone for attending the Council meeting.




Vote For Executive Session - Receipt Of Legal Advice Where The Legal Advice Relates To A Pending, Threatened, Or Potential Claim

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 comments, the meeting was adjourned at 6:43 p.m.

Respectfully submitted,



J. Janet Bishop  
Clerk to Council



Bobby Hudson, Chairman  
Darlington County Council

Approved at meeting of September 19 2017.