

PUBLIC HEARING & REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

January 5, 2010

A public hearing and regular meeting of the County Council of Darlington County was held this 5th day of January 2010, 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 (the News and Press, the Messenger, and the Morning News), persons requesting notification, and posted on the bulletin board at the entrance to the County Administrator's Office. A Notice of Public Hearing for Ordinance No. 09-17 and Ordinance No. 09-18 was published in the News and Press on November 25, 2009 and in the Hartsville Messenger on December 4, 2009.

COUNCIL MEMBERS PRESENT

Chairman Billy Baldwin, Vice Chairwoman Anne C. Warr, Chaplain Dannie Douglas, Jr., Mr. Wesley Blackwell, Mr. Marvin Le Flowers, Mrs. Wilhelmina P. Johnson, Ms. Mozella "Pennie" Nicholson, and Mr. Alex "Buz" Shaw.

ALSO PRESENT

County Administrator Phyllis Griffiths, County Attorney James C. Cox, Jr., Clerk to Council J. Janet Bishop, Economic Development Director Robert Long, Roads and Bridges Director Bobby Richardson, Environmental Services Director Mike Dorriety, Codes Enforcement Director Randy Evans, Emergency Services Director R. Allen Haynes, Darlington County School District Assistant Superintendent For Administration Dr. Willie Boyd, Sr., and others.

REPORTERS PRESENT

Ms. Lisa Chalain-Rock of the Messenger and Ms. Samantha Lyles of the News and Press.

PUBLIC HEARINGS

Ordinance No. 09-17, An Ordinance To Amend The Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article Five (Development Design Standards), Section 5.6 (C) (3) To Amend The Requirements For Fencing Around Detention/Retention Facilities Within Darlington County And To Establish The Effective Date Of This Ordinance

County Attorney James Cox declared the public hearing open at 6 p.m. to receive comments on Ordinance No. 09-17, as listed above.

There being no comments, Mr. Cox declared the public hearing closed.

Ordinance No. 09-18, An Ordinance To Amend The Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article Five (Development Design Standards),

Section 5.2(C)(5) And Section 5.2(C)(6) To Amend The Requirements For Turn Arounds On Dead End Streets Within Darlington County And To Establish The Effective Date Of This Ordinance

County Attorney James Cox declared the public hearing open to receive comments on Ordinance No. 09-18, as listed above.

There being no comments, Mr. Cox declared the public hearing closed.

REGULAR MEETING

ELECTION OF OFFICERS

Chairman. County Attorney James Cox called the meeting to order and opened the floor for nominations for Chairman. Mr. Flowers nominated Mrs. Warr, which was seconded by Mr. Shaw. Mrs. Warr nominated Mr. Baldwin, which was seconded by Mr. Blackwell.

MOTION was made by Mr. Douglas to close the floor for nominations. There being no objections, the floor for nominations was closed.

Mr. Cox called for the vote. Those voting for Mrs. Warr were Mr. Shaw and Mr. Flowers (two votes). Those voting for Mr. Baldwin were Mrs. Warr, Mr. Douglas, Mr. Baldwin, and Mr. Blackwell (four votes). Mrs. Johnson did not vote and Ms. Nicholson was not present at this time. Therefore, Mr. Baldwin was elected as Chairman of County Council for 2010.

Vice Chairman. Mr. Cox relinquished the gavel to Mr. Baldwin who then opened the floor for nominations for Vice Chairman of County Council for 2010. Mrs. Warr nominated Mr. Flowers and Mr. Douglas nominated Mrs. Warr.

MOTION was made by Mrs. Warr and seconded by Mr. Flowers to close the floor for nominations.

The motion carried unanimously.

Chairman Baldwin called for the vote. Those voting for Mr. Flowers were Mr. Douglas, Mr. Blackwell, and Mr. Baldwin (three votes). Those voting for Mrs. Warr were Mr. Flowers, Mr. Shaw, and Mrs. Warr (three votes). Mrs. Johnson did not vote and Ms. Nicholson was not present at this time. The vote was tied. Then Mr. Flowers withdraw from the nominations.

MOTION was made by Mr. Blackwell and seconded by Mr. Douglas to appoint Mrs. Warr as Vice Chairman by acclamation.

The motion carried.

Chaplain. Chairman Baldwin declared the floor open for nominations for Chaplain. Mrs. Warr nominated Mr. Douglas and Mr. Douglas nominated Mr. Blackwell.

MOTION was made by Mr. Blackwell and seconded by Mrs. Warr to close the floor for nominations for Chaplain.

Councilwoman Mozella Nicholson arrived about 6:13 p.m.

Chairman Baldwin called for the vote. Those voting for Mr. Douglas were Mr. Blackwell, Mrs. Warr, and Ms. Nicholson (three votes). Those voting for Mr. Blackwell were Mr. Douglas, Mr. Flowers, and Mr. Shaw (three votes). Mrs. Johnson and Mr. Baldwin did not vote. Then Mr. Blackwell withdrew from the nominations.

It was the consensus of Council to elect Mr. Douglas as Chaplain of County Council for 2010.

Call To Order / Invocation / Pledge Of Allegiance

Chairman Baldwin called the meeting to order. Mr. Douglas presented the invocation and Mr. Shaw led the pledge of allegiance.

Citizens' Comments

There were no citizen comments.

Approval Of Minutes - Regular Meeting of December 7, 2009

MOTION was made by Mrs. Warr and seconded by Mrs. Johnson to approve the minutes of the regular meeting of December 7, 2009.

The motion carried unanimously.

Ordinances

Ordinance No. 09-17, An Ordinance To Amend The Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article Five (Development Design Standards), Section 5.6 (C) (3) To Amend The Requirements For Fencing Around Detention/Retention Facilities Within Darlington County And To Establish The Effective Date Of This Ordinance -

Third Reading

MOTION was made by Mr. Flowers and seconded by Ms. Nicholson to approve third reading of Ordinance No. 09-17.

The motion carried unanimously.

Ordinance No. 09-18, An Ordinance To Amend The Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article Five (Development Design Standards), Section 5.2(C)(5) And Section 5.2(C)(6) To Amend The Requirements For Turn Arounds On Dead End Streets Within Darlington County And To Establish The Effective Date Of This Ordinance -

Third Reading

MOTION was made by Mrs. Johnson and seconded by Mrs. Warr to approve third reading of Ordinance No. 09-18.

The motion carried unanimously.

Resolutions

Resolution No. 591, Recognition Of Darlington County Board Of Education During National School Board Appreciation Month, January 2010

MOTION was made by Ms. Nicholson and seconded by Mr. Blackwell to approve Resolution No. 591, recognizing Darlington County Board of Education during National School Board Appreciation Month.

The motion carried unanimously.

Chairman Baldwin presented the Resolution to Dr. Willie Boyd, Sr., Darlington County School District Assistant Superintendent for Administration.

Committee Reports

There were no committee reports.

Other Items

2010 County Council Meeting Calendar

MOTION was made by Mrs. Warr and seconded by Mrs. Johnson to approve the 2010 County Council meeting calendar.

The motion carried unanimously.

2010 Holiday Schedule For The Landfill And Recycling Centers

MOTION was made by Mrs. Warr and seconded by Ms. Nicholson to approve the 2010 holiday schedule for the landfill and the recycling centers.

The landfill and recycling centers will be closed on the following dates: Monday, January 18, 2010 - Martin Luther King Jr. Day; Friday, April 2, 2010 - Good Friday; Monday, May 31, 2010 - Memorial Day; Monday, July 5, 2010 - Independence Day; Monday, September 6, 2010 - Labor Day; Wednesday, November 24th (day before Thanksgiving) - close at 1 p.m. due to Lee County Landfill closing early (Bay Road, Ruby Road, Smith Avenue, Lamar & Society Hill sites - other sites are already closed on Wednesdays); Thursday, November 25, 2010 - Thanksgiving Day; Friday, December 24th (Christmas Eve) - close at 1 p.m. due to Lee County Landfill closing early; Saturday, December 25, 2010 - Christmas; Friday, December 31st (New Year's Eve) - Close at 1 p.m. due to Lee County Landfill closing early; and Saturday, January 1, 2011 - New Years' Day;

The motion carried unanimously.

Request To Amend Darlington County Code Of Ordinances To Allow County Council To Appoint Up To Eight (8) Members To All Boards And Commissions Appointed By Darlington County Council - Councilwoman Anne C. Warr

MOTION was made by Mrs. Warr and seconded by Mr. Flowers to accept this request so that Council would have the option to appoint up to eight members to all Boards and Commissions.

Mr. Blackwell wanted to know whether the ordinance for the Development Board would supersede this or whether this would supersede the Development Board ordinance.

Chairman Baldwin stated that there were actually six members on the Development Boards because five members are appointed by County Council and the Chairman of Council also serves.

Mr. Blackwell clarified that this would allow the appointment of up to two more members to the Development Board.

Mrs. Warr stated that this would be for any Board/Commission that does not have eight members. This would allow Council to appoint up to eight members on any Board/Commission so that each Council district would be represented. If Council wanted eight members on a Board, then that could be done.

Mr. Flowers stated that before Council could change the Jetport Commission from five members to eight members, Council would have to amend the ordinance that created the Jetport Commission. However, this would allow Council to move forward and pick which Board/Commission to increase from five members to eight members. Then Council would have to have three readings of an ordinance to do so.

Mrs. Warr asked whether she needed to amend her motion to read that Council would change the ordinance for the Planning Commission.

Mrs. Griffiths pointed out that the Planning Commission did not have a separate ordinance. The Planning Commission was under the regular Boards and Commissions ordinance. She said the Fire Board also had a separate ordinance.

Mr. Cox pointed out that Section 42-56 of the Code of Ordinances states, *"There is hereby established a planning commission for the County of Darlington, which shall have the powers and duties as provided in S.C. Code 1976, Title 6, Chapter 29."*

Mrs. Griffiths mentioned that Section 2-201 of the Darlington County Code talks about the membership of Boards and Commissions and lists those Boards and Commissions. She clarified that the Planning Commission Ordinance did not list the number of members, but referred back to Section 2-201 for Boards and Commissions.

Mr. Flowers thought that since the Planning Commission was created by ordinance, to change the membership from five to eight would require three readings and a public hearing.

Mrs. Griffiths agreed.

Mr. Flowers clarified that this was an umbrella motion, but each Board/Commission ordinance would have to be addressed individually.

It was Mr. Cox's opinion that to change the Planning Commission would take an ordinance and three readings.

Mr. Shaw stated that it was not necessary to have eight members on all of the Boards.

Mrs. Warr agreed. She said there could be up to eight members.

Mr. Flowers added that Council probably would not want eight members on the Development Board and Ambulance Commission.

MOTION was made by Mrs. Warr and seconded by Mr. Flowers to amend the motion to amend the Darlington County Code of Ordinances to allow County Council to appoint up to eight members to any Board or Commission that is appointed by County Council, beginning July 1, 2010.

Mrs. Johnson clarified that there would be an option as to what Council wanted to do. She said Council was opening a can of worms by using an option to allow Council to go back in and decide what to do. Mrs. Johnson questioned what was wrong with the five members since it had always worked. She stated that if Council was going to use options for some boards, then Council needed to examine what was going on. She said this began with discussions about not having representation on the Planning Commission. Mrs. Johnson said Council needed to look back to see what had taken place during the past 100 years and look at where Council was moving with this. She said the only fair thing was to do all of the Boards and not option any; let all of the Boards have eight members. She was opposed to using options.

Mrs. Warr stated that the county had changed and the county population had grown over the past 100 years. She did not think that Council would be opening a can of worms

for every Council member to have representation on any of the Boards. She said this would be fair.

Mrs. Johnson wanted to clarify that this would be for every Board and that there would not be options. Each Council district should be represented on all Boards and Commissions.

Mrs. Warr agreed. She explained that if a Council member does not have an appointment from his/her district to a Board/Commission, then that Council member would not appoint anyone to that particular Board/Commission. However, most Council members would have someone to appoint.

Chairman Baldwin said this would be an umbrella and Council could single out any one Board. He stated that this was brought up because the Planning Commission had five members with three being from Mr. Douglas' Council District. The other Council districts had no representation. Therefore, this would allow each Council member the option to appoint someone from his/her district. Chairman Baldwin clarified that should this umbrella request be approved, the staff would come back with an ordinance. At that time, Council could single out any board that needs to increase in membership.

Mrs. Johnson requested the staff to do a diversity study to see how many of the Boards/Commissions represent the population of the county.

Mr. Flowers said this would address Mrs. Johnson's concern because she would be able to appoint who she wants without having to get seven other members to vote for her appointment. He also stated that Mrs. Johnson had never voted for anyone he had ever nominated.

Mrs. Johnson requested the diversity of the Boards and Commission, even if she has to do it.

Ms. Nicholson asked whether Mrs. Johnson wanted the eight members to apply to all Boards and Commissions.

Mrs. Johnson said yes; one person from each district. She also stated that it would take four or more years to do this. However, she was not for options. She said eight or none.

Mr. Douglas pointed out that he did not appoint all three of the individuals from his district to the Planning Commission. He only appointed one. Mr. Douglas explained that when appointments were made, Council did not take into consideration where the individuals were from.

Mrs. Warr said nothing was wrong with any of the members who had been appointed.

Mrs. Johnson said it should not matter what district a person was from as long as he/she was representing the county. She stated that she had made several appointments to the Planning Commission and the individuals were not from her district.

Mr. Flowers said the Development Board, Ambulance Commission, and Board of Fire Control would not work with eight members. He said the boards that were "county run" and have to do with county business (Historical Commission, Jetport Commission, Parks and Recreation Commission, and Planning Commission) could have representation from each Council district. All of the other Boards fell under a different category. He stated that the Historical Commission, Jetport Commission, Parks and Recreation Commission, and Planning Commission deal with the management of the county and had nothing to do with the state or other commissions.

Chairman Baldwin called for the vote on the amended motion - to amend the motion to amend the Darlington County Code of Ordinances to allow County Council to appoint up to eight members to any Board or Commission that is appointed by County Council, beginning July 1, 2010.

The motion carried unanimously.

Chairman Baldwin then called for the vote on the original motion, as amended.

MOTION was made by Mrs. Warr to amend the county Code of Ordinances to allow County Council to appoint eight members to the boards and commissions that would be affected such as the Ambulance Commission. She said this Commission recommends appointment to Council.

Mr. Cox pointed out that the ordinance currently reads, *"...it shall be limited to five members with the chairman of each elected annually at the first regular meeting..."* He said this was for all the boards. Mr. Cox stated that out of practice, there were five boards with more than five members (Alcohol and Drug Citizen Advisory Committee (8), Cable TV Citizen Oversight Committee (8), Construction Board of Adjustment and Appeals (7 and 2 alternates), Board of Fire Control (11), and Library Board (7)). Therefore, the ordinance could be changed to read, *"...shall be limited to eight members ..."* Mr. Cox said Council could amend the ordinance to say that *"the Boards and Committees set forth in Section 2-204 shall be limited to eight members with the exception of the Board of Fire Control which shall have eleven."*

Mr. Douglas indicated that there were 13 fire stations.

Mrs. Griffiths responded that there were 11 stations and no representation from the substations.

Mr. Cox pointed out that the Construction Board of Adjustment and Appeals has seven members and two alternates. He did not know the reason for this.

Ms. Nicholson asked about each Council member appointing a representative to those boards and commissions that are directly responsible for running the business of the county (the Historical Commission, Parks and Recreation Commission, the Planning Commission, the Development Board, and the Jetport Commission).

Mr. Cox said that if the ordinance passes with eight members, with the exception of the Board of Fire Control, then the average Commission would have eight members. The Construction Board of Adjustment and Appeals would increase from seven members to eight members with as many alternates as Council would want because the alternates do not vote unless they sat in a seat.

Mr. Douglas and Mrs. Warr suggested increasing the membership to eight on all the Boards, with the exception of the Board of Fire Control.

Mrs. Johnson said she could go along with this.

Mr. Cox said that if Council "cherry pick" the boards, then Council would be right back where it started.

Mrs. Johnson **seconded** Mrs. Warr's **motion**.

Ms. Nicholson asked about the Accommodations Tax Committee.

Mr. Cox responded that the Accommodations Tax Committee was not one of the boards set forth in the section.

Mr. Flowers added that the Accommodations Tax Advisory Committee was set by state law and Council could not adjust it to eight members.

Mr. Cox said this was correct. He pointed out that the staff would have to go through the ordinances and where the ordinances refer to five elected members (because that was the powers granted to them), they would have to be changed also. There would be a number of changes that would have to be made. Mr. Cox said it was his understanding that County Council wants at least eight members on the boards and commissions, with the exception of the Board of Fire Control. Because of the way the Board of Fire Control was set up, it needs eleven members. Therefore, the motion would be to amend section 2-201, Article 5, so that it shall read that the Boards, Commissions, and Agencies set up by the county under this ordinance shall be limited to eight members with the exception of the Board of Fire Control, which shall have eleven members.

MOTION was made by Mr. Flowers and seconded by Mr. Shaw to amend the motion that the membership constitutes appointees from each single member district, except the Board of Fire Control. As it is now, Council elects them.

Chairman Baldwin called for the vote on Mr. Flowers' motion. The motion carried unanimously.

Chairman Baldwin then called for the vote on the original motion. Mr. Cox said the original motion should now read with the amendment.

The motion carried unanimously.

Consent Agenda

Included in the Consent Agenda were the following:

<u>ITEMS</u>	<u>ACTION</u>
A. Marlboro/Darlington County Beaver Program Reports, October 2009 & November 2009	Receive As Information
B. Library Director's Report & Library Board Minutes, November 2009	Receive As Information
C. Building Permit Types Report, November 2009	Receive As Information
D. Census Complete County Committee Report, November 2009	Receive As Information
E. Letters From Time Warner Cable RE: Agreements With Programmers For Services & Changes To Services	Receive As Information

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

The motion carried unanimously.

Personal Appearances

There were no personal appearances.

Administrative Update -Mrs. Phyllis Griffiths, County Administrator - Update

Mrs. Griffiths did not have an update.

Requests / Comments – Members Of Council.

Mr. Douglas asked Environmental Services Director Mike Dorriety to check the latch on the side of the compactors at the recycling centers. He reported that the attendant at one of the sites today could hardly open the latch because it was bent. The attendant indicated that this problem exists on several of the compactors.

Mrs. Warr wished everyone a happy new year and extended her appreciation for Council's confidence to elect her as Vice Chairman.

Mrs. Johnson commented on the Employees Appreciation Banquet scheduled for January 23rd. She stated that she had read the information about the local census committee and had heard information as to what was happening. Mrs. Johnson said that in looking at the 32 census tracts in the county, to really get something done, people from the rural areas need to be pulled in and not stack the committee with people who do not know which way is up. She said that from what she was reading and hearing, there was more to do than what was listed. She suggested pulling in the people from the census tracks so that they can tell what to do and when. Mrs. Johnson said that from what she was reading, it seems to be a joke in some places.

Mrs. Johnson talked about the rise in employment, gangs, etc. and commended the Sheriff's Department and everyone working together. She also commended the work being done in South Darlington.

Mr. Flowers reported that he witnessed Chief Deputy Jerry Thompson going beyond the call of duty to handle a situation on Christmas Eve. He stated that he was proud of the Sheriff's Department and commended their work.

Mr. Shaw talked about the sand going into a field and the owner was complaining. He commended the work by the Sheriff's Department at Bethea Home.

Chairman Baldwin thanked Council members for voting him as Chairman. He indicated that Representative Robert Williams had entered the meeting, but left. He wished everyone a happy new year.

Vote For Executive Session

MOTION was made by Mrs. Warr and seconded by Mr. Blackwell to vote for executive session for the discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.

The motion carried unanimously.

MOTION was made by Mrs. Warr and seconded by Mrs. Johnson for Council to go into executive session for the discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in

the area served by the public body, along with the County Attorney, the County Administrator, and Economic Development Director Robert Long.

The motion carried unanimously.

Council recessed at 6:50 p.m. prior to going into executive session and reconvened at 7:15 p.m. Upon reconvening, Chairman Baldwin announced that no action was taken in executive session.

Adjournment

MOTION was made by Mr. Blackwell and seconded by Ms. Nicholson to adjourn the meeting. There being no further business, the meeting was adjourned at 7:16 p.m.

Respectfully submitted,

Mrs. J. JaNet Bishop, Clerk to Council

Mr. Billy Baldwin, Chairman
Darlington County Council

Approved at meeting of January 19, 2010.