

SPECIAL MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

December 14, 2015

A special meeting of the County Council of Darlington County was held this 14th day of December 2105, at 5 p.m., at the Darlington County Courthouse Annex/EMS Building, 1625 Harry Byrd Highway, Darlington, South Carolina to discuss the proposed cost for a Solid Waste Management Study for Darlington County Environmental Services/Landfill.

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 bulletin board at the entrance to the County Administrator's Office.

COUNCIL MEMBERS PRESENT

Chairman Bobby Hudson, Vice Chairman Robbin Brock, Mr. David Coker, Mrs. Wilhelmina P. Johnson, and Mr. Robert L. Kilgo, Jr.

COUNCIL MEMBERS ABSENT

Chaplain Dannie Douglas, Jr., Mr. Marvin Le Flowers, and Ms. Mozella Nicholson.

ALSO PRESENT

County Administrator Terence Arrington, County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Finance Director Sherman Dibble, Codes Enforcement Director Randy Evans, Assistant Environmental Services Director Paula Newton, Sheriff Wayne Byrd, Chief Deputy Sheriff James Hudson, Representatives from Michael Baker International, and others.

REPORTERS PRESENT

Ms. Samantha Lyles of the News and Press.

Call To Order / Invocation / Pledge Of Allegiance

Chairman Hudson called the meeting to order at 5 p.m. Mr. Kilgo presented the invocation and Mrs. Johnson led the Pledge of Allegiance.

Proposed Cost For A Solid Waste Management Study

Mr. Arrington explained that this was a preliminary discussion and documentation regarding the approach to the proposed Solid Waste Management Study, which representatives from Michael Baker Group would present. He also mentioned that funds were not budgeted to cover the cost of the study. However, a plan needs to be in place before anything is done at the landfill. The study would provide a guide as to what needs to be done.

Mr. Andy Busbee, of Michael Baker Group, introduced Mr. Robert Moser to present the details regarding the Solid Waste Management Study. Mr. Busbee reported that the Solid Waste Management Plan was the core component included in their scope of work document along with additional pieces. He pointed out that an up-to-date Solid Waste Management Plan is a requirement by DHEC (South Carolina Department of Health and Environmental Services). Even though the county's current Management Plan was out of date, it could not be located. Therefore, the first step would be the Management Plan as required by DHEC. Michael Baker Group would also look at a feasibility study and other options.

Mr. Robert Moser, of Michael Baker Group, handed out information on Solid Waste Planning, which indicated DHEC's requirement for a twenty-year plan.

Chairman Hudson and the staff talked about the matter of not being able to locate the county's Solid Waste Management Plan. Mr. Moser responded that they (Michael Baker Group) would contact DHEC to obtain a copy of the county's Plan. He also reported that during the 1980's or 1990's, a Regional Solid Waste Management Plan was established which the county was probably operating under.

Council and Mr. Arrington briefly talked about the need to update the county's Comprehensive Plan. Mr. Kilgo suggested that the staff review the minutes around 1985 when the new landfill opened to find out whether a plan was mentioned.

Mr. Moser provided a general overview of the work that Michael Baker would perform. The work would include developing a project work plan; conducting a waste stream analysis; conducting a technical analysis of existing facility and operations; analyzing potential equipment and feasibility; analyzing potential facility requirements and feasibility; compiling a Solid Waste Management Plan Update; and compiling a capital improvement and feasibility report. A description of each task was included in Council's agenda package.

Mr. Kilgo asked whether Michael Baker Group would look at the feasibility for privatizing the landfill, such as Horry County Solid Waste Authority. Mr. Moser responded that should the Committee choose to look at privatizing the landfill, this would be an acceptable means to evaluate.

Mr. Kilgo stated that the information in the agenda package mentioned the possibility for processing recyclables from out-of-state. Mr. Moser pointed out that the county's current ordinance prohibits out-of-state waste.

Mr. Brock confirmed that the cost for the study would be \$81,000.

Mrs. Johnson expressed concern as to whether the county had enough land at the landfill. Mr. Moser indicated that this would be a part of the study. Mr. Arrington added that

the study would also include looking at the old landfill for the potential of solar panels to generate additional revenue.

MOTION was made by Mr. Kilgo to approve this. Mr. Arrington pointed out that to pay the cost of the work would be contingent upon the executive session discussion regarding the landfill/Environmental Services improvements.

Mr. Kilgo withdrew his motion.

Vote For Executive Session - Receipt Of Legal Advice Regarding Darlington County Landfill/Environmental Services

MOTION was made by Mr. Kilgo and seconded by Mr. Brock to vote for executive session for the receipt of legal advice regarding the landfill/Environmental Services.

The motion carried unanimously.

MOTION was made by Mr. Kilgo and seconded by Mr. Brock for Council, the County Attorney, the County Administrator, the Finance Director, and Assistant Environmental Services Director Paula Newton to go into executive session for the receipt of legal advice regarding the landfill/Environmental Services.

The motion carried unanimously.

Council and the individuals listed went into executive session at 5:26 p.m. and reconvened at 5:42 p.m.

MOTION was made by Mr. Kilgo and seconded by Mrs. Johnson to enter into an agreement with Michael Baker to do a feasibility study on the landfill and allow the County Administrator to negotiate a payment plan with Michael Baker Group.

MOTION was made by Mr. Kilgo and seconded by Mrs. Johnson to amend Michael Baker Group's agreement to redact the last paragraph on page four regarding out-of-state waste.

The motion carried unanimously.

Chairman Hudson called for the vote on the motion, as amended. The motion carried unanimously.

Councilman Kilgo left the meeting at 5:45 p.m.

Amendment To Agenda For The Receipt Of Legal Advice Regarding The Sheriff's Office

Chairman Hudson requested Council's amendment to the agenda to go into executive session for the receipt of legal advice regarding the Sheriff's Department. Included in the executive session would be Council, Sheriff Byrd, Attorney Cox, Finance Director Sherman Dibble, and the County Administrator.

Attorney Cox announced that since there was not a quorum of Council, Council could not vote to amend the agenda or to go into executive session. However, Council could discuss the matter in open session, but could not vote.

Mr. Arrington said there were concerns in reference to an issue that was discussed in executive session during the last Council meeting (December 7, 2015). He mentioned that he had inherited an issue and had to figure out a solution. Mr. Arrington said he presented a recommendation to Council to obtain funds to resolve the issue and was later informed that there were concerns about his decision. Therefore, he was willing to talk about it and hear the Sheriff's comments regarding the matter.

Mr. Cox clarified that Mr. Arrington was talking about how he was looking to paying the settlement on the case that was discussed in executive session on December 7th. It was his legal opinion, which he had advised Mr. Arrington, that County Council approves the budget and would have to approve moving money from one department to another. Therefore, the County Administrator could not unilaterally move the funds around; County Council would have to do this based upon the dollar amount.

Chairman Hudson asked Sheriff Byrd how he could help Council solve the problem. Sheriff Byrd said his first issue was that he did not feel that it was fair to ask the Sheriff's Office to pay one hundred percent of a settlement for a lawsuit between the county and the Sheriff's Office. Both entities were named in the lawsuit, which came about because of action of Mr. Arrington's predecessor. Sheriff Byrd said he was named in the lawsuit because he was the individual's boss. He was willing to pay one-half of the amount that Council decides the county should pay. His second concern was that Council should ask where the money would come from and give him the opportunity to suggest what could be reduced to come up with the funds rather than direct a freeze on a position in the Sheriff's Department; especially a Sergeant position, which would affect the morale of the Sheriff's Department.

Mr. Arrington mentioned his concern with taking money from various departments that had nothing to do with the lawsuit. However, the county has to come up with a solution.

Finance Director Sherman Dibble explained that freezing a position would not take the position away. This was suggested as a means to have available funds to cover the cost.

Attorney Cox said there also was confusion in that a previous case with the Sheriff's Department was settled using funds from the Insurance Reserve Fund. Although the Insurance Reserve Fund paid the legal fees to defend the suit, since this was a labor relations case, it was excluded. Attorney Cox said every avenue was explored to settle this matter without coming back to Council.

Chairman Hudson said he did not want to punish the Sheriff's Department by freezing a position through June.

Mr. Arrington indicated that he would provide Council with a copy of the budget showing that there was not a lot of money lying around. Most of the projects being done were because of salary savings (money budgeted for positions that were not filled).

Sheriff Byrd stated that he was willing to work with Council and the County Administrator to solve this matter.

It was the consensus of Council, the County Administrator, and Sheriff Byrd for the Sheriff's Department to pay one-half of the settlement cost for the lawsuit.

Adjournment

There being no further discussion, Council members adjourned at 5:56 p.m.

Respectfully submitted,

J. JaNet Bishop
Clerk to Council

Chairman
Darlington County Council

Approved at meeting of January 5, 2016.