

PUBLIC HEARING & REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

December 4, 2017

A Public Hearing and Regular Meeting of the County Council of Darlington County was held this 4th day of December 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.

The Notice of Public Hearing for Ordinance No. 17-17 and Ordinance No. 17-18 was published in the News and Press and the Hartsville Messenger on November 15, 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, Airport Manager Barry Kennett, 911 Communication Center Director Michelle Moore, Development Services Director Terri Cribb, Economic Development Director Frank Willis, Elections/Voter Registration Director Hoyt Campbell, Emergency Services Director Kenny Bowen, Finance Director Sherman Dibble, Library Director Jimmie Epling, Recreation Director Lee Andrews, Roads and Bridges Director Bobby Richardson, Tax Assessor Kyle Johnson, Emergency Management Coordinator Molly Odom, Lieutenant Robby Kilgo, Lieutenant Michael Hall, County Auditor Margaret Rogers, and others.

REPORTERS PRESENT

Ms. Samantha Lyles of the News and Press and a reporter from the Messenger.

Recognition Of Retiring Employee

Chairman Hudson presented a plaque to Mr. Woodrow "Mac" McDonald in recognition of 25.5 years of service with Darlington County.

PUBLIC HEARING

Ordinance No. 17-17, Authorizing Pursuant To Title 12, Chapter 44 Of The Code Of Laws Of South Carolina 1976, As Amended, The Execution And Delivery Of Fee-In-Lieu Of Ad Valorem Taxes Agreements By And Between Darlington County, South Carolina And Certain Companies As Sponsor And Sponsor Affiliate, Respectively, Identified Collectively For The Time Being As Project Dates, To Provide For Fee-In-Lieu Of Ad Valorem Taxes Incentives And Certain Special Source Revenue Credits; And Other Related Matters - SECOND READING

Chairman Hudson declared the public hearing open at 6:02 p.m. to receive comments on Ordinance No. 17-17.

There being no comments, the public hearing was closed.

Ordinance No. 17-18, To Amend The Existing Agreement Governing The Darlington-Florence Industrial Park By And Between Darlington County, South Carolina And Florence County, South Carolina To Enlarge The Boundaries Of The Industrial Park To Include Certain Property Now Or To Be Hereafter Owned And/Or Operated By A Company Identified For The Time Being As Project Dates, Located In Darlington County, South Carolina; And Authorizing Other Related Matters - SECOND READING

Chairman Hudson declared the public hearing open to receive comments on Ordinance No. 17-18.

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 at 6:04 p.m. Mr. Douglas presented the invocation and Mr. Coker led the Pledge of Allegiance.

Citizens' Comments

Ms. Leigh Walker introduced herself as the new County Clemson Extension Agent. A native of Hartsville, she has been in the county for about one and one-half years after serving about 30 years in Orangeburg County as County Extension Agent for 4-H. Ms. Walker provided a handout (Christmas Newsletter) containing highlights of Darlington County 4-H events that were held throughout the year. She thanked Council for its support.

Personal Appearances

There were no personal appearances.

Amendment To The Agenda To Bring Forth Executive Session & Vote For Executive Session

MOTION was by Mr. Flowers and seconded by Mr. Kilgo to amend the agenda to move the Executive Session for the receipt of legal advice forward on the agenda.

MOTION was made by Mr. Flowers and seconded by Mr. Kilgo for the following individuals to go into executive session for the receipt of legal advice: County Council, the County Administrator, the County Attorney, the Economic Development Director, and Haynsworth Sinkler Boyd Attorney representing the county's economic development interest.

The motion carried unanimously.

Executive Session

Council and the individuals named went into executive session at 6:09 p.m. Haynsworth Sinkler Boyd Attorney Will Johnson and Darlington County Economic Development Director Frank Willis left executive session at 6:26 p.m. Council reconvened at 6:47 p.m. Chairman Hudson announced that no action was taken in executive session.

Consent Agenda

The following item was included in the Consent Agenda:

- 6.A. Accommodations Tax Advisory Committee Meeting Summary, November 13, 2017

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

The motion carried unanimously.

Approval Of Minutes - Joint Meeting Of Darlington County's Municipal Councils, County Council, Board Of Education, & Legislative Delegation, October 30, 2017

MOTION was made by Mr. Flowers and seconded by Mr. Douglas to approve the minutes of October 30, 2017.

The motion carried unanimously.

Approval Of Minutes - Public Hearing & Regular Meeting, November 6, 2017

MOTION was made by Mr. Flowers and seconded by Mr. Douglas to approve the minutes of November 6, 2017.

The motion carried unanimously.

Ordinances

Ordinance No. 17-12, An Ordinance To Amend Darlington County Code Of Ordinances To Repeal Chapter 40 (Personnel), Article II. (Department Head Residency Requirement) Declaring Same To Be Null And Void And Of No Effect - THIRD READING

MOTION was made by Mr. Kilgo and seconded by Mr. Brown to carry over third reading of Ordinance No. 17-12.

Mr. Kilgo stated that the ordinance needed more work.

The motion carried unanimously.

Ordinance No. 17-16, An Ordinance (1) Authorizing The Execution And Delivery Of An Amendment To The Existing Agreement For Development Of Joint County Industrial And Business Park (Darlington And Lee Counties) Dated April 14, 1998 Between Darlington County, South Carolina And Lee County, South Carolina (The "Park Agreement") To Extend Certain Time Periods Set Forth In The Park Agreement Regarding Diminution Of The Boundaries Of The Park And Termination Of The Park Agreement And To Enlarge The Boundaries Of The Park To Include Certain Property Owned And/Or Operated By Fiber Industries LLC; And (2) Authorizing Other Matters Related Thereto - THIRD READING

MOTION was made by Mr. Brown and seconded by Mr. Flowers to approve third reading of Ordinance No. 17-16.

The motion carried unanimously.

Ordinance No. 17-17, Authorizing Pursuant To Title 12, Chapter 44 Of The Code Of Laws Of South Carolina 1976, As Amended, The Execution And Delivery Of Fee-In-Lieu Of Ad Valorem Taxes Agreements By And Between Darlington County, South Carolina And Certain Companies As Sponsor And Sponsor Affiliate, Respectively, Identified Collectively For The Time Being As Project Dates, To Provide For Fee-In-Lieu Of Ad Valorem Taxes Incentives And Certain Special Source Revenue Credits; And Other Related Matters - SECOND READING

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

Mr. Coker wanted to confirm that this ordinance would not change the Development Standards Ordinance previously approved and that all the restrictions would still apply.

Mr. Stewart confirmed that the Development Standards Ordinance would not be affected by this proposed ordinance. This was a financial agreement for the investment the company is looking to make. It would not waive any of the requirements in the Development Standards Ordinance.

The motion carried unanimously.

Ordinance No. 17-18, To Amend The Existing Agreement Governing The Darlington-Florence Industrial Park By And Between Darlington County, South Carolina And Florence County, South Carolina To Enlarge The Boundaries Of The Industrial Park To Include Certain Property Now Or To Be Hereafter Owned And/Or Operated By A Company Identified For The Time Being As Project Dates, Located In Darlington County, South Carolina; And Authorizing Other Related Matters - SECOND READING

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to approve second reading of Ordinance No. 17-18.

The motion carried unanimously.

Resolutions

There were no resolutions.

Committee Reports

There were no committee reports.

Other Items

Appointments To Boards/Commissions/Committees:

Mr. Douglas (Council Dist. 2) nominated Ms. Wendy Davis for reappointment to the Ambulance Commission and Mr. Kevin A. Long for appointment to the Construction Board of Adjustment Appeals. The vote was unanimous.

Ms. Davis will serve a third term to expire June 30, 2021, and Mr. Long will serve an unexpired term through June 30, 2020.

Mr. Hudson (Council Dist. 4) carried over his appointment to the Construction Board Of Adjustment and Appeals.

Mr. Flowers (Council Dist. 5) carried over his appointment to the Airport Commission, the Board of Assessment Appeals, the Construction Board Of Adjustment and Appeals, the Historical Commission, and the Parks & Recreation Commission.

Ms. Nicholson (Council Dist. 6) carried over her appointment to the Airport Commission.

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

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

Airport Capital Improvement Plan 2019-2023

MOTION was made by Mr. Flowers and seconded by Mr. Brown to approve the Airport Capital Improvement Plan 2019-2023.

Mr. Kilgo questioned where the money would come from.

Mr. Stewart responded that for this year, the funds were in the budget. Part of the Contingency Account would be utilized for next year's matching funds of \$210,000 in order to receive approximately \$2 million in federal funds. There were no other future appropriations.

The motion carried unanimously.

Change Order For Elections/Voter Registration's Pre-Engineered Metal Building

MOTION was made by Mr. Kilgo and seconded by Mr. Douglas to award the change order for the Elections/Voter Registration pre-engineered metal building to Steel Buildings of Darlington in the amount of \$7,800.

Mr. Kilgo asked whether this would include a front on the building.

Mr. Stewart responded that this would provide a brick facial front instead of a tin barn type look, a couple windows, and an overhang (8' x 4' canopy) over the door.

The motion carried with Mr. Flowers abstaining due to his business relationship with Steel Buildings of Darlington.

According to the information in the agenda package, the change order to Steel Buildings of Darlington, in the amount of \$7,800 from courthouse bonds, includes brick on the entire front of the pre-engineered metal building for Elections/Voter Registration, an 8' x 4' hipped metal canopy over the entrance door, and two 4' x 4' insulated windows – one on each side of the front door.

Administrative Update – Mr. Stewart, County Administrator

Scrivener's Error in Minutes of September 19, 2017. Mr. Stewart pointed out that the statement in the September 19, 2017, minutes (page 8) which reads as follows: "Mr. Stewart explained that the subdivision was accepted as a dirt road subdivision" as it refers to roads in Timberchase Subdivision, should be "developed as a dirt road subdivision." It was his understanding that this would be considered a scrivener's error, which had no effect on the vote. However, he did not want it to relay in the minutes that the county had accepted it (Timberchase Subdivision) as a dirt road subdivision and then changed it. Timberchase Subdivision was developed as a dirt road subdivision but had the treatment prior to the county accepting it into the county road system.

Attorney Cox confirmed that this was a scrivener's error and would not change anything.

Mr. Stewart said this was making full disclosure that one word was being changed in the minutes as a scrivener's error (the word "accepted" changed to "developed").

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to approve correcting the scrivener's error by changing the word "accepted" to "developed."

The motion carried unanimously.

Public Forums Regarding Courthouse Project. Mr. Stewart reported that Mr. Weathers, of the Weathers Group, would not have the report ready until the February meeting. He will appear and make a 15 to 20-minute presentation to provide a summation of what the listening sessions brought forth.

Property Tax Change/Increase. Mr. Stewart mentioned that County Auditor Margaret Rogers was present at the meeting and invited her comments as he made his report. He said a lot of people had expressed concerns about tax changes. Mr. Stewart explained that the tax bill increased due to a reduction in loss tax credit, the inclusion of a \$20 Emergency Service Fee per house, and no more than a 1.1 mill increase on property tax. Some people did not see the full 1.1 mill increase based on whether they live in a municipality or not. There were other tax increases that were not a part of Council's function, such as the School District tax increase. Mr. Stewart pointed out that Council did not cause the reduction in the loss tax credit calculation that is determined by the South Carolina Department of Revenue and the Assessor's assessed values. He also mentioned

that the School District's bond millage increased by three mills and operating millage increased by 7.5 mills.

County Audit. Mr. Kilgo asked the status of the audit. Mr. Stewart responded that the auditors were waiting on one item from the previous Treasurer to complete the process. It was his understanding that the staff would have this item by the first of this week.

Courthouse Project. Mr. Brown commended The Weathers Group for facilitating the public forums. He said there were three parameters – (1) do nothing/as is, (2) remodel, or (3) new courthouse. He commented on the need to spend money for studies and evaluations in order for Council to make a proper evaluation. However, he did not know how much this would cost or where the funds would come from.

Mr. Stewart responded that there was approximately \$1 million left from the original courthouse construction bond, which could be used for renovations, assessments, and professional/engineering services to evaluate what Council wants to do next. He suggested that Council spend some of the money for an assessment of multiple things such as the cost to remove the current courthouse based upon the comments made at the listening sessions. He mentioned that the previous contractor (Michael Baker) had developed conceptual floor space and square footage for a number of offices but did not organize the floor space into a floor plan for a building. Therefore, Council could request to see what this means in a floor plan for a single-story or a two-story building, etc. Mr. Stewart stated that the staff could proceed with conversation and engage the previous contractor, Michael Baker, regarding things that need to be done. However, before Council votes to engage money, Council may want to hear back from Mr. Weathers. He said the staff could find out what it would take to get a study for what it would cost to return the area back to green space and the cost to go from conceptual space to floor plan for a building.

Requests / Comments – Members of County Council

Ms. Nicholson reported that Ms. Edna Mitchell, of Mitchell Josey Funeral Home in Darlington, and her brother recently died. She asked Council to send condolences to the Mitchell Josey family.

Mr. Douglas asked Council members to get along with all county employees. He thanked everyone for attending the meeting and invited comments.

Mr. Flowers stated that Council members do not know what legally can or cannot be done regarding the courthouse being located inside or outside the city limits or whether certain offices can be moved outside the city limits. He requested such information from South Carolina Association of Counties or somewhere so that the public and Council will have access to it.

Mr. Stewart responded that he had spoken with Attorney Cox regarding this matter and they will try to obtain a legal determination.

Mr. Brown thanked the public for participating in the public forums and reported on the success of the Players Championship (South Carolina Junior Golf Association Championship) recently held in Hartsville. He thanked Council for its support of the Players Championship with Accommodations Tax funds.

Ms. Thomas thanked Council for the survey. She questioned how the public would be informed. Mr. Stewart responded that Mr. Weathers will make his presentation publicly and every move by Council will also be in public sessions.

Ms. Thomas thanked everyone for his/her assistance.

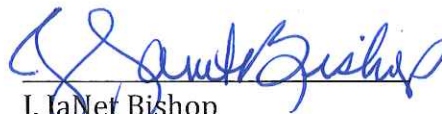
Mr. Kilgo wished everyone a Merry Christmas.

Chairman Hudson stated that the feedback from the community forums was positive. He congratulated Hartsville and Lamar football teams on the State Championship and wished everyone a Merry Christmas.

Adjournment

MOTION was made by Mr. Flowers to adjourn the meeting. There being no further comments, the meeting was adjourned at 7:11 p.m.

Respectfully submitted,



J. Janet Bishop
Clerk to Council



Chairman
Darlington County Council

Approved at meeting of January 2, 2018.