

PUBLIC HEARING & REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

December 5, 2016

A public hearing and regular meeting of the County Council of Darlington County was held this 5th day of December 2016, 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, giving 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. 16-22 and Ordinance No. 16-23 was published in the News and Press and in the Hartsville Messenger on November 16, 2016.

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, and Mr. Robert L. Kilgo, Jr.

COUNCIL MEMBERS PRESENT

Ms. Mozella Nicholson.

ALSO PRESENT

Interim County Administrator Marion Charles Stewart, III, County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Development Services Director Terri Cribb, Tax Assessor Kyle Johnson, Emergency Management Director Mac McDonald, Environmental Services Director Renee Howle, Emergency Medical Services Director Michelle Moore, Finance Director Sherman Dibble, Chief Deputy Sheriff James Hudson, Human Resources Manager Ginger Winburn, Library Director Jimmie Epling, Roads and Bridges Director Bobby Richardson, Airport Manager Barry Kennett, Coroner Todd Hardee, Sheriff-Elect Tony Chavis, Probate Judge Marvin I. Lawson, Airport Commissioner Lunell Williams, and others.

REPORTERS PRESENT

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

Recognition Of Council Members - Chairman Hudson

Chairman Hudson presented Councilman Robbin Brock with a Certificate of Appreciation for four years of service with Darlington County Council.

Chairman Hudson also recognized Councilwoman Wilhelmina P. Johnson by presenting her with a plaque in appreciation for 28 years of service with Darlington County Council.

PUBLIC HEARINGS

Ordinance No. 16-22, An Ordinance To Amend The Agreement For The Development Of A Multi-County Industrial And Business Park By And Between Darlington County And Marlboro County, South Carolina, Providing For The Development Of A Jointly Owned And Operated Industrial/Business Park So As To Include Additional Property In Darlington County As Part Of The Joint County Industrial Park, And Other Matters Relating Thereto - SECOND READING

Chairman Hudson declared the public hearing open at 6:05 p.m. to receive public comments on Ordinance No. 16-22.

There being no comments, the public hearing was closed.

Ordinance No. 16-23, An Ordinance To Amend Ordinance No. 16-14 (Darlington County FY16/17 Budget Ordinance) For A Supplemental Appropriation To The Library Fund To Receive And Expend Additional Library Lottery Funds (\$36,956.52) For Darlington County Library System And Establish The Effective Date Of This Ordinance - SECOND READING

Chairman Hudson declared the public hearing open to receive public comments on Ordinance No. 16-23.

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 6:07 p.m. Mr. Douglas presented the invocation and Mr. Coker led the Pledge of Allegiance.

Citizens' Comments

Coroner Todd Hardee talked about the makeup of the county changing at the end of December with the installation of new Council members and elected officials. He thanked Councilwoman Wilhelmina Johnson, Councilman Robbin Brock, Treasurer Belinda Copeland, deceased Auditor Rosa Hudson, and Sheriff Wayne Byrd for their dedication and service to the county. Coroner Hardee extended best wishes to the newly elected Council members and elected officials.

Mr. John Davis, of Capital Solar in Raleigh, North Carolina, presented concerns regarding the proposed Ordinance (Ordinance No. 16-19) governing Renewable Energy Systems. He expressed concerns about the proposed 500-foot setback, the maximum size for solar projects (500 acres); the 50-foot buffer; and the decommissioning plan. Mr. Davis suggested keeping the current 40-foot buffer and a decommissioning letter to be recorded with the Register of Deeds or a letter of credit.

Personal Appearance - Ms. Lesley Williams, Director of Land Acquisition & Commercial Sales, Southern Current - Solar Ordinance (Ordinance No. 16-19/Renewable Energy Systems)

Ms. Williams reported that Southern Current has numerous solar projects that they would like to bring to Darlington County. Therefore, they have submitted recommendations, a template for a Solar Energy Development Ordinance, and a red-lined document to the Planning Department. Ms. Williams suggested the following: that a one megawatt project be the smallest and a 75 megawatt project be the largest; that the projects be called Solar Energy Systems instead of Solar Farms; and when solar companies submit application, the county ask for the interconnection application and fee, phase one environmental assessment, wetland delineation, geotechnical report, threatened and endangered species report, etc. She pointed out that a 500-foot setback would require developers to lease a lot of land that will not be used.

Mr. Kilgo wanted to know the size of a normal/standard setback.

Ms. Williams stated that normally, there is a 100-foot setback from the property line to the panel. However, this was not clear in the county's ordinance. For a residence, the distance would be 100 feet from the brick to the solar panel. However, they are typically 50 feet from the property line.

Mr. Flowers asked whether any application requires a 500-foot setback from a residence. He mentioned that there were homes within 40-50 feet of Nucor Steel and less than 500 feet from Sonoco property in downtown Hartsville. Mr. Flowers even pointed out that turkey houses do not require this much setback.

Mr. Stewart indicated that the distance from a turkey house to a residence is 100 feet. However, if the same person owns the residence, there are no restrictions.

Consent Agenda

Included in the Consent Agenda were the following:

- 6.A. *Pee Dee Workforce Development Board Quarterly Report, July 1, 2016, Through September 30, 2016*
- 6.B. *Historical Commission Minutes and Visitor Stats*
- 6.C. *Motorola PAL800 Radio System Migration To P25 Digital Upgrade, Sheriff's Office*
- 6.D. *Next Scheduled Meeting Of Darlington County Council - Tuesday, January 3, 2017, at 6 p.m.*
- 6.E. *Status Of Replacing Building/Storage At Sheriff's Office Damaged During Hurricane Matthew*

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

The motion carried unanimously.

Amendment To The Agenda – (1) Acceptance Of CTC Funds To Pave The Robert L. Grooms Building Parking Lot And Bid Award; And (2) Acceptance Of The Agreement With Mr. Keith Evans And The South Carolina Department Of Transportation Regarding The Turn Lane Off Hoffmeyer Road For Summerville Subdivision

MOTION was made by Mr. Flowers and seconded by Mr. Coker to amend the agenda to consider the following items under Other Items: (1) Acceptance of CTC Funds to pave the Robert L. Grooms Building Parking Lot and bid award; and (2) Acceptance of the Agreement (Memorandum Of Agreement) with Keith Evans and the South Carolina Department of Transportation (SCDOT) regarding the turn lane off Hoffmeyer Road for Summerville Subdivision.

Mr. Stewart pointed out that the paving bid had been out for about 60 days and needed to be awarded. In reference to the agreement with Mr. Keith Evans and SCDOT, he said SCDOT had signed the contract with their stipulations. Council was provided the information prior to the Council meeting.

Mr. Kilgo questioned whether this amendment to the agenda would violate the Freedom of Information Act under the new statute.

Mr. Cox did not think so since the matters had been discussed previously.

Mr. Stewart added that there was a time limit on the bid award and the developer needed to move forward with the agreement with SCDOT.

The motion carried unanimously.

Approval Of Minutes

7.A. Minutes Of Joint Meeting Of Darlington County's Municipal Councils, County Council, Board Of Education, & Legislative Delegation, October 31, 2016

7.B. Minutes Of Work session, November 3, 2016

7.C. Minutes Of Public Hearing and Regular Meeting, November 7, 2016

MOTION was made by Mr. Douglas and seconded by Mrs. Johnson to approve the minutes of October 31, 2016, November 3, 2016, and November 7, 2016.

The motion carried unanimously.

Ordinances

Ordinance No. 16-20, An Ordinance To Amend Ordinance No. 16-14 (Darlington County FY16/17 Budget Ordinance) For A Supplemental Appropriation To The Library Fund To Receive And Expend Additional State Aid Funds For Darlington County Library System And Establish The Effective Date Of This Ordinance - THIRD READING

MOTION was made by Mr. Kilgo and seconded by Mrs. Johnson to approve third reading of Ordinance No. 16-20.

The motion carried unanimously.

Ordinance No. 16-18, An Ordinance To Amend Darlington County Code Of Ordinance, Chapter 26 (Fire Prevention And Protection), Article II. (Darlington County Fire Prevention District), Division 1 (Generally) And Division 2 (Board Of Fire Control) To Replace The Fee Schedule With Mitigation Rates, To Update Verbiage, And To Establish The Effective Date Of This Ordinance - SECOND READING - CARRY OVER REQUESTED

MOTION was made by Mr. Flowers and seconded by Mr. Douglas to carry over approval of second reading of Ordinance No. 16-18.

The motion carried unanimously.

Ordinance No. 16-19, An Ordinance To Amend Darlington County Code Of Ordinance, Appendix A (Development Standards Ordinance), Article Nineteen (Renewable Energy Systems) To Update The Verbiage, To Clarify The Process And Regulations, And To Establish The Effective Date Of This Ordinance - SECOND READING

MOTION was made by Mr. Flowers and seconded by Mr. Kilgo to carry over second reading of Ordinance No. 16-19 until the Planning Commission has completed its review.

The motion carried unanimously.

Ordinance No. 16-22, An Ordinance To Amend The Agreement For The Development Of A Multi-County Industrial And Business Park By And Between Darlington County And Marlboro County, South Carolina, Providing For The Development Of A Jointly Owned And Operated Industrial/Business Park So As To Include Additional Property In Darlington County As Part Of The Joint County Industrial Park, And Other Matters Relating Thereto - SECOND READING

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to approve second reading of Ordinance No. 16-22.

The motion carried unanimously.

Ordinance No. 16-23, An Ordinance To Amend Ordinance No. 16-14 (Darlington County FY16/17 Budget Ordinance) For A Supplemental Appropriation To The Library Fund To Receive And Expend Additional Library Lottery Funds (\$36,956.52) For Darlington County Library System And Establish The Effective Date Of This Ordinance - SECOND READING

MOTION was made by Mr. Kilgo and seconded by Mr. Coker to approve second reading of Ordinance No. 16-23.

The motion carried unanimously.

Resolutions

There were no resolutions.

Committee Reports

There were no committee reports.

Other Items

2017 Holiday Schedule For Darlington County Landfill & Recycling Sites

MOTION was made by Mr. Flowers and seconded by Mrs. Johnson to approve the 2017 holiday schedule for the Landfill and Recycling Sites/Solid Waste Collection Centers.

The motion carried unanimously.

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

Mr. Flowers and Mr. Douglas carried over their appointments.

Authorization To Use Funds From Contingency Account (1-90-48500-89000) For Employees' Appreciation Banquet

MOTION was made by Mrs. Johnson and seconded by Mr. Douglas to approve authorization for the staff to use funds (up to \$8,000) from the Contingency Account for the Employees' Appreciation Banquet.

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to amend the motion to invite Councilwoman Johnson to the Employees' Appreciation Banquet based upon her length of her service with the County.

The motion carried unanimously.

Chairman Hudson called for the vote to authorize the use of funds from the Contingency Account and to invite Mrs. Johnson to the Employees' Appreciation Banquet.

The motion carried unanimously.

Airport Capital Improvement Plan (FY2018 - FY2022)

MOTION was made by Mr. Kilgo and seconded by Mr. Douglas to approve the Airport Capital Improvement Plan for FY2018 ~ FY2022.

The motion carried unanimously.

CTC Funds For The Purchase Of A Screen Plant, \$46,400 (PCN P031726)

MOTION was made by Mr. Flowers and seconded by Mr. Douglas to approve acceptance of CTC funds (\$46,600) toward the purchase of a screen plant for Roads and Bridges.

In response to Mr. Kilgo's question as to whether the county would have to provide any funds, Mr. Stewart stated that the county would provide the balance of the cost in the amount of approximately \$51,400 available in the Roads and Bridges budget. Roads and Bridges had been using the previous screen plant since the early 1990's. When comparing the cost of the current rental screen plant with the option to purchase to others available units, the rental unit would cost about \$15,000 to \$20,000 less than a straight out purchase of another screen plant. The current plant was almost new with minimum hours.

The motion carried unanimously.

CTC Funds To Pave The Parking Lot At Grooms Building (CPCN P029463)

Mr. Stewart reported that there was a mix-up with the original CTC Pin. The staff received a letter today indicating that CTC has awarded additional funds to cover the cost to pave the Robert L. Grooms Building Parking Lot. CTC funds increased from \$66,085.20 to \$83,460.37.

Mr. Stewart also reported that the bid award to pave the parking lot had been setting for about 60 days. Therefore, the staff was requesting Council's consideration for acceptance of the CTC funds and award the paving bid to the lowest bidder, Palmetto Corp of Conway in the amount of \$73,150.56

MOTION was made by Mr. Flowers and seconded by Mr. Douglas to authorize acceptance of the CTC funds to pave the parking lot at the Robert L. Grooms Building and to award the bid contract for paving to Palmetto Corp of Conway.

Mr. Kilgo stated that the residents of Commanchee Drive would like to see these funds used on Commanchee Drive.

The motion carried unanimously.

Amended Memorandum of Agreement With South Carolina Department Of Transportation Regarding Turn Lane Off Hoffmeyer Road Into Summerville Subdivision

Mr. Stewart reported that Attorney Finklea had appeared at Council's last meeting requesting an amendment to the agreement with the county, the Highway Department, and Evans Construction. Unknown to the county staff, the Highway Department had approved Mr. Evans' request. Therefore, a Memorandum of Understanding executed by the Highway Department was being presented to Council for approval. Mr. Stewart pointed out the amended terms wherein the Highway Department has accepted the postponement of the turn lane completion to October 6, 2017. The agreement also states that if the developer fails to complete the work, the developer has posted an Irrevocable Letter of Credit that the Highway Department can access to complete the turn lane. Therefore, the county will begin to issue building permits again and the Highway Department has agreed that it will be their responsibility to monitor the installation of the turn lane according to their requirements. If the turn lane is not installed, this will not be the county's responsibility.

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to approve the Agreement - Memorandum of Understanding.

The motion carried unanimously.

Administrative Update

Commanchee Road Paving Project Update. Mr. Stewart said Council had received tonight a document from Roads and Bridges that was almost the identical report that Council received in April, along with additional sheets. He reported that he attended the recent CTC meeting and asked, "What do you expect the county to do in order for the Commanchee Project to move forward?" The answer was that the county would have to commit to fifty (50) percent of the paving project, which would be over \$700,000, plus purchase all property

necessary for the retention and drainage, and obtain all the necessary easements. This did not include anything regarding wetlands.

Solar Farm Tour. Mr. Stewart reminded Council members of the tour of a local Solar Farm scheduled for Wednesday, December 7th at 2 p.m.

2016 Property Tax Notices. Mr. Stewart indicated that property tax notices should be in the mail this week and next week.

Status Of FY14/15 and FY15/16 Audits. Mr. Stewart reported that the auditors were completing their work. The 2015 audit should be available by the January or February meeting. The 2016 audit should follow within 30 days after the 2015 audit.

Requests / Comments - Members Of Council

Mr. Kilgo stated that he was ending his four years on Council. His promise when he was elected to Council was to work on industrial development. Mr. Kilgo said very minimal progress has been made. However, he is hoping for substantial progress in the coming year. He wished Mrs. Johnson and Mr. Brock the best.

Mr. Flowers also thanked Mrs. Johnson for her service to the county.

Mr. Brock stated that it had been a wild four years and he was going to the house.

Mr. Douglas wished the best for Mrs. Johnson and thanked everyone for attending the meeting.

Mr. Coker commended the service of Mrs. Johnson and Mr. Brock.

Mrs. Johnson briefly reflected on her 28 years of service on County Council and urged everyone to keep up the good work.

Chairman Hudson thanked Mrs. Johnson and Mr. Brock for their service to the County. He also wished everyone a safe Christmas and presented the Clerk to Council with a token of Council's appreciation.

Vote For Executive Session - Discussion Of Personnel Matters Regarding Probate Office/Mental Hearings

MOTION was made by Mr. Flowers and seconded by Mr. Kilgo to vote for executive session for the discussion of personnel matters regarding Probate Office/Mental Hearings.

The motion carried unanimously.

Executive Session - Discussion Of Personnel Matters Regarding Probate Office/Mental Hearings

MOTION was made by Mr. Flowers and seconded by Mr. Kilgo for Council, the County Attorney, the County Administrator, and Probate Judge Marvin Lawson to go into executive session for the discussion of personnel matters involving Probate Office/Mental Hearings after a ten-minute recess.

Council recessed at 6:52 p.m. Interim County Administrator Charles Stewart invited everyone to have refreshments in honor of Councilwoman Wilhelmina P. Johnson. After the recess, Council and the above-mentioned individuals went into executive session and reconvened at 7:19 p.m. Upon reconvening, Chairman Hudson announced that no action was taken during executive session.

Adjournment

Motion was made by Mrs. Johnson to adjourn the meeting. There being no further discussion, the meeting was adjourned at 7:20 p.m.

Respectfully submitted,

J. JaNet Bishop
Clerk to Council

Chairman
Darlington County Council

Approved at meeting of January 3, 2017.