

PUBLIC HEARING & REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

February 5, 2018

A Public Hearing and Regular Meeting of the County Council of Darlington County was held this 5th day of February 2018, 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 the proposed lease of T-Hangar #11 at Darlington Airport to Jeff Weaver was published in the News and Press and the Hartsville Messenger on January 17, 2018.

COUNCIL MEMBERS PRESENT

Chaplain Dannie Douglas, Jr., Mr. J. Lewis Brown, Mr. David Coker, Mr. Robert L. Kilgo, Jr., Ms. Mozella Nicholson, and Ms. Joyce W. Thomas.

COUNCIL MEMBERS ABSENT

Chairman Bobby Hudson and Vice Chairman Marvin Le Flowers.

ALSO PRESENT

County Administrator Marion Charles Stewart, III, County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Airport Manager Barry Kennett, Development Services Director Terri Cribb, Emergency Services Director Kenny Bowen, Environmental Services Director Renee Howle, Finance Director Sherman Dibble, Fire Chief Ricky Flowers, Historical Commission Director Brian Gandy, Human Resources Manager Ginger Winburn, Library Director Jimmie Epling, Roads and Bridges Director Bobby Richardson, Sheriff Tony Chavis, Tax Assessor Kyle Johnson, 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.

Recognition Of Firefighters - Top Responders, Fire Chief Ricky Flowers

Fire Chief Ricky Flowers recognized and presented a certificate to the top three responding volunteer firefighters – Mr. Alex Shoemake, Mr. Lonnie Eldridge, and Mr. Kenny Stratton.

PUBLIC HEARING

Lease Agreement With Jeff Weaver To Lease T-Hangar #11 At Darlington County Airport

In the absence of Chairman Bobby Hudson and Vice Chairman Le Flowers, Chaplain Dannie Douglas declared the public hearing open at 6:02 p.m. to receive comments on the proposed lease agreement for T-Hangar #11 at Darlington County Airport.

There being no comments, the public hearing was closed.

REGULAR MEETING

Call To Order / Invocation / Pledge Of Allegiance

In the absence of Chairman Bobby Hudson and Vice Chairman Le Flowers, and upon the arrival of County Attorney James C. Cox, Jr. at 6:03 p.m., Chaplain Dannie Douglas relinquished the gavel to Attorney Cox.

Attorney Cox called the meeting to order at 6:03 p.m. Mr. Douglas presented the invocation and Mr. Kilgo led the Pledge of Allegiance.

Citizens' Comments

There were no citizen comments.

Personal Appearance - Ms. Carolyn Johnson, Blessings Adult Daycare

Ms. Carolyn Johnson mentioned that she had appeared before Darlington County Council on October 2, 2017, and presented her plans to open an adult daycare business at 3161 N. Sally Hill Road, Timmons ville, which is located in Darlington County. Tonight, she was requesting financial support. Ms. Johnson talked about the demographics of the area and her objective and goals to reach underserved and disadvantaged adults by providing supervision and activities throughout the day. The daycare will accommodate 75 individuals and 36 already signed up. Ms. Johnson presented a description of the proposed staffing. She indicated that information packet that Council members received in January included a plat of the property and pictures of the building. Mrs. Johnson concluded by requesting the county's financial support.

Attorney Cox stated that Council would take the information into consideration.

Consent Agenda

Included in the Consent Agenda were the following:

- 6.A. *Darlington County Animal Shelter Quarterly Report, Oct. - Dec. 2017*
- 6.B. *SC Association Of Counties Mid-Year Conference & Institute Of Government, February 21-22, 2018*
- 6.C. *County Transportation Committee (CTC) Appointments*
- 6.D. *FY18/19 Accommodations Tax Funds For Eligible Tourist Related Projects*
- 6.E. *Pee Dee Workforce Development Board Report, July 1, 2017 - December 31, 2017*
- 6.F. *Parks, Recreation & Tourism Monthly Report, January 2018*

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

The motion carried unanimously.

Approval Of Minutes - Minutes Of Public Hearing & Regular Meeting, January 2, 2018

MOTION was made by Mr. Douglas and seconded by Mr. Brown to approve the minutes of the public hearing and regular meeting held on January 2, 2018.

The motion carried unanimously.

Ordinances

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 - THIRD READING - CARRY OVER REQUESTED

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

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 - THIRD READING - CARRY OVER REQUESTED

MOTION was made by Ms. Thomas and seconded by Mr. Kilgo to carry over third reading of Ordinance No. 17-18.

The motion carried unanimously.

Ordinance No. 18-01, An Ordinance To Amend Darlington County Code Of Ordinances, Chapter 50 (Solid Waste), Section 50-1 (Littering), By Revising Subsection (d) (Penalties) To Adopt The State's Penalties For Dumping Litter On Public And Private Property As Outlined In Section 16-11-700 Of The 1976 Code Of Laws Of South Carolina, As Amended - FIRST READING

Ordinance No. 18-01 was read for first reading. No action required.

Ordinance No. 18-02, 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 Lottery Funds For Darlington County Library System And Establish The Effective Date Of This Ordinance - FIRST READING

Ordinance No. 18-02 was read for first reading. No action required.

Resolutions

Resolution No. 683, Commissioning Terri A. Cribb As A County Codes Enforcement Officer For The County Of Darlington, SC

MOTION was made by Mr. Kilgo and seconded by Mr. Douglas to approve Resolution No. 683.

Mr. Kilgo confirmed that this commissioning would limit the authority of the individuals to writing tickets for littering, nuisances, and animals only.

Mr. Stewart confirmed that this was correct.

The motion carried unanimously.

Resolution No. 684, Commissioning Mary E. Tunstall As A County Codes Enforcement Officer For The County Of Darlington, SC

MOTION was made by Mr. Kilgo and seconded by Mr. Douglas to approve Resolution No. 684.

The motion carried unanimously.

Resolution No. 685, Commissioning James R. Wallace As A County Codes Enforcement Officer For The County Of Darlington, SC

MOTION was made by Mr. Kilgo and seconded by Mr. Douglas to approve Resolution No. 685.

The motion carried unanimously.

Resolution No. 686, Memorandum Of Agreement For Acceptance Of Additional Road Right-Of-Way To Improve A Portion Of Flatnose Road With Paving

MOTION was made by Mr. Douglas and seconded by Mr. Coker to approve Resolution No. 686.

The motion carried unanimously.

Committee Reports

There were no committee reports.

Other Items

Appointments To Boards/Commissions/Committees

Mr. Hudson (Council Dist. 4) was not present at the meeting. Therefore, his appointment to the Construction Board of Adjustment Appeals was carried over.

Mr. Flowers (Council Dist. 5) was not present at the meeting. Therefore, his appointment to the Airport Commission, the Board of Assessment Appeals, the Construction Board Of Adjustment/Appeals, the Historical Commission, and the Parks & Recreation Commission was carried over.

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

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

The Chairman's appointment to the Courthouse Construction Advisory Committee was carried over.

Appointment Of The FY18/19 Accommodations Tax Advisory Committee

MOTION was made by Mr. Kilgo to reappoint the members to the FY18/19 Accommodations Tax Advisory Committee.

Mr. Stewart reported that on today, the staff received information that Mr. Scotty Jeffords (representing Citizen At-Large) was resigning from this Committee due to health issues. Mr. Stewart then pointed out in the agenda package information that Mr. Joe Saleeby, Jr. was no longer associated with Joe's Grill and could not continue serving as a representative of the Hospitality Sector. He suggested that with the resignation of Mr. Jeffords, Council could appoint Mr. Saleeby to represent Citizen At-Large and appoint someone else to represent hospitality business.

MOTION was made by Mr. Kilgo and seconded by Mr. Coker to appoint Mr. Joseph Saleeby, Jr. to the FY18/19 Accommodations Tax Advisory Committee to represent Citizen at Large.

The motion carried unanimously.

Mr. Kilgo asked the staff to define hospitality business. Mr. Stewart stated that hospitality business includes businesses that primarily serve visitors such as restaurants, bars, night/social clubs, visitor centers, recreational amenities, attractions, bed and breakfast, etc.

MOTION was made by Mr. Kilgo and seconded by Mr. Coker to appoint Mr. Charles Weatherford to represent hospitality business. Mr. Weatherford is the owner of the Dairy Bar in Darlington and Wilds-Edward House in Dovesville.

Mr. Kilgo stated that he had not asked Mr. Weatherford about serving on this Committee. However, he could decline this appointment if he does not wish to serve.

The motion carried with Ms. Thomas not voting. She wanted to look at this more.

MOTION was made by Mr. Kilgo and seconded by Mr. Coker to reappoint the remaining members to the FY18/19 Accommodations Tax Advisory Committee.

The reminding members include Ms. Hannah Stanley of Hampton Inn in Hartsville (Lodging), Mr. Steve Tinney of Oak Manor Inn in Hartsville (Lodging), Ms. Carol Bishop of Lynn's Place Neighborhood Bar & Grill in Darlington (Hospitality Business), Mr. David McFarland of Hartsville (Citizen At-Large), and Mrs. Joyce Wingate of Alpha Kappa Alpha Sorority (Cultural).

The motion carried unanimously.

Lease Agreement With Jeff Weaver To Lease T-Hangar #11 At Darlington County Airport

MOTION was made by Mr. Douglas and seconded by Mr. Coker to approve the lease agreement with Jeff Weaver to lease T-Hangar #11 at Darlington County Airport.

Mr. Brown asked about the required liability insurance and security deposit.

Mr. Stewart stated that prior to Mr. Weaver moving into the t-hangar, he would have to provide proof of liability insurance.

Airport Manager Barry Kennett stated that the county had not required proof of liability insurance in the past.

Mr. Brown pointed out that section 3(F) of the lease agreement states, "*Lessee shall provide his own insurance coverage for any personal property located in or on the leased property. Lessee shall provide business liability insurance in an amount of \$500,000. Copies of certificates of such required insurance shall be furnished by Lessee to Lessor and certificates presently then in effect shall be on file at all times, with Lessor listed on said insurance policy.*"

Mr. Stewart stated that the staff will ensure that the tenant provides proof of liability insurance prior to moving in the hangar.

Mr. Kilgo asked the amount of the monthly lease payment. Mr. Kennett responded \$135.

Mr. Douglas asked the length of the lease. Mr. Kennett responded five years with automatic renewal unless the county decides not to renew the lease.

Mr. Kilgo questioned what type of business will be in the hangar. Mr. Stewart and Mr. Kennett responded that the hangar will be used for storing an airplane.

Ms. Thomas asked whether the county had received the security deposit. Mr. Stewart stated that the security deposit serves as the intent and is received prior to the lease being presented to Council for consideration.

The motion carried unanimously.

CTC Funds For Asphalt Surface Treatment (Triple Treatment Type 1) Of Roads In Timberchase Subdivision, \$150,000, CPCNP037205

MOTION was made by Mr. Coker and seconded by Ms. Nicholson to approve acceptance of CTC funds to asphalt surface treatment (triple treatment type 1) roads in Timberchase Subdivision, \$150,000.

Mr. Kilgo questioned whether this would be enough funds to take care of this project.

Mr. Stewart responded that there would be more than enough money to complete this project unless something happens. If the entire project has to be primed at \$1 per square yard, there would still be enough funds to complete it.

The motion carried with Mr. Kilgo opposing.

Bid Award To Resurface Roads In Timberchase Subdivision

MOTION was made by Mr. Coker and seconded by Mr. Douglas to award the bid contract to Everett Dykes Grassing Company to resurface the roads in Timberchase Subdivision for \$248,901.20, plus the cost of primer (\$1 per square yard) where needed.

The motion carried with Mr. Kilgo opposing.

Purchase Of Three (3) New Tankers For Darlington County Fire District, \$989,325

MOTION was made by Mr. Douglas and seconded by Mr. Kilgo to approve the purchase of three new tankers for the Fire District.

Mr. Kilgo whether bids were solicited and the number of bids received for the tankers.

After a brief discussion as to whether bids were solicited and the procurement process for purchasing the tankers, Mr. Stewart recalled that the trucks were being purchased on a cooperative purchase where bids were pre-solicited similar to state contract. With cooperative purchasing, the county does not have to solicit bids which is the purpose for using cooperative purchasing or state contract. He confirmed that the process was competitive, but not performed in-house.

Mr. Kilgo asked whether funds were available for the purchase. Mr. Stewart stated that funds were available from increasing the fire debt millage several years ago. He also mentioned that two more fire stations will be built using the remaining funds (\$214,000).

Ms. Thomas stated that she would like to see the trucks when they are delivered.

Mr. Coker questioned what will be done with the existing trucks.

Fire Chief Ricky Flowers said there were no plans for further use of the trucks due to their age. They needed to be taken out of service. However, Council and the County Administrator would decide what to do with them.

Mr. Stewart stated that the vehicles could be sold on GovDeals or used as backup. However, they had reached their lifespan.

The motion carried unanimously.

Request For The Landfill & Recycling/Solid Waste Collection Centers To Close At 4:30 p.m. On Saturday, March 3, 2018

MOTION was made by Mr. Kilgo and seconded by Mr. Douglas to approve the request for the Landfill and recycling/solid waste collection centers to close at 4:30 p.m. on Saturday, March 3, 2018, so that the employees may attend the Employees' Appreciation Banquet scheduled that evening.

Mr. Stewart explained that a Council member had asked him to consider this so that the employees working at the recycling/solid waste collection sites could get off, have time to go home to take a shower, and get to the county banquet on time. In discussing this with the Environmental Services Director, it was decided this time would give the employees an appropriate amount of time to go home and get to the banquet.

Mr. Coker requested that this closing is posted at the sites.

The motion carried unanimously.

Administrative Update - Mr. Charles Stewart, County Administrator

County Audit. Mr. Stewart reported that the staff received the final information from the former Treasurer on Thursday and submitted it to the external auditors. When the external auditors have reviewed the information, they will let the staff know whether additional information and deliver the audit for the previous fiscal year.

Structure Of CTC In Other Counties. Mr. Stewart said several Council members had inquired about the structure of the CTC (County Transportation Committee) in other counties. This information was included in the Consent Agenda.

State Laws Governing Litter. Mr. Stewart said there had been a request to look at adopting similar laws as the State for removing political signs, local business signs, popup signs, etc. from the road rights-of-way. He announced that there will be a meeting tomorrow with SCDOT (South Carolina Department of Transportation) to discuss how they utilize State law and what restrictions they have that would apply to the county if the county would mimic State law.

Mr. Kilgo asked whether the Sheriff's Office was included in the meeting. Mr. Stewart responded that the Sheriff's Office was not invited to this first meeting since the staff would only be trying to find out how SCDOT enforce State law regarding litter. If this gets to the point of an ordinance, the Sheriff's Office would then be included.

Hospitality Tax Revenue. Mr. Stewart said there were questions about Hospitality Tax collections. He reported that if all hospitality tax collections through January 30th and all expenditures for the previous two fiscal years (expenditure for the Jacob Kelly House repairs, funds placed with PARD funds for Lamar project, and the \$35,000 in the General Fund) are considered, Hospitality Tax revenue as of January 31st was about \$447,000.

Administrative Update - Results From Courthouse Public Forums, Mr. Charles Weathers, The Weathers Group

A report from the Weathers Group was included in Council's agenda package. Mr. Charles Weathers reported that on August 29, 2017, Council members met for a retreat and spent the day talking about the future of Darlington County and what success would look like. He provided a recap of the meeting and the pressing issues that need to be addressed. From the retreat, Council's recommendations included finalizing a clear and succinct vision, mission, and value statement; engaging in a strategic planning process to formalize a framework to address the pressing issues; surveying the community for input on Council's decision regarding the courthouse; and for councilmembers to be a model of trust, collaboration, and accountability for the community. Also from the retreat, five community listening sessions were held in November 2017. The sessions were held at the Hartsville Library, Darlington County Courthouse, Lamar Library, Darlington Music Hall, and Society Hill. The questions centered around the pros and cons of leaving the courthouse as is, renovating the current courthouse, building a new courthouse, what would be most feasible financially, and whether there are any other considerations that Council should have as they make decisions going forward. The list of pros and cons for each question was included in the report that was included in Council's agenda package.

Mr. Weathers reviewed the observations and recommendations which included the participants wanting additional information to help make a better decision, and the participants acknowledging that it would take money to conduct the necessary research and studies to inform all the decisions associated with moving and financing. He stated that the one thing that everyone decided on at every session was that leaving the courthouse "as is" was not an option. Moving the courthouse seemed to be the best option, but the participants were not sure what this would look like. This would be the reason for an engineering study, a needs assessment, and a feasibility analysis. Mr. Weathers said the citizens also suggested

benchmarking other counties and present that information with the above studies to make an informed financial decision.

Mr. Weathers said the questions that the citizens want Council to consider include: What would happen to the old building? What would be the cost for demolition? What would be in place of the old building if it is moved? What effect would the millage have on attracting new businesses to the area? And what is the sales tax in surrounding counties? Mr. Weathers noted that at the discussion held in Darlington, the citizens of Darlington were very adamant about the courthouse remaining in Darlington. At the discussions in other parts of the county, the citizens were open to moving the courthouse to a more central location. At this point, the suggestion was for an engineering study, a needs assessment, and a feasibility analysis before making a financial decision to commit resources to do something. The other suggestion was that at future Council meetings, updates be provided to the citizens so they know what progress is being made.

Mr. Stewart asked Council to consider scheduling a worksession to address how Council would like to proceed since there was a pending deadline should Council want a referendum question on the ballot (for a one-cent sales tax or property tax increase to allow Council to borrow in excess of the county's debt limit). He pointed out that if this General Election is missed, it will be two years before another General Election.

After a brief discussion, it was the consensus of Council to schedule a worksession for Monday, February 19, 2018, at 2 p.m., at the Courthouse Annex/EMS Building. Mr. Stewart stated that he would facilitate the worksession. However, a bond attorney and financial advisor might attend the worksession to answer questions.

Mr. Kilgo requested that an executive session is placed on the agenda since this matter deals with property.

Mr. Brown wanted to know the boundaries or parameters for money sources. He commended Mr. Coker for attending all the listening sessions.

Mr. Weathers concluded by stating that the general consensus of all five listening sessions was that the citizens were in agreement in terms of building a new facility and not leaving the current courthouse as is, nor renovating it. The three big questions they all had were: Where would it be? How much would it cost? and How do we pay for it?

Requests / Comments – Members of County Council

Ms. Nicholson requested a copy of the county's policy regarding sexual harassment. Mr. Stewart stated that the staff will provide Ms. Nicholson with a copy of the Employee Handbook/Policy.

Mr. Douglas expressed his appreciation for everyone's condolences for the loss of his daughter. He stated that after the last Council meeting, there was a misunderstanding that Mr. Kilgo and he were against paving Flatnose Road. Mr. Douglas clarified that they were not against paving this road. However, they questioned how it was done. He thanked everyone for attending the meeting.

Mr. Brown thanked everyone for attending the meeting and the Fire Chief for recognizing the top responding volunteer firefighters.

Ms. Thomas stated that she would like to talk about drainage problems and the ditches, especially in her district. She commended Mr. Kilgo for helping to clean up junk cars and trash.

Mr. Kilgo reported that water was almost covering Rogers Road and East McIver Road which are State roads. He stated that it is hard to explain to citizens that the county cannot clean a ditch when the citizens are paying State taxes by way of gas taxes, etc., and the State is not cleaning the ditches. He suggested publishing the local highway department's telephone number so that citizens can make direct telephone calls.

Mr. Kilgo said he had made himself clear on how he feels about state control over things that Council should be controlling. For this reason, he voted "no" on CTC funds. He commented that Darlington County is one of 40 counties where the legislature still wants to control CTC funds. Mr. Kilgo read an excerpt from an article by Ms. Cindy Scoppe that was published in last week's edition of *The State Newspaper* entitled *Opinion: SC Legislature Controls All, So When Things Go Wrong, It's No Accident; It's By Design*.

Vote For Executive Session (1) For The Receipt Of Legal Advice As It Relates To A Pending Or Potential Claim (2) For Discussion Of A Personnel Matter

MOTION was made by Mr. Kilgo and seconded by Ms. Brown to vote for executive session for the receipt of legal advice as it relates to a pending or potential plan and for discussion of a personnel matter.

Those individuals accompanying Council in executive session for the receipt of legal advice included the County Administrator, the County Attorney, Mr. Cody Mitchell, and Mr. James Brogdon. Those individuals accompanying Council in executive session for the discussion of a personnel matter included the County Administrator and the County Attorney with the reserved right to call in the Human Resources Manager, if necessary.

MOTION was made by Mr. Brown and seconded by Ms. Thomas for the individuals listed above to go into executive session.

The motion carried unanimously.

Executive Session

Council and the above-named individuals went into executive session at 7:10 p.m. Mr. Mitchell and Mr. Brogdon left executive session prior to Council reconvening at 7:55 p.m. Upon reconvening, Attorney Cox announced that no action was taken or consensus reached in executive session.

Adjournment

MOTION was made by Ms. Thomas and seconded by Ms. Nicholson to adjourn the meeting. There being no further discussion, the meeting was adjourned at 7:56 p.m.

Respectfully submitted,



J. Janet Bishop
Clerk to Council



Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of March 5, 2018.