

PUBLIC HEARING & REGULAR MEETING  
DARLINGTON COUNTY COUNCIL  
DARLINGTON, SC

January 2, 2018

A Public Hearing and Regular Meeting of the County Council of Darlington County was held this 2<sup>nd</sup> 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.

A Notice of Public Hearing for Darlington County Hazard Mitigation Plan was published in the News and Press and the Hartsville Messenger on December 13, 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., and Ms. Joyce W. Thomas.

**COUNCIL MEMBERS ABSENT**

Ms. Mozella Nicholson.

**ALSO PRESENT**

County Administrator Marion Charles Stewart, III, Acting County Attorney Terence Quinn, Clerk to Council J. JaNet Bishop, 911 Communication Center Director Michelle Moore, Development Services Director Terri Cribb, Emergency Services Director Kenny Bowen, Human Resources Manager Ginger Winburn, Library Director Jimmie Epling, Roads and Bridges Director Bobby Richardson, Sheriff Tony Chavis, Emergency Management Coordinator Molly Odom, Recycling Coordinator Gary White, Chief Deputy Sheriff Josh Edwards, Lieutenant K. Capers, and others.

**REPORTERS PRESENT**

Ms. Samantha Lyles of the News and Press and Mr. Kent Mahoney of The Messenger.

**PUBLIC HEARING**

**Hazard Vulnerability And Mitigation Of Said Hazards On Individuals And The Community. The Disaster Mitigation Act Of 2002 Was Signed Into Federal Law Amending The Stafford Act For Post-Disaster Recovery. As A Result, Local Governments Are Now Required To Have A Hazard Mitigation Plan, Approved By The Federal Emergency Management Agency (FEMA) To Remain Eligible For Federal Hazard Mitigation Grants. Darlington County Developed A Hazard Mitigation Plan In 2004, Which Was Subsequently Approved By FEMA In 2007 And**

Updated To The Current Plan In 2012. Local Governments Are Required To Update This Plan In Five (5) Year Cycles. Darlington County's Hazard Mitigation Plan Expired In 2017 And The Current Update Is Awaiting FEMA's Approval. Darlington County's Hazard Mitigation Planning Team Has Conducted A Thorough Review And Update Of The Hazard Mitigation Plan. The Planning Team Consists Of Representatives From Darlington County, The Cities Of Darlington And Hartsville, And The Towns Of Lamar And Society Hill. The Planning Team Carefully Identified And Evaluated The Hazards That May Impact Darlington County In Addition To Identifying The Critical Infrastructure And Key Resources (CI/KR) That Might Be Impacted By A Disaster. Upon Completion Of The Hazard Assessment, Mitigation Actions And Goals Were Developed To Guide Darlington County Through The Prevention, Response, Mitigation, And Recovery From A Disaster. The Ultimate Goal Of The Hazard Mitigation Plan Is To Make Darlington County More Resilient To Disasters. A Copy Of The Hazard Mitigation Plan Is Available For Review At The Emergency Services Office Located At 1625 Harry Byrd Highway In Darlington, South Carolina And Well As At Each Branch Of The Darlington County Library System.

Attorney Terence Quinn declared the public hearing open at 6 p.m. to receive comments on the County's Hazard Mitigation Plan.

There being no comments, the public hearing was closed.

## **REGULAR MEETING**

### Call To Order / Election Of Officers

Attorney Quinn called the meeting to order.

Chairman. Attorney Quinn opened the floor for nominations for Chairman of County Council for 2018. Mr. Kilgo nominated Mr. Flowers and Ms. Thomas nominated Mr. Hudson.

Mr. Brown stated that based upon the number of projects that are still going on, he wanted the continuity from last year carried over to this year.

Attorney Quinn called for the vote. Mr. Coker, Mr. Douglas, Mr. Flowers, Mr. Brown, Ms. Thomas, and Mr. Kilgo voted for Mr. Hudson. Mr. Bobby Hudson was elected Chairman of County Council for 2018.

Attorney Quinn relinquished the gavel to Chairman Hudson.

Vice Chairman. Chairman Hudson opened the floor for nominations for Vice Chairman of County Council for 2018. Mr. Brown nominated Mr. Flowers.

There being no other nomination, Chairman Hudson called for the vote. The vote was unanimous to elect Mr. Flowers as Vice Chairman of County Council for 2018.

Chaplain. Chairman Hudson opened the floor for nominations for Chaplain. Mr. Kilgo nominated Mr. Douglas.

There being no other nomination, Chairman Hudson called for the vote. The vote was unanimous to elect Mr. Douglas as Chaplain of County Council for 2018.

Pledge Of Allegiance/Invocation

Ms. Thomas led the Pledge of Allegiance and Mr. Douglas presented the invocation.

Citizens' Comments

There were no citizen comments.

Personal Appearances

There were no personal appearances.

Consent Agenda

Included in the Consent Agenda were the following:

7.A. *Darlington County Beaver Program Report, November 2017*

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

The motion carried unanimously.

Approval Of Minutes - Public Hearing & Regular Meeting, December 4, 2017

**MOTION** was made by Mr. Kilgo and seconded by Mr. Brown to approve the minutes of the public hearing and regular meeting of December 4, 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. Flowers to approve third reading of Ordinance No. 17-12.

**MOTION** was made by Mr. Brown and seconded by Mr. Coker to amend Ordinance No. 17-12 to not repeal Chapter 40, Article II, but instead, amend Section 40-22 to read as follows:

“Department head level personnel not residing in the county as of January 2, 2018, are considered grandfathered and are not required to meet this residency requirement. All new department head level employees, after January 2, 2018, must meet residency requirements.”

Chairman Hudson called for the vote on the amended motion. The motion carried with Mr. Flowers opposing.

Chairman Hudson called for the vote to approve third reading of Ordinance No. 17-12, as amended. The motion carried unanimously.

Mr. Stewart clarified that Council was adding the statement to Section 40-22.

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

Mr. Stewart reported that contract negotiations that were discussed in executive session during the last County Council meeting had not been finalized due to the holiday. Therefore, the documents will be presented in final form for the February meeting.

**MOTION** was made by Mr. Brown 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 Mr. Brown and seconded by Mr. Coker to carry over third reading of Ordinance No. 17-18.

The motion carried unanimously.

#### Resolutions

Resolution No. 681, Adoption Of The 2017 Darlington County Hazard Mitigation Plan Revision

**MOTION** was made by Mr. Kilgo and seconded by Mr. Brown to approve Resolution No. 681.

The motion carried unanimously.

Resolution No. 682, A Resolution Authorizing The Approval Of Darlington Polymer Processing LLC As A Sponsor Affiliate Under The Fee In Lieu Of Tax Agreement Between Darlington County, South Carolina And PolyQuest, Inc. Dated As Of November 1, 2010, And Amended As Of July 5, 2011, And December 1, 2014; The Inclusion Of Investments By The Sponsor Affiliate Under The Fee Agreement; And Other Matters Related Thereto

**MOTION** was made by Mr. Flowers and seconded by Mr. Brown to approve Resolution No. 682.

Mr. Kilgo wanted to know what was being changed.

Mr. Stewart explained that this would allow someone who is invested to get their part of the benefits under the Fee In Lieu of Tax Agreement. This would not change anything other than the name PolyQuest and any other affiliate sponsors as part owner in what the county had agreed to under the Fee In Lieu of Tax Agreement. This would not add anything that was not already there and would not change the parameters of the fee in lieu of tax.

The motion carried unanimously.

#### Committee Reports

There were no committee reports.

#### Other Items

##### Appointments To Boards/Commissions/Committees:

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

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

Ms. Nicholson (Council Dist. 6) was not present at the meeting.

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

Chairman Hudson carried over his appointment to the Courthouse Construction Advisory Committee. He stated that if someone knows of an individual who would like to serve on this committee, to let him know.

##### 2018 Schedule Of County Council Meetings

**MOTION** was made by Mr. Kilgo and seconded by Mr. Douglas to approve the 2018 schedule of County Council meetings as presented.

The motion carried unanimously.

##### 2018 Holiday Schedule For Darlington County Landfill & Solid Waste Collection/Recycling Centers

**MOTION** was made by Mr. Kilgo and seconded by Mr. Brown to approve the 2018 Holiday Schedule for the landfill and solid waste collection centers as presented.

The motion carried unanimously.

##### CTC Funds For Improvements To Flatnose Road, \$151,938 (CPCN P036849)

**MOTION** was made by Mr. Douglas and seconded by Mr. Flowers to approve acceptance of CTC funds for improvements to Flatnose Road.

The motion carried with Mr. Kilgo opposing.

Mr. Douglas stated that he wants Flatnose Road paved. However, he was concerned about the condition of other roads where the residents have been complaining for years.

Mr. Stewart explained that the CTC (County Transportation Committee) makes the decision and Council can accept or not accept the funds. The county has no control over where the CTC assigns their assets. He also stated that Council could not reassign the funds. However, Council could refuse to accept the funds for the purpose of the assignment and make recommendations to the CTC.

Mr. Kilgo stated that this was another situation where local governments were being controlled by the legislature. He said that until the legislature releases and allows the county to act as a governing body for a county that was subscribed in 1974/1975 Local Government Act, the county was just a puppet.

Chairman Hudson asked whether Council was once over the CTC. Mr. Kilgo's response was yes.

Mr. Stewart stated that in some counties, the legislature has relinquished CTC's authority to the County Council and the County Council decides where to use the funds. This was not the case in Darlington County.

Mr. Douglas stated that he was not against Flatnose Road being paved. He was concerned that after one complaint, the road was being paved when other people had been coming before Council for years complaining about the condition of their road and Council could not get those roads paved.

Mr. Kilgo stated that his no vote was not against Flatnose Road, but to continue to establish that the county was nothing but a puppetry in this situation. He said Council has heard from people on Commanchee Road many times, which he feels is in much worse shape than Flatnose Road. Those residents were still being ignored.

Mr. Douglas mentioned that there was another road in Mechanicsville that people have complained about for years.

Ms. Thomas pointed out that the CTC meetings are opened to the public. The meetings are scheduled for the 4<sup>th</sup> Wednesday of each month at 5:30 p.m. at the Courthouse Annex/EMS Building.

Mr. Brown asked the number of appointed positions on the CTC. Roads and Bridges Director Bobby Richardson stated that it varied, but could be six.

Mr. Stewart added that CTC members are appointed by Darlington County Legislative Delegation. However, he did not know the percentage of the weighted vote among the county's nine legislative delegation members that include Senator Gerald Malloy, Representative Robert Williams, and Representative Jay Lucas.

Mr. Brown asked Mr. Stewart to find out how the CTC is structured in other counties in the Pee Dee area.

Mr. Stewart indicated that he would contact the South Carolina Association of Counties for the information. He also stated that Darlington County was not the only county in the state without control over the CTC.

Chairman Hudson asked whether the county has any accountability over road construction. He mentioned that CTC paved the wrong section of a road near Windham Crossroad and no one was held accountable.

Mr. Stewart mentioned that Roads and Bridges Director Bobby Richardson and Pee Dee Regional Council of Governments' engineer provide input to the CTC but do not have a vote.

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

Mr. Stewart stated that the staff was requesting approval to use up to \$8,000 from Contingency for the Employees' Appreciation Banquet.

**MOTION** was made by Mr. Flowers and seconded by Ms. Thomas to approve the use of up to \$8,000 from the Contingency Account for the Employees' Appreciation Banquet.

The motion carried unanimously.

Installation Of Carpet And Tile At Hartsville Outreach Building, \$33,881.79, (Materials/Installation/Moving Furniture)

**MOTION** was made by Mr. Douglas and seconded by Mr. Flowers to award the bid contract to Grant's Flooring Gallery to install carpet squares in the courtroom and certain offices (Magistrate, Department of Health and Human Services, and the Department of Social Services) and LVT (vinyl tile) in common areas (waiting rooms, break room, and hallways) at Hartsville Outreach Building.

The motion carried unanimously.

Administrative Update

County Audit. Mr. Stewart reported that the county audit was in the process of being finalized once the county receives certain information from the former County Treasurer.

Courthouse Project Public Forum. Mr. Stewart reported that Mr. Charles Weathers, of the Weathers Group, will present the combined results from the Courthouse Project public meetings/forum. He also stated that if Council wishes to prepare for any type of vote for this Fall, Council would have to move rather quickly.

Whipple Landing. Mr. Stewart reported that Whipple Landing was almost complete.

County Vehicles. Mr. Stewart indicated that at the February Council meeting, the staff will present a list of county vehicles for Council to reaffirm who will drive vehicles home, etc.

Roads in Timberchase Subdivision. Mr. Stewart stated that Council recently approved \$170,000 for improvement to roads in Timberchase Subdivision, pending additional funds from another source. He announced that the CTC has provided approximately \$151,000 for improvements to the roads in Timberchase Subdivision. Therefore, county procurement will go through the appropriate bidding process, etc. The triple treatment will be applied to the roads in March/April when the weather becomes warmer.

Mr. Stewart commented that triple treatment was being applied to the roads because this was the type surface the roads had when they were accepted into the county roads maintenance system. The triple treatment should last about twenty years.

Mr. Brown stated that many of the requests/conversations regarding road improvement fall in a gray area - whether the road is county property, privately owned, or state maintained. He said Council gets a "black eye" because Council approves the CTC funds and talk about it, but does not have any say so in how the money is spent. He asked whether it would be better for the constituents to go to the CTC and whether the CTC has more flexibility in what they can appropriate funds for.

Mr. Stewart stated that he did not believe that the CTC can appropriate funds for roads that the county cannot apply funds to. The CTC provides funds to pave public roads just as the county. He said the confusion comes in because it looks like Council is approving the funds and making the decision for certain roads to be paved. However, it would be appropriate to send constituents to the CTC to get their road on the CTC's list and to hear the CTC's process for evaluating roads, etc. Mr. Stewart also pointed out that he has no administrative oversight of the CTC.

Mr. Douglas stated that the CTC should not pave any roads if they cannot pave them like they should be paved.

Mr. Brown clarified that he was questioning the areas that fall outside the parameter of the county and where the residents come repeatedly.

Mr. Stewart stated that the CTC could not pave private roads where there are no deeds or true ownership. The CTC has the same restrictions as the county regarding what they can pave.

#### Requests / Comments – Members of County Council

Mr. Coker thanked the employees, the Sheriff, and deputies for their work.

Mr. Douglas thanked all county employees.

Mr. Brown thanked the employees and Council. He also commended economic development in Darlington County.

Ms. Thomas thanked the employees and wished everyone a prosperous new year.

Mr. Kilgo stated that he would concur with what was said about employees. He also stated that on several occasions, he mentioned the problem of old automobiles being stored on lots. He referenced a site on Highway 401 and another between Rogers Road and Syracuse. Mr. Kilgo emphasized that if Council wants the county to look nice, the county has to be cleaned up. Mr. Kilgo also mentioned that Section 57-25-10 of South Carolina Code of Laws states that signs cannot be placed within the State's rights-of-way. However, there were signs within the State's rights-of-way throughout the county. He suggested that the county publish an ad in the newspapers stating that if the signs are not removed, the county would pick them up and place them in the landfill.



Ms. Thomas thanked Council for sending her to the National Association of Counties' (NACo) Poverty Summit recently held in Fort Worth, Texas. She will distribute an information sheet for Council to look at in 2018.

Chairman Hudson asked the staff to look at using the State's penalties for littering instead of the county ordinance. Mr. Stewart stated that the staff would find out whether the county could adopt the State's penalties for littering.

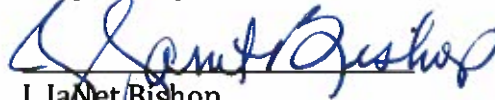
Vote For Executive Session

There was not a vote for executive session.

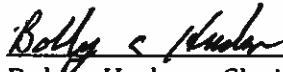
Adjournment

**MOTION** made by Mr. Kilgo and seconded by Mr. Flowers to adjourn the meeting. There being no further business or comments, the meeting was adjourned at 6:36 p.m.

Respectfully submitted,



J. Janet Bishop  
Clerk to Council



Bobby Hudson, Chairman  
Darlington County Council

Approved at meeting of February 5, 2018.