

PUBLIC HEARING & REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

July 2, 2018

A Public Hearing and Regular Meeting of the County Council of Darlington County was held this 2nd day of July 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 Hangar Lease was published in the News and Press and the Hartsville Messenger on May 30, 2018. The Notice of Public Hearing for Ordinance No. 18-18 was published in the News and Press and the Hartsville Messenger on June 13, 2018.

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, County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Airport Manager Barry Kennett, Development Services Director Terri Cribb, Elections/Voter Registration Director Hoyt Campbell, Environmental Services Director Renee Howle, Human Resource Manager Ginger Winburn, Library Director Jimmie Epling, Roads and Bridges Director Bobby Richardson, Emergency Management Coordinator Molly Odom, Representative Robert Williams, Ms. Rosena James, Ms. Penny Hennigan, Ms. Carol Bishop, Mr. Wayne Brown, and others.

REPORTERS PRESENT

Ms. Samantha Lyles of the News and Press, Mr. Jim Faile of the Messenger, and Ms. Rosalia Fodera of WPDE TV 15.

PUBLIC HEARINGS

Lease Agreement With Guy McClary to Lease T-Hanger #9 At Darlington County Airport

Chairman Hudson declared the public hearing open at 6 p.m. to receive comments on the lease agreement with Guy McClary to lease T-Hanger #9 at the Darlington County Airport.

There being no comments, the public hearing was closed.

Ordinance No. 18-08, An Ordinance to amend Darlington County Code of Ordinances, Appendix A (Development Services Ordinance), Article 15 (Outdoor Advertising Signage), Section 15.1 (Definitions), Section 15.7 (Digital and Electronic Changing Message Signs), and Section 15.8 (Lighting Restrictions), To Add Digital and Electronic Changing Message Signs (Billboards) In The County, And To Establish The Effective Date Of This Ordinance - SECOND READING

Chairman Hudson declared the public hearing open to receive comments on Ordinance No. 18-08.

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 6:02 p.m. Mr. Douglas presented the invocation and Mr. Brown led the Pledge of Allegiance.

Citizens' Comments

Ms. Penny Hennigan, Co-Chair of the Darlington County Long Term Recovery Group and resident of Council District 2, stated that she has been attending County Council meetings for the past several months to build a stronger relationship with her Council representative and to obtain information about various issues and ordinances. She requested that her Council representative be more visible in the community. As Co-Chair of the Darlington County Long Term Recovery Group, Ms. Hennigan invited Council members to attend Darlington County Long Term Recovery Group's August meeting.

Ms. Carol Bishop, of Darlington County Long Term Recovery Group, thanked Council members for getting involved and checking on residents who were affected by the storm. She stated that not everyone will receive assistance and some may lose their homes. Ms. Bishop reported that there are rebuilds in Lamar, Society Hill, and Hartsville areas. She hopes that Council will form some type of relationship to work with the Recovery Group to identify those who did not meet the requirements or those who were notified that they would not receive assistance, especially the elderly and disabled. Ms. Bishop thanked Mr. Douglas for his assistance.

Mr. Wayne Brown, of New Vision Community Development Corporation located at 1416 Bethlehem Road, reported that this group offers services to the community to include a food bank, summer enrichment programs (as partner with Clemson Extension and Darlington County Community Action Agency), free afterschool care, and free entrepreneurship for kids. This group also hosts the Community Rice Festival scheduled for September. Mr. Brown stated that anything that Council can do to assist this group with building the community would be appreciated.

Personal Appearances

There were no personal appearances.

Consent Agenda (Receive As Information)

Included in the Consent Agenda were the following:

- 6.A. Darlington County Beaver Program Report, May 2018
- 6.B. Historical Commission Board Minutes, Visitor Stats & Member Packets, May & June 2018
- 6.C. Parks, Recreation & Tourism Report, June 2018

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

The motion carried unanimously.

Approval Of Minutes - Minutes Of Public Hearing & Regular Meeting, June 4, 2018

MOTION was made by Mr. Douglas and seconded by Mr. Brown to approve the minutes of June 4, 2018.

The motion carried unanimously.

Ordinances

Ordinance No. 18-06, An Ordinance To Amend Darlington County Code Of Ordinances, Chapter 2 (Administration), Article II, (County Council), Section 2-31 (Compensation Of Council Members And Officers), Subsection (a) (Established), To Increase The Compensation Of Council Members And Officers And Establish The Effective Date Of This Ordinance -THIRD READING

MOTION was made by Mr. Brown and seconded by Mr. Flowers to approve third reading of Ordinance No. 18-06.

The motion carried with Mr. Coker opposing.

Ordinance No. 18-07, To Impose A One Percent Sales And Use Tax, Subject To A Referendum, Within Darlington County Pursuant To The Capital Project Sales Tax Act, To Define The Specific Purposes And Designate The Projects For Which The Proceeds Of The Tax May Be Used; To Provide The Maximum Time For Which The Tax May Be Imposed; To Provide The Cost Of The Projects Or Facilities Funded From The Proceeds Of The Tax; To Provide For A

County-Wide Referendum And To Prescribe The Contents Of The Ballot Question In Such Referendum; To Authorize A Referendum On The Issuance Of Not Exceeding \$20,000,000 General Obligation Bonds Of Darlington County; To Provide For The Conduct Of Such Referendum; To Provide For The Administration Of The Tax; To Provide For The Payment Of The Tax; And To Provide For Other Matters Relating Thereto - THIRD READING

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to approve third reading of Ordinance No. 18-07.

Mr. Coker asked the status of the report on the cost to remodel the current courthouse.

Mr. Stewart reminded Council that he previously reported that it would be around mid-August before Council will receive the reports. The studies will not be received prior to the ordinance having to go to the Election Commission for the referendum to be placed on the ballot.

Mr. Coker questioned Council voting to place a question on the ballot to raise \$20 million when Council does not know exactly will be done with the funds.

Mr. Stewart responded that Council may not know exactly what will be done with the money, but what Mr. Coker had asked for was to see could something be done cheaper with the courthouse, which will be looked at. The studies will be verifying tools as opposed to finalizing tools.

Mr. Brown stated that there would be two parts - the renovation cost and the demolition cost.

Mr. Stewart responded that Michael Baker had given the county a demolition perspective from an engineering firm. He also stated that because of the numbers that had been floating around, the county Procurement staff will solicit an official request for information for contractors to provide written estimates. Michael Baker accessed the demolition of the courthouse to be \$3.4 million, which was presented to Council several months ago during a worksession. With this, Council will be able to consider whether to renovate, build new, etc. The two studies will consider whether the current courthouse could be expanded to hold all the footprint that it needs to hold and how space would work in a new building if Council decides to do a new building.

Mr. Kilgo stated that regardless of what Council does, money will be needed to fund whatever is done.

Mr. Stewart stated that if basic square footage for construction and renovation is used, Council will still need a certain amount of money. The \$20 million will get Council what is needed whether Council decides to build a new facility or renovate the current facility. All options will still be on the table. However, Council will need the funds to make something happen, regardless of the direction.

Mr. Kilgo stated that should Council decide to "downsize" the request, Council could get less than \$20 million in bond money - not from the voters.

Mr. Stewart responded that Council does not have to spend \$20 million on the project.

Ms. Thomas asked about the timeframe for the referendum.

Mr. Stewart said the referendum question must be to the Election/Voter Registration Office by noon on August 15th. He reiterated that Council would not have the

information/studies back from Michael Baker in time to make this deadline. However, Council would need the funds to have an appropriate courtroom facility unless the project is really downsized to just placing paint on the walls. He talked about some of the changes needed in remodeling the courthouse, which will not be cheap.

Mr. Stewart pointed out that Council could either accept the question as brought forth by the Capital Project Sales Tax Commission or deny the question. Council could not manipulate the amount of money nor the number of years that was decided by the independent Commission (Capital Project Sales Tax Commission) appointed by County Council. He also stated that this has to be done in two-year increments, and the Commission decided four years instead of eight years, which is half of the maximum capacity they could have chosen. Approximately \$5 million per year will be raised with the penny sales tax based on historical data of what the same penny sales tax has raised for Darlington County School District for a number of years.

Mr. Douglas stated that if the County does not have all the necessary paperwork by August 15th, the question will not be on the November ballot.

Mr. Stewart responded that should Council not approve third reading of the Ordinance (Ordinance No. 18-07) asking for the referendum to be placed on the ballot, the question will not be on the ballot this Fall. If Council misses this Fall, Council would have to wait two years for the next General Election to place such question on the ballot. Mr. Stewart mentioned that former Supreme Court Justice Jean Toal was recently in the courthouse hearing a case and presented concerns to him. He stated that the Council cannot fix the problems without a funding source. This could have been a much larger project with an eight-year sales tax raising \$40 million, but it is only a four-year sales tax raising \$20 million.

Mr. Brown stated that it was his understanding that once the Ordinance is approved, Council members could not voice an opinion, just the facts. He was concerned that after approval of the Ordinance, Council members would be prohibited in what they can and cannot say.

Mr. Stewart stated that Council members could not advocate for it (penny sales tax). The information/studies would help Council decide whether to remodel, expand, or build new. The studies have nothing to do with whether Council thinks this is the appropriate financial instrument to fund the remodel, expansion or new building. The referendum question is about the financial instrument to finance the project (a penny sales tax or advalorem tax on individuals' cars and houses/property) and not what you do. He said there are two separate issues. Council could discuss what it plans to do. However, after approval of the Ordinance, Council could not advocate that the penny sales tax is a better situation than taxing people's cars, homes, property, etc.

Ms. Thomas talked about the need for the language on the referendum to be understandable.

Mr. Stewart responded that the language on the referendum is dictated by state law.

The motion carried with Mr. Coker opposing.

Ordinance No. 18-08. An Ordinance to amend Darlington County Code of Ordinances, Appendix A (Development Services Ordinance), Article 15 (Outdoor Advertising Signage).

Section 15.1 (Definitions), Section 15.7 (Digital and Electronic Changing Message Signs), and Section 15.8 (Lighting Restrictions). To Add Digital and Electronic Changing Message Signs (Billboards) In The County, And To Establish The Effective Date Of This Ordinance - SECOND READING

MOTION was made by Mr. Brown and seconded by Mr. Kilgo to approve second reading of Ordinance No. 18-08.

Mr. Kilgo requested for third reading, a video presentation of what the signs do, what the signs look like, etc.

Mr. Flowers stated that due to technology, this would not be the end of changes to this ordinance.

The motion carried unanimously.

Resolutions

There were no Resolutions.

Committee Reports

There were no committee reports.

Other Items

Lease Agreement With Guy McClary to Lease T-Hanger #9 At Darlington County Airport

MOTION was made by Mr. Kilgo and seconded by Mr. Douglas to approve the lease agreement with Guy McClary to lease T-Hanger No. 9 at Darlington Airport.

The motion carried unanimously.

Appointments To Boards/Commissions To Fill Vacancies And Expired Terms As Of June 30, 2018

Mr. Dannie Douglas carried over his appointment to the Airport Commission, the Board of Assessment Appeals, the Library Board, and the Parks & Recreation Commission.

Ms. Joyce Thomas nominated Mr. Francis Hood for reappointment to the Airport Commission. The vote was unanimous for reappointment of Mr. Hood to the Airport Commission. Mr. Hood will serve a second term to expire June 30, 2022.

Mr. Bobby Hudson carried over his appointment to the Construction Board of Adjustment/Appeals and the Parks & Recreation Commission.

Mr. Le Flowers carried over his appointment to the Airport Commission, the Alcohol/Drug Citizen Advisory Committee, the Ambulance Commission, the Board of Assessment Appeals, the Construction Board of Adjustment/Appeals, and the Historical Commission. He nominated Mr. Linwood Epps for appointment to the Parks and Recreation Commission. The vote was unanimous to appoint Mr. Linwood Epps to the Parks and Recreation Commission. Mr. Epps will fill an unexpired term through June 30, 2021.

Ms. Mozella Nicholson was absent. Therefore, her appointment was carried over for the Airport Commission, the Board of Assessment Appeals, the Construction Board of Adjustment/Appeals, the Historical Commission, the Library Board, and the Parks & Recreation Commission.

Mr. J. Lewis Brown carried over his appointment to the Airport Commission, the Alcohol/Drug Citizen Advisory Committee, the Construction Board of Adjustment/Appeals, the Parks & Recreation, and the Planning Commission.

Mr. David Coker carried over his appointment to the Board of Assessment Appeals and the Library Board.

County Council Appointment to Pee Dee Regional EMS. MOTION was made by Mr. Kilgo and seconded by Ms. Thomas to appoint Mr. Kenny Bowen as Darlington County's representative on Pee Dee Regional EMS Board of Directors. He will serve a term to expire June 30, 2021.

The motion carried unanimously.

Administrative Update - Mr. Charles Stewart, County Administrator

Mr. Stewart reported that the county was in its new budget, and departments were working on some of the new things such as adding the additional ambulance crew for the Dovesville area/County Airport and the additional service with the Fire District. He pointed out that the August Council meeting is scheduled for the second Monday, August 13th, due to most of the Council members attending the South Carolina Association of Counties Annual Conference.

Requests / Comments - Members Of Council

In reference to the June 12th primary, Mr. Coker thanked the people in Council District 8 for supporting, having confidence, and re-electing him. He will do his best in every situation.

Mr. Douglas asked whether an ambulance will be stationed at the County Airport.

Mr. Stewart stated that the daytime truck, as approved by Council, will be picked up from the main station in the mornings, set and respond from the county airport, and left at the main station overnight. He will provide Mr. Douglas with more information regarding the travel time from the previous station versus this station, etc.

Mr. Douglas thanked everyone for attending the meeting.

Mr. Flowers commended the landfill staff on their work after the recent rain and reminded everyone that all the convenience sites will be closed on July 4th.

Mr. Brown stated that it is never popular when an elected official vote for a pay increase. Ironically, this is the only way for it to happen. He explained that during the time that he was on Council in 1988, Council allowed the pay adjustment to be dormant for so long that the county fell far behind the comparable average in the Pee Dee area. Council's salary went from \$4,000 to \$6,000 in 1990 with no further pay increase for 28 years. He mentioned the amount of time committed to the job of a Council member. Mr. Brown felt that the pay increase was fair if it creates interest in more people to run for office. He added that the county was well below the average and there were only two counties in South Carolina that paid less than Darlington County (Allendale and Fairfield Counties) and they both have a population of about 15,000 people. Mr. Brown pointed out that Darlington County was the 25th largest county in the State of South Carolina and has, traditionally, allowed things such as roads, buildings, etc. to go down and reach a state where critical decisions, which are sometimes unpopular, have to be made. He added that being a Council member is an important job, spending \$36 million, and needs to have the best representation.

Mr. Brown stated that there are a number of things that Council needs to address, and funds are needed in order to address most of them. Therefore, it is important for the people in the county to vote on the courthouse financing, which is a reflection of the county.

Ms. Thomas commended the Fireworks Fest held at the racetrack on Saturday which, according to the Florence Morning News, attracted over 20,000 people.

Mr. Kilgo talked about the importance of July 4th (approval of the Declaration) and September 17, 1787 (approval of the Constitution). He thanked everyone for attending the meeting.

Chairman Hudson thanked everyone for attending the meeting and invited everyone to visit the Jacob Kelly House in Hartsville.

Mr. Stewart reminded Council that the joint meeting of Darlington County's Municipal Councils, County Council, School District, and Legislative Delegation will be hosted by the City of Hartsville on July 30th, at 6 p.m., at the new EdVenture Museum located in Hartsville.

Executive Session - Discussions Of Negotiations Incident To Proposed Contractual Arrangements Regarding A Proposed Business Park

MOTION was made by Mr. Flowers and seconded by Mr. Brown to vote for an executive session for discussion of negotiations incident to proposed contractual arrangements regarding a proposed business park.

The motion carried unanimously.

MOTION was made by Mr. Flowers and seconded by Mr. Brown for Council to go into executive session with the County Attorney and the County Administration for discussion regarding negotiations incident to proposed contractual arrangements regarding a proposed business park.

The motion carried unanimously.

Council went into executive session at 6:37 p.m. and reconvened at 7:10 p.m.

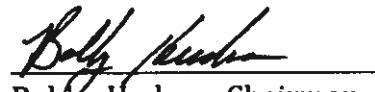
Adjournment

Upon reconvening, a **MOTION** was made by Mr. Flowers to adjourn the meeting. There being no further comments, the meeting was adjourned at 7:10 p.m.

Respectfully submitted,



J. Janet Bishop
Clerk to Council



Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of August 13, 2018.