

PUBLIC HEARING & REGULAR MEETING  
DARLINGTON COUNTY COUNCIL  
DARLINGTON, SC

June 4, 2018

A Public Hearing and Regular Meeting of the County Council of Darlington County was held this 4<sup>th</sup> day of June 2018, at 6 p.m., at Darlington County Courthouse, 5<sup>th</sup> Floor Courtroom, 1 Public Square, 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 Ordinance No. 18-06 and Ordinance No. 18-07 was published in the News and Press and the Hartsville Messenger on May 16, 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, Development Services Director Terri Cribb, Emergency Medical Services Director Kenny Bowen, E-911 Coordinator Michelle Moore, Environmental Services Director Renee Howle, Finance Director Sherman Dibble, Fire Chief Ricky Flowers, Historical Commission Director Brian Gandy, Human Resource Manager Ginger Winburn, Library Director Jimmie Epling, Prison Camp Director Jessie Williams, Recreation Director Le Andrews, Recycling Coordinator Gary White, Roads and Bridges Director Bobby Richardson, Sheriff Tony Chavis, Emergency Management Coordinator Molly Odom, Lieutenant Robby Kilgo, Lieutenant Kaynnera Capers, Accommodations Tax Advisory Committee Members Hannah Stanley and Steve Tinney, Attorney Gene Warr, and others.

**REPORTERS PRESENT**

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

**PUBLIC HEARINGS**

**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 – SECOND READING

Chairman Hudson declared the public hearing open at 6 p.m. to receive comments on Ordinance No. 18-06.

There being no comments, the public hearing was closed.

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 - SECOND READING

Chairman Hudson declared the public hearing open to receive comments on Ordinance No. 18-07.

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. Mr. Douglas presented the invocation and Mr. Coker led the Pledge of Allegiance.

Notice Of Change In Location For Council Meeting

Mr. Kilgo stated that the last two County Council meetings were held at an unusual location (at the Courthouse rather than the usual Courthouse Annex/EMS Building) and tonight there were two important public hearings. He requested confirmation that a notice of the change in meeting location was left at the regular meeting place to indicate that Council would be meeting at the Courthouse.

Mr. Stewart confirmed that a notice was posted for the last meeting and for this meeting on the door of the Courthouse Annex/EMS Building.

Mr. Kilgo requested that this clarification is placed in the record.

Citizens' Comments

Mr. Steve Tinney, owner of Oak Manor Inn in Hartsville and member of the FY18/19 County Accommodations Tax Advisory Committee, talked about his decision in awarding the tax generated by overnight guests (Accommodations Tax). He pointed out that the Accommodations Tax Advisory Committee members studied South Carolina's guide for

awarding Accommodations Tax funds to events that promote and attract tourism. The Committee also listened to potential recipients present their case in person and studied the applications. Mr. Tinney said he realizes that Council members do not attend the Committee meetings, but could imagine that there are individuals, groups, and organizations promoting worthwhile events for their community. However, community events do not meet the State's requirements for awarding limited funds for tourism. Events that promote Darlington County tourism with guests staying overnight in hotels and inns should be the only recipients of Accommodations Tax funds. Heads and beds and overnight stays generate Accommodations Tax funds. Mr. Tinney stated that he feels that it is his duty to the county, the State, and owners of hotels and inns that pay this tax to award the funds to individuals and groups that bring in overnight guests and have the attendance facts to support this. Just because a group requests funds should not mean that they automatically receive money if they are not eligible. Mr. Tinney said he has no personal agenda and his recommendations were based strictly on merit and doing what the State indicates that he should do.

Ms. Hannah Stanley, member of the FY18/19 County Accommodations Tax Advisory Committee, stated that as the Director of Sales at Hampton Inn & Suites in Hartsville, she knows exactly who is coming to town and what they are coming for. Ms. Stanley stated that she was angry and frustrated at Council's decision to override the Accommodations Tax Advisory Committee's funding recommendations. She said the Committee did not look at the municipalities when making the recommendations because the money was not placed in the pot proportionally by events per municipality. She said there were plenty worthwhile events in other municipalities that the Committee wants to award the money to, but the ones that applied and were not recommend for funding did not meet the standards. She said the Committee takes this seriously. Ms. Stanley mentioned the \$10,000 request the Committee received in the Fall and decided to place the funds back in the pot as opposed to giving it to a group because the Committee did not think it would be fair for a first-time event that had not place any money in the pot to receive the funds based on the group saying they would have a large event that will bring a lot of people to town.

Ms. Stanley stated that she read in the minutes of Council's previous meeting where Mr. Flowers said his constituents did not benefit from the Committee's recommendations. She said this was not true. Just because none of Mr. Flowers' constituents would be given a check does not mean that they would not benefit from an event as a community. She also mentioned that Mr. Kim Cranford, of the Center Theater in Hartsville, was the only person who called her after events to find out the number of people who stayed at her hotel. He presented the information that the Committee looks for in making the recommendations. Nevertheless, there were many applicants who did not give the Committee any proof of heads and beds.

Mr. Gene Warr stated that he was appearing on behalf of the Home Builder Association of the Pee Dee and a member's request from Traces Golf Course Subdivision which is divided by the Florence/Darlington county line. He stated that he understood the need for Council to increase the building permits fees. However, the increase was

tremendous and more than those in Georgetown County and any other county in the State as of the past few months. Mr. Warr talked about the range of property tax and building permit fees (\$3,500 to \$4,000) for homes on the Darlington County side in Westbrook Subdivision versus those in Florence County (\$900 to \$1,000) and how this could affect affordable houses and economic development.

Amendment To The Agenda To Bring Forth Executive Session For Personnel Matters

**MOTION** was made by Mr. Flowers and seconded by Mr. Brown to bring forth Executive Session for discussion of personnel matters.

The motion carried unanimously.

Executive Session – Discussion Of Personnel Matters

**MOTION** was made by Mr. Flowers and seconded by Mr. Douglas for Council, the County Attorney, and the County Administrator to go into executive session for the discussion of personnel matters.

The motion carried unanimously.

Council and the above-named individuals went into executive session at 6:11 p.m. Council reconvened at 6:35 p.m.

Ordinance No. 18-04, An Ordinance To Make Appropriations For Ordinary County Purposes For Darlington County For The Fiscal Year Beginning July 1, 2018, And Ending June 30, 2019; To Provide For The Expenditures Thereof; And To Provide For Revenues For The Payment Thereof, As Amended - THIRD READING

Upon reconvening from executive session, a **MOTION** was made by Mr. Flowers and seconded by Mr. Kilgo to table third reading of Ordinance No. 18-04, the County Budget.

The motion carried unanimously.

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, April 2018
- 6.B. Parks, Recreation & Tourism Monthly Report, May 2018

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

The motion carried unanimously.

Approval Of Minutes – Joint Meeting Of Darlington County's Municipal Councils, County Council, Board of Education, & Legislative Delegation, April 30, 2018

Approval Of Minutes – Public Hearing And Regular Meeting, May 7, 2018

**MOTION** was made by Mr. Kilgo and seconded by Mr. Douglas to approve the minutes of April 30, 2018, and May 7, 2018.

The motion carried unanimously.

Ordinances

Ordinance No. 18-05, An Ordinance To Designate That Agency In The County For Alcohol And Drug Abuse Planning For Programs And To Make Appropriations Pursuant To Sections 6-27-40(B) And 12-33-245(B) And (C) Of The 1976 Code Of Laws Of South Carolina, As Amended, For Darlington County For The Fiscal Year Beginning July 1, 2018, And Ending June 30, 2019 - THIRD READING

**MOTION** was made by Mr. Flowers and seconded by Mr. Douglas to approve third reading of Ordinance No. 18-05.

The motion carried unanimously.

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 – SECOND READING

**MOTION** was made by Mr. Kilgo and seconded by Mr. Flowers to approve second reading of Ordinance No. 18-06.

**MOTION** was made by Mr. Kilgo and seconded by Mr. Flowers to amend Ordinance No. 18-06 to provide the salary of \$14,000 for chairman, \$13,000 for vice chairman, and \$13,000 for regular Council members.

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

Chairman Hudson called for the vote on the motion, as amended. 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 - SECOND READING

**MOTION** was made by Ms. Thomas and seconded by Mr. Flowers to approve second reading of Ordinance No. 18-07.

Mr. Coker stated that he would vote “no” because he has not seen the study on the remodeling. He does not want to pay for something before he knows how much it will cost. Therefore, he will not vote for something that has not been proven to him.

Mr. Brown asked whether the study would be ready prior to third reading of the ordinance.

Mr. Stewart response was “no.” He did not think that the county would receive the studies in time for a meeting before Council will be required to have the referendum question to the Election Commission. The studies could take up to 90 days. The referendum question has to be submitted no later than August 15<sup>th</sup>. The County’s target date to submit the referendum question is August 1<sup>st</sup>.

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 - FIRST READING

The title of Ordinance No. 18-08 was read for First Reading. No action required.

Ordinance No. 18-04, An Ordinance To Make Appropriations For Ordinary County Purposes For Darlington County For The Fiscal Year Beginning July 1, 2018, And Ending June 30, 2019: To Provide For The Expenditures Thereof; And To Provide For Revenues For The Payment Thereof. As Amended - THIRD READING

**MOTION** was made by Mr. Flowers and seconded by Mr. Kilgo to bring forward from the table Item 8.A., Ordinance No. 18-04 for third reading.

The motion carried with Mr. Coker opposing

**MOTION** was made by Mr. Flowers and seconded by Mr. Kilgo to approve third reading of Ord. 18-04.

**MOTION** was made by Mr. Brown and seconded by Mr. Flowers to amend Ordinance No. 18-04 to change the following line items:

- Salary wages line item increased from \$111,496 to \$137,130;
- FICA line item increased from \$8,628 to \$10,490;
- Police retirement increased from \$1,249 to \$1,735; and
- Contingency reduced by \$31,304.

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

Chairman Hudson called for the vote to approve third reading of Ordinance No. 18-04, as amended.

Mr. Kilgo stated that everyone needs to know that the last time County Council members received an increase in pay was January 1, 1991, which was 27 years ago. He stated that when he was on County Council from 1981 to 1989, the salary was \$4,000, then it went to \$6,000 for a couple of years, then to \$7,000 in January 1991 where it has stayed for 27 years.

Chairman Hudson called for the vote. The motion carried with Mr. Coker opposing.

### Resolutions

There were no resolutions.

### Committee Reports

There were no committee reports.

### Other Items

#### Appointments To Boards/Commissions To Fill Vacancies, Expired Terms, & Terms Expiring June 30, 2018

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

Ms. Joyce Thomas carried over her appointment to the Airport Commission.

Historical Commission. Ms. Thomas nominated Mrs. Sarah Smith for reappointment to the Historical Commission. The vote was unanimous to reappoint Ms. Smith to the Historical Commission for a third term to commence July 1, 2018, and end on June 30, 2022.

Parks & Recreation Commission. Ms. Thomas nominated Mr. Franklin Jordan for reappointment to the Parks and Recreation Commission. The vote was unanimous to reappoint Mr. Jordan to the Parks and Recreation Commission for a second term to commence on July 1, 2018, and end of June 30, 2022.

Mr. Bobby Hudson carried over his appointment to the Construction Board of Adjustment/Appeals.

Historical Commission. Chairman Hudson nominated Ms. Beverly Lurline DuBose for appointment to the Historical Commission. The vote was unanimous to appoint Ms. Beverly DuBose to the Historical Commission for a term to commence on July 1, 2018, and end on June 30, 2022. Ms. Beverly Dubose will replace Ms. Jane Dubose.

Planning Commission. Chairman Hudson nominated Mr. Chad White for reappointment to the Planning Commission. The vote was unanimous to reappoint Mr. White to the Planning Commission for a second term to commence on July 1, 2018, and end on June 30, 2022.

Mr. Le Flowers carried over his appointment to the Airport Commission, the Ambulance Commission, the Board of Assessment Appeals, the Construction Board of Adjustment/Appeals, the Historical Commission, and Parks & Recreation Commission.

Ms. Mozella Nicholson was not present at the meeting. Therefore, her appointment to the Airport Commission, Board of Assessment Appeals, Construction Board of Adjustment/Appeals, Historical Commission, Library Board, and Parks & Recreation Commission was carried over.

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

Mr. David Coker reviewed the attendance issue of his Council District's representative on the Airport Commission and the Parks & Recreation Commission and requested that the members continue to serve their term on the respective Commissions.

Ambulance Commission. Mr. Coker nominated Dr. William Powell for reappointment to the Ambulance Commission. The vote was unanimous to reappoint Dr. Powell to the Ambulance Commission for a third term to commence on July 1, 2018, and end on June 30, 2022.

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

### County Council

Economic Development Partnership Board. The vote was unanimous to reappoint Mr. John Kimbrough to the Economic Development Partnership Board for a second term to commence on July 1, 2018, and end on June 30, 2022.

Board of Fire Control. The vote was unanimous to reappoint Mr. Robert Lee as Swift Creek Station 2 representative on the Board of Fire Control for a second term to commence on July 1, 2018, and end on June 30, 2022.

The vote was unanimous to reappoint Mr. Charlie Rains as Lydia Station 9 representative on the Board of Fire Control for a second term to commence on July 1, 2018, and end on June 30, 2022.

The vote was unanimous to reappoint Mr. Wylie Owens as Dovesville Station 13 representative on the Board of Fire Control for a second term to commence on July 1, 2018, and end on June 30, 2022.

The vote was unanimous to appoint Mr. Justin Polson to replace Mr. David Astralla as Byrdtown Station 12 representative on the Board of Fire Control. Mr. Polson will complete this unexpired term that ends on June 30, 2019.



Pee Dee Regional EMS. **MOTION** was made by Mr. Kilgo and seconded by Mr. Flowers to carry over the appointment to Pee Dee Regional EMS Board since Council's previous appointment (Mr. Charles Stewart) was now the Darlington County Administrator.

The motion carried unanimously.

CTC's Allocation of \$109,777.85 For Road Improvements (To Include Drainage & Paving) To Lide Street, Bracey Avenue, Nicole Circle, & Bruce Street. CPCNP 037581

**MOTION** was made by Mr. Flowers and seconded by Mr. Douglas to approve CTC's allocation of \$109,777.85 for road improvements to Lide Street, Bracey Avenue, Nicole Circle, and Bruce Street.

Ms. Thomas asked the location of Lide Street.

Roads and Bridges Director Bobby Richardson responded that Lide Street is in Matown Subdivision located off E. McIver Road.

The motion carried with Mr. Kilgo opposing. Mr. Kilgo stated that he will oppose until something is done with Commanchee Street.

Sheriff's Office Request To Transfer Unused Salary Funds To Purchase 56 Tasers (\$96,005.32), Air Condition Unit (\$12,000), 96 Glock 17 With Buy Back Option (\$20,201.88), 100 Holsters (\$7,655), Transport Van (\$56,883), and Evidence Building (\$200,000)

**MOTION** was made by Mr. Flowers and seconded by Mr. Douglas to approve the transfer of unused salary funds to purchase 56 tasers (\$96,005.32), an air conditioning unit (\$12,000), 96 Glock 17 with buyback option (\$20,201.88), 100 holsters (\$7,655), a transport van (\$56,883), and an evidence building (\$200,000).

Ms. Thomas questioned the transfer of salary funds.

Mr. Stewart explained that these funds will be left over at the end of the fiscal year (June 30, 2018) due to vacancies within the Detention Center and/or the Sheriff's Office. Rather than not meet some of the needs, this was an opportunity to use funds already budgeted for the Sheriff's Office/Corrections. The funds would come from approved vacant positions. Mr. Stewart was confident that it is not the Sheriff's intention to keep the vacancies next year. The positions were approved in the current budget. However, employees were not in place during this budget year. Mr. Stewart stated that now that it is the end of the budget year, and based upon what these departments are expected to spend the remainder of the fiscal year (June 30, 2018), approximately one half million dollars will be left due to vacancies. This would be similar to using Contingency Funds at the end of the year to take care of some needs. This would also give the Detention Center/Sheriff's Office the opportunity to use these funds to take care of these purchases so that Council would not have to use Capital Funds next year for them. Mr. Stewart pointed out that this transfer would not change next year's budget. The same amount of funds will be in next year's budget for the positions. Therefore, by approving this transfer, Council would not be cutting positions or stopping employees from being hired.

The motion carried with Mr. Kilgo and Ms. Thomas abstaining. Mr. Kilgo abstained because his son, Lt. Robby Kilgo, may have compiled the information for the Sheriff's Office. Ms. Thomas abstained because she needed more information.

### Administrative Update – Mr. Marion Charles Stewart, III, County Administrator

Mr. Stewart reported that Michael Baker Company was working on the reports that Council requested at the last meeting regarding the status of remodeling the courthouse and/or fitting it all into a larger building. The reports could take up to 90 days to complete. He also reported that the State has not approved its final budget. However, he has confirmed with the South Carolina Association of Counties' Attorney that there may be some items that could change regarding funding to the county. However, all the big items such as the Local Government Funds, Retirement Contributions, etc. seem to not be negotiable. Should something major happens, Council could amend the budget.

Mr. Stewart reported that renovations at the EMS Building caused by water damage were almost complete. Therefore, Council's next meeting should be at the normal meeting location. He also reported that the triple treatment work on the roads in Timberchase Subdivision was almost complete – maybe by the end of the week.

### Requests / Comments - Members Of Council

Mr. Coker reported the status of the triple treatment work on the roads in Timberchase Subdivision. He thanked the Sheriff and his staff for being present at the meeting in uniform.

Mr. Brown echoed Attorney Gene Warr's comments about the cost of building permits being excessive. He agreed that it is easy to say that people are still building homes. However, the county must look at the competitive and economic development standpoints. Mr. Brown said he did not have a specific number in mind. However, Council will have to take time to look at this matter and the impact of the fees.

Mr. Brown said he would also echo Mr. Coker's comments regarding the courthouse. He mentioned that Mr. Ronnie Ward had made a comment about the potential to move the courthouse could cause people to vote against the referendum. There was a lot of vagueness. Mr. Brown asked about the possibility of inserting specific information.

Mr. Stewart said Council would have the information before the referendum, but it might not be before the question is set for the referendum.

Mr. Brown stated that the voters need to have clear information.

Ms. Thomas stated that she goes around the county to find out where things are and who does what. She does not intend to bother anyone. Ms. Thomas thanked Codes Enforcement and Planning for their efforts to address her complaints. She also commended the county library's wish list, the Fire District, the administrative staff, the Historical Commission, etc. She talked about promoting the county and thanked Mr. Stewart for working with her on the drainage problem.

Mr. Kilgo invited everyone to visit the new Elections/Voter Registration Building. He said hopefully all the electronics will be up and running for the June 12<sup>th</sup> election. He thinks Council will be looking at the necessity of purchasing new voting equipment before 2020.

Therefore, Council probably needs to start looking at putting money aside for this purchase which could cost several million dollars. He said the current equipment was first implemented in 2002 or 2004.

Mr. Kilgo recognized and congratulated Ms. Rosena James on her graduation from Florence Darlington Tech College on May 10<sup>th</sup>. Ms. James was his former student at Florence Darlington Tech and is currently employed at the Detention Center.

Mr. Coker thanked Mr. Richardson and Mr. Stewart for their efforts.

Adjournment

**MOTION** was made by Mr. Flowers to adjourn the meeting. There being no further comments, the meeting was adjourned at 7:03 p.m.

Respectfully submitted,



J. Janet Bishop  
Clerk to Council



Bobby Hudson, Chairman  
Darlington County Council

Approved at meeting of July 2, 2018.