

SPECIAL MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

March 21, 2016

A special meeting of the County Council of Darlington County was held this 21st day of March 2016, at 6 p.m., at the Darlington County Courthouse Annex/EMS Building, 1625 Harry Byrd Highway, Darlington, South Carolina.

NOTICE OF MEETING

In compliance with the Freedom of Information Act, a copy of the agenda, giving the date, time, and place of the meeting was mailed in advance to the local newspapers, persons requesting notification, and posted on the bulletin board at the entrance to the County Administrator's Office and at the entrance of the EMS Building.

COUNCIL MEMBERS PRESENT

Chairman Bobby Hudson, Vice Chairman Robbin Brock, Chaplain Dannie Douglas, Jr., Mr. David Coker, Mr. Marvin Le Flowers, Mrs. Wilhelmina P. Johnson, Ms. Mozella Nicholson, and Mr. Robert L. Kilgo, Jr.

ALSO PRESENT

County Administrator Terence Arrington, County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Treasurer Belinda Copeland, Emergency Preparedness Director Mac McDonald, Human Resources Manager Ginger Winburn, Recreation Director Ken McRae, Fire Chief Kenny Stratton, Economic Development Director Frank Willis, Finance Director Sherman Dibble, Corrections Director Waddell Coe, Assistant Environmental Services Director Paula Newton, Environmental Services Director Renee Howle, Sheriff Wayne Byrd, Greater Darlington Chamber of Commerce Executive Director Norm Steadman, and others.

REPORTERS PRESENT

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

Call To Order / Invocation And Pledge Of Allegiance

Chairman Hudson Called the meeting to order at 5 p.m. Mr. Douglas presented the invocation and Mr. Brock led the Pledge of Allegiance.

Item For Discussion - Ordinance No. 16-06, An Ordinance To Establish The Darlington County Economic Development Fund To Be Derived From Revenues Generated By Economic Development Projects Subject To A Fee-In-Lieu Of Tax Or Special Source Revenue Credit Agreement And Located In Multi-County Industrial Parks, And Other Matters Related Thereto

Mr. Arrington read the following Financial Impact regarding this ordinance as printed on the Agenda Item form included in the agenda:

“The request to add this item to the council agenda was received on 1/27/2016. Thus, the projected financial impact of this item is not readily available. The Finance Department will need time to work with the County Auditor & Treasure to provide a report with the projected financial impact.”

He also read the following recommendation from the Agenda Item form included in the agenda package:

“I respectfully recommend that County Council defer this item until further research is conducted by staff. The Finance Department & Treasure’s Office need time to research the fiscal impact of this ordinance on all the county’s operating fund budget. FILOT revenue is a significant source of revenue for operating departments. Although no action is taken on the 1st reading, I recommend County Council remove this until from the agenda until we begin discussing the FY16/17 operating budget. Please note, in the past, the Economic Development Department maintained its own Enterprise Fund called, “Development Partnership Fund”. If you review the attached document(s), County Council voted to close the Development Partnership Fund Budget on December 16, 2014.”

Mr. Arrington stated that this was not a means to prevent Economic Development from moving forward. However, it was important to have discussions regard the fiscal impact of this ordinance and the need for an economic development plan. He wanted to find out whether Council wanted to make this one of those items that would be funded from Fund Balance if there was something on the table worth discussing. He stated that whatever is moved would come from the General Fund Budget, which would impact the operating departments.

Treasurer Belinda Copeland distributed a handout regarding Fee-In-Lieu of Taxes (FILOT). She reported the FILOT budget amount, amount collected, amount unpaid as of March 21, 2016, and the total for the General Fund, Library Fund, Fire District, and Environmental Services Fund budgets. Mrs. Copeland mentioned that there would be some taxes from the State, but would be considered manufacturing and would not go into the FILOT. She also mentioned several items for Sonoco that were being corrected.

Mr. Kilgo asked whether there were any entities that had not paid.

Mrs. Copeland stated that \$122,363 was outstanding, including the two items for Sonoco. However, Sonoco had paid and the two items would be a refund to Sonoco, which would reduce the amount of unpaid.

Mrs. Johnson questioned what the staff/Council expected regarding the FILOT.

Mrs. Copeland stated that the staff was talking about the amount Council was trying to come up with. The county was anticipating collecting a total of \$881,679 in FILOT. However, this was not a guaranteed figure.

Mr. Arrington recommended that Council review the budget and capital needs request and decide how to proceed. If the Economic Development Department presents a proposal, Council could talk about it in executive session. If Council would then need to go into Fund Balance, then Council would do that. Mr. Arrington stated that he wanted to

discuss this with Council to find out how to proceed since this would affect the other operating departments; especially when Council begins reviewing the budgets.

Mr. Kilgo welcomed individuals from industries who were present at the meeting and wanted to address the idea of creating this fund.

Ms. Nicholson questioned why the numbers in Mrs. Copeland's report were subject to change due to some of the companies' FILOT structure changing.

Mrs. Copeland confirmed this. She also stated that this would not be identified until the staff receives the information from the Department of Revenue. Mrs. Copeland explained that there was a new way of calculating the taxes on some of the entities because of the Special Source Revenue Credits.

Chairman Hudson stated that Darlington County needs an Economic Development Fund similar to other counties.

Mrs. Johnson stated that Economic Development previously had funds in their budget. This was the first time that she had heard that the county did not place funds in the Economic Development budget.

Mr. Coker questioned why Council approved Ordinance No. 14-22 to close the Development Partnership Fund on December 16, 2014. Since this happened before his time on Council, Mr. Coker asked someone to give him the history on what the Development Partnership Fund was and why Council voted to close it in 2014.

Mr. Flowers said it would be best to review the minutes.

Mr. Arrington stated that he was not the County Administrator in 2014 when Council approved Ordinance No. 14-22 to close the Development Partnership Fund. He just pulled the material to be used as a conversational piece. Mr. Arrington said he did not initiate this Ordinance; it came from Council side. He said this was a very good question because Council closed the fund and was opening it again. However, he did not know why the fund was closed. The agenda package contained the information and the ordinance that was presented and approved by Council in 2014.

Mrs. Johnson stated that she did not remember anything about phasing out Economic Development. Therefore, if this was in the minutes, she requested to know who was present because she was not there.

Mr. Kilgo requested a copy of the minutes. He also stated that he remembered Council requesting Former Interim County Administrator Tommy Edwards to present a combination of budgets. This may have been a combination of the budget. Mr. Kilgo suggested discussing it at the next worksession.

Chairman Hudson stated that the Ordinance No. 16-06 would be tabled until the budget process.

Special Meeting/Worksession

Mr. Kilgo stated that when Council met and discussed having second sessions, they were supposed to be worksessions with no votes. This was the first meeting and the agenda contained items for a vote. He said Council needed to decide whether the second meetings would be worksessions or a second meeting every month. Mr. Kilgo said this violates what Council agreed upon a few weeks ago.

Mr. Arrington requested to see this information in the minutes because he did not believe the information was discussed on the floor. He said it was discussed in executive session and it was not a proposal to add a second meeting to Council's schedule every month. This was a proposal to address an item that the staff had concerns about and would like Council to table until the budget discussion because it has a fiscal impact, and a Council member was not involved in the discussion previously. This was not the staff trying to slide in anything.

Mr. Kilgo said he did not have a problem with the worksession. His problem was adding things to the agenda for a vote. He confirmed that it was discussed during executive session and he thought there was a consensus or agreement as to what Council was going to do.

Chairman Hudson asked Council how the members wanted to proceed with the meeting.

Mr. Flowers pointed out that this was a Special Meeting. He mentioned that he received a telephone call from the Clerk who indicated that there were items that Council needed to vote on and address tonight. He did not think that this was a part of the scheduled budget worksession. Therefore, he was prepared to vote on the agenda items because this was a Special Meeting and not a Worksession. Mr. Flowers suggested that Council wait until the budget worksession to vote on the Economic Development Fund.

MOTION was made by Mr. Brock and seconded by Mr. Douglas to proceed with the Special Meeting by voting on the agenda items, except for Ordinance No. 16-06 which would be tabled for more information.

The motion carried unanimously.

Ordinances

Ordinance No. 16-03, An Ordinance To Amend Ordinance No. 15-21 (Darlington County FY15/16 Budget Ordinance) For A Supplemental Appropriation To The Environmental Services Fund To Receive And Expend Funds From The 2016 Palmetto Pride Enforcement Grant And Establish The Effective Date Of This Ordinance - Third Reading

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to approve third reading of Ordinance No. 16-03.

The motion carried unanimously.

Ordinance No. 16-04, An Ordinance To Amend Ordinance No. 15-21 (Darlington County FY15/16 Budget Ordinance) For A Supplemental Appropriation To The Fire District Fund To Receive And Expend Monetary Donation From Nestle USA And Establish The Effective Date Of This Ordinance - Third Reading

MOTION was made by Mr. Flowers and seconded by Mr. Douglas to approve third reading of Ordinance No. 16-04.

The motion carried unanimously.

Ordinance No. 16-05, An Ordinance To Amend Ordinance No. 15-21 (Darlington County FY15/16 Budget Ordinance) For A Supplemental Appropriation To The General Fund To

Receive And Expend Funds For County Recreation Activities And To Establish The Effective Date Of This Ordinance - Third Reading

MOTION was made by Mr. Flowers and seconded by Johnson to approve third reading of Ordinance No. 16-05.

Mrs. Johnson questioned the reason for this ordinance.

Recreation Director Ken McRae explained that the staff budgeted, at the beginning of the year, to carry the recreation program through the fiscal year. During this particular year, the decision was made to retain monies that were collected in the City of Hartsville to be able to use to support Hartsville programs. Because the county's FY15/16 budget did not cover the expense part of this, the staff was requesting that money be taken from the General Fund Budget and placed in this account, and throughout the remainder of this fiscal year, the revenue collected through user fees would be placed back into a revenue account to offset the amount being requested for Council to approve to go into the line item.

Mr. Flowers clarified that this was not taking money from any group. This was basically a housekeeping/accounting procedure in order to not come up short.

Mr. McRae indicated that this was another way to say it because they would be taking money from a line item and as the staff spend money for supplies, etc., it would appear that the line item will be in the hole by about \$30,000. Whereas, the money that was being requested will offset this amount. Therefore, this would balance out and the staff was not asking for anything extra. Mr. McRae indicated that the staff collects the money at the Hartsville Office. Rather than it being deposited in the City of Hartsville's account, it would now be deposited into a revenue account.

Chairman Hudson asked whether this would be done in Society Hill, Lamar, Darlington, and Hartsville.

Mr. McRae said they were different dynamics in each situation. This was something the staff was looking at only in Hartsville at this time. It was first designed to streamline some of the operations in Hartsville to be able to retain the money that was being used for the programs.

Mr. Brock questioned whether Hartsville, Lamar, and Darlington would lose money from the cities.

Mr. McRae responded that this had nothing to do with Lamar, Society Hill, or Darlington. As an example, Mr. McRae explained that during last year, the staff collected money from kids for football and cheerleading and placed in the City of Hartsville's account. From this, the staff had to do vouchers through the City of Hartsville to pay for game officials, to get equipment, etc.

Mrs. Johnson asked about activities for children from the rural areas of Darlington.

Mr. McRae talked about the independent leagues in many of the rural areas. The Recreation Department has no jurisdiction over the independent leagues. This matter involved the programs and athletics that the Recreation Department is responsible for in the Hartsville area. He briefly talked about recreation activities in the rural areas.

The motion carried with Johnson opposing. Mrs. Johnson stated that she needed more information.

Ordinance No. 16-07, An Ordinance To Amend Darlington County Code Of Ordinances, Chapter 2, Article IV. (Boards, Commissions, And Committees), Chapter 18, Section 18-52 (Ambulance Service Commission), Chapter 26, Division 2 (Board Of Fire Control), Chapter 34, Article II. (Library Board), Chapter 38 (Parks And Recreation), Chapter 42 (Planning And Development), And Chapter 58, Article II. (Board Of Assessment Appeals) To Increase The Terms To Staggered Four-Year Terms And To Allow Members To Serve Until Their Successors Are Appointed And Qualified - Second Reading

MOTION was made by Mr. Brock and seconded by Mr. Douglas to approve second reading of Ordinance No. 16-07.

Mrs. Johnson asked whether some of the board members would have three year terms and others have four year terms.

Mr. Arrington explained that the terms would be staggered because, for example, on the Historical Commission, almost all of the members' term will expire at the same time. Therefore, this would stagger and extend the terms. This would also ensure that there would be someone who could continue serving, if interested. Mr. Arrington said everyone would serve the same amount of time, and then their term would be staggered for sustainability.

The motion carried unanimously.

Ordinance No. 16-08, An Ordinance To Amend The Darlington County Code Of Ordinances To Add A Section To Chapter 46 (Purchasing) To Govern Procurement Cards, Second Reading

MOTION was made by Mr. Brock and seconded by Mr. Douglas to approve second reading of Ordinance No. 16-08.

The motion carried unanimously.

Ordinance No. 16-09, An Ordinance Developing A Multi-County Industrial Park With Florence County; Authorizing The Execution And Delivery Of An Agreement Governing The Multi-County Industrial Park; Authorizing The Inclusion Of Certain Property Located In Florence County And Darlington County In The Multi-County Industrial Park; And Other Related Matters - Second Reading

MOTION was made by Mr. Douglas and seconded by Mr. Flowers to approve second reading of Ordinance No. 16-09.

The motion carried unanimously.

Ordinance No. 16-10, An Ordinance To Amend Darlington County Code Of Ordinances, Chapter 6 (Animals), Article II. (Animal Control), Section 6-21 (Dangerous Animals) To Specify Who Has The Authority To Determine If An Animal Is A Dangerous Animal As Defined In This Section Of The Code And To Issue Certain Documents Stating The Same - Second Reading

MOTION was made by Ms. Nicholson and seconded by Mrs. Johnson to approve second reading of Ordinance No. 16-10.

The motion carried unanimously.

Ordinance No. 16-11, An Ordinance To Amend Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinances), Article Thirteen (Requirements For Mobile And Manufactured Homes), Section 13.2. (Duty Of Owner) To Delete Exceptions For Temporary Registration Of Mobile And Manufactured Homes - Second Reading

MOTION was made by Mr. Kilgo and seconded by Mr. Douglas to approve second reading of Ordinance No. 16-11.

Ms. Nicholson asked whether this ordinance would strengthen the county's existing ordinance regarding older mobile homes.

Although the Tax Assessor was not present at the meeting, it was Mr. Arrington's understanding that the staff from the Tax Assessor's Office had been going out on several occasions trying to track down and register mobile homes. He talked about the difficulty with tracking mobile homes and requiring the owners to complete the mobile home registration. Mr. Arrington explained that the Assessor was proposing to stop the registration component for mobile homes. He stated that from the information included in the agenda package, the county was losing approximately \$7,800 from individuals not registering their mobile or manufactured homes.

Ms. Nicholson stated that this matter was before Council during last year. She talked about the problems with registering mobile homes.

Mr. Douglas talked about individuals moving mobile homes without moving permits or moving them during the night. He suggested fining the individuals for moving the mobile homes without a permit.

Mr. Coker suggested registering mobile homes similar to registering vehicles. He also questioned how not having a registration process would help the problem.

Mr. Arrington explained that individuals can pay when they register their home, but there were no guarantee that the mobile home would remain at the location. The county was losing money because the owners were not registering the homes. Therefore, Tax Assessor Kyle Johnson was recommending that the county not have a registration because the county was not able to keep track of the location of the mobile homes.

Mr. Brock asked whether FEMA campers are considered manufactured homes and are required to be registered.

Mr. Arrington indicated that he would have to talk with Mr. Johnson to find out what process they use to track the mobile homes.

Mr. Flowers commented that FEMA trailers are tagged at the individual's home county.

Mr. Brock indicated that people were purchasing the FEMA trailer at auctions and setting them up. He did not know whether the trailers were considered manufactured home or listed on the tax books.

It was Mr. Flowers' understanding that the trailers were considered the same as a camper because they were not built to manufactured home standards.

Mr. Arrington suggested that this Ordinance be carried over for a more detailed discussion from the Tax Assessor.

Mrs. Johnson suggested that Council read the information included in the agenda package.

The motion carried with Mrs. Johnson opposing and Ms. Nicholson voting to carry over second reading.

Ordinance No. 16-12, An Ordinance To Amend Ordinance No. 15-21 (Darlington County FY15/16 Budget Ordinance) For A Supplemental Appropriation To The General Fund To Receive And Expend Hospitality Tax Revenue - Second Reading

MOTION was made by Mr. Flowers and seconded by Mr. Kilgo to carry over second reading of Ordinance No. 16-12 to the budget process.

Mr. Brock requested a list of what the Hospitality Tax funds could be used for.

Mr. Arrington indicated that this information was previously included in the agenda package. However, he will provide the information again.

The motion carried unanimously.

Amendment To The Agenda

MOTION was made by Mr. Brock and seconded by Mr. Flowers to amend the agenda to consider the request to purchase six trucks for the Fire District.

The motion carried with Mr. Kilgo opposing.

Request To Purchase Six Trucks For The Fire District

MOTION was made by Mr. Flowers and seconded by Mr. Brock to approve the purchase of six pickup trucks for the Fire District.

Fire Chief Kenny Stratton explained that several months ago, the staff solicited a Request for Quotation (RFQ) to purchase five diesel heavy duty trucks. Once the bids were received (one from Raceway Chevrolet and another from Raceway Ford), the staff realized that the diesel engines were almost \$9,000 extra per truck. Therefore, instead of purchasing five diesel trucks, the staff was now requesting to purchase six gasoline trucks.

Mr. Stratton indicated that department has four vehicles with more than 125,000 miles and two that will be above this before the next budget year. The higher mileage vehicles will be used as spares and training vehicles.

Mr. Stratton reported that this was being presented because the staff would like to purchase the vehicles off State Contract. Raceway Chevrolet diesel trucks were \$59,000, Raceway Ford diesel trucks were \$53,000, and State Contract Ford diesel trucks were \$49,000. He wanted to solicit another RFQ from local vendors for the gasoline trucks, but found out that the state contract pricing for the Ford trucks would expire March 31st and the 2017 pricing would have a dramatic increase. Therefore, he was requesting to purchase the six gasoline trucks off State Contract before the 2016 pricing expire on March 31st. The Fire District would save enough from the five diesel trucks to purchase the extra gasoline truck with \$1,000 left in the budget.

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to amend the motion to provide that the Fire District purchase the six gasoline trucks at \$41,066 only after the staff resubmit to the local vendors to find out whether they could match the price the State Contract price.

Finance Director Sherman Dibble indicated that the staff could call the local vendors to find out whether they can match the State Contract price for the specific vehicle.

Mr. Stratton confirmed that the local vendors would be given the specs on the gasoline trucks to find out whether they can beat the State Contract price. He also confirmed that this was a budgeted purchase.

The motion carried unanimously on the amendment.

The motion carried unanimously as amended.

Adjournment

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to adjourn the meeting. There being no further discussion, the meeting was adjourned at 6:08 p.m.

Respectfully submitted,

J. JaNet Bishop
Clerk to Council

Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of April 4, 2016.