

REGULAR MEETING  
DARLINGTON COUNTY COUNCIL  
DARLINGTON, SC

March 6, 2017

A Regular Meeting of the County Council of Darlington County was held this 6<sup>th</sup> day of March 2017, 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.

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., Ms. Mozella Nicholson, and Ms. Joyce W. Thomas.

ALSO PRESENT

County Administrator Marion Charles Stewart, III, County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Corrections Director Patricia Ray, Development Services Director Terri Cribb, Emergency Management Director Mac McDonald, Environmental Services Director Renee Howle, Facilities Manager Andrew Smith, Finance Director Sherman Dibble, Fire Chief Ricky Flowers, Human Resources Manager Ginger Winburn, Library Director Jimmie Epling, Recreation Director Le Andrews, Roads and Bridges Director Bobby Richardson, Sheriff Tony Chavis, Tax Assessor Kyle Johnson, Tax Collector Mae Helen Burch, Emergency Management Coordinator Molly Odom, Senior Planner Paula Newton, Chief Mark Campbell, Lt. Robert L. Kilgo, III, Lt. Kaynerra Capers, Captain Brandon Wilson, Recycling Coordinator Gary White, Corrections Staff Wanda Brunson and Rosena James, and others.

REPORTERS PRESENT

Ms. Samantha Lyles of the News and Press, Mr. Jim Faile of the Messenger, Mr. Matt Parris of WBTW News 13, and a reporter from WPDE News 15.

Call To Order/ Invocation And Pledge Of Allegiance

Chairman Hudson called the meeting to order at 6 p.m. Mr. Douglas presented the invocation and Mr. Coker led the Pledge of Allegiance.

Citizens' Comments

Mr. Ed Stokes reported that some twenty-five years ago, Mr. Alexander Paul planted trees along Harmony Hall Road that are now overgrown to where two vehicles cannot pass,

creating a hazard and safety issue. He questioned the legal right-of-way for a county road, the county's responsibility to prune trees and maintain a proper road width, the existence of documents/agreements where the county took over maintenance of this road, the existence of a survey showing the property line between the road and Mr. Paul's property, and when the county plans to return the road to its original width. Mr. Stokes provided Council with information and photos. The photos showed a comparison as to how much of the road has been lost over time.

**MOTION was made** by Mr. Coker and seconded by Mr. Kilgo to accept Mr. Stokes' report as information and instruct the County Administrator and County Attorney to investigate and report back to Council.

The motion carried unanimously.

Mr. Norm Steadman, Greater Darlington Chamber of Commerce Executive Director, distributed and presented his Executive Director's report announcing upcoming events such as the Chamber's local gallery program and Lunch and Learn Networking event, Darlington's Spring Fling, Lamar Egg Scramble, and the Taste of Society Hill.

#### Attorney Cox's Comments Regarding Ordinance No. 16-19, Regarding Renewable Energy Systems

Mr. Cox reported that because of the interest in the Solar Farm Ordinance (Ordinance No. 16-19), he wanted to ensure that everyone understood that Council would vote tonight. He explained that if third reading passes, the ordinance would become effective immediately. If third reading of the ordinance fails, the old ordinance would remain in full force and effect. The old ordinance would be more lenient for the person running the solar farm. If third reading of the ordinance is postponed, the old ordinance would remain in full force and effect. If tabled, the ordinance would have to go back to the Planning Commission and start over.

Ms. Nicholson thought Council had adopted amendments to the original ordinance.

Mr. Cox explained that the ordinance was up for third reading. If approved, it becomes the law tomorrow. If it does not pass, then the old ordinance would remain in full force and effect. It was his opinion that Council was voting on the third reading of the Ordinance, as amended.

#### Amendment To The Agenda To Add A Budget Transfer For The Sheriff's Office And To Move Executive Session Forward

**MOTION was made** by Mr. Flowers and seconded by Mr. Douglas to amend the agenda to add a budget transfer request for the Sheriff's Office as Other Items 10.J. and to move Executive Session forward to the present.

The motion carried with Mr. Kilgo abstaining since the item dealt with the Sheriff's Office.

Vote For Executive Session

**MOTION was made** by Mr. Flowers and seconded by Mr. Brown for Council to vote for an executive session for the discussion of contractual agreements/matters.

The motion carried unanimously.

Executive Session

**MOTION was made** by Mr. Flowers and seconded by Mr. Brown for County Council, the County Attorney, the County Administrator, and reserve the right to call a company representative for the contract to enter executive session for the discussion of contractual matters.

As a point of order, Mr. Kilgo questioned Council amending the agenda to go into executive session for a matter that was not listed on the agenda. He asked whether it was proper for Council to go into executive session without proper notice.

Attorney Cox said it would be malfeasance for Council not to go into executive session to discuss this particular issue.

The motion carried unanimously.

Council and the above-listed individuals went into executive session at 6:13 p.m. and reconvened at 6:37 p.m. Upon reconvening, Chairman Hudson announced that no action was taken in execution session.

Personal Appearances - Mr. Hal Johnson - Proposed Solar Energy Ordinance

In response to statements made at Council's last meeting, Mr. Johnson pointed out that solar farms will not produce jobs or use the local labor force; farmers will have less land to work; the county tells individuals what they can and cannot do with their land every time a building permit is pulled; and decommissioning bonds are needed because of the constant change/update in technology and to prevent hazards when the solar panels are no longer in use. He talked about the bill that recently passed in the South Carolina Senate allowing for an 80 percent tax break on solar farms. Mr. Johnson questioned how the county will benefit from solar farms. He concluded by stating that the county needs to ensure that it has enough money to clean up the solar farms once they are no longer in use.

Personal Appearance - Ms. Lesley Williams, Director Of Land Acquisition & Commercial Sales With Southern Current, LLC - Proposed Ordinance No. 16-19 Regarding Renewable Energy Systems

Ms. Williams stated that she was present because members of the public were considering an alternative use for their property. She also stated that the Planning Commission and County Council have provided for open debates and participation in crafting the language in the Renewable Energy Systems ordinance. As a result, an extremely comprehensive ordinance was constructed that would more than adequately address all compliance requirements regarding the environment, public safety, etc. Ms. Williams said the objective was to move the ordinance forward as presented for second reading.

Ms. Williams briefly talked about a loophole in the current Renewable Energy Bill regarding county taxes and exemptions. She reported the estimated number of solar projects expected to be constructed in Darlington County, along with the estimated investment and property taxes that will go to public services such as schools and infrastructure. Ms. Williams emphasized that solar facilities will place no financial or maintenance burden on Darlington County. She also stated that Southern Current has committed to being a long-term contributor to the prosperity of Darlington County.

Ms. Williams talked about South Carolina utilities being required to purchase qualifying renewable energy sources. These purchases are made through Power Purchase Agreements with 25-year warranties. However, these facilities do not produce a lot of jobs, instead, they produce a lot of tax revenue.

Mr. Brown thanked Mr. Johnson and Ms. Williams for their passion and commitment to their views regarding the proposed ordinance.

#### Consent Agenda (Receive As Information)

Included in the Consent Agenda were the following:

- 5.A. Historical Commission Board Packet/Minutes & Stats, February 2017
- 5.B. Building Permit Report, January 2017
- 5.C. CTC Meeting Minutes, January 25, 2017, & Meeting Schedule
- 5.D. Report For County Council's Upcoming Appointments To Boards/Commissions/ Committees (June 5, 2017)

**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 Joint Meeting Of Darlington County's Municipal Councils, County Council, Board Of Education, And Legislative Delegation, January 30, 2017

**MOTION was made** by Mr. Brown and seconded by Mr. Douglas to approve the minutes of January 30, 2017.

The motion carried unanimously.

#### Approval of Minutes - Minutes Of Public Hearing & Regular Meeting, February 6, 2017

**MOTION was made** by Mr. Douglas and seconded by Mr. Flowers to approve the minutes of February 6, 2017.

The motion carried unanimously.

#### Ordinances

Ordinance No. 16-19, An Ordinance To Amend Darlington County Code Of Ordinance, Appendix A (Development Standards Ordinance), Article Nineteen (Renewable Energy Systems) To Update The Verbiage, To Clarify The Process And Regulations, And To Establish The Effective Date Of This Ordinance - THIRD READING

**MOTION was made** by Mr. Brown to amend Ordinance No. 16-19 to add a \$50,000 decommission security bond at the end of year six and subsequent years, purchased by the owner of the equipment and improvement to the property.

Mr. Kilgo stated that the amendment was out of order until there exists a main motion.

**MOTION was made** by Mr. Kilgo and seconded by Mr. Flowers to approve third reading of Ordinance No. 16-19 for third reading.

**MOTION was made** by Mr. Brown and seconded by Mr. Flowers to amend Ordinance No. 16-19 to add a \$50,000 decommission surety bond at the end of year six and subsequent years, purchased by the owner of the equipment and improvement to the property.

The motion carried with Mr. Coker and Ms. Thomas opposing the amendment.

Chairman Hudson called for the vote on the main motion.

Mr. Kilgo stated that he would vote for the ordinance based upon Mr. Cox's statements. However, he did not like the idea of the legislature trying to take tax money away from the county and companies appearing before Council seeking help with the ordinance also trying to do something with the legislature. Mr. Kilgo stated that he would rather protect what Council can do and hope that the proposed bill will never pass.

The motion carried with Mr. Coker and Ms. Thomas opposing.

Mr. Coker stated that he was very happy with the decommission bond. However, he voted no on the amendment because he felt that the bond should begin year one instead of year six.

Ordinance No. 17-01, An Ordinance To Amend Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article 3 (How Development Districts Are Established And Governed - Airport Districts and Flood Districts), Section 3.4.4 (Provisions for Flood Hazard Reduction) To Require That All Permit Applications Be Reviewed To Determine Whether Proposed Building Sites Will Be Reasonably Safe From Flooding - THIRD READING

**MOTION was made** by Mr. Douglas and seconded by Mr. Flowers to approve third reading of Ordinance No. 17-01.

The motion carried unanimously.

### Resolutions

Resolution No. 672, Resolution Of Appreciation And Recognition Of Andrew F. Smith For 50 Years Of Service With Darlington County

**MOTION was made** by Mr. Kilgo and seconded by Mr. Douglas to approve Resolution No. 672. Mr. Flowers read the Resolution as Chairman Hudson presented it to Mr. Andrew Smith, Facilities Manager.

The motion carried unanimously.

Resolution No. 673, Proclaiming The Month Of April As Autism Awareness Month In Darlington County

**MOTION was made** by Mr. Kilgo and seconded by Mr. Douglas to approve Resolution No. 673.

The motion carried unanimously.

Resolution No. 674, Proclamation For Peace Officers' Memorial Day

**MOTION was made** by Mr. Douglas and seconded by Mr. Brown to approve Resolution No. 674.

The motion carried unanimously.

Committee Reports

There were no committee reports.

Other Items

Appointments To Boards/Commissions (Alcohol & Drug Citizen Advisory Committee - Coker), (Airport Commission - Flowers), (Construction Board of Adjustment & Appeals - Douglas & Flowers), & (Library Board - Flowers)

Mr. Coker, Mr. Flowers, and Mr. Douglas carried over their appointment(s).

Hyman Paper & Chemical Company's Request For An Exception To Erect A Third Billboard Sign 500 Feet From Existing Sign Along I-20

**MOTION was made** by Mr. Flowers and seconded by Mr. Coker to carry over Hyman Paper & Chemical Company's request.

The motion carried unanimously.

Palmetto Pride - Keep SC Beautiful Grant Award, \$10,000

**MOTION was made** by Mr. Douglas and seconded by Mr. Flowers to approve the Palmetto Pride, Keep SC Beautiful Grant Award.

The motion carried unanimously.

FY2017 Residential Electronics Recycling Grant Award, \$3000

**MOTION was made** by Mr. Flowers and seconded by Mr. Douglas to approve the FY2017 Residential Electronics Recycling Grant Award.

The motion carried unanimously.

FY2017 Waste Tire Grant Award, \$21,925

**MOTION was made** by Mr. Flowers and seconded by Mr. Douglas to approve the FY2017 Waste Tire Grant Award.

The motion carried unanimously.

FY2017 Used Oil Recycling Grant Award, \$25,045

**MOTION was made** by Mr. Flowers and seconded by Mr. Douglas to approve the FY2017 Used Oil Recycling Grant Award.

The motion carried unanimously.

Habitat For Humanity's Request For The County To Waive Fees For Plan Review And Building Permits For Up To Two Houses Per Year

**MOTION was made** by Mr. Kilgo and seconded by Ms. Nicholson to approve the Habitat for Humanity's request for the county to waive fees for plan review and building permits for up to two houses per year.

The motion carried unanimously.

Upgrade Video Surveillance System And Central Control Panel For Housing Units In The Detention Center, \$55,784.56

**MOTION was made** by Mr. Flowers and seconded by Mr. Douglas to approve the upgrade to the video surveillance system and central control panel for housing units in the Detention Center.

Mr. Flowers requested an explanation regarding the request and the purchase.

Corrections Director Patricia Ray explained that currently, the cameras were working on an analog system. According to PREA (Prison Rape Elimination Act), the Detention Center needs additional cameras and the current system upgraded. She also explained that when there is a storm or when too much is on the system, this causes a lockdown. When there is a power outage, the system will automatically open doors which places the officers at risk.

It was Mr. Flowers' understanding that the upgrade would be paid for using canteen funds.

Sheriff Chavis confirmed that this would be at no cost to the county. The cost (\$55,784.56) would be paid from Corrections Canteen Funds which has a balance of \$106,000.

Mr. Kilgo noted that he would vote on this matter since his son, Lt. Robert L. Kilgo, III, had nothing to do with this matter.

The motion carried unanimously.

Bid Contact To Resurface Sixteen (16) County Roads Paid From CTC PNC P031389, IFB 01-02-28-2017 {Pisgah Rd, Nettles Rd, Persimmons Dr, East Horse Branch Trail, Flatnose Rd, Harmony Hall Rd, Ambergate Dr, Clover St, Confederate St, Critcher Rd, Pine Hollow St, Maple St, Oaktree St, Wellington Dr, Fox Trot Dr, & Silver Fox Dr}

**MOTION was made** by Mr. Douglas and seconded by Mr. Brown to award the bid contract, in the amount of \$713,034.40, to Palmetto Corps of Conway to resurface the above listed sixteen county roads.

The motion carried unanimously.

Mr. Kilgo asked whether the same company that paved Potato House Road would resurface the sixteen roads.

Mr. Flowers responded that that State patching crew paved Potato House Road.

Mr. Coker questioned whether the county would have to widen Harmony Hall Road prior to resurfacing.

Roads and Bridges Director Bobby Richardson responded that the end of Harmony Hall Road that will be resurfaced has a 66-foot right-of-way. Mr. Stokes' complaint involved the opposite end of Harmony Hall Road.

Mr. Douglas questioned whether the county could cut or trim the trees.

Mr. Richardson responded that his department cuts the trees periodically. The county only has a prescriptive right-of-way (no definable right-of-way) along this area of Harmony Hall Road.

Mr. Cox explained that there was no exact right-of-way. Therefore, to gain a better understanding, the county would have to take this to court.

Mr. Stewart added that the county does not own the property.

Mr. Cox said the county has a prescriptive right-of-way to use and maintain the road. For more to be done to the road, the county would have to take this to court.

Mr. Stewart indicated that the county has a deed for the portion of the road that the CTC will resurface. However, the county only has a prescriptive right-of-way along the road where the trees are located.

Ms. Nicholson asked the status of Commanchee Road being paved and whether it could be placed on CTC's list for next year.

Mr. Stewart reported that the CTC had offered to pay (\$700,000) one-half of the cost to pave Commanchee Road if the county would purchase the necessary properties for the detention/retention pond(s) and pay (\$700,000) one-half of the cost for paving. He presented this to County Council and there was no move by Council to come up with the funds, at least \$800,000.

Ms. Nicholson asked whether a motion would be needed to instruct the County Administrator to contact Pee Dee Regional Council of Government (COG) to address the matter involving Commanchee Road.

Mr. Cox responded that a motion would be needed.

Mr. Kilgo and Ms. Nicholson indicated that they would vote "no" because Commanchee Road was not on the list for resurfacing.

Mr. Coker asked whether Council had ever turned down funds allocated by CTC.

Mr. Richardson responded, no. He clarified that these funds were for resurfacing and not paving.

The motion carried with Ms. Nicholson and Mr. Kilgo opposing.

Request For Council's Approval Of A Budget Transfer Request For The Purchase Of APX4500 Radios And P25 Flashes To Upgrade The Radio System For P25 Compliance, Sheriff's Office

**MOTION was made** by Mr. Flowers and seconded by Mr. Douglas to approve the budget transfer request for the Sheriff's Office.



The Sheriff's Office was requesting to transfer \$71,917.80 from Fuel Vehicle & Equipment (1-35-42100-62100) to Radio Communication (1-35-42100-43500) to purchase APX4500 radios and P25 flashes to upgrade the radio system for P25 compliance.

Mr. Flowers requested that Council allow the Sheriff to provide an explanation for the purchase.

Sheriff Chavis stated that he had worked with the County Administrator on the proposed purchase. Instead of this purchase costing \$200,000, it will cost about \$72,000. He explained that the past administration failed to do the upgrade to be compliant. If the upgrade is not completed by May, they will not be able to communicate.

Mr. Coker and Chairman Hudson commended the Sheriff for finding the money to pay for this purchase.

The motion carried with Mr. Kilgo abstaining.

Sheriff Chavis announced that the Sheriff's Office, through the efforts of Lt. Capers, just received seventeen Toughbook laptop computers with an estimated total cost of \$74,443 at no cost to the taxpayers. The computers were received through the 1033 Program – a program in which the county can obtain items from the military at no cost to the taxpayers, except shipping and handling.

#### Administrative Update

Mr. Stewart announced that he had received the preliminary audit report for June 30, 2015. Once the 2015 audit is presented, hopefully, within a four to six-week period, the June 30, 2016, audit will be presented. Then by the Fall, the audit will be on the normal schedule to receive within six months of the close of business.

Mr. Stewart stated that at Council's next meeting (April 3, 2017), Council will give first reading to the FY17/18 budget. He requested Council's acceptance or rejection to schedule a budget worksession for Tuesday, April 4, 2017, at 10 a.m., at Darlington Raceway Media Center. During the worksession, he will present the Administrator's proposed budget.

It was the consensus of Council to schedule a worksession for Tuesday, April 4, 2017, at 10 a.m., at Darlington Raceway Media Center for the County Administrator to present his proposed budget.

#### Requests / Comments - Members Of Council

Mr. Coker commended the efforts of the County Administrator, the Sheriff, and the Sheriff's Office. He said the Renewable Energy Systems Ordinance was a compromise, and he was not against solar energy. However, Council was tasked to protect the entire county with bonds, buffers, etc. Mr. Coker thanked the constituents for expressing their thoughts, etc. throughout the past six months.

Mr. Flowers encouraged everyone to attend the softball and baseball games as organized by the Recreation Department.

Mr. Brown echoed Mr. Coker's comments and commended Mr. Stewart, the staff, and Council's efforts regarding the Renewable Energy Systems Ordinance.

Ms. Thomas commended the staff for coordinating the Employees' Appreciation Banquet. She will contact Mr. Stewart to discuss standing water in ditches throughout the county and information she received regarding affordable housing (Brockington Heights) in Darlington. Ms. Thomas said she voted her conscience regarding the Renewable Energy Systems Ordinance.

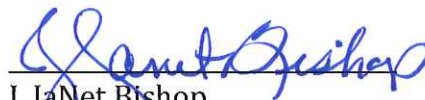
Mr. Kilgo commended the Employees' Appreciation Banquet. He stated that as the Administrator completes his proposal for the coming year, he wanted Mr. Stewart to contemplate the idea of an Assistant Administrator to be in charge of the day-to-day operation so that the Administrator can look at the bigger picture of Darlington County. He asked Mr. Stewart to see if he can find money in the budget for an Assistant Administrator.

Chairman Hudson thanked everyone for attending the meeting and announced that Lamar Scramble would be coming soon.

Adjournment

**MOTION was made** by Mr. Flowers to adjourn the meeting. There being no further discussion, the meeting was adjourned at 7:33 p.m.

Respectfully submitted,



J. Janet Bishop  
Clerk to Council



Bobby Hudson, Chairman  
Darlington County Council

Approved at meeting of April 3, 2017.