

PUBLIC HEARING & REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

April 2, 2018

A Public Hearing and Regular Meeting of the County Council of Darlington County was held this 2nd day of April 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 Ordinance No. 18-03 was published in the News and Press and the Hartsville Messenger on March 14, 2018.

COUNCIL MEMBERS PRESENT

Chairman Bobby Hudson, Vice Chairman Marvin Le Flowers, Chaplain Dannie Douglas, Jr., Mr. J. Lewis Brown, Mr. Robert L. Kilgo, Jr., Ms. Mozella Nicholson, and Ms. Joyce W. Thomas.

COUNCIL MEMBERS ABSENT

Mr. David Coker.

ALSO PRESENT

County Administrator Marion Charles Stewart, III, Acting County Attorney Chris Scott, Clerk to Council J. JaNet Bishop, Economic Development Director Frank Willis, Emergency Services Director Kenny Bowen, Environmental Services Director Renee Howle, Finance Director Sherman Dibble, Fire Chief Ricky Flowers, Historical Commission Director Brian Gandy, Human Resources Manager Ginger Winburn, Library Director Jimmie Epling, Sheriff Tony Chavis, Emergency Management Coordinator Molly Odom, Chief Deputy Sheriff Josh Edwards, Lieutenant Robby Kilgo, Haynsworth Sinkler Boyd Attorney Will Johnson, K&L Gates Attorney Kevin Klein, Ms. Anna DeWitt, and others.

REPORTERS PRESENT

Ms. Samantha Lyles of the News and Press, Mr. Jim Faile of the Messenger, WBTW News 13, and News 21

PUBLIC HEARING

Ordinance No. 18-03. An Ordinance Calling For A Referendum To Authorize The South Carolina Department Of Revenue To Issue Temporary Permits In The County Of Darlington To Allow For The Possession, Sale, And Consumption Of Alcoholic Liquors By The Drink To Bona Fide Nonprofit Organizations And Business Establishments Authorized To Be Licensed

For Consumption-On-Premises Sales And To Allow The Sale Of Beer And Wine At Permitted Off-Premises Locations Without Regard To The Days Or Hours Of Sales - SECOND READING

Chairman Hudson declared the public hearing open at 6 p.m. to receive comments on Ordinance No. 18-03.

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. Kilgo led the Pledge of Allegiance.

Citizens' Comments

There were no citizen comments.

Personal Appearance - Ms. Anna DeWitt - Continued Funding For Rescue Squads

Ms. Anna DeWitt, on behalf of Darlington Rescue Squad, stated that Darlington Rescue Squad received a letter informing them that EMS will distance itself from the rescue squad. She requested continued support from the county. Last year the county provided \$12,000 to the rescue squad. Ms. DeWitt talked about their services and the number of calls and transports the rescue squad made when the county EMS was not available. She also mentioned their expenses and the fact that they do not participate in aggressive collection services. Ms. DeWitt asked Council to continue funding Darlington Rescue Squad.

Consent Agenda

Included in the Consent Agenda were the following:

- 6.A. *Historical Commission Board Minutes, Stats and Updates, March 1, 2018*
- 6.B. *Parks Recreation and Tourism Report, March 2018*
- 6.C. *Report From Councilmember Joyce W. Thomas, Serving The Underserved; Counties Addressing Poverty*

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

The motion carried unanimously.

Approval Of Minutes - Minutes Of Worksession, February 19, 2018

MOTION was made by Mr. Brown and seconded by Mr. Douglas to approve the minutes of February 19, 2018.

The motion carried unanimously.

Approval Of Minutes - Minutes Of Public Hearing & Regular Meeting, March 5, 2018

MOTION was made by Mr. Brown and seconded by Mr. Douglas to approve the minutes of March 5, 2018.

The motion carried unanimously.

Amendment To The Agenda To Bring Forward The Vote For Executive Session

MOTION was made by Mr. Flowers and seconded by Mr. Kilgo to amend the agenda to bring forward the vote for executive session for the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim.

The motion carried unanimously.

Executive Session – Receipt Of Legal Advice Where The Legal Advice Relates To A Pending, Threatened, Or Potential Claim

MOTION was made by Mr. Flowers and seconded by Mr. Brown for Council, the County Administrator, the Acting County Attorney, the Economic Development Director, and Haynsworth Sinkler Boyd Attorney Will Johnson to go into executive session for the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim.

The motion carried unanimously

Council and the above-named individuals went into executive session at 6:11 p.m. Councilwoman Mozella Nicholson arrived and entered executive session at 6:20 p.m. Upon reconvening at 6:32 p.m., Chairman Hudson announced that no action was taken in executive session.

Ordinances

Ordinance No. 17-17, Authorizing Pursuant To Title 12, Chapter 44 Of The Code Of Laws Of South Carolina 1976, As Amended, The Execution And Delivery Of Fee-In-Lieu Of Ad Valorem Taxes Agreements By And Between Darlington County, South Carolina And Certain Companies As Sponsor And Sponsor Affiliate, Respectively, Identified Collectively For The Time Being As Project Dates, To Provide For Fee-In-Lieu Of Ad Valorem Taxes Incentives And Certain Special Source Revenue Credits; And Other Related Matters - THIRD READING

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

The motion carried unanimously.

Ordinance No. 17-18, To Amend The Existing Agreement Governing The Darlington-Florence Industrial Park By And Between Darlington County, South Carolina And Florence County, South Carolina To Enlarge The Boundaries Of The Industrial Park To Include Certain Property Now Or To Be Hereafter Owned And/Or Operated By A Company Identified For The Time Being As Project Dates, Located In Darlington County, South Carolina; And Authorizing Other Related Matters - THIRD READING

MOTION was made by Mr. Kilgo and seconded by Mr. Douglas to carry over approval of third reading of Ordinance No. 17-18.

The motion carried unanimously.

Ordinance No. 18-01, An Ordinance To Amend Darlington County Code Of Ordinances, Chapter 50 (Solid Waste), Section 50-1 (Littering), By Revising Subsection (d) (Penalties) To Adopt The State's Penalties For Dumping Litter On Public And Private Property As Outlined In Section 16-11-700 Of The 1976 Code Of Laws Of South Carolina, As Amended - THIRD READING

MOTION was made by Ms. Thomas and seconded by Mr. Kilgo to approve third reading of Ordinance No. 18-01.

The motion carried unanimously.

Ordinance No. 18-02, An Ordinance To Amend Ordinance No. 17-02 (Darlington County FY17/18 Budget Ordinance) For A Supplemental Appropriation To The Library Fund To Receive And Expend Lottery Funds For Darlington County Library System And Establish The Effective Date Of This Ordinance - THIRD READING

MOTION was made by Mr. Brown and seconded by Mr. Kilgo to approve third reading of Ordinance No. 18-02.

Mr. Kilgo commended the Darlington County Library System and the efforts of Library Director Jimmie Epling. He mentioned the Comicon event recently held at Florence/Darlington Technical College SiMT Building where Mr. Epling represented Darlington County Library System.

The motion carried unanimously.

Ordinance No. 18-03, An Ordinance Calling For A Referendum To Authorize The South Carolina Department Of Revenue To Issue Temporary Permits In The County Of Darlington To Allow For The Possession, Sale, And Consumption Of Alcoholic Liquors By The Drink To Bona Fide Nonprofit Organizations And Business Establishments Authorized To Be Licensed For Consumption-On-Premises Sales And To Allow The Sale Of Beer And Wine At Permitted Off-Premises Locations Without Regard To The Days Or Hours Of Sales - SECOND READING

MOTION was made by Mr. Kilgo and seconded by Ms. Nicholson to approve second reading of Ordinance No. 18-03.

The motion carried unanimously.

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 - FIRST READING

The title of Ordinance No. 18-04 was read for first reading. No action required.

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 - FIRST READING

The title of Ordinance No. 18-05 was read for first reading. No action required.

Resolutions

Resolution No. 688. Inducement Resolution Inducing And Identifying A Proposed Investment Under Code Name Of "Project Dates" And Other Matters Related Thereto

MOTION was made by Mr. Brown and seconded by Mr. Flowers to approve Resolution No. 688.

The motion carried unanimously.

Committee Reports

There were no committee reports.

Other Items

Appointments To Boards/Commissions/Committees

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

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

Ms. Nicholson (Council Dist. 6) carried over her appointment to the Airport Commission.

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

Chairman Hudson carried over his appointment to the Courthouse Construction Advisory Committee. He asked that if anyone knew of someone who would be willing to serve to let him know.

Appointment Of The FY18/19 Accommodations Tax Advisory Committee (Hospitality Business)

Mr. Brown nominated Mr. Ashley Flowers for appointment to the Accommodations Tax Advisory Committee to represent Hospitality Business. He reported that Mr. Flowers is the Manager of Mr. B's Restaurant in Lydia and a former member of Hartsville Accommodations Tax Advisory Committee.

The nomination was seconded by Mr. Kilgo. The vote was unanimous to appoint Mr. Ashley Flowers to the FY18/19 Accommodations Tax Advisory Committee representing Hospitality Business.

Mr. Stewart mentioned that another vacancy exists on the Accommodations Tax Advisory Committee due to Mr. David McFarland accepting the City of Hartsville's offer to serve on the Darlington County Capital Project Sales Tax Commission. Mr. McFarland represented Citizen-At-Large on the Accommodations Tax Advisory Committee.

Mr. Flowers nominated Mr. Linwood Epps for appointment to the Accommodations Tax Advisory Committee representing Citizen-At-Large. The nomination was seconded by Mr. Douglas.

The vote was unanimous to appoint Mr. Linwood Epps to the FY18/19 Accommodations Tax Advisory Committee to represent Citizen-At-Large.

Request To Transfer Surplus Vehicle (2008 Ford Explorer) To Solicitor's Office

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to carry over the request to transfer a surplus 2008 Ford Explorer from the Sheriff's Office to the Solicitor's Office.

Mr. Kilgo stated that only four terms of General Sessions court were held during the first six months compared to nine previously. He said cases were not being tried in Darlington County.

The motion carried unanimously.

Cooperative Service Agreement Between Darlington County And US Department Of Agriculture, Animal And Plant Health Inspection Service (APHIS)/Wildlife Services (WS), \$35,000

MOTION was made by Mr. Flowers and seconded by Mr. Douglas to approve the Cooperative Service Agreement with USDA/Wildlife Services for the Beaver Program.

Ms. Thomas questioned whether this service was for a certain area in the county. Mr. Stewart responded that the service is available for anyone with beaver problems. The Beaver Management Program involves trapping and relocation of beavers. The funds are passed through the county to USDA/Wildlife.

It was also mentioned that the current cost for the Beaver Management Program had remained constant since 2010. The service cost for FY18/19 has increased to \$35,000 from \$31,250.

The motion carried unanimously.

Sole Source Purchase Of 15 Sets Of Bunker Gear, Darlington County Fire District

MOTION was made by Mr. Douglas and seconded by Mr. Flowers to approve the sole source purchase of 15 sets of bunker gear totaling \$34,441.20 from Newton's Fire & Safety Equipment.

The motion carried unanimously.

Hartsville Northern League's Request For Funds To Repair Restrooms And Fence At Ruby Road Baseball Field, \$15,000

MOTION was made by Mr. Brown and seconded by Mr. Kilgo to approve Hartsville Northern League's request for \$15,000 from Hospitality Tax Funds to repair the restrooms and the fence at the Northern League Baseball Field located on Ruby Road.

The motion carried unanimously.

Appointment Of Three (3) Individuals To The Capital Project Sales Tax Commission

Since the City of Darlington's appointee to the Capital Project Sales Tax Commission was present at the meeting, Mr. Stewart asked that he announce, for the record, the name of the joint appointee (the individual appointed jointly by the City of Hartsville and the City of Darlington's appointee).

Mr. Ronnie Ward (the City of Darlington's appointee) announced that Mr. David McFarland (the City of Hartsville's appointee) and he selected Ms. Fran Knott of Lamar area to serve as the joint appointee on Darlington County Capital Project Sales Tax Commission.

The vote was unanimous for the appointment of Ms. Fran Knott as the joint appointee to the Capital Project Sales Tax Commission. Mr. Stewart announced that a vote was not needed.

Chairman Hudson opened the floor for nominations for the three County Council appointees to the Capital Project Sales Tax Commission.

Mr. Kilgo nominated Mr. Danny Johnson of North Hartsville and primary owner of North Industrial Machines.

Ms. Thomas nominated Rev. Robbie Shortt, Pastor of First Church of God in Darlington.

Mr. Brown nominated Mr. Travis Walters of Kelleytown area and a retiree from Sonoco Products Company.

Mr. Douglas nominated Ms. Carol Bishop of New Hopewell area.

Chairman Hudson called for the vote. Mr. Kilgo voted for Mr. Johnson, Rev. Shortt, and Mr. Walters. Ms. Thomas voted for Mr. Johnson, Rev. Shortt, and Mr. Walters. Mr. Brown voted for Mr. Johnson, Rev. Shortt, and Mr. Walters. Mr. Flowers voted for Mr. Johnson, Ms. Bishop, and Mr. Walters. Mr. Douglas voted for Mr. Johnson, Rev. Shortt, and Ms. Bishop. Ms. Nicholson voted for Rev. Shortt and Ms. Bishop. She did not wish to vote for a third individual. Mr. Hudson voted for Mr. Johnson, Rev. Shortt, and Mr. Walters.

Acting County Attorney Scott announced that Mr. Johnson received six (6) votes; Rev. Shortt received six (6) votes; Mr. Walters received five (5) votes, and Ms. Bishop received three (3) votes. Therefore, Mr. Danny Johnson, Rev. Robbie Shortt, and Mr. Travis Walters were appointed to the Darlington County Capital Project Sales Tax Commission as County Council's appointees.

Greater Darlington Chamber Of Commerce's Request For Hospitality Tax Funds For Freedom Fest. \$20,000

MOTION was made by Mr. Douglas and seconded by Mr. Kilgo to approve Darlington Chamber's request for \$20,000 in Hospitality Tax funds for Freedom Fest.

Mr. Kilgo stated that the County gave the Chamber funds last year, but they did not do anything to protect the cost of the fireworks from washouts. He asked whether there was anything or insurance to protect the fireworks from washouts.

Mr. Stewart responded that the request did not indicate that the funds would be specifically for fireworks. In previous years, the Chamber requested \$15,000 for fireworks. However, this year the Chamber submitted a generic request for the event. Mr. Stewart also stated that the county has not provided anything requiring the Chamber to ensure the fireworks. The request was an open request to support Freedom Fest.

Mr. Kilgo stated that previously, the county gave the Chamber \$15,000 for this event. Mr. Stewart confirmed that for the past two years, the county provided \$15,000 for Freedom Fest.

MOTION was made by Mr. Kilgo and seconded by Ms. Thomas to amend the motion to provide \$15,000 to Darlington Chamber for Freedom Fest.

The motion carried with Mr. Flowers abstaining due to his relationship with the racetrack.

Ms. Nicholson asked the specific request from the Chamber. Mr. Stewart responded that the request was for the operation of Freedom Fest. The request was not for anything specific with Freedom Fest such as last year's request for support for fireworks.

Chairman Hudson called for the vote on the motion as amended -- to approve \$15,000 for Freedom Fest.

The motion carried with Mr. Flowers abstaining due to his relationship with the racetrack.

Agreement With Michael Baker International To Provide A Detailed Summary Of The Scope Of Work For Revisions To The Programming For The Darlington County Courthouse And Administration Building. \$52,272

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to carry over the agreement with Michael Baker International for a detailed summary of the scope of work for revision to the programming for the courthouse and administration building.

The motion carried unanimously.

Agreement With Michael Baker International For Suitability Report For A Proposed Renovation Of The Existing Darlington County Courthouse And Administration Building. \$32,736

MOTION was made by Mr. Kilgo and seconded by Ms. Thomas to carry over the agreement with Michael Baker for the suitability report for the proposed renovation of the existing courthouse and administration building.

Mr. Brown asked whether the Committee would need this information. Mr. Stewart responded that the agreements were as a result of the request, made during Council Worksession, for additional studies on what could be done to the courthouse and programming changes.

Mr. Flowers suggested that these items be carried over since they were requested by Mr. Coker and he was not present at the meeting. Mr. Stewart mentioned that it would take Michael Baker approximately one month to deliver these items.

The motion carried unanimously.

Administrative Update

Mr. Stewart announced that Hartsville Mayor Natalie Zeigler has extended an invitation to County Council members to attend an ethics training session hosted by the City of Hartsville on April 25, 2018, at 10:30 a.m. The Executive Director of the South Carolina State Ethics Commission will provide an overview of the changes to the ethics law as it relates to public officials and public employees. Mr. Stewart did not have the location of the training. He indicated that the Clerk to Council would provide this information later.

Requests / Comments – Members of County Council

Mr. Flowers wanted to know what will be done with the old bunker gear. Fire Chief Ricky Flowers stated that if feasible, some of the old bunker gear would be recycled to new members and used by the junior firefighters for practice/training.

Mr. Flowers stated that going forward, he will make no comments regarding the Local Option Sales Tax. He will live with whatever the citizens decide. However, he emphasized that he would not vote for a \$37 million courthouse for Darlington County regardless to how it would be funded. Mr. Flowers also stated that were lots of options for addressing the needs of the courthouse and administration. Until Council has all the options, he will have no comments.

Mr. Brown thanked Mr. Ronnie Ward and the other appointees to the Capital Project Sales Tax Commission for accepting the challenge to serve on this committee. He asked everyone to keep in mind that Council has expressed keeping the sales tax for only four years or less. He noted that the committee must consider what would be a pliable question on the referendum to meet the expectation of Council and the voters. Mr. Brown stated that it was critical that Council does what is in the best interest of the county.

Ms. Thomas commented the appointees to the Capital Project Sales Tax Commission. She pointed out that she provided the flyer that was included in the Consent Agenda containing information from NACo's Poverty Summit she attended in December. She will be working with the school district regarding this issue. Ms. Thomas commented the boxing match that was held on March 4th at Stanley Gym.

Mr. Kilgo talked about Ms. Thomas and him representing people in the outlying areas of Darlington as well as every citizen in Darlington County. He stated that Council looks at things as countywide issues even though they may only affect one area. Mr. Kilgo also stated that the courthouse and administrative building lines the City of Darlington because of State statute. He mentioned that the county was operating in a building (the courthouse) that was 50+ years old and unfunctional after 8 to 10 years of its existence. Mr. Kilgo stated that this would be his last comments on this matter until he sees what the Committee recommends. He thanked the Committee members for volunteering their time and efforts.

Chairman Hudson announced that Lamar Egg Scramble Jamboree was scheduled for this weekend. He commended the Capital Project Sales Tax Commission and thanked everyone for attending the meeting.

Adjournment

MOTION was made by Mr. Flowers to adjourn the meeting. There being no further comments, the meeting was adjourned at 7:11 p.m.

Respectfully submitted,



J. Janet Bishop
Clerk to Council



Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of May 1, 2018.