

REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

August 13, 2018

A Regular Meeting of the County Council of Darlington County was held this 13th day of August 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.

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, Development Services Director Terri Cribb, Emergency Medical Services Director Kenny Bowen, E-911 Coordinator Michelle Moore, Finance Director Sherman Dibble, Human Resource Manager Ginger Winburn, Library Director Jimmie Epling, Recreation Director Le Andrews, Roads and Bridges Director Bobby Richardson, Sheriff Tony Chavis, Emergency Management Coordinator Molly Odom, Chief Deputy Sheriff Josh Edwards, Lieutenant Robby Kilgo, Digital Group General Manager Jim Shimmin, Ms. Teresa Hickok, Ms. Katherine Walker, Mr. George Cannon, Mr. Francis Parnell, Ms. Thomasina Davis, Ms. Carol Bishop, Mr. Luke Arthur and Family Members, residents of Commanchee Street, and others.

REPORTERS PRESENT

Ms. Samantha Lyles of the News and Press.

Recognition Of Retirees

Chairman Hudson presented a plaque to Ms. Teresa Hickok in appreciation for 22 years of service with Darlington County. He also presented a plaque to Ms. Katherine Walker in appreciation for 24 years of services with Darlington County. Mrs. Louigene Hodges was not present to receive her recognition.

Call to Order / Invocation / Pledge of Allegiance

Chairman Hudson called the meeting to order at 6:02 p.m. Mr. Douglas presented the invocation and Mr. Flowers led the Pledge of Allegiance.

Citizens' Comments

Mr. George Cannon reported that the drainage problem in south Hartsville has caused an infestation of snakes in the area. He stated that he has complained about the drainage problem in this area for 20 years and was concerned that Council has addressed several other requests, but nothing has been done regarding the drainage problem in south Hartsville. Mr. Cannon asked what can be done to address this problem.

Mr. Francis Parnell stated that he likes the idea of the county having a digital sign ordinance and the provision for dimming the signs to three-tenths of a foot above ambient light to get rid of the glare. He asked that Council tweet the ordinance to go to three-tenths of a foot channel at sunset to sunrise to adapt to light and darkness. His suggested amendment was, "the sign shall be deemed to three-tenths of a foot candle above ambient light from sunset to dawn." He felt that this would keep people from being blinded, help with transit adaptation, and be safer for drivers. He distributed a copy on an unsigned and undated Ordinance No. 2018-01 for the City of Darlington.

~ ~ Councilwoman Nicholson arrived at 6:09 p.m. ~ ~

Ms. Thomasina Davis appeared on behalf of Prosperity Childcare, located at 528 Cartersville Highway in Lamar, to ask Council to consider their request for three acres of land located behind the Robert L. Grooms Building. She said the daycare has outgrown its population for childcare and needs additional space. Therefore, they are asking for an in-kind gift of the three acres of land. Ms. Davis provided a letter on behalf of Prosperity Childcare for Council's consideration. Her sister, Mrs. Linda Faircloth, was unable to attend the Council meeting but has been at the Robert L. Grooms Center for 35 years. For the last 17 years, the childcare business has been under Prosperity Childcare.

Ms. Carol Bishop, of Darlington County Long Term Recovery Group, stated that since we're in the midst of Hurricane season, she was hoping that the county has a plan that can be shared with the public, especially regarding tree removal. They were unable to obtain such a plan during the last hurricane, which presented a big problem in the rural communities. Ms. Carol Bishop invited Council members to attend Darlington County Long Term Recovery Group meeting scheduled for tomorrow at 6 p.m. at New Vision Community Outreach Center. She asked Council members to attend the meeting to hear about the work that the State is doing and to hear from people within their district who have success stories and those who are still facing challenges. Ms. Carol Bishop reported on their recent home inspections and home repairs. She hopes that the group and the county will come together to develop a plan to help people since the rural communities continue to suffer. She also urged Council members to reach out to residents because many still need help.

Personal Appearances - Mr. Jim Shimmin - Presentation/Video On Technical Aspects Of Outdoor Advertising Display Illumination & Light Pollution Concerns

Mr. Stewart stated that this presentation was a part of the request for information about signs and how they work within the constraints of the county's ordinance.

Mr. Jim Shimmin, General Manager of the Digital Group/Formetco, reported that his company manufactures, installs, maintains, and monitors digital units for customers. He talked about the history of the billboard, how the units work, the photometric (operating environment in which the LED emits light) of the LED, and how NIT (brightness at the source) and foot-candle (amount of light where the readership is) are measured. Mr. Shimmin showed a static sign with a static image and a video of the operation of a digital sign. On digital signs, the image changes instantaneously from one piece of content to the next with no flashing, twinkling, transitioning, or fade in/fade out. The content management system delivers the schedules and does not allow the uploading of files. He pointed out that the photocell on the unit continuously monitors the amount of light that hits the face of the sign. Therefore, throughout the day and night, it will automatically brighten and dim based upon ambient conditions. The three-tenths of a foot candle is automatically adjusted without anyone having to touch the sign. Mr. Shimmin also talked about safeguards and community benefits such as FBI warnings, amber and weather alerts, and driving routes which are automated.

Mr. Kilgo pointed out that Mr. Shimmin was talking about billboards and not on-site signs for businesses.

Mr. Stewart added that Mr. Shimmin was not familiar with the county's proposed ordinance. However, Council was voting on an ordinance for billboards only. The discussion/presentation pertained to billboards only.

Mr. Kilgo presented concerns that a business on East Broad Street in Darlington has a sign with a blue light and from a distance, the sign looks like a Sheriff's Office blue light, which is very distracting.

Mr. Shimmin responded that on-premise signs are down in people's direct sight, but billboards are typically out of the direct line where people are looking at normal traffic route. On-premise signs have motion whereas digital billboards have static images that change and are out of the normal pattern where drivers would be looking.

Mr. Kilgo stated that he requested a demonstration because of his experience with the sign on East Broad Street - from a distance, the blue in the sign looks like the blue light from the Sheriff's Office.

Ms. Nicholson wanted to know whether the sign in the demonstration would meet the mandates in the county ordinance.

Mr. Stewart responded that Mr. Shimmin was only providing a demonstration, as a technical advisor, of what would be allowed under the proposed ordinance. If installed, his sign would work within the proposed ordinance.

Mr. Shimmin confirmed that, as of today, he had no orders for signs in this area.

Consent Agenda (Receive As Information)

Included in the Consent Agenda were the following:

- 5.A. Beaver Program, June 2018
- 5.B. Parks, Recreation & Tourism Monthly Report - July 2018
- 5.C. Pee Dee Workforce Development Board Quarterly Report, June 30, 2018

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

The motion carried unanimously.

Approval Of Minutes – Minutes Of Public Hearing & Regular Meeting, July 2, 2018

MOTION made by Mr. Brown and seconded by Mr. Flowers to approve the minutes of July 2, 2018.

The motion carried unanimously.

Approval Of Minutes - Minutes Of Joint Meeting Of Darlington County's Municipal Councils, County Council, Board Of Education, & Legislative Delegation, July 30, 2018 - CARRY OVER REQUESTED

MOTION made by Mr. Flowers and seconded by Mr. Douglas to carry over the minutes of July 30, 2018.

The motion carried unanimously.

Ordinances

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 - THIRD READING

MOTION made by Ms. Thomas and seconded by Mr. Coker to approve third reading of Ordinance No. 18-08.

For discussion, Mr. Kilgo said Mr. Francis Parnell presented the idea of placing a sunrise/sunset provision in the ordinance.

Mr. Stewart asked whether the request was to place a limit of three-tenths of a foot candle above ambient light at all times.

From the audience, Mr. Francis Parnell stated that he was requesting that there be three-tenths of a foot candle the hour after sunset and the hour before sunrise to get rid of the glare.

Mr. Stewart pointed out that the proposed ordinance already provides the limit of three-tenths of a foot-candle. He read section 15.8 (item 5.) which states, "*Lightening levels will not increase by more than 0.3-foot candles (over ambient levels) as measured using a foot-candle meter at a pre-set distance.*" He said this was already set permanently and would not need to be amended. Mr. Stewart pointed out that the ordinance also states that the signs will be equipped with digital dimming for day and night and has the restriction of three-

tenths of a foot candle above ambient lighting. There will be a constant of three-tenths of a foot candle whether it is daylight or not. Therefore, the limitation that Mr. Parnell was requesting was already in the ordinance.

The motion carried unanimously.

Ordinance No. 18-09. An Ordinance Approving And Ratifying The Inclusion Of A Site Located In Marlboro County In A Multi-County Industrial Park Agreement With Marlboro County; And Other Matters Related Thereto - FIRST READING

The title of Ordinance No. 18-09 was read for First Reading. No action required.

Ordinance No. 18-10. An Ordinance To Amend Ordinance No. 18-04 (Darlington County FY18/19 Budget Ordinance) For A Supplemental Appropriation To The Library Fund To Receive And Expend State Library Grant Funds For Darlington County Library System And Establish The Effective Date Of This Ordinance - FIRST READING

The title of Ordinance No. 18-10 was read for First Reading. No action required.

Ordinance No. 18-11. An Ordinance Developing A Multi-County Park With Lee County; Authorizing The Execution And Delivery Of An Agreement Governing The Multi-County Park; Authorizing The Inclusion Of Certain Property Located In Darlington County In The Multi-County Park; Authorizing The Execution Of An Intergovernmental Agreement; And Other Matters Related Thereto - FIRST READING

The title of Ordinance No. 18-11 was read for First Reading. No action required.

Resolutions

Resolution No. 690. Commissioning Andrew C. Dampier As A County Codes Enforcement Officer For The County Of Darlington, SC

MOTION made by Mr. Flowers and seconded by Mr. Brown to approve Resolution No. 690 commissioning Andrew C. Dampier as a County Codes Enforcement Officer.

The motion carried unanimously.

Resolution No. 691. Resolution Naming The Luke Arthur Baseball Field In Lydia, SC

Mr. Flowers read Resolution No. 691 naming the Luke Arthur Baseball Field in Lydia.

MOTION made by Mr. Flowers and seconded by Ms. Nicholson to approve resolution No. 691 naming the Luke Arthur Baseball Field in Lydia.

Chairman Hudson presented the Resolution to Mr. Arthur in honor of his dedication and commitment to baseball and Lydia community.

Mr. Luke Arthur thanked Council for such recognition and acknowledgment. He also recognized family members who were present at the meeting.

Several family members talked about Mr. Arthur and commended his efforts and dedication to the community and ballfield.

Resolution No. 692. Memorandum Of Agreement For Acceptance Of Additional Road Right-Of-Way To Improve A Portion Of Commanchee Street With Paving Using CTC Funds

MOTION made by Mr. Kilgo and seconded by Mr. Coker to approve Resolution 692 for acceptance of additional road right-of-way to improve a portion of Commanchee Street with paving using CTC funds.

Mr. Kilgo talked about it being a long and hard battle and the final step had been made on the County's part to obtain all the rights-of-way along Commanchee Street. He thanked everyone involved in getting the documents signed and looks forward to receiving a resolution from CTC indicating that they will live up to their original agreement to pave this road.

The motion carried unanimously.

Resolution No. 693, Recognition Of Darlington County Deputy Justin Taylor

Chairman Hudson stated that Resolution No. 693 would be carried over.

Committee Reports

There were no committee reports.

Other Items

Appointments To Boards & Commissions To Fill Vacancies & Expired Terms

Mr. Dannie Douglas (Council Dist. 2) nominated Mr. Thomas Blackmon for reappointment to the Airport Commission. The vote was unanimous. Mr. Blackmon will serve a third term to expire June 30, 2022.

Mr. Douglas nominated Mr. Jimmy Dixon for reappointment to the Board of Assessment Appeals. The vote was unanimous. Mr. Dixon will serve a full term through June 30, 2022.

Mr. Douglas nominated Ms. J. Gail Gandy for reappointment to the Library Board. The vote was unanimous. Ms. Gandy will serve a second term through June 30, 2022.

Mr. Bobby Hudson (Council Dist. 4) carried over his appointment to the Construction Board of Adjustment/Appeals and the Parks & Recreation Commission.

Mr. Le Flowers (Council Dist. 5) carried over his appointment to the Airport Commission, the Alcohol/Drug Citizen Advisory Committee, the Ambulance Commission, the Board of Assessment Appeals, the Construction Board of Adjustment/Appeals, and the Historical Commission.

Ms. Mozella Nicholson (Council Dist. 6) carried over her appointment to the Airport Commission, the Board of Assessment Appeals, the Construction Board of Adjustment/Appeals, the Historical Commission, the Library Board, and the Parks & Recreation Commission.

Mr. J. Lewis Brown (Council Dist. 7) carried over his appointment to the Airport Commission, the Alcohol/Drug Citizen Advisory Committee, the Construction Board of Adjustment/Appeals, and the Planning Commission. He nominated Ms. Belinda Copeland for

reappointment to the Recreation Commission. The vote was unanimous. Ms. Copeland will serve a full term through June 30, 2022.

Mr. David Coker (Council Dist. 8) carried over his appointment to the Board of Assessment Appeals. He nominated Mr. Gene Norwood for appointment to the Library Board. The vote was unanimous. Mr. Norwood will serve an unexpired term through June 30, 2021.

Contract To Remodel Counter Area In Treasurer's Office. \$22,000 From Treasurer's Decal Funds

MOTION made by Mr. Kilgo and seconded by Mr. Brown to approve the contract with Matthew Smothers to remodel the counter space in the Treasurer's Office for \$22,000 using Decal funds.

The motion carried unanimously.

Vehicle (Class A Pumper Fire Truck) Loan To Darlington Raceway

MOTION made by Mr. Kilgo and seconded by Mr. Brown to approve the agreement with Darlington Raceway to use Darlington County Fire District's Class A pumper fire truck for events leading up to and during the NASCAR race scheduled August 31, 2018, through Sept. 4, 2018.

The motion carried with Mr. Flowers abstaining.

FY18/19 DHEC Solid Waste Management Grant. \$19,700

MOTION made by Mr. Douglas and seconded by Ms. Nicholson to approve acceptance of the Solid Waste Management Grant Award.

The motion carried unanimously.

FY18/19 DHEC Waste Tire Recycling Grant. \$16,450

MOTION made by Mr. Douglas and seconded by Mr. Flowers to approve acceptance of the Waste Tire Recycling Grant Award.

The motion carried unanimously.

FY18/19 DHEC Used Oil Recycling Grant. \$47,900

MOTION made by Mr. Brown and seconded by Mr. Flowers to approve acceptance of the Used Oil Recycling Grant Award.

The motion carried unanimously.

Request To Purchase A 2018 Chevrolet Silverado 1500 4WD Crew Cab for the Sheriff's Department

MOTION made by Mr. Flowers and seconded by Mr. Douglas to approve the purchase of a 2018 Chevrolet Silverado 1500 4WD Crew Cab truck with emergency lighting off state contract for the Sheriff's Office using funds received from insurance claims from previous accidents, \$33,446.58 (\$29,975 vehicle/\$3,471.58 emergency lighting).

The motion carried with Mr. Kilgo abstaining.

Administrative Update – Mr. Charles Stewart, County Administrator

County Administrator Charles Stewart did not have an update.

Requests / Comments - Members Of Council

Ms. Thomas thanked Council members for attending the South Carolina Association of Counties Annual Conference where she received her certificate for graduating from Level I Institute of Government classes. She stated that she would meet with Mr. Stewart regarding a memorandum she requested from Senator Tim Scott's Office about Investing in Opportunity Act.

Mr. Lewis Brown talked about the protocol governing Citizen Comments. For this reason, Council members do not say anything when asked for comments or questions. He urged anyone with a sizable project to go through the County Administrator because Council cannot answer questions/resolve problems during the two minutes Citizen Comments section on the agenda. Mr. Brown commended the efforts and dedication of Mr. Arthur and his family. He also commended the staff for compiling the agenda package every month and for the work on Commanchee Street Road Project.

Mr. Flowers talked about his baseball experience with Coach Luke Arthur.

Mr. Douglas also reminisced about playing against Mr. Luke Arthur in Dovesville. He then asked about the county's plan for the land behind the Robert L. Grooms Building in Lamar?

Mr. Stewart pointed out that this County owned and operated building was attached to the land. Nothing was planned for the land, but it would be like giving away land right beside the building. Mr. Stewart also stated that he had not received any official request other than what was presented at the meeting. He would have to look at the property and the request to determine how it may affect the county's operation and bring the information back to Council.

Mr. Douglas said it was his understanding that Prosperity Childcare wants to buy the land beside the Robert L. Grooms Building.

From the audience, Ms. Thomasina Davis confirmed that they were requesting the land in-kind/as a gift.

Mr. Douglas thanked everyone for attending the meetings.

Ms. Nicholson said she would mirror what everyone said about Mr. Luke Arthur. She thanked him for his efforts. She also added that he was one of the original people who established Butler Heritage Foundation. Ms. Nicholson thanked everyone for their calls, texts, etc. while she was hospitalized.

Amendment To The Agenda – Recognition Of Retirees

MOTION made by Mr. Flowers and seconded by Mr. Kilgo to amend the agenda to bring forth Recognition Of Retirees.

The motion carried unanimously.

Recognition Of Retiree

Chairman Hudson presented a plaque to Ms. Louigene Hodges in appreciation for 34 years of service with Darlington County.

Vote For Executive Session For (1) Discussion Of Negotiations Incident To (Future) Proposed Contractual Arrangements Regarding The Courthouse, (2) Discussion Of Negotiations Incident To (Future) Proposed Contractual Arrangements Regarding The Darlington County Fleet, and (3) Discussion Of Negotiations Incident To (Future) Proposed Contractual Arrangements Regarding Hartsville Multi-County Park

MOTION made by Mr. Flowers and seconded by Mr. Kilgo to vote for executive session for discussion of negotiations incident to (future) proposed contractual arrangements regarding the courthouse, discussion of negotiations incident to (future) proposed contractual arrangements regarding the Darlington County fleet, and discussion of negotiations incident to (future) proposed contractual arrangements regarding Hartsville Multi-County Park.

The motion carried unanimously.

Executive Session - (1) Discussion Of Negotiations Incident To (Future) Proposed Contractual Arrangements Regarding The Courthouse, (2) Discussion Of Negotiations Incident To (Future) Proposed Contractual Arrangements Regarding The Darlington County Fleet, and (3) Discussion Of Negotiations Incident To (Future) Proposed Contractual Arrangements Regarding Hartsville Multi-County Park

MOTION made by Mr. Flowers and seconded by Mr. Brown for Council to go into Executive Session after a five minutes recess for the discussion of negotiations incident to (future) proposed contractual arrangements regarding the courthouse, discussion of negotiations incident to (future) proposed contractual arrangements regarding the Darlington County fleet, and discussion of negotiations incident to (future) proposed contractual arrangements regarding Hartsville Multi-County Park along with the County Attorney and County Administrator.

The motion carried unanimously.

Council recessed at 6:54 p.m. prior to going into executive session and reconvened at 7:15 p.m. Upon reconvening, Chairman Hudson announced that no action was taken in executive session.

Adjournment

MOTION made by Mr. Flowers to adjourn the meeting. There being no further comments, the meeting was adjourned at 7:16 p.m.

Respectfully submitted,



Janet Bishop
Clerk to Council



Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of September 10, 2018.