

REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

April 7, 2014

A regular meeting of the County Council of Darlington County was held April 7, 2014, 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 at the entrance to the County Administrator's Office and the Courthouse Annex/EMS Building.

COUNCIL MEMBERS PRESENT

Chairman Wesley Blackwell, Vice Chairwoman Ms. Mozella "Pennie" Nicholson, Chaplain Dannie Douglas, Jr., Mr. Robbin Brock, Mr. Marvin Le Flowers, Mr. Bobby Hudson, Mrs. Wilhelmina P. Johnson, and Mr. Robert L. Kilgo, Jr.

ALSO PRESENT

County Administrator Dale Surrett, County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Codes Enforcement Director Randy Evans, Emergency Services Director Charles Stewart, Communications Center Director David Sessoms, Roads and Bridges Director Bobby Richardson, Finance Director Perry Strickland, Economic Development Director Frank Willis, Planning Director Doug Reimold, Treasurer Belinda Copeland, Sheriff Wayne Byrd, Corrections Director Mitch Stanley, Mr. Rob Jordan of Hill & Jordan, LLC, Ms. Ellen Hamilton of Pee Dee Coalition Against Domestic & Sexual Assault, Mr. Benjamin Zeigler of Haynsworth Sinkler Boyd, P.A., and others.

REPORTERS PRESENT

Ms. Samantha Lyles of the News and Press.

Call To Order / Invocation / Pledge Of Allegiance

Chairman Blackwell called the meeting to order around 6:05 p.m. Mr. Douglas presented the invocation and everyone recited the Pledge of Allegiance.

Citizens' Comments

Mr. George Cannon talked about the increase in cost for homeowners' insurance and presented his opinion that insurance companies were not recognizing Darlington County.

Approval Of Minutes - Public Hearing & Regular Meeting, March 3, 2014

MOTION was made by Mr. Kilgo and seconded by Mr. Hudson to approve the minutes of the public hearing and regular meeting held on March 3, 2014.

The motion carried unanimously.

Approval Of Minutes - Joint Meeting Of Darlington County's Municipal Councils, County Council, Board of Education, & Legislative Delegation, March 31, 2014 - **CARRY OVER REQUESTED** (minutes incomplete)

MOTION was made by Mr. Kilgo and seconded by Ms. Nicholson to carry over approval of the minutes of the joint meeting held on March 31, 2014.

The motion carried unanimously.

Ordinances

Ordinance No. 14-01, An Ordinance To Amend Ordinance No. 13-11, FY13/14 Library System Fund Budget, For A Supplemental Appropriation To Receive And Expend Funds From State Aid And To Establish The Effective Date Of This Ordinance - **THIRD READING**

MOTION was made by Mrs. Johnson and seconded by Ms. Nicholson to approve third reading of Ordinance No. 14-01.

The motion carried unanimously.

Ordinance No. 14-02, An Ordinance To Provide For The Levy Of Taxes For Corporate Purposes Of Darlington County For The Fiscal Year Beginning July 1, 2014, And Ending June 30, 2015; To Make Appropriations From The General Fund Of Said County For Such Purposes For The Fiscal Year Beginning July 1, 2014, And Ending June 30, 2015; To Provide For Budget Control Of Said Appropriations By The County Council; And To Make Provisions For The Fiscal Affairs Of Said County For Said Fiscal Year (**BY TITLE ONLY**) - **FIRST READING**

The title of Ordinance No. 14-02 was read for First Reading. No action required.

Ordinance No. 14-03, An Ordinance To Provide For The Levy Of Fees For The Countywide Enhance 9-1-1 Emergency Telephone System For Darlington County For The Fiscal Year Beginning July 1, 2014, And Ending June 30, 2015; To Make Appropriations From The County Emergency Telephone System Fund Of Said County For Such Purposes For The Fiscal Year Beginning July 1, 2014, And Ending June 30, 2015; And To Provide For Budget Control Of Said Appropriations By The County Council (**BY TITLE ONLY**) - **FIRST READING**

The title of Ordinance No. 14-03 was read for First Reading. No action required.

Ordinance No. 14-04, An Ordinance To Provide For The Levy Of Taxes For The County Library System Of Darlington County For The Fiscal Year Beginning July 1, 2014, And Ending June 30, 2015; To Make Appropriations From The County Library System Fund Of Said County For Such Purposes For The Fiscal Year Beginning July 1, 2014, And Ending June 30, 2015; And To Provide For Budget Control Of Said Appropriations By The County Council (**BY TITLE ONLY**)

The title of Ordinance No. 14-04 was read for First Reading. No action required.

Ordinance No. 14-05, An Ordinance To Provide For The Levy Of Taxes For The County Environmental Services Fund For The Fiscal Year Beginning July 1, 2014, And Ending June 30, 2015; To Make Appropriations From The County Environmental Services Fund Of Said County For Such Purposes For The Fiscal Year Beginning July 1, 2014, And Ending June 30, 2015; And To Provide For Budget Control Of Said Appropriations By The County Council (**BY TITLE ONLY**)

The title of Ordinance No. 14-05 was read for First Reading. No action required.

Ordinance No. 14-06, An Ordinance To Provide For The Levy Of Taxes For The County Fire District Of Darlington County For The Fiscal Year Beginning July 1, 2014, And Ending June 30, 2015; To Make Appropriations From The County Fire District Fund Of Said County For Such Purposes For The Fiscal Year Beginning July 1, 2014, And Ending June 30, 2015; And To Provide For Budget Control Of Said Appropriations By The County Council (BY TITLE ONLY) - FIRST READING

The title of Ordinance No. 14-06 was read for First Reading. No action required.

Ordinance No. 14-07, An Ordinance To Provide For The Levy Of Fees For The Development Partnership Fund For Darlington County For The Fiscal Year Beginning July 1, 2014, And Ending June 30, 2015; To Make Appropriations From The County Development Partnership Fund Of Said County For Such Purposes For The Fiscal Year Beginning July 1, 2014, And Ending June 30, 2015; And To Provide For Budget Control Of Said Appropriations By The County Council (BY TITLE ONLY) - FIRST READING

The title of Ordinance No. 14-07 was read for First Reading. No action required.

Ordinance No. 14-08, An Ordinance To Provide For The Levy Of Taxes For Fire Control Purposes Within The Hartsville Fire Protection District For The Fiscal Year Beginning July 1, 2014, And Ending June 30, 2015; To Appropriate Said Funds For Payment To The City Of Hartsville As Authorized By Chapter 26, Article III, Of The Darlington County Code Of Ordinances (Hartsville Fire Protection District) And Pursuant To An Agreement With The City As Authorized Therein; And To Establish The Effective Date Of This Ordinance (BY TITLE ONLY) - FIRST READING

The title of Ordinance No. 14-08 was read for First Reading. No action required.

Ordinance No. 14-09, 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, 2014, And Ending June 30, 2015 (BY TITLE ONLY) - FIRST READING

The title of Ordinance No. 14-09 was read for First Reading. No action required.

Amendment To The Agenda

MOTION was made by Mr. Brock and seconded by Ms. Nicholson to amend the agenda to go to Personal Appearances.

The motion carried unanimously.

Personal Appearance - Ms. Ellen C. Hamilton, Pee Dee Coalition Against Domestic & Sexual Assault - FY14/15 Funding Request

Ms. Ellen Hamilton introduced Darlington County Chapter Board President Pat Segars, Lead Forensic Interviewer Robin Griggs, and Durant Center Director Karen Copeland Holmes.

Ms. Segars talked about how Pee Dee Coalition raises awareness of child abuse and their fund raising events. Their mission is to reduce rape, family violence, and child abuse. She requested Council's involvement and assistance.

Ms. Hamilton reported that Pee Dee Coalition was a public charity that raises money from the public and private sectors. In fiscal year 1992, County Council allocated \$10,000 to Pee Dee Coalition. Over the years, the amount was reduced and they elected not to request funds from the county. Ms. Hamilton requested \$10,000 to be used as matching funds to support a victim advocate for the Durant Children's Center located in Hartsville. This person would serve as a link between the Darlington County Sheriff's Department, the police department, DSS, and the staff at Durant. Funds would also be used for a part time person to have a presence in Darlington. She talked about upcoming events and the various services they offer.

Personal Appearance - Hill & Jordan, LLC - FY12/13 County Audit

Mr. Rob Jordan presented the highlights of the audit for the fiscal year ending June 30, 2013. The highlights included the Independent Auditors' report; the balance sheet of assets, liabilities, and fund balances; the statement of revenues, expenditures, and changes in fund balances showing a deficit in the General Fund; the statement of net position for Environmental Services Fund; the statement of revenues, expenses, and changes in net position for Environmental Services showing a loss for the year; notes to the financial statements regarding funds that are fully insured, long term debt, post employment benefits, and new changes for financial statements beginning 2015; the budgetary comparison schedule showing a deficit in the General Fund; the independent auditors' report on internal control over financial reporting on compliance with general laws and regulations wherein the auditors would like to the county to pick up more responsibilities in reporting fixed assets; the schedule of expenditures of federal funds; and the schedule pointing out issues regarding fixed assets.

Ms. Nicholson asked whether the county was "deficit spending."

Mr. Jordan confirmed that there were deficits for FY12/13. He also pointed out that the county has had surpluses before or there would not be a fund balance.

Personal Appearance - Attorney Benjamin Zeigler, Haynsworth Sinkler Boyd, P.A. - Proposed Darlington County Capital Project Sales Tax

Mr. Zeigler mentioned that about a year ago, he appeared before County Council and talked about options for financing capital improvements, mechanisms, installment purchase, general obligation bonds, and a county capital project sales tax. He stated that several weeks ago, County Administrator Dale Surrett asked him to provide Council with a memorandum regarding the Capital Project Sales Tax, the process, how it works, and how one may work for Darlington County. This information was provided in Council's agenda package.

Mr. Zeigler stated that Council only has a few ways to address capital needs. One mechanism that the State has offered to counties to finance capital needs is a county imposed capital project sales tax as provided in Chapter 10, Title 4, of the South Carolina Code of Laws. This allows counties to impose a one-cent sales tax for an initial term of eight years with renewal terms of seven years thereafter. He pointed out a list of projects as listed in the statute. The project has to be owned and operated by a local governmental entity. Mr. Zeigler explained that the county would have the option of paying for the project on a "pay as you go" basis as funds come in or by issuing General Obligation Bonds that are paid through the Capital Project Sales Tax. He mentioned that the statute changed in 2012 to

provide that as long as the school district's special tax for capital improvement was approved before July 1, 2012, the county could have both at the same time. They were no longer mutually exclusive. Darlington County School District's bond was approved in 2003 and began May 1, 2004.

In explaining the process for a Capital Project Sales Tax, Mr. Zeigler indicated that the law requires Council to create a six-member commission made up of three members appointed by the county and three members appointed by the municipalities using a specific procedure, which he explained. According to the formula/procedure, Hartsville and Darlington would have one appointment each and those two appointees would pick a third person from Society Hill or Lamar. The Commission would be created by a Resolution of Council and the members would be subject to dual office holding limitations. The Commission would have two functions - to receive proposals for projects and to formulate the ballot question. Mr. Zeigler reviewed a sample ballot question and talked about the process for the Commission to receive proposals for viable projects. If there are multiple projects, Council would be responsible for prioritizing them. However, Council can only use projects submitted by the Commission. The projects would be limited to how much money the sales tax would generate. Then Council would be required to enact an ordinance calling for the referendum, including the ballot question. Mr. Zeigler talked about specific items that must be placed in the ordinance calling for the referendum. The referendum must be held as a part of the General Election. Therefore, the Commission's work would have to be done and the ordinance adopted by August 15th to be placed on the November 4, 2014 ballot. If the referendum is successful, the results must be submitted to the Department of Revenue before November 30, 2014 and the tax would begin May 1, 2015. Mr. Zeigler presented a proposed timeline for Darlington County Capital Projects Sales Tax Commission. He concluded by stating that the Capital Project Sales Tax was becoming a more popular way for counties to generate money by placing some of the tax burden on people who do not live in the county and address capital needs in the county.

Resolutions

Resolution No. 642, Proclaiming The Week Of The Young Child

MOTION was made by Mr. Douglas and seconded by Mrs. Johnson to approve Resolution No. 642.

The motion carried unanimously.

Resolution No. 643, Resolution Establishing The Darlington County Courthouse Construction Advisory Committee

MOTION was made by Mr. Brock and seconded by Ms. Nicholson to approve Resolution No. 643.

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to amend item No. 9 of the Resolution to state, "two members of the public appointed by the County Council Chairman, *of which one must be a person who is physically disabled.*"

The motion carried with Mrs. Johnson abstaining.

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to amend Resolution No. 643 to add item No. 10, to state, "a member of Darlington County Bar appointed by the Darlington County Bar."

Mrs. Johnson said she was not voting for this and many other things because Council needed to talk and have a meeting prior to bringing such items before Council.

Mr. Kilgo clarified that he had no part in drafting this resolution.

The motion carried with Mrs. Johnson opposing.

Chairman Blackwell called for the vote to approve Resolution No. 643, as amended.

The motion carried with Mrs. Johnson opposing.

Committee Reports

There were no committee reports.

Other Items

Appointments To Board/Commissions/Committees - Alcohol & Drug Citizen Advisory Committee (Flowers, Blackwell), Construction Board Of Adjustment & Appeals (Flowers), and Parks & Recreation Commission (Blackwell)

Chairman Blackwell and Mr. Flowers did not have appointments. Therefore, the appointments were carried over.

U.S. Department Of Agriculture Lease Renewal For Natural Resources & Conservation Service (NRCS) and Farm Service Agency (FSA) Office Space In The Mazingo Building

MOTION was made by Mr. Flowers and seconded by Mrs. Johnson to approve offering a lease renewal to United States Department of Agriculture for Natural Resources Conservation Service (NRCS)/Farm Service Agency (FSA) office space in the Mazingo Building "as is" at the current rate until such time that NRCS/FSA can find suitable space to meet their needs.

The motion carried unanimously.

Budget Transfer Request, Veterans Affairs Office

MOTION was made by Mr. Flowers and seconded by Ms. Nicholson to approve the budget transfer request for the Veterans Affairs Office.

The motion carried unanimously.

The Veterans Affairs Officer was requesting to transfer \$6,000 to Svcs-Tec/General (13-34000) from Regular Full-Time Salaries/Wages (13-11100) due to temporary employee hours/funds being used to help man the office while the prior Veterans Affairs Officer position was vacant for approximately eleven months.

Birdsong Peanuts Rural Infrastructure Grant, \$500,000

MOTION was made by Mr. Flowers and seconded by Mr. Hudson to approve acceptance of the grant award for Birdsong Peanuts.

Mr. Surrett recognized and thanked Economic Development Director Frank Willis for his the work on this project along with the Department of Commerce.

The motion carried unanimously.

This grant was part of the incentive agreement with Birdsong Peanuts Corporation. The company will invest \$46,628,000 and create 55 new jobs. South Carolina Department of Commerce will provide the funds. No obligation to the county.

Budget Transfer Request, Building Maintenance

MOTION was made by Mr. Flowers and seconded by Mr. Kilgo to approve the budget transfer request for Building Maintenance.

The motion carried unanimously.

The Building Maintenance Director was requesting to transfer \$4,000 to Building/Construction (001-025-41931-45000) from Regular Full-Time Salaries/Wages (001-025-41932-11100) to make repairs to the Veterans Affairs Office. Funds available in Regular Full-Time Salary/Wages account due to retirement of an employee.

Vehicle Loan Agreement For Darlington Raceway To Use Spare Class A Pumper Fire Truck During Upcoming Race Event

MOTION was made by Mr. Hudson and seconded by Mr. Douglas to approve the Vehicle Loan Agreement for Darlington Raceway to use the county's spare Class A Pumper fire truck during the upcoming race event.

The motion carried with Mr. Flowers abstaining.

Town of Lamar's Request For Waste Container(s) For The Egg Scramble Jamboree

Mr. Brock asked whether Council could direct the staff to let the Town of Lamar use waste containers for the Egg Scramble Jamboree every year.

Chairman Blackwell indicated that the containers were provided for the event that was held last week. He asked whether Council wanted a motion for this to be approved internally.

Mr. Surrett said the staff was trying to make sure that Council is aware of the costs associated with these matters. Historically, the county has provided the containers to a number of festivals. He suggested that during the budget process, a list of approved projects or festivals be included in the budget with the costs associated with using the containers. Any requests not listed on the list would be presented to Council for consideration.

This was the consensus of Council.

Budget Transfer Request, Prison Farm

MOTION was made by Mr. Flowers and seconded by Mr. Hudson to approve the budget transfer request for the Prison Farm.

The Prison Farm Director was requesting to transfer \$3,470,000 to Overtime (1300) from the following line items: \$978 from HVAC Repairs (43400), \$992 from RE&MC Veh (43700), \$800 from Brdg Rep/Ren. Supp (61100), and \$700 from Med. & Med. Supplies (61500) for officers to fill the void on shifts due to officer(s) on sick leave and vacation.

Budget Transfer Request, Environmental Services

MOTION was made by Mr. Flowers and seconded by Mr. Hudson to approve the budget transfer request for Environmental Services.

The motion carried unanimously.

The Environmental Services Director was requesting to transfer \$8,000 to Overtime (010-080-43211-13000) from Fuel-Veh. Equipment (010-081-43221-62100) to pay overtime for employees to handle the influx of waste during race weekend.

Contract For Reverse 911 Services - CodeRED Emergency Notification System

MOTION was made by Mr. Flowers and seconded by Mr. Brock to approve the contract for Reverse 911 Services.

Mr. Kilgo questioned what this would do.

Mr. Surrect explained that this system would allow 911 and the EOC (Emergency Operating Center) to make targeted telephone calls to certain geographical areas or pre-arranged numbers to notify individuals. This could be used for the power plant, natural emergency situations, staff and media notifications, etc. Everything would be located in other places.

Mr. Kilgo wanted to know what was being done to recognize the location of calls made from cell phones.

Mr. Surrect indicated that there were movement to make the location information for cell phones more accurate and for people to register cell phone numbers and location in a database.

The motion carried unanimously.

Duke Energy Utility Relocation In South Darlington Watershed Project Area, \$235,733.73

MOTION was made by Mr. Douglas and seconded by Mrs. Johnson to approve Duke Energy's utility relocation agreement for the relocation of facilities in conflict with the South Darlington Watershed Project.

The motion carried unanimously.

Budget Transfer Request, Fire District

MOTION was made by Mr. Douglas and seconded by Mrs. Johnson to approve the budget transfer request for the Fire District.

The motion carried unanimously.

The Fire Chief was requesting to transfer \$8,000 to Fuel Oil (014-036-42200-62300) from Vehicle/Gas (014-036-42200-62100) to cover the cost for heating fuel due to colder winter months.

Bid Report To Resurface Laurens Circle, Prosperity Court (located in the County's Industrial Park along the Florence County line), & Redwood Street (near IGA and Highway 15 in Hartsville)

MOTION was made by Mr. Douglas and seconded by Mr. Hudson to award the bid to resurface Laurens Circle, Prosperity Court, and Redwood Street to Palmetto Corp of Conway, \$78,303.

The motion carried unanimously.

Consent Agenda

Included in the Consent Agenda were the following:

<u>ITEMS</u>	<u>ACTION</u>
A. Marlboro/Darlington County Beaver Program Report, February 2014	Receive As Information
B. Historical Commission Minutes, February 6, 2014	Receive As Information
C. Pee Dee Mental Health Center Board Of Director's Minutes, October 24, 2013, December 5, 2013, & January 23, 2014	Receive As Information
D. Building Permit Types Report, January & February 2014	Receive As Information
E. County Building Inspections Report, January 2014	Receive As Information
F. Invitation From Macedonia Missionary Baptist Church	Receive As Information
G. NACo Prescription Drug Discount Card Program Report, February 2014	Receive As Information
H. Invitation From The City Of Darlington, RE: Mural Celebration, April 9, 2014, 5:30 p.m., Liberty Lane Walk of Fame, 114 Pearl St.	Receive As Information

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

The motion carried unanimously.

Administrative Update - Mr. Dale Surrett, County Administrator

NACo Prescription Drug Discount Card. Mr. Surrett reported that the number of people using the NACo Prescription Drug Discount Card had declined. He asked Council members to remind people about the card.

County Audit. Mr. Surrett thanked the staff for their efforts in providing information for the audit and following the financial policy. He indicated that the proposed budget would be presented at the May Council meeting. Instead of receiving the large budget books, Council will receive more generalized information. However, a book will be available to view.

Wellness Program. Mr. Surrett talked about the wellness program wherein staff members have lost a total of about 200 pounds.

Requests / Comments – Members Of Council

Mr. Brock thanked the Planning staff for holding the Town Hall meetings regarding affordable housing. A meeting was held in various areas of the county. He briefly talked about information he had reviewed from the State regarding unfunded mandates, roads, etc.

Mr. Hudson asked about the Town Hall Meeting in Lamar. Planning Director Doug Reimold indicated that a Town Hall meeting was held in Lamar last Thursday. No citizens attended the meeting. A representative for U.S. Senator Tim Scott was the only person present.

Mr. Hudson asked whether the Town Hall meeting could be rescheduled for Lamar since he was out of town last week. He talked about how money could be saved by purchasing prescriptions online using the NACo Prescription Discount Card. Mr. Hudson announced that Mr. Craig Lacross would be resigning from the Ambulance Commission to serve on the County Transportation Committee (CTC). At the next Council meeting, he will appoint Ms. Anne Weaver to replace Mr. Lacross on the Ambulance Commission.

Mr. Douglas indicated that he wanted to talk with Roads and Bridges Director Bobby Richardson after the meeting.

Mrs. Johnson wanted to know why Council members did not want to have planning meetings. She commended the Darlington Town Hall meeting, the Lamar Egg Scramble Jamboree, and the Total Package celebrating Darlington High School Falcons Basketball Team.

Mr. Kilgo pointed out on page 17 of the audit report (*Statement of Revenues, Expenditures, Changes In Fund Balance*) that \$12,718,480 were collected in taxes in the General Fund last fiscal year, of which Judiciary and Law Enforcement used \$11,183,969.

Vote For Executive Session - Discussion Of Proposed Security Measures At Darlington County Detention Center

MOTION was made by Mr. Flowers and seconded by Mrs. Johnson to vote for executive session for the discussion of proposed security measures at Darlington County Detention Center.

The motion carried unanimously.

Executive Session - Discussion Of Proposed Security Measures At Darlington County Detention Center

MOTION was made by Mr. Flowers and seconded by Mr. Hudson for Council, the County Attorney, the County Administrator, Corrections Director Mitch Stanley, Sheriff Wayne Byrd, and South Carolina Association of Counties Risk Manager Robert Benfield to go into executive session for the discussion of proposed security measures at Darlington County Detention Center.

The motion carried unanimously.

Council recessed at 7:23 p.m. prior to going into executive session and reconvened at 8:16 p.m. Upon reconvening, Chairman Blackwell announced that no action was taken in executive session.

Adjournment

MOTION was made by Mr. Flowers and seconded by Mr. Hudson to adjourn the meeting. There being no further business, the meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Mrs. J. JaNet Bishop, Clerk to Council

Mr. Wesley Blackwell, Chairman
Darlington County Council

Approved at meeting of May 5, 2013.