

REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

March 16, 2015

A regular meeting of the County Council of Darlington County was held March 16, 2015, at 6 p.m., at the Darlington County Courthouse Annex/EMS Building, 1625 Harry Byrd Highway, Darlington, South Carolina.

NOTICE OF MEETING

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

COUNCIL MEMBERS PRESENT

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

ALSO PRESENT

County Administrator Terence Arrington, County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Interim Finance Director Sherman Dibble, Emergency Services Director Charles Stewart, Codes Enforcement Director Randy Evans, Library Director Jimmie Epling, Tax Collector Mae Helen Burch, Economic Development Director Frank Willis, Sheriff Wayne Byrd, Chief Deputy Sheriff James Hudson, Treasurer Belinda Copeland, Roads and Bridges Director Bobby Richardson, Planning Director Doug Reimold, Elections/Voter Registration Director Hoyt Campbell, Corrections Director Mitch Stanley, and others.

REPORTERS PRESENT

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

Call To Order / Invocation And Pledge Of Allegiance

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

Citizens' Comments

Ms. Quinetta Buterbaugh, Hartsville Chamber of Commerce President, provided Council with feedback and concerns from members of Hartsville Chamber of Commerce regarding the proposed countywide business registration fee. The members were concerned about how they would benefit from the proposed business registration fee; that the ordinance does not state that revenue would be directed towards economic

development; who would administer the program; would the benefits outweigh the costs; there was no long term limit on how much the fee would increase; etc.

Ms. Diane Delucia, of Pine Acres Community, complained about the condition of the property at 221 South Mary Street in Hartsville. She talked about there being multiple violations on the property, to include oil being placed on the ground. Ms. Delucia was concerned that the law (Ordinance No. 13-8) was not being enforced.

Mr. Cox indicated that this matter would fall under the County Codes Department as well as the Sheriff's Office.

Mr. Arrington reported that Codes Enforcement Director Randy Evans, Planning Director Doug Reimold, and he had met with Ms. Delucia on today and identified a variety of solutions that he was not ready to discuss. This would take some time.

Personal Appearances

Councilwoman Wilhelmina Johnson announced that she had requested to appear before Council to present her vision/mission but was not listed on the agenda.

Chairman Hudson asked Mrs. Johnson to present her comments during *Requests/Comments by Members of Council*.

Mrs. Johnson continued reading her prepared statements.

Recess

MOTION was made by Mr. Flowers and seconded by Mr. Brock for Council to recess. Council recessed at 6:19 p.m. and reconvened at 6:25 p.m.

Consent Agenda

Included in the Consent Agenda were the following:

<u>ITEMS</u>	<u>ACTION</u>
A. Letter From SC Dept. of Commerce RE: South Darlington Watershed Project	Receive As Information
B. Information Requested RE: Referendum For The South Darlington Watershed Project	Receive As Information
C. County Treasurer's Response To Update Regarding Tax Rollback & SC Code Of Laws, Section 12-39-180 Regarding Tax Levy	Receive As Information

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

The motion carried unanimously.

Mrs. Johnson distributed a copy of the South Darlington Watershed Project agreement.

Approval Of Minutes -Public Hearing & Regular Meeting, March 2, 2015 - **Carry Over Requested (Minutes incomplete)**

MOTION was made by Mr. Kilgo and seconded by Mrs. Johnson to carry over approval of the minutes of March 2, 2015.

The motion carried unanimously.

Ordinances

Ordinance No. 15-01, An Ordinance To Amend The Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article Six (How Development Permits Are Reviewed And Approved), Section 6.1 (Development Exempt From Permit) By Adding A Provision To Guide Subdivision Developments, Deleting Repetitive Language, And Establish The Effective Date Of This Ordinance (Initiated by the Planning Commission & Staff) - **THIRD READING**

Mr. Kilgo pointed out that at Council's meeting on March 2, 2015, he requested that third reading of Ordinance No. 15-01 be carried over to the first meeting in April. This ordinance was inadvertently placed on this agenda.

Ordinance No. 15-03, An Ordinance To Increase The Delinquent Tax Fees For Real Estate And Mobile Homes, To Amend Darlington County Code Of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 7. (Fees) To Add A Section For Delinquent Tax Fees, And Establish The Effective Date Of This Ordinance, **AS AMENDED (Initiated by the Staff) - THIRD READING**

MOTION was made by Mr. Brock and seconded by Mr. Kilgo to approve third reading of Ordinance No. 15-03.

The motion carried unanimously.

Ordinance No. 15-04, An Ordinance To Amend Ordinance No. 14-02, FY14/15 General Fund Budget, To Transfer The Roads and Bridges Department And The Road Maintenance Fees To A Newly Established Fund For Roads And Bridges, And Establish The Effective Date Of This Ordinance, **AS AMENDED (Initiated by the Staff) - THIRD READING**

MOTION was made by Mr. Douglas and seconded by Mr. Kilgo to approve third reading of Ordinance No. 15-04.

Mrs. Johnson question whether road maintenance would be moved from the Roads and Bridges Department.

Mr. Arrington explained that the proposed ordinance was for accounting purposes.

The motion carried unanimously.

Ordinance No. 15-05, An Ordinance To Create A New Road Maintenance Fund For The Roads And Bridges Department And Establish The Effective Date Of This Ordinance (Initiated by the Staff) - **SECOND READING**

MOTION was made by Mr. Kilgo and seconded by Ms. Nicholson to approve second reading of Ordinance No. 15-05.

The motion carried unanimously.

Ordinance No. 15-06, An Ordinance To Amend The Darlington County Code Of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 7 (Fees), Section 2-401 (Road Maintenance Fee Required; Vehicle Owners) To Increase The Road Maintenance Fee And To Establish The Effective Date Of This Ordinance (Initiated by the Staff) - **SECOND READING**

MOTION was made by Mr. Kilgo and seconded by Mr. Douglas to approve second reading of Ordinance No. 15-06.

Mr. Kilgo wanted to know how much revenue from the road maintenance fee was being used inside the municipalities.

Mr. Flowers stated that he was not in favor of increasing the road maintenance fee. He wanted to look at reducing expenditures before collecting more tax dollars.

Mr. Brock requested that Mr. Arrington and Mr. Richardson find out what could be done to reduce cost. He stated that he could not support increasing the road maintenance fee.

Mrs. Johnson suggested that Council change the ordinance so that the county could maintain rural dirt roads.

Mr. Flowers clarified that he was not opposed to spending money on county roads. However, the state wants the county to accept more roads and a bigger share of road maintenance and give the county less money to operate. He also stated that if the state would give the county the amount of money it once gave for road maintenance, the county would not be looking at increasing the fees.

Mr. Douglas asked whether the increase in gas taxes would help the county.

Chairman Hudson called for the vote. Ms. Nicholson voted in favor of the motion. Opposing were Mr. Brock, Mr. Hudson, Mr. Douglas, Mrs. Johnson, Mr. Flowers, Mr. Kilgo, and Mr. Coker.

The motion failed.

Ordinance No. 15-07, An Ordinance To Create A Debt Service Fund For Darlington County And To Establish The Effective Date Of This Ordinance (Initiated by the Staff) - **SECOND READING**

MOTION was made by Mr. Flowers and seconded by Mr. Kilgo to approve second reading of Ordinance No. 15-07.

Mr. Arrington explained that with the proposed ordinance, all debt would be placed in a separate fund. This was an accounting change.

The motion carried unanimously.

Ordinance No. 15-08, An Ordinance To Transfer Debt Service Activities From Various Accounts To The Newly Created Debt Service Fund For Reporting Purposes (Initiated by the Staff) - **SECOND READING**

MOTION was made by Mr. Flowers and seconded by Mr. Kilgo to approve second reading of Ordinance No. 15-08.

The motion carried unanimously.

Ordinance No. 15-09, An Ordinance To Amend Darlington County Code Of Ordinances, Chapter 2 (Administration), Article V. (Finance), Section 2-312 (Line Item Transfers) To Allow The County Administrator To Approve Interfund Transfers Up To Five Thousand Dollars

(Excluding Personnel Line Items) Between Departmental Activities And Establish The Effective Date Of This Ordinance - **FIRST READING**

The title of Ordinance No. 15-09 was read for first reading.

Ordinance No. 15-10, An Ordinance Establishing A Countywide Business Registration Fee On All Businesses In Darlington County - **FIRST READING**

The title of Ordinance No. 15-10 was read for first reading.

Resolutions

There were no resolutions.

Committee Reports

There were no committee reports.

Other Items

Appointments To Board/Commissions - Alcohol & Drug Citizen Advisory Committee (Coker), Ambulance Commission (Nicholson), Construction Board of Adjustment & Appeals (Johnson, Flowers), Airport Commission (Flowers), Library Board (Flowers), Parks & Recreation Commission (Flowers)

The appointments were carried over.

Request To Change The Name Of Darlington County Economic Development Office To Darlington County Community And Economic Development Office

MOTION was made by Mr. Kilgo and seconded by Ms. Nicholson to approve the request to change the name of the Darlington County Economic Development Office to Darlington County Community and Economic Development Office.

Mr. Arrington explained that this request would create a community development function and include it with economic development. Since the county does not have a dedicated Grant Administrator or someone responsible for writing grants on behalf of the county, this would combine these functions to pursue grant opportunities.

The motion carried. Mr. Flowers had left Council Chambers.

Administrative Update

Mr. Bobby Richardson, Roads & Bridges Director - Update On The Undeveloped County Right-Of-Way Connecting Winding Ridge Road & Hillsdale Drive In Northwood Subdivision

Mr. Richardson reported that the undeveloped county right-of-way was intended to connect Winding Ridge Road and Hillsdale Drive. On September 2, 2014, County Attorney Cox recommended that the county erect a chain link fence across the right-of-way after consulting with Duke Energy. On March 5, 2015, Mr. Richardson said he sent the county crew to the location to install the fence when the crew was confronted by a citizen and the work stopped. He indicated that the residents in Northwood Subdivision do not want the traffic and the residents along Winding Ridge Road want to use the undeveloped right-of-way.

It was Attorney Cox's opinion that Council approved erecting the fence.

Mr. Arrington explained that the staff was requesting Council's full support to erect the fence.

Mr. Flowers stated that the county would be liable if something happened since the county had not properly maintained the right-of-way. He suggested reverting the right-of-way back to the adjacent landowners.

Mr. Arrington stated that the staff would erect the fence. However, Council may receive complaints from some of the residents. Therefore, he wanted to make sure that Council was in full support of the staff erecting the fence.

MOTION was made by Mr. Kilgo and seconded by Mrs. Johnson for the staff to continue with the work (erecting the fence).

The motion carried unanimously.

Mr. Bobby Richardson, Roads & Bridges Director - Update On Tree/Brush Removal Along Indian River Drive Off Mclver Road

Mr. Richardson stated that on March 2, 2015, Ms. Shauna Curry, of 613 Indian River Road, appeared before Council and requested that trees be removed along Indian River Road. He met with Ms. Debra DuBose Jet, of 612 Indian River Road, and informed her that it was not the county's practice to remove healthy trees unless they were causing some type of obstruction that could not be handled any other way. He also mentioned that the Roads and Bridges Department was not qualified and did not have the equipment to remove trees. However, the Roads and Bridges Department trimmed the underbrush which corrected the visibility problem. Before and after pictures were included in Council's agenda package.

Requests / Comments – Members Of Council

Ms. Nicholson pointed out that she was the only Council member to vote in favor of increasing the Road Maintenance Fee. She talked about the county having to fund the maintenance of county roads.

Mr. Douglas stated that he was not in favor of increasing the Road Maintenance Fee because the county was not maintaining some of the roads in rural areas.

Mr. Brock asked Arrington to review the Ambulance Franchise Fee and determine whether the county needs to continue with it and its impact.

Mr. Johnson said Council members were asked to have a vision ready for the County Administrator. Her vision was completed on February 15, 2015.

Mrs. Johnson talked about the City of Darlington owning Patience Street and planning to do work on it. She requested that greenboxes be placed in this area/community for the Great American Clean Up in April. She also requested that the staff clean the ditch at Pecan Grove.

Mr. Flowers thanked the Clerk for the information he requested regarding the referendum for the South Darlington Watershed Project.

Mrs. Johnson added that she obtained information regarding the South Darlington Watershed Project Referendum from the Elections/Voter Registration Office and would provide the County Administrator with a copy.

Mr. Kilgo stated that Ordinance No. 15-10 would need to be amended at the appropriate time so that the business registration fee would only apply to businesses outside the municipalities as was provided in the original ordinance. He said this would resolve the issues with the Chambers of Commerce.

Chairman Hudson commended the work of Mr. Arrington.

Vote For Executive Session

There was not a vote for executive session.

Adjournment

MOTION was made by Mr. Kilgo and seconded by Mrs. Johnson to adjourn the meeting. There being no further discussion, the meeting was adjourned at 7:12 p.m.

Respectfully submitted,

J. JaNet Bishop
Clerk to Council

Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of April 6, 2015.