

PUBLIC HEARING & REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

May 18, 2015

A public hearing and regular meeting of the County Council of Darlington County was held this 18th day of May 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 and the Darlington County Courthouse Annex/EMS Building.

A Notice of Public Hearing for the extension of lease to U.S. Department of Agriculture for office space for Darlington County USDA Service Center Offices was published in the Hartsville Messenger and News and Press on April 22, 2015.

COUNCIL MEMBERS PRESENT

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

COUNCIL MEMBERS ABSENT

Mr. David Coker and Mr. Robert L. Kilgo, Jr.

ALSO PRESENT

County Administrator Terence Arrington, Acting County Attorney Chris Scott, Clerk to Council J. JaNet Bishop, Planning Director Doug Reimold, Codes Enforcement Director Randy Evans, Fire Chief Kenny Stratton, Emergency Services Director Charles Stewart, Airport Manager Barry Kennett, Elections/Voter Registration Director Hoyt Campbell, Human Resource Director Ginger Winburn, Special Programs Coordinator Mac McDonald, Library Director Jimmie Epling, Economic Development Director Frank Willis, Interim Finance Director Sherman Dibble, Sheriff J. Wayne Byrd, Corrections Director Mitch Stanley, Prison Farm Director Jonathan McFadden, Roads and Bridges Director Bobby Richardson, Haynsworth, Sinkler & Boyd Attorneys Ben Zeigler and Will Johnson, Hartsville Community Center Building Commission Manager Kim Cranford, Pope Zeigler Attorney Lawrence Flynn, and others.

REPORTERS PRESENT

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

PUBLIC HEARING

Extension of lease to U.S. Department of Agriculture for office space for Darlington County USDA Service Center Offices. The Lease Amendment, commencing on July 1, 2015 and ending on December 31, 2018, will consist of 3,139.75 square foot of office space for Darlington County Farm Service Agency (FSA) Office and 1,037.67 square feet of office space for Darlington County Natural Resources and Conservation Service (NRCS) Office located in the Mozingo Building, 300 Russell Street, Darlington, South Carolina.

Chairman Hudson declared the public hearing open at 6:04 p.m. to receive comments on the extension of lease with U.S. Department of Agriculture.

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 at 6:05 p.m. Mr. Douglas presented the invocation and Mr. Brock led the Pledge of Allegiance.

CITIZENS' COMMENTS

Mr. Lee Graham asked whether the CTC (County Transportation Committee) has a road paving list and whether Pine Haven Road in Timberchase Subdivision was on this list.

Chairman Hudson indicated that this matter involved the CTC (County Transportation Committee).

Personal Appearances - Mr. Kim Cranford, Hartsville Community Center Building Commission Manager, & Attorney Lawrence Flynn - Ordinance No. 15-13 Authorizing Hartsville Community Center Building Commission To Issue Not Exceeding \$2 Million General Obligation Bonds

Mr. Kim Cranford, Hartsville Community Center Building Commission Manager, explained that he was seeking bonds for major repairs to the Center Theater that was built in 1937. Repairs are needed to bring the building into compliance with various codes. He talked about the various events held at the theater, the attendance, and the economic impact the activities have on the community.

Attorney Lawrence Flynn explained that Mr. Cranford was requesting County Council to move forward with the bond issue because the Hartsville Community Center Building Commission was a standalone local government (special purpose district similar to the school district) with taxing powers and the ability to provide recreation services. This Commission has the same powers as the county to borrow money by General Obligation Bonds; except that the Commission has to request the county governing body's approval to issue debt. Mr. Flynn pointed out that this would not be a debt of Darlington County, and the taxes would not be countywide, but only within the Hartsville Community Center Building Center Commission district. This was an administrative process to allow the Commission to move forward with borrowing funds to repair the Center Theater.

Chairman Hudson indicated that Mr. Coker, who was not present at the meeting, wanted to see a map of the Commission's taxing district.

Attorney Flynn indicated that he had the assessed value for the district and would obtain a map. The boundaries are located within the city limits of Hartsville and a donut shape around the city.

Ms. Nicholson wanted to know the cost of the renovations, which Mr. Cranford presented.

Mr. Cranford stated that he tried to obtain grant funds to replace the sound system, which he received about one-half of the funds from Accommodations Tax grant. He also stated that members of Darlington County's legislative delegation were aware of the Commission's efforts to obtain a bond and funds were placed in the state's budget that has not been approved. If the funds are approved, these would be funds that the Commission would not have to borrow.

Mr. Flynn indicated that the purposes placed in the bond ordinance were specific to the Center Theater. The Commission would know whether the funds are approved in the State's budget prior to going into the market for the bond. He also stated that there would be a public hearing regarding this matter and other statutory waiting periods, which would extend to early August.

Consent Agenda

Included in the Consent Agenda were the following:

<u>ITEMS</u>	<u>ACTION</u>
A. Memo Regarding Ambulance Franchise Information	Receive As Information
B. Marlboro/Darlington County Beaver Program Report, April 2015	Receive As Information
C. Jetport Commission Minutes, February 19, 2015 & March 19, 2015	Receive As Information
D. Historical Commission Minutes, April 2015	Receive As Information
E. Memo Regarding Revised Rental Fees For Certain County Facilities	Receive As Information
F. Memo Regarding South Hartsville Drainage	Receive As Information

G. Building Permit Types Report, April 2015

Receive As
Information

H. Memo Regarding Cost To Repave Timberchase Drive And
Pine Haven Road in Timberchase Subdivision

Receive As
Information

MOTION was made by Ms. Nicholson and seconded by Mr. Brock to receive the Consent Agenda items as information.

The motion carried unanimously.

Approval Of Minutes - Public Hearing & Regular Meeting Of May 4, 2015 – **CARRY OVER REQUESTED**

MOTION was made by Mrs. Johnson and seconded by Mr. Brock to carry over approval of the minutes of May 4, 2015.

The motion carried unanimously.

Ordinances

Ordinance No. 15-12, Ordinance Authorizing (1) The Execution And Delivery Of A Fee Agreement By And Among Darlington County, South Carolina, Sonoco Products Company, Sonoco Flexible Packaging Co., Inc., Sonoco Protective Solutions, Inc., Sonoco Plastics, Inc., And Sonoco Recycling, LLC, Providing For The Payment Of A Fee In Lieu Of Taxes And Certain Special Source Revenue Credits, (2) The Execution And Delivery Of An Infrastructure Credit Agreement By And Among The Aforementioned Parties And The City Of Hartsville, South Carolina Providing For Certain Special Source Revenue Credits, (3) The Inclusion Of Certain Property In A Multi-County Industrial Park, (4) The Extension Of The Term Of A Multi-County Industrial Park, And (5) Other Matters Related Thereto, **AS AMENDED - SECOND READING (Initiated by the Staff)**

MOTION was made by Mr. Flowers and seconded by Mr. Douglas to approve second reading of Ordinance No. 15-12.

Ms. Nicholson wanted to know the amount of revenue generated in FY13/14 from Sonoco's Fee-In-Lieu-Of-Tax arrangement.

The motion carried unanimously.

Ordinance No. 15-13, Authorizing The Hartsville Community Center Building Commission To Issue Not Exceeding \$2,000,000 General Obligation Bonds, In One Or More Series; Providing For The Publication Of Notice Of The Said Findings And Authorization; And Generally Approving Other Matters Relating Thereto - **SECOND READING (Initiated by Hartsville Community Center Building Commission)**

MOTION was made by Mrs. Johnson and seconded by Mr. Douglas to approve second reading of Ordinance No. 15-13.

Chairman Hudson commented that Mr. Coker was not present at the meeting, but had indicated to him that he wanted to table or carry over second reading of this Ordinance until the next meeting because he needed more information and the tax map of the special purpose district.

Mr. Brock also requested a copy of the map of the special purpose district.
Mr. Douglas withdrew his second to the motion.

MOTION was made by Mr. Flowers and seconded by Mr. Brock to carry over second reading of Ordinance No. 15-13.

The motion carried with Mrs. Johnson opposing.

Ordinance No. 15-14, An Ordinance To Amend Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article 6. (How Development Permits Are Reviewed And Approved), Section 6.3. (Conditions For Subdivision Or Development Plan Approval) To Add Language To Clarify Requirements And Add/Modify Fees For Plan Review And Development Applications In The Unincorporated Areas Of Darlington County, And Establish The Effective Date Of This Ordinance - **SECOND READING** (Initiated by the Planning Commission & Staff)

MOTION was made by Mr. Hudson and seconded by Mrs. Johnson to approve second reading of Ordinance No. 15-14.

The motion carried unanimously.

Ordinance No. 15-15, An Ordinance To Amend The Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article Two (Activities Governed By The Ordinance), To Add A Provision To Guide Plat Approval And Recordation And Plat Or Plan Submission Appeal, To Delete Unnecessary Language, And To Establish The Effective Date Of This Ordinance - **SECOND READING** (Initiated by the Planning Commission & Staff)

MOTION was made by Mr. Brock and seconded by Mrs. Johnson to approve second reading of Ordinance No. 15-15.

The motion carried unanimously.

Ordinance No. 15-16, An Ordinance To Amend The Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), To Add Article 19 (Renewable Energy Systems) And Establish The Effective Date Of This Ordinance - **SECOND READING** (Initiated by the Planning Commission & Staff)

MOTION was made by Mr. Douglas and seconded by Ms. Nicholson to approve second reading of Ordinance No. 15-16.

The motion carried unanimously.

Ordinance No. 15-17, To Provide For The Issuance And Sale Of Not Exceeding Two Million One Hundred Thousand Dollar (\$2,100,000) General Obligation Bond Of Darlington County, South Carolina (Darlington County Fire Protection District), To Prescribe The Purposes For Which The Proceeds Shall Be Expended, To Provide For The Payment Thereof, And Other Matters Relating Thereto - **SECOND READING** (Initiated by the Staff)

MOTION was made by Mr. Brock and seconded by Mrs. Johnson to approve second reading of Ordinance No. 15-17.

The motion carried unanimously.

Ordinance No. 15-18, An Ordinance Authorizing Darlington County Board Of Elections And Registration To Conduct The Town Of Lamar Municipal Elections - **FIRST READING** (Initiated by the Staff & Town of Lamar)

Ordinance No. 15-18 was read for First Reading.

Ordinance No. 15-19, An Ordinance To Amend Ordinance No. 14-04, FY14/15 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 - **FIRST READING** (Initiated by the Staff)

Ordinance No. 15-19 was read for First Reading.

Resolutions

Resolution No. 653, Resolution Consenting To An Extension Of The Term Of A Fee In Lieu Of Tax Agreement Between Darlington County, South Carolina And Sonoco Products Company Dated December 1, 2007 And Other Matters Related Thereto

MOTION was made by Mr. Flowers and seconded by Mrs. Johnson to approve Resolution No. 653.

The motion carried unanimously.

Resolution No. 654, Inducement Resolution Providing For A Fee In Lieu Of Tax Agreement By And Among Darlington County, South Carolina, Sonoco Products Company, Sonoco Flexible Packaging Co., Inc., Sonoco Protective Solutions, Inc., Sonoco Plastics, Inc., And Sonoco Recycling, LLC

MOTION was made by Mr. Flowers and seconded by Mr. Douglas to approve Resolution No. 654.

The motion carried unanimously.

Committee Reports

There were no committee reports.

Other Items

Appointments To Board/Commissions (Airport Commission – Flowers; Ambulance Commission – Nicholson; Construction Board of Adjustment & Appeals – Flowers; Library Board – Flowers; Parks & Recreation Commission – Flowers)

Ms. Nicholson and Mr. Flowers carried over their appointments to the above listed Boards/Commissions.

Extension Of Lease To U.S. Department Of Agriculture For Office Space For Darlington County Farm Service Agency (FSA) and Darlington County Natural Resources & Conservation Services (NRCS) At The Mozingo Building, 300 Russell Street, Darlington

MOTION was made by Mrs. Johnson and seconded by Mr. Flowers to approve the lease with U.S. Department of Agriculture for office space for Darlington County Service Agency and Darlington County Natural Resources and Conservation Services.

Mr. Arrington explained that he had talked with USDA regarding a potential increase in the lease amount so that the county could earn more revenue for potential improvements, etc. USDA did not object and was very cooperative. However, they recommended that the county consider additional improvements to the facility if there is a future long-term lease for it.

The motion carried unanimously.

Budget Transfer Request For Medical Supplies, EMS

MOTION was made by Mr. Brock and seconded by Ms. Nicholson to approve the budget transfer request for medical supplies for EMS.

The motion carried unanimously.

The EMS Director was requesting to transfer \$12,000 to Medical Supplies (1-44-42914-61500) from Fuel-Veh & Equip (1-44-42914-62100) to meet the needs for medical supplies to complete the fiscal year.

Budget Transfer Request For Overtime, 911 Central Communications Center

MOTION was made by Mr. Douglas and seconded by Mr. Brock to approve the budget transfer request for overtime for Central Communications.

Mrs. Johnson questioned the salary savings since the E911 Director position had not been filled.

Emergency Medical Services Director Charles Stewart explained that at the beginning of the current fiscal year, the Communications Center was down by four positions that were held down by the previous Administrator who had a proposed plan to use officers from the Sheriff's Department and the municipalities to fill the positions and reduce the cost. However, this plan was never implemented. He also pointed out that the funds for the Director's position was being used to pay the interim person, which has nothing to do with the need for overtime.

The motion carried unanimously.

The EMS Director was requesting to transfer \$17,000 to 911 Center Overtime (1-49-42970-13000) from the following line items: \$11,500 from 911 Center Part Time Salaries (1-49-42970-11200); and \$5,500 from 911 Center Full Time Salaries (1-49-42970-11100) for overtime to meet the department's minimum staffing needs.

Budget Transfer Request For Overtime, EMS

MOTION was made by Mr. Flowers and seconded by Mr. Brock to approve the budget transfer request for overtime for EMS.

The motion carried unanimously.

The EMS Director was requesting to transfer \$70,500 to EMS Operations Overtime (1-44-42914-13000) from the following line items: \$31,000 from EMS Billing Reg. FT Salaries (1-44-42910-11100); \$34,500 from EMS Operations Reg. FT (1-44-42914-11100); and \$5,000 from EMS Operations Reg. PT (1-44-42914-11200) for overtime to meet the department's minimum staffing needs.

Authorization For The Council Chairman To Sign The Annual Agreements For The Static Display Aircraft (T-33) At The County Airport

MOTION was made by Mr. Flowers and second by Mr. Douglas to approve the authorization for the Council Chairman to sign the annual agreements for the static display aircraft (T-33) at the airport.

The motion carried unanimously.

Schedule For Budget Meetings - Tuesday, June 9th at 10 a.m. – Budget Worksession; Thursday, June 11th at 10 a.m. – Budget Worksession; and Monday, June 22nd at ~~10 a.m.~~ 6 p.m. - Public Hearing & Third Reading Of Budget

MOTION was made by Mr. Flowers and seconded by Ms. Nicholson to approve the schedule for budget meetings.

Mr. Flowers requested that the third reading of the budget scheduled for June 22nd begin at the regular meeting time of 6 p.m. instead of 10 a.m. to give citizens the opportunity to attend the meeting.

MOTION was made by Mr. Flowers and seconded by Mr. Brock to amend the motion to change the time for the June 22nd meeting from 10 a.m. to 6 p.m.

Mr. Arrington pointed out that Council will receive the budget ordinance and other budget information at First Reading of the budget scheduled for June 1, 2015.

The motion carried unanimously.

Chairman Hudson called for the vote on the motion, as amended.

The motion carried unanimously.

Request To Change County Council's Meeting Schedule Back To Once Per Month (The First Monday Of Each Month) Effective July 1, 2015

MOTION by Ms. Nicholson and second by Mr. Douglas to approve the request to change County Council's meeting schedule back to once per month (the first Monday of each month) effective July 1, 2015.

The motion carried with Mrs. Johnson and Mr. Brock opposing.

Purchase Of Firefighters' Protective Clothing

MOTION was made by Mr. Flowers and seconded by Mr. Brock to approve the sole source purchase of firefighter protective clothing from Newton's Fire and Safety.

The motion carried unanimously.

Administrative Update

Mr. Arrington provided Council members with their county email accounts and reminded Council of the Solar Energy Webinar scheduled for May 21st from 9 a.m. to 12:30 p.m. at Darlington Library.

Mr. Arrington provided Council with information and talked about his concerns regarding the administrative duties of the County Administrator. He was concerned about discussions that circulated back to him in reference to directive given to staff members. He said County Council members have the ability to talk with staff about anything Council feels may be appropriate. However, it makes it challenging for the County Administrator when the staff is given directives or placed in a position where they have to make a decision in which he may not agree with. He stated that it has been recommended that all Council members contact the County Administrator with questions or concerns in order to not place staff in a position where they feel that they need to act. In reference to working together as a cohesive unit (Administrator and Council), Mr. Arrington recommended that Council member collaborate with him since he serves at Council's pleasure. He recommended this as opposed to hearing about Council's concerns on the streets.

Mr. Arrington provided Council member with information that had been presented and discussed in previous Council meetings and while Mr. Tommy Edwards served as Interim County Administrator. He reiterated the importance of County Council and the County Administrator working collaboratively concerning the business and the departments of the county. The documents he distributed included a section from the County Code of Ordinances regarding the duties and responsibilities of the County Administrator, as well as County Council; information presented by Ms. Anna Berger, of South Carolina Association of Counties, regarding legislative powers of Council, the executive responsibility of the County Administrator, Council's job description, and the policy role of County Council. He will provide the information to the Council members who were absent.

Mr. Arrington stated that his goal was not to misuse or abuse county taxpayer revenue. His goal is to do his job and manage the finances of Darlington County to the best of his ability. Mr. Arrington asked Council to keep an open mind during the budget process and understand that the county has challenges. He may not find funds to accomplish every project, but it is important that County Council and the County Administrator work together. Mr. Arrington wanted Council to understand that he was on their side and was not in the position to gain or lose anything. He was going to go by the Codes. Mr. Arrington welcomed any additional conversations.

Ms. Nicholson asked whether the protocol for executive session was included in the information distributed.

Mr. Arrington confirmed that the information regarding executive session was mailed to each Council member.

Mrs. Johnson commented about the need for a plan of action and that the budget should be made up of what the eight County Council members want. She wanted the record to show that this was not being done according to the rules and regulations.

Requests / Comments – Members Of Council

Mr. Flowers commented on the information provided by Planning Director Doug Reimold and Roads and Bridges Director Bobby Richardson regarding the drainage problem in the area south of Hartsville. He wanted to know what one thing would help this drainage problem.

It was Mr. Richardson's opinion that it would be most effective to remove the twenty-four inch drainage pipe along Blanding Drive from south of Primus Park Road to Highway 151 and have an engineer size the pipe that needs to be installed.

MOTION was made by Mr. Flowers and seconded by Ms. Nicholson to grant Mr. Richardson and Mr. Arrington the authority to pursue conversation with South Carolina Department of Transportation regarding Mr. Richardson's suggestion.

The motion carried unanimously.

Mrs. Johnson expressed her disagreement with Council selecting one road to work on when there were problem roads throughout the county. She hopes the FY15/16 budget will show something being done to all the dirt roads in the county and funds for Pee Dee Regional Transportation Authority (PDRTA). Mrs. Johnson requested work on Jewels Wood Drive and Limit Street. She talked about SCDOT not cleaning the roads/cutting the grass.

Mr. Brock mentioned that that there would be in influx of people in Pine Ridge area to work at Duke Energy for the next thirty days. He explained that there is a sign posted at the solid waste collection centers stating that individuals using the centers can be required to show identification as proof of residency to dispose of garbage. Therefore, there could be a problem for these out-of-state individuals to dispose of their garbage.

MOTION was made by Mr. Flowers and seconded by Mr. Brock for the county to accept, for the purpose of residency, Duke Energy work identification at the solid waste Collection Center through July 1st.

The motion carried unanimously.

Mr. Douglas asked what happened to Black Creek Boat Landing and the funds for the solid waste collection site in Mont Clare/Mechanicsville area. He said funds had been approved for the new solid waste collection site.

Mr. Arrington talked about Council members not communicating with him about things that Council had committed to prior to his tenure. Without knowing about these things, he questioned how Council could expect him to place them in the budget. He reiterated the importance for Council members to meet with him to discuss these items.

Mr. Douglas stated that the boat landing and the new solid waste site were approved at least three years ago.

Mr. Arrington talked about the proposed budget being almost complete. He pointed out that he would add the items, but something else would have to be removed or funds from Fund Balance would have to be used. Mr. Arrington also talked about Council planning how to address issues each year, because Council could not solve all of the county's problems in one budget. Council would have to establish, at least, a five-year plan for the various projects. Mr. Arrington talked about and pointed out that Council must prioritize projects and create

a plan to address the various issues facing the county and the various departments. Everything could not be resolved in one fiscal year.

Vote For Executive Session - Discussion Of Personnel Matters Regarding The Prison Farm

MOTION was made by Mr. Flowers and seconded by Mrs. Johnson to vote for executive session for the discussion for personnel matters regarding the Prison Farm.

The motion carried unanimously.

MOTION was made by Mr. Flowers and seconded by Mrs. Johnson for Council members, the County Administrator, Acting County Attorney Chris Scott, Interim Finance Director Sherman Dibble, Prison Farm Director Jonathan McFadden, EMS Director Charles Stewart, and Palmer Pre-Release Representative Jerry Haynes to go into executive session for discussion of personnel matters regarding the Prison Farm.

The motion carried unanimously.

Council and the individuals named went into executive session at 7:14 p.m. and reconvened at 7:52 p.m. Upon reconvening, Chairman Hudson announced that no action was taken in executive session.

Vote For Executive Session - Discussion Of Personnel Matters Regarding The Sheriff's Department

MOTION was made by Mr. Flowers and seconded by Johnson to vote for executive session for discussion regarding the Sheriff's Department.

The motion carried unanimously.

MOTION was made by Mr. Flowers and seconded by Mrs. Johnson for Council, the County Administrator, Acting County Attorney Chris Scott, and Sheriff Byrd to go into executive session for the discussion of personnel matters regarding the Sheriff's Department.

The motion carried unanimously.

MOTION was made by Mr. Flowers and seconded by Mr. Brock to amend the motion to also include Human Resource Director Ginger Winburn and Interim Finance Director Sherman Dibble in the executive session for discussion of personnel matters regarding the Sheriff's Department.

The motion carried unanimously.

Council and the individuals named above went into executive session at 7:54 p.m. and reconvened at 8:29 p.m. Upon reconvening, Chairman Hudson announced that no action was taken in executive session.

Vote For Executive Session -Discussion Of Personnel Matters

MOTION was made by Ms. Nicholson and seconded by Mrs. Johnson to vote for executive session for the discussion of personnel matters.

The motion carried unanimously.

MOTION was made by Ms. Nicolson and seconded by Mr. Brock for Council, the County Administrator, and Action County Attorney Chris Scott to go into executive session for the discussion of personnel matters.

The motion carried unanimously.

Council and the individuals named went into executive session at 8:31 p.m. and reconvened at 8:54 p.m. Upon reconvening, Chairman Hudson announced that no action was taken in executive session.

Adjournment

MOTION was made by Mr. Flowers and seconded by Mr. Douglas to adjourn the meeting. There being no further comments, the meeting was adjourned at 8:54 p.m.

Respectfully submitted,

J. JaNet Bishop
Clerk to Council

Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of June 1, 2015.