

PUBLIC HEARING AND REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

October 3, 2016

A public hearing and regular meeting of the County Council of Darlington County was held this 3rd day of October 2016, 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 county's website, on the bulletin board in the lobby of the courthouse, and at the entrance of the Courthouse Annex/EMS Building.

NOTICE OF PUBLIC HEARING

A Notice of Public Hearing for the proposed lease of certain space in Society Hill Neighborhood Center, 223 Hall Street, Society Hill, to Crystal Jackson, doing business as I Am Visible, LLC, was published in the News and Press and the Hartsville Messenger on September 14, 2016.

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 Nicholson, and Mr. Robert L. Kilgo, Jr.

ALSO PRESENT

Interim County Administrator Marion Charles Stewart, III, County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Development Services Director Terri Cribb, Emergency Management Director Mac McDonald, Emergency Services Director Michelle Moore, Human Resources Manager Ginger Winburn, Tax Assessor Kyle Johnson, Finance Director Sherman Dibble, Procurement Analyst Portia Davis, Environmental Services Director Renee Howle, Library Director Jimmie Epling, Roads and Bridges Director Bobby Richardson, Chief Deputy Sheriff James Hudson, Sheriff Wayne Byrd, Recreation Director Lee Andrews, Greater Darlington Chamber of Commerce Executive Director Norm Steadman, Greater Hartsville Chamber of Commerce Executive Director Quinetta Buterbaugh, Sheriff Elect Tony Chavis, Council Member Elect Joyce Thomas, Pee Dee Coalition Against Domestic Assault Executive Director Ellen Hamilton, and others.

REPORTERS PRESENT

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

PUBLIC HEARING

Proposed Lease Of Certain Space In Society Hill Neighborhood Center, 223 Hall Street, Society Hill, SC, To Crystal Jackson, dba I Am Visible, LLC, A Tutoring And Academic Enrichment After-School Program

Chairman Hudson declared the public hearing open at 6 p.m. to receive public comments on the proposed lease with Crystal Jackson.

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 6:01 p.m. Mr. Douglas presented the invocation and Mr. Flowers led Pledge of Allegiance.

Citizens' Comments

Ms. Ellen Hamilton, Pee Dee Coalition Against Domestic Assault Executive Director, appeared on behalf of Ms. Pamela Prince who is the Coalition's Coordinator for Darlington County. Ms. Hamilton provided a handout containing information regarding the Coalitions' services and programs. She briefly talked about their upcoming events and new federal funds. These funds will be used to hire a Victim's Advocate who will be housed in Hartsville and a Counselor who will be shared with Chesterfield. The Coalition will be looking for "free space" in Hartsville to house the Victim's Advocate.

Ms. Quinetta Buterbaugh, Greater Hartsville Chamber of Commerce Executive Director, was present with members of Leadership Hartsville. The members introduced themselves and the company they represent.

Mr. Nolen Jay Johnson, a resident of Bethlehem Road in the Byrdtown Community, expressed opposition to the proposed 100+ acre solar panel farm that would be located near his home. He did not know about the farm until a few weeks prior to the company obtaining its permit.

Ms. Stephanie Howle, daughter of Mr. Phillip Byrd of Byrdtown Community, expressed opposition to solar panel farms. She was concerned about fires occurring on the farm and the need for facts regarding such farms.

Ms. Laura McPhail, of New Hopewell Community, conveyed concerns regarding the effects of the solar farms. She talked about mercury, arsenic, and selenium contaminating the soil and well water and the noise (hum) that will be heard. Ms. McPhail also expressed opposition about the solar panel farm being in the center of a community.

~ Mr. Kilgo arrived at 6:15 p.m. ~

Ms. Brandy Griggs, of Mockingbird Street, indicated that the solar farm would be across the street from her home. She presented concerns about the effects of solar panels. Ms. Griggs asked that if the solar farms could not be stopped, they be pushed back.

Ms. Sharon Griggs, of Mockingbird Street, stated that her home would be approximately two feet from the proposed solar farm. She was in favor of green energy sources, but had great concerns about potential health issues caused by solar panels. Ms. Griggs expressed opposition regarding solar panel farms locating in the community and the State.

Mr. Matthew Mercer, of Byrdtown Road, also expressed opposition regarding solar farms. He stated that this was not a solar farm, but a power plant because the panels would make noise and contaminate the area. Mr. Mercer reported that he received a letter because he resides within 500 feet of the 180-acre solar panel farm. However, he received his letter only eight days prior to the company getting approval. He indicated that representatives of the solar panel company do not live in the county and had questionable character because they did not provide a correct map, were not fully funded to do the project, and were trying to get the money to pay bad debt in North Carolina. Mr. Mercer suggested that solar panel farms be placed in industrial areas as opposed to in the middle of neighborhoods.

Mrs. Johnson requested more information and for the US Department of Agriculture in Washington to look into this matter. She also stated that Council needs more information.

Mr. Mercer talked about carcinogens in solar panels.

~ Councilwoman Mozella Nicholson arrived at 6:28 p.m. ~

Mrs. Johnson questioned the power companies' position on solar panels. She emphasized that more information was needed in order to protect the people.

Personal Appearance - Mr. William Griggs, Proposed Solar Panels In Byrdtown Community, Mockingbird Street

Mr. Williams Griggs, of Mockingbird Street in the Byrdtown Community, reported that 100,000 solar panels would be near his home. Therefore, he was concerned about the impact the panels would have on his family's health. He also talked about toxic materials and waste associated with solar panels and pointed out that no samples are taken after the construction of the solar panels to review their effects. Mr. Griggs said the company (Innovative Solar) plans to set up and get out as quickly as possible. He distributed a toxicology report and briefly talked about the toxins inside solar panels. He requested that the county's ordinance be updated; that more testing be conducted; a moratorium on upcoming solar farm applications until people are educated; the establishment of a decommissioning plan; the requirement of a bond; the requirement of a 1,000-foot setback, a 16 foot buffers, and a 500-foot buffer if water is present on the property; trainings for fire

fighters paid by solar farm companies; and notification to property owners when an application is received.

Ms. Nicholson suggested that the residents make their concerns known to legislators and agencies concerned with or governs the installment of solar panels. It was her understanding that solar farms would have a good impact on the economy and that the land was owned by the solar panel company.

Mr. Griggs responded that the landowners were leasing their property for a minimum of 20 years.

Personal Appearance - Mr. Hal Johnson, Solar Farm

Mr. Hal Johnson, of Mockingbird Street, reported that a solar farm/power plant would locate across the street from his home. He presented a petition signed by 700 people opposing the solar farms. Mr. Johnson pointed out that he was notified about the solar farm on August 8th when the application was submitted April 5th. He talked about item missing or incomplete according to the application checklist and reviewed a letter from Innovative Solar requesting approval in order to get investors for the project. Mr. Johnson pointed out that any of the five to eight proposed solar farms permitted would be the largest in South Carolina. Therefore, there needs to be a tougher ordinance. He pointed out that no jobs would be created, except for someone erecting a perimeter fence; that no one's power cost would decrease; that the land was being leased by the solar company for 30 years so they would not be responsible for decommissioning after 30 years; and that the company's decommission plan contained only ten sentences for 185 to 200 acres. He also talked about the cost to decommission solar panels and that the company's sole purpose is to get them up, get investors, and sell them within three to five years.

Personal Appearance - Mr. Mike Worley, Solar Farm

Mr. Mike Worley requested a moratorium on any proposed permit for solar facility since there were a lot of concerns. He talked about the need for a better ordinance, the need for some type of zoning, a possible decrease in property values, and the lack of penalties, proper access to the 238-acre facility, bonds, and a decommissioning plan.

Personal Appearance - Mr. Norm Steadman, Executive Director, Greater Darlington Chamber of Commerce - Freedom Fest

Mr. Steadman indicated that during last month, he presented Council with a detailed report regarding Freedom Fest held in July at Darlington Raceway. Tonight he presented each Council member with a plaque from Greater Darlington Chamber of Commerce in appreciation for the county's financial support of Freedom Fest.

Consent Agenda

Included in the Consent Agenda were the following:

- 6.A. Information From Edgefield County Council Regarding Municipal Annexations & Land Use

6.B. Notice Of Public Meeting Regarding Green Infrastructure Grant (Darlington County Planning Commission)

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

The motion carried unanimously.

Approval Of Minutes - Minutes Of Public Hearing & Regular Meeting Of September 19, 2016

MOTION was made by Mr. Douglas and seconded by Mrs. Johnson to approve the minutes of September 19, 2016.

The motion carried unanimously.

Ordinances

Ordinance No. 16-17, An Ordinance To Amend Ordinance No. 16-14, FY16/17 General Fund Budget, For A Supplemental Appropriation To Provide Funds For The Thirty (30) Percent Fee Associated With The Collection Of Delinquent Taxes And To Establish The Effective Date Of This Ordinance, THIRD READING

MOTION was made by Mr. Kilgo and seconded by Mrs. Johnson to approve third reading of Ordinance No. 16-17.

The motion carried unanimously.

Ordinance No. 16-18, An Ordinance To Amend Darlington County Code Of Ordinance, Chapter 26 (Fire Prevention And Protection), Article II. (Darlington County Fire Prevention District), Division 1 (Generally) And Division 2 (Board Of Fire Control) To Replace The Fee Schedule With Mitigation Rates, To Update Verbiage, And To Establish The Effective Date Of This Ordinance - SECOND READING

Interim County Administrator Charles Stewart reported that there were questions regarding this proposed ordinance and the Fire Chief was not present at the meeting. He requested that the ordinance be carried over.

MOTION was made by Mr. Flowers and seconded by Mr. Brock to carry over second reading of Ordinance No. 16-18.

The motion carried unanimously.

Ordinance No. 16-19, An Ordinance To Amend Darlington County Code Of Ordinance, Appendix A (Development Standards Ordinance), Article Nineteen (Renewable Energy Systems) To Update The Verbiage, To Clarify The Process And Regulations, And To Establish The Effective Date Of This Ordinance - FIRST READING

Chairman Hudson read the title of Ordinance No. 16-19 for first reading. No further action required.

Ordinance No. 16-20, An Ordinance To Amend Ordinance No. 16-14 (Darlington County FY16/17 Budget Ordinance) For A Supplemental Appropriation To Receive And Expend Additional State Aid Funds For Darlington County Library System And Establish The Effective Date Of This Ordinance - FIRST READING

Chairman Hudson read the title of Ordinance No. 16-20 for first reading. No further action required.

Resolutions

There were no resolutions.

Committee Reports

There were no committee reports.

Other Items

Appointments To Boards/Commissions - Alcohol & Drug Citizen Advisory Committee (Coker), Airport Commission (Flowers), Construction Board of Adjustment & Appeals (Douglas & Flowers), Library Board (Flowers), Planning Commission (Johnson)

Mr. Coker, Mr. Flowers, Mr. Douglas, and Mrs. Johnson carried over their appointments.

Mrs. Johnson announced that at Council's last meeting, she appointed someone to the Planning Commission but later found out that the person did not reside in her Council District. Therefore, she will appoint someone later.

Darlington County Humane Society's Request To Use Private Funds To Erect Fence Around An Area At The Animal Shelter For Dogs To Run/Exercise

Mr. William Hatfield, of Darlington County Humane Society, distributed an aerial map displaying the proposed area to be fenced.

MOTION was made by Mr. Kilgo and seconded by Mr. Coker to approve the Humane Society's request to use private funds to erect a fence around an area in front of the Animal Shelter for dogs to run/exercise.

The motion carried unanimously.

Proposed Lease Of Certain Space In Society Hill Neighborhood Center, 223 Hall Street, Society Hill, SC, To Crystal Jackson, dba I Am Visible, LLC, A Tutoring And Academic Enrichment After-School Program

MOTION was made by Mr. Douglas and seconded by Ms. Nicholson to approve the proposed lease of space at Society Hill Neighborhood Center to Crystal Jackson, doing business as I Am Visible, LLC.

The motion carried unanimously.

Transfer Of Roads At/Around Pate Elementary School To Darlington County School District

MOTION was made by Mr. Flowers and seconded by Mr. Douglas to approve the transfer of roads at/around Pate Elementary School to Darlington County School District.

Mr. Kilgo questioned why the roads were being transferred to the School District.

Roads and Bridges Director Bobby Richardson indicated that the State Highway Maintenance Department gave the roads to the county and the county was giving them to the School District to maintain since they were at and around the school facility.

The motion carried unanimously.

Approval Requested For Additional Vehicles & Equipment For Lease Purchase For The Following Departments: Sheriff's Office, Shop, Prison Farm, EMS, Roads and Bridges, Environmental Services And Approval Of An Additional \$14,000 Allotted To The Sheriff's Office For Lease Purchases Only

MOTION was made by Mr. Kilgo and seconded by Ms. Nicholson to approve the request for additional vehicles and equipment for lease purchase for the departments listed, except for the Sheriff's Office and Detention Center.

Mr. Kilgo stated that the new Sheriff should pick his own vehicles.

Ms. Nicholson stated that the new Sheriff should make an assessment of what is needed and look at the funding. She also suggested that the matter be placed on hold since the county had not received the audits.

Mr. Flowers questioned whether there was any discussion with the Sheriff.

Interim County Administrator Charles Stewart reported that the current Sheriff was aware of what was being presented to Council.

Mr. Kilgo commented that there could be a difference in what heads of departments want. Council had appropriated the money, which should not be spent without including the new people.

Chairman Hudson asked the timeframe for the vehicles to be delivered. Mr. Stewart's response was twelve weeks.

There was confusion as to whether the exclusion included lease purchase items for the Prison Farm.

Mr. Cox clarified that the motion was to approve the proposal for lease purchase, excluding the items for the Sheriff's Office and Detention Center.

The motion carried unanimously.

2016 Edward Byrne Memorial Justice Assistance Grant Award (JAG Grant), \$19,787

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to approve the 2016 Edward Byrne Memorial Justice Assistance Grant Award for the Sheriff's Office.

The motion carried unanimously.

Administrative Update - Interim County Administrator Marion Charles Stewart, III

Mr. Stewart reported that the staff was still reconciling the list of closed and current litigation cases for Council's review. He also stated that Council should have received, via mail, information regarding contract employees.

Ms. Nicholson indicated that she had received information that the only contract employee was the County Administrator. She did not believe that of all the county's employees, that the County Administrator was the only county employee with a contract.

Mr. Stewart confirmed that he was the only contract employee with Darlington County.

In reference to the cemetery that Councilwoman Nicholson inquired about at a previous Council meeting, Mr. Stewart stated that the Historical Commission was involved and would present a report to Council in the near future.

Mr. Stewart reported that he would be developing a surplus policy for Council's consideration in November. He would not be accepting any requests for surplus items until after Council's approval of the proposed surplus policy.

Regarding Hurricane Matthew, Mr. Stewart indicated that the public safety staff would begin meeting on tomorrow, and he would keep Council updated on the storm.

Requests / Comments - Members Of Council

Mr. Kilgo asked the status of the audits.

Mr. Stewart and Finance Director Sherman Dibble reported that most of the information had been gathered, and the audits should be completed by December.

Request To Schedule A Workshop To Obtain Information Regarding Solar Farms

Mr. Flowers requested that Council conduct a workshop with DHEC, EPA, etc. prior to the Planning Commission's next meeting to discuss solar farms. The Planning Commission's next scheduled meeting is October 18, 2016 at 5:30 p.m.

MOTION was made by Mr. Flowers and seconded by Mr. Kilgo for the County Administrator to coordinate a meeting of Council with agencies (DHEC, EPA, Duke Energy, professors) that have regulatory rights, background information, or legal requirements regarding solar farms. An invitation would be extended to the Planning Commission members. However, this would not be a Planning Commission meeting.

The motion carried unanimously.

Requests / Comments - Members Of Council -- Continue

Mrs. Johnson stated that she was concerned about people installing retention ponds without the county's knowledge. She also presented concern that companies were trying to go around Council and install solar panel farms in the county. However, Council needs to know the rules and regulations governing this matter. Mrs. Johnson also stated that the roads and the rights-of-way looked bad.

Mr. Douglas thanked everyone for attending the meeting.

In reference to solar farms, Mr. Coker stated that Council was tasked with figuring out what is best for the county. He wants to protect property and do it fairly. He indicated that he had attended all of the meetings held by the Planning Commission and suggested that Council look at a moratorium, a decommissioning plan, why the companies were leasing instead of buying the properties, the effects of solar panels, etc.

Mr. Flowers questioned whether Council could implement a moratorium based upon citizens' comments. He was concerned that should Council not follow its own protocol, there could be a lawsuit.

Attorney Cox indicated that this was correct. He explained that in order to have a moratorium, there must be factual reasons in the best interest of the county.

Ms. Nicholson suggested that Council request an opinion from the Attorney General since this was a unique situation.

Attorney Cox said anyone could write the Attorney General for an opinion.

Chairman Hudson thanked everyone for attending the meeting. He said Council would look into the matter involving the solar farms and try to do what is right for the county.

Vote For Executive Session (1) Discussion of Negotiations Incident to Proposed Contractual Matters and (2) Discussion Of Personnel Matters As It Relates To Changes In The Fair Labor Standards Act

MOTION was made by Mr. Flowers and seconded by Mr. Kilgo to vote for executive session for (1) Discussion of Negotiations Incident to Proposed Contractual Matters and (2) Discussion Of Personnel Matters As It Relates To Changes In The Fair Labor Standards Act.

The motion carried unanimously.

Executive Session (1) Discussion of Negotiations Incident to Proposed Contractual Matters and (2) Discussion Of Personnel Matters As It Relates To Changes In The Fair Labor Standards Act

MOTION was made by Mr. Flowers and seconded by Mr. Kilgo for Council, the Interim County Administrator, and the County Attorney to go into executive session for (1) Discussion of Negotiations Incident to Proposed Contractual Matters and (2) Discussion Of Personnel Matters As It Relates To Changes In The Fair Labor Standards Act after a five-minute recess.

The motion carried unanimously

Council recessed at 7:41 p.m. and reconvened at 8:11 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. Kilgo to adjourn the meeting. There being no further discussion, the meeting was adjourned at 8:12 p.m.

Respectfully submitted,



J. Janet Bishop
Clerk to Council



Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of November 7, 2016.