

PUBLIC HEARING & REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

September 10, 2018

A Public Hearing and Regular Meeting of the County Council of Darlington County was held this 10th day of September 2018, at 6 p.m., at the Courthouse Annex/EMS Building, 1625 Harry Byrd Highway (Highway 151), Darlington, South Carolina.

NOTICE OF MEETING

In compliance with the Freedom of Information Act, a copy of the agenda providing the date, time, and place of the meeting was emailed to the local newspapers, persons requesting notification, and posted on the county's website, on the bulletin board in the lobby of the courthouse, and at the entrance of the Courthouse Annex/EMS Building.

The Notice of Public Hearing for Ordinance No. 18-09, Ordinance No. 18-10, and Ordinance No. 18-11 was published in the News and Press and the Hartsville Messenger on August 22, 2018.

COUNCIL MEMBERS PRESENT

Chairman Bobby Hudson, Vice Chairman Marvin Le Flowers, Chaplain Dannie Douglas, Jr., Mr. J. Lewis Brown, Mr. David Coker, Mr. Robert L. Kilgo, Jr., Ms. Mozella Nicholson, and Ms. Joyce W. Thomas.

ALSO PRESENT

County Administrator Marion Charles Stewart, III, County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Development Services Director Terri Cribb, E-911 Coordinator Michelle Moore, Environmental Services Director Renee Howle, Elections/Voter Registration Director Hoyt Campbell, Finance Director Sherman Dibble, Fire Chief Ricky Flowers, Human Resource Manager Ginger Winburn, Library Director Jimmie Epling, Roads and Bridges Director Bobby Richardson, Sheriff Tony Chavis, Chief Deputy Sheriff Josh Edwards, Lieutenant Robby Kilgo, and others.

REPORTERS PRESENT

Ms. Samantha Lyles of the News and Press.

PUBLIC HEARINGS

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

Chairman Hudson declared the public hearing open at 6 p.m. to receive comments on Ordinance No. 18-09.

There being no comments, the public hearing was closed.

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

Chairman Hudson declared the public hearing open to receive comments on Ordinance No. 18-10.

There being no comments, the public hearing was closed.

Ordinance No. 18-11. An Ordinance Developing A Multi-County Park With Lee County; Authorizing The Execution And Delivery Of An Agreement Governing The Multi-County Park; Authorizing The Inclusion Of Certain Property Located In Darlington County In The Multi-County Park; Authorizing The Execution Of An Intergovernmental Agreement; And Other Matters Related Thereto {page 20}

Chairman Hudson declared the public hearing open to receive comments on Ordinance No. 18-11.

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 6:02 p.m. Mr. Douglas presented the invocation the Mr. Coker led the Pledge of Allegiance.

Citizens' Comments

There were no Citizens' Comments.

Personal Appearances

There were no Personal Appearances.

Consent Agenda (Receive As Information)

Included in the Consent Agenda were the following:

- 6.A. Parks & Recreation Monthly Report, August 2018
- 6.B. Darlington County Beaver Report, August 2018

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

The motion carried unanimously.

Approval Of Minutes – Joint Meeting Of Darlington County's Municipal Councils, County Council, Board of Education, & Legislative Delegation, July 30, 2018

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

The motion carried unanimously.

Approval Of Minutes – Regular Meeting, August 13, 2018

MOTION was made by Mr. Flowers and seconded by Mr. Douglas to approve the minutes of August 13, 2018.

The motion carried unanimously.

Amendment To The Agenda To Add Emergency Ordinance No. 18-13

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to amend the agenda to add Emergency Ordinance No. 18-13 regarding public health and safety considerations during Hurricane Florence.

The motion carried unanimously to amend the agenda to add Emergency Ordinance No. 18-13.

Emergency Ordinance No. 18-13

Chairman Hudson read Emergency Ordinance No. 18-13.

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to approve Emergency Ordinance No. 18-13.

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to amend the first sentence in the Emergency Ordinance to state 5 p.m. instead of 8 p.m.

The first sentence in the Emergency Ordinance, as presented, read as follows:

"Whereas, as of 8 p.m., September 10, 2018, the National Weather Service was predicting severe weather caused by Hurricane Florence for the Darlington County area; and"

The motion carried unanimously.

Chairman Hudson called for the vote to approve Emergency Ordinance No. 18-13, as amended.

The motion carried unanimously.

The first sentence in the Emergency Ordinance was amended to read as follows:

"Whereas, as of 5 p.m., September 10, 2018, the National Weather Service was predicting severe weather caused by Hurricane Florence for the Darlington County area; and"

Ms. Nicholson stated that she was concerned about the \$200 penalty for violation of the emergency ordinance and there being no provision for the homeless population.

Mr. Kilgo stated that he understood Ms. Nicholson's concern about the homeless. However, these individuals would probably be in the shelter. If not, the Sheriff would use his discretion. He also stated that the ordinance provides that the fine would be up to \$200 or 30 days incarceration. Therefore, the fine and number of days incarceration could be zero. Mr. Kilgo suggested that this is left to the discretion of the Sheriff.

Ms. Nicholson stated that she wanted her concerns noted for the record.
The motion carried unanimously.

Amendment To The Agenda To Bring Forth The Resolutions and Executive Session

MOTION was made by Mr. Flowers and seconded by Mr. Kilgo to amend the agenda to bring forth the Resolutions and Executive Session due to the nature of the Executive Session and the ordinance listed on the agenda.

The motion carried unanimously.

Resolutions

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

Mr. Flowers read Resolution No. 693 recognizing Deputy Justin Taylor.

MOTION was made by Mr. Flowers and seconded by Mr. Kilgo to approve Resolution No. 693.

The motion carried unanimously.

Chairman Hudson presented the Resolution to Deputy Taylor.

Resolution No. 694. A Resolution Authorizing The Execution Of A Law Enforcement Assistance Agreement Between The Town Of Lamar And The Darlington County Sheriff's Office For The Provision Of A Sheriff's Deputy To Exercise The Administrative Duties Of The Police Chief Of The Town Of Lamar

MOTION was made by Mr. Flowers and seconded by Ms. Nicholson to approve Resolution No. 694.

Mr. Coker asked whether this was a temporary agreement.

Chairman Hudson responded yes - six months.

Mr. Douglas asked whether anyone was currently in the position (Chief of Police for the Town of Lamar).

Sheriff Chavis responded that Chief Wilkes had retired and was serving as the interim. Lamar Mayor McPherson called and asked him whether the Sheriff's Office would handle the administrative duties of the Police Chief until she chooses another Chief. Sheriff Chavis reported that during the six-month period, the Town of Lamar will reimburse the county for the expenses of the county officer. He also stated that the Agreement was temporary, but could be extended, if Council agrees. However, the Agreement ends February 2019.

Mr. Douglas asked whether the Sheriff has enough officers to send one to Lamar for six months.

Sheriff Chavis stated that County Attorney Cox drafted the Agreement for a certified officer, which does not have to be the Chief Deputy. He will send one of his staff who is already exempt and capable of handling this position. The county will be reimbursed for the officer's salary.

The motion carried unanimously.

Vote For Executive Session - Discussion Of Proposed Contractual Arrangements Regarding Darlington/Lee County Multi-County Industrial Park

MOTION was made by Mr. Flowers and seconded by Mr. Kilgo to vote for Executive Session for discussion of proposed contractual arrangements regarding Darlington/Lee County Multi-County Industrial Park.

The motion carried unanimously.

Executive Session - Discussion Of Proposed Contractual Arrangements Regarding Darlington/Lee County Multi-County Industrial Park

MOTION was made by Mr. Flowers and seconded by Ms. Thomas for Council, along with the County Attorney and the County Administrator, to go into Executive Session for discussion of proposed contractual arrangements regarding Darlington/Lee County Multi-County Industrial Park.

The motion carried unanimously.

Council recessed at 6:16 p.m. prior to going into executive session with the County Attorney and the County Administrator. Council reconvened at 6:34 p.m. Upon reconvening, Chairman Hudson announced that no action was taken in Executive Session.

Ordinances

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

MOTION was made by Mr. Coker and seconded by Mr. Douglas to approve second reading of Ordinance No. 18-09.

The motion carried unanimously.

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

MOTION was made by Mr. Kilgo and seconded by Ms. Nicholson to approve second reading of Ordinance No. 18-10.

The motion carried unanimously.

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

MOTION was made by Mr. Flowers and seconded by Mr. Coker to carry over second reading for Ordinance No. 18-11.

The motion carried unanimously.

Ordinance No. 18-12. To Amend The Allocation Of Multi-County Park Revenues Within Darlington County Under The Agreement Governing The Darlington-Florence Industrial Park Dated April 21, 2016. With Respect To Project Watauga: And Authorizing Other Related Matters - FIRST READING

Ordinance No. 18-12 was read for first reading. No action required.

Committee Reports

There were no Committee Reports.

Other Items

Appointments To Boards & Commissions To Fill Vacancies & Expired Terms

Chairman Hudson carried over his appointment to the Construction Board of Adjustment/Appeals and Parks & Recreation Commission.

Mr. Flowers carried over his appoint to the Airport Commission, Alcohol/Drug Citizen Advisory Committee, Ambulance Commission, Board of Assessment Appeals, Construction Board of Adjustment/Appeals, and Historical Commission.

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

Mr. Brown carried over his appointment to the Airport Commission, Alcohol/Drug Citizen Advisory Committee, Construction Board of Adjustment/Appeals, and Planning Commission.

Mr. Coker carried over his appointment to the Board of Assessment Appeals.

Irrevocable Standby Letter Of Credit For LKPK Enterprises Inc. For Stokes Place Subdivision, Phase III

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to approve the Irrevocable Standby Letter of Credit for LKPK Enterprises, Inc. for Stokes Place Subdivision (Phase II) to allow building permits to be issued prior to the completion of the road.

The motion carried unanimously.

Sole Source Purchase Of 15 sets Of Personal Protective Equipment (Bunker Gear), Fire District, \$33,615

MOTION was made by Mr. Flowers and seconded by Ms. Nicholson to approve the sole source purchase of fifteen (15) sets of bunker gear from Newton's Fire & Safety Equipment, Inc. for \$33,615.

Mr. Kilgo questioned this purchase being a sole source purchase.

Fire Chief Ricky Flowers stated that this was regional purchasing and the same process the Fire District always uses when purchasing bunker gear. Once they purchase from one organization, they are stuck with that organization.

The motion carried unanimously.

Bid Contract For Paving (Type B Asphalt) Flatnose Road Using CTC Funds

MOTION was made by Mr. Kilgo and seconded by Ms. Nicholson to award the bid contract to Palmetto Corp of Conway, in the amount of \$108,680, to pave Flatnose Road.

The motion carried unanimously.

Administrative Update – Mr. Charles Stewart, County Administrator

Mr. Stewart provided an update on Hurricane Florence.

Mr. Stewart reported that due to issues with deliverables, the staff hopes to have the courthouse study reports from Michael Baker by October.

Mr. Stewart gave each Council member a copy of the audit for the fiscal year ended June 30, 2017, which will be posted on the county's website by tomorrow afternoon. Although the Finance Review Committee (the Treasurer, Auditor, County Administrator, Finance Director, and three Council members) needs to review the audit, Mr. Stewart provided an overview of the Fund Balance.

The overview included \$2 million in Assigned Fund Balance for Economic Development (\$1 million) and capital projects (\$1 million); \$10.8 million in Unassigned Fund Balance; an increase from \$10.8 million to 15.8 million in the General Fund Balance; an increase in Fire District Fund Balance; a decrease in the Emergency Services Fund Balance; a decrease in Roads and Bridges Fund Balance (\$1.6 million balance); an increase in Library Fund Balance; a decrease in Emergency Telephone Fund Balance due to capital improvements in the 911 Center (\$1.8 million balance); an increase in Environmental Services proprietary fund; and an increase in other government funds. The county's net position from June 30, 2016, to June 30, 2017, for fund balance, improved overall. The staff also expects an improvement from FY17 to June 30, 2018 ending audit which should be ready by December 31, 2017.

For the record, Ms. Nicholson asked the name of the individuals serving on the Finance Review Committee.

The staff did not have this information available at the meeting.

Chairman Hudson said he thought the Committee included Mr. Dannie Douglas, Mr. Lewis Brown, and himself. However, the staff will confirm and post this information for the October meeting.

Requests / Comments - Members Of Council

Mr. Coker asked whether Council would receive the Courthouse Study Reports from Michael Baker prior to the referendum being voted on.

Mr. Stewart stated that this would depend upon when Michael Baker provides a deliverable that the staff can consider published and final. He pointed out that Michael Baker was looking at how much would it take to tear down and rebuild the courthouse in the same location and add to and modify the current structure. The other part of the study was to build a new building on the site that was purchased in the downtown Darlington area and/or somewhere else – two different structures.

Mr. Coker felt that the public should have the information prior to voting on the referendum.

Mr. Stewart stated that Council had talked about there not being a final decision until after the referendum – whether the money is authorized. If the money is not authorized, Council would be highly restricted as to what can be done and would have to go back to the voters. If the money is authorized, Council may be able to tear down and rebuild.

Mr. Coker asked emergency personnel to be safe.

Ms. Thomas wanted the telephone number for the public information line for people to get information regarding the storm.


The public information telephone number was provided. Mr. Stewart pointed out that the public information line would not be active until the EOC (Emergency Operations Center) becomes operational on Thursday unless weather conditions change. He also mentioned that employees also have a number to call for information.

Chairman Hudson asked emergency personnel to be safe during/after the storm.

Adjournment

MOTION was made by Mr. Flower to adjourn the meeting. There being no further comments, the meeting was adjourned at 6:55 p.m.

Respectfully submitted,



J. Janet Bishop
Clerk to Council



Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of October 1, 2018.