

PUBLIC HEARING & REGULAR MEETING  
DARLINGTON COUNTY COUNCIL  
DARLINGTON, SC

February 6, 2023

A Public Hearing and Regular Meeting of the County Council of Darlington County was held this 6<sup>th</sup> day of February 2023, 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 and on the bulletin board in the lobby of the courthouse.

NOTICE OF PUBLIC HEARING

The Notice of Public Hearing for the Five-Year Farmland Lease was published in the Hartsville Messenger and News and Press on December 28, 2022. The Notice of Public Hearing for Ordinance No. 23-01 was published in the Hartsville Messenger and the News and Press on January 11, 2023.

COUNCIL MEMBERS PRESENT

Chairman Bobby Hudson, Vice-Chairman Marvin Le Flowers, Chaplain Dannie Douglas, Jr., Mr. M. Kirk Askins, Mr. David Coker, Mr. Albert Davis, III, Mrs. Angie Stone Godbold, and Ms. Joyce W. Thomas.

ALSO PRESENT

County Administrator Marion Charles Stewart, III, County Attorney James H. Lucas, Clerk to Council J. JaNet Bishop, Central Communications Director Michelle Hall, Codes Enforcement Director Terri Cribb, Emergency Management Director Molly Odom, Emergency Services Director Kenny Bowen, Finance Director Sherman Dibble, Fire District Chief Ricky Flowers, Human Resources Director Ginger Winburn, Library Director Jimmie Epling, Recreation Director Le Andrews, Sheriff James Hudson, Mr. Grant Davis of Mauldin & Jenkins CPAs & Advisors, Ms. Roberta Branek of South Carolina Opioid Recovery Fund Board, Ms. Latoya Kind, and others.

REPORTERS PRESENT

Mr. Stephan Drew of the News and Press.

PUBLIC HEARING

A Five (5) Year Farmland Lease Between Darlington County And Doyle W. O'Neal For 49.8 Acres Of Land That Consists Of 33.39 Field Acreage Located On Flatnose Road, Darlington, SC - Parcel #139-00-01-012

Chairman Hudson declared the public hearing open at 6 p.m. to receive comments on the five-year farmland lease.

There being no comments, the public hearing was closed.

Ordinance No. 23-01, An Ordinance Authorizing Pursuant To Chapter 44 Of Title 12, South Carolina Code Of Laws, 1976, As Amended, The Execution And Delivery Of A Fee Agreement Between Darlington County, South Carolina And Hawfinch Solar, LLC And Certain Affiliates, And Authorizing Other Related Matters - SECOND READING

Chairman Hudson declared the public hearing open to receive comments on Ordinance No. 23-01.

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 p.m. Mr. Douglas presented the invocation and Mr. Davis led the Pledge of Allegiance.

Citizens' Comments / Personal Appearances

Mr. Harry Gillespie reported that his daughter was assaulted at Hartsville Recreation Department and the penalty for the person who assaulted her was only a one-game suspension. However, he has seen where a child on the football field said a bad word and was suspended the entire season. Mr. Gillespie expressed concerns about there being a difference in certain sports over the last two years. He asked that the county release Hartsville Recreation Department to the City of Hartsville.

Ms. Lakisha Kind reported that on January 10, 2023, her daughter was assaulted at Hartsville Recreation Department and suffered a dislocated knee and a severe head concussion. Her daughter has been referred to a brain specialist and has been recommended for home-bound school until further notice. She also stated that medical bills were piling up and someone will be held responsible. Mrs. Kind felt that she should not have had to report the incident. She talked with Mr. John Wall (Hartsville Area Recreation Director), but he did not report the incident and would often say that he does not have a boss. Ms. Kind said the Recreation Department was in its worst stage and should be turned over to the City of Hartsville. She prays that she will hear from the county soon.

Ms. Tearse Lisbon reported that her grievance with Mr. John Wall (Hartsville Area Recreation Director) concerned issues going into this year's football season. She tried to communicate with Mr. Wall, but he would not communicate with her. She asked him who was next in line that she could speak with regarding her concerns, and he told her that he was in charge and the boss at Hartsville Recreation Department. Ms. Lisbon stated that Mr. Wall's last comment to her in November 2022 was that he would get back with her. As of

today, she has not heard from him. She feels that the Recreation Department would be in better hands if it was turned back over to the City of Hartsville.

Ms. Syreeta Cabbagestalk spoke from the audience suggesting that Hartsville Recreation Department be turned over to the City of Hartsville.

Mr. Bryson S. Caldwell (City of Hartsville Council Member) reported that he was present to support his citizens. He stated that when there is a common issue, if the issue was not repetitive, they would not be present at the council meeting. He felt that County Council and Hartsville City Council should engage in meaningful conversations about how to better operate recreation. Mr. Caldwell talked about the fact that more Darlington County kids are participating in Florence County recreation programs than in Darlington County and why kids should not be turned away from public sports. He looks forward to hearing from the county and hopefully getting a meaningful resolution for the entire county and not just Hartsville.

Chairman Hudson announced that County Council would receive the comments as advisement and direct the County Administrator and the County Attorney look into the concerns.

#### Consent Agenda

Included in the Agenda Items were the following:

- 6.A. Darlington County Humane Society Animal Shelter Quarterly Report, October - December 2022
- 6.B. Beaver Management Program Report, December 2022
- 6.C. Animal Control Report, December 2022
- 6.D. Building Permit Report December 2022
- 6.E. Building Inspection Report December 2022
- 6.F. SCAC's Counties Connect: A Legislative Action Day & Institute of Government, Feb 22-23
- 6.G. Financial Report thru December 31, 2022
- 6.H. Pee Dee Workforce Development Board Quarterly Report, July - December 2022
- 6.I. Recreation Department Activities/Schedule, February 2022

**MOTION** made by Mr. Douglas and seconded by Mr. Davis to receive the Consent Agenda items 6.A. through 6.H. as information.

The motion carried unanimously.

**MOTION** made by Mr. Flowers and seconded by Mr. Douglas to receive Consent Agenda Item 6.I. as information.

The motion carried unanimously.

Approval Of Minutes – Minutes Of Regular Meeting, January 3, 2023

**MOTION** made by Mr. Douglas and seconded by Mr. Coker to approve the minutes of the regular meeting held on January 3, 2023.

The motion carried unanimously.

Ordinances

Ordinance No. 23-01, An Ordinance Authorizing Pursuant To Chapter 44 Of Title 12, South Carolina Code Of Laws, 1976, As Amended, The Execution And Delivery Of A Fee Agreement Between Darlington County, South Carolina And Hawfinch Solar, LLC And Certain Affiliates, And Authorizing Other Related Matters - SECOND READING

**MOTION** made by Mr. Flowers and seconded by Mr. Douglas to approve second reading of Ordinance No. 23-01.

The motion carried with Ms. Thomas opposing.

Resolutions

There were no resolutions.

Committee Reports

There were no committee reports.

Other Items

Appointments To Boards/Commissions - Councilman Le Flowers

Mr. Flowers carried over his appointment to the Board of Assessment Appeals and the Construction Board of Adjustment & Appeals.

Mrs. Godbold carried over her appointment to the Library Board.

Appointments To The FY23/24 Accommodations Tax Advisory Committee

Mr. Flowers asked whether the current members have agreed to serve if reappointed.

Mr. Stewart reported that the Clerk to Council had contacted all the members and they all agreed to serve if reappointed. Unfortunately, Ms. Carol Bishop, on her paperwork, indicates that she does not represent a hospitality business anymore. Either she will have to be affiliated with a hospitality business or someone else would have to be appointed to represent this sector. If Ms. Carol Bishop is affiliated with a hospitality business, she could be reappointed, but she has confirmed that she is not affiliated with such a business. Therefore, Council would need to find a replacement.

Mr. Flowers commended the work of the current Accommodations Tax Advisory Committee members.

**MOTION** made by Mr. Flowers and seconded by Mr. Coker to reappoint Ms. Leah Raja (lodging), Mr. Templin Hardee (lodging), Mr. Ashley Flowers (Hospitality Business), Mrs. Joyce Wingate (Cultural Organization), Mr. Winfred Herrington (Citizen At Large), and

Mr. John Crawley (Citizen At Large) to the Accommodations Tax Advisory Committee for FY23/24.

The motion carried unanimously.

Mr. Stewart asked Ms. Carol Bishop, who was present at the meeting, whether she had an affiliation with a hospitality business. Her response was no. Mr. Stewart indicated that Council would have to appoint someone to represent hospitality business on the Accommodations Tax Advisory Committee. This could be done at the Council meeting in March since the Committee is not scheduled to meet until the latter part of March.

Bid Award For Five (5) Year Farmland Lease Between Darlington County And Doyle W. O'Neal For 49.8 Acres Of Land (33.39 Field Acreage) Owned By The County Located On Flatnose Road, Darlington - Parcel #139-00-01-012

**MOTION** made by Mr. Flowers and seconded by Mr. Coker to approve the five-year farmland lease between Darlington County and Mr. Doyle O'Neal. The lease provides for Mr. O'Neal to lease a 49.8 farmland parcel (parcel #139-00-01-012) on Flatnose Road in Darlington for \$2,036.79.

Mr. Douglas asked whether anyone else submitted a bid to lease the farmland.

Mr. Stewart explained that bids were solicited publicly and individuals who previously received letters were sent letters indicating how to sign up for the bid process. However, only one bid was received.

Mr. Askins asked whether this farmland had any value to the county and whether it would be worth investigating to sell.

Mr. Stewart responded that this was agricultural land near the airport and could be devolved/sold if Council wants the staff to look into doing this.

Mr. Douglas clarified that the land was not really near the airport but off Flatnose Road in the woods in the middle of nowhere. However, the county has farmland at the airport, but this was not it.

Chairman Hudson asked whether there were any stipulations from the airport regarding this land.

Mr. Stewart said the land may be protected from some building codes such as for towers, etc. But there was nothing indicating that the county has to keep this property since it was not in the immediate vicinity of the airport nor under FAA requirements.

Ms. Thomas asked whether this was the first time the county was leasing this parcel.

Mr. Stewart responded that the same person had leased this farmland before. However, he did not know how far back this same person had been leasing this parcel.

Mrs. Godbold asked whether the \$2,036.79 was an annual amount or the amount for the full five years.

Finance Director Sherman Dibble confirmed that the amount was for the full five years.

The motion carried unanimously.

Chesterfield County Sheriff's Office Request To Purchase Six Surplus Ford SUV Interceptors (Explorers)

**MOTION** made by Mr. Flowers and seconded by Mr. Douglas to accept Chesterfield County Sheriff's Office offer of \$20,000 to purchase six (6) surplus Ford SUV Interceptors (Explorers). The VIN numbers for each vehicle were listed in the letter.

Mr. Davis asked Sheriff Hudson whether he needed these vehicles.

Sheriff Hudson stated that the vehicles came from his department.

Mr. Stewart explained that once the Sheriff replaces these vehicles, they are placed back as general assets. If the vehicles are not used in other places, they are placed on GovDeals for auction. However, an officer from Chesterfield County Sheriff's Office knew about the vehicles, looked at them, and requested to purchase them. If Chesterfield County did not request to purchase these vehicles, they would have been sold on GovDeals auction.

Mr. Douglas asked whether any of the cities wanted these vehicles.

Mr. Stewart indicated that no one else had asked about the vehicles.

Mrs. Godbold asked how would the cities learn about such vehicles.

Mr. Stewart commented that he never had anyone, except the Town of Lamar, to ask about surplus vehicles. He did not know how the cities would know about vehicles that would be taken offline since there is no standard or monthly notice about what would be taken offline. However, the county would have placed these vehicles on GovDeals auction as a standard process. In the past, different departments would negotiate where surplus vehicles would go. But this was not the way it was supposed to work. All assets return to general assets of the county. When vehicles are replaced, the old ones go back to general assets and the staff determines whether they can be used somewhere else in the county. Similar vehicles were sent to the landfill, the 911 Center, etc. However, the requested vehicles are not in the best condition to keep. Therefore, the county was going to sell them and place the money in fleet services as miscellaneous revenue. Surplus vehicles are not posted anywhere until it is time to place them on GovDeals auction.

Sheriff Hudson confirmed that surplus vehicles are never posted. However, most agencies begin calling around budget time to inquire about surplus vehicles.

In response the Mr. Askins' question about the value of the vehicles, Mr. Stewart stated that bids on GovDeals for similar vehicles, but in better shape, were about \$4,000 per vehicle, and others in the same condition based on pictures and one year older were \$950 per vehicles. The offer from Chesterfield County Sheriff's Office would equate to approximately \$3,300 per vehicle. The funds would go into the General Fund as miscellaneous revenue.

The motion carried unanimously.

#### Administrative Update – Ms. Roberta Braneck, South Carolina Opioid Recovery Fund Board - South Carolina Opioid Litigation Settlement Agreement/Funds

Mr. Stewart stated that at the last Council meeting, Council members received a packet of information containing the legislation and information about opioid recovery funds. Another copy of the booklet was placed at Council's desk tonight.

Ms. Roberta Braneck, Administrator for South Carolina Opioid Recovery Fund Board, showed Council how to navigate through South Carolina Opioid Recovery Fund website and reviewed the Settlement Funds Report for December 2022. She explained that 85

percent of the funds will go to litigating counties/cities and 15 percent to discretionary. Darlington County's Guaranteed Political Subdivision Subfunds will be \$297,260 shown as a prior balance which will be the county's yearly balance each year for about nine years. This amount will not be the same each year but in the same range. The New Funds for Darlington County will be \$582,850 which are one-time funds but could happen again if there are new settlements. After nine years, the funds will change from 85 percent to a 50/50 split. Therefore, long-term planning and sustainability are important. Ms. Braneck also showed the links on the website explaining approved uses, core strategies, treatment, prevention, and how to apply online.

Mr. Stewart recommended the appointment of a committee that would include first responders, mental health providers, the schools, and the local hospital to make a suggested strategy for Council's approval. This was an opportunity for Council members to ask questions about the recurrence of the money, how the money can and cannot be spent, and ideas for a committee to report back to Council for approval of an application for use of the money. After three years, any funds remaining in the total account would become available for anyone to request.

Ms. Braneck explained that for each year, the county will have three years to use the funds. Each year, the county will use the carry-over funds first, then the funds for that year. After three years, the funds would go back to the general funds. She explained that Council has needs to think about partners in the county such as Rubicon who is the county's authority for substance abuse services and already has a county plan, stats, and information about substance abuse. She also commended bringing in hospitals, EMS, and other community-based services.

Ms. Thomas asked about the success rate for this program.

Ms. Braneck explained that this was the program's first year and first rounds of funds. The amount of funds other counties have received and their strategies are posted on South Carolina Opioid Recovery Fund website.

Mr. Stewart stated that unless there are other instructions, at the next Council meeting, the staff will present a suggested committee for Council to accept or amend.

Ms. Braneck also pointed out that the litigation, agreement, and her contact information were posted on their website.

Mr. Askins asked whether the Alcohol and Drug Citizen Advisory Committee could be a part of the suggested committee.

Mr. Stewart's response was yes. This Committee could be the basis and Council could add first responders, mental health, schools, hospitals, etc.

#### Mr. Grant Davis, Mauldin & Jenkins CPAs & Advisors - Darlington County Audit For Fiscal Year Ending June 30, 2022

Mr. Grant Davis reported that the county audit was completed in December but was not printed in time to distribute at the January County Council meeting. He emphasized that the county had a clean and unmodified audit and then referenced the auditor's opinion and basis for opinions, Management's Discussion and Analysis regarding the financial activities of the county, highlights of the General Fund, report on internal control and

compliance with government auditing standards, and summary of the auditor's results which indicated that there were no significant deficiencies and no material weaknesses.

Council also received a separate document containing information about the auditing firm (Mauldin & Jenkins CPAs & Advisors), financial highlights and charts, required communications, and future accounting standards that will impact the county.

#### Requests / Comments – Members Of Council

Mr. Davis thanked everyone for attending the meeting. He solicited prayers for the child who was assaulted at the Recreation Department and the child's parents.

Mr. Douglas thanked everyone for attending the meeting.

Mr. Askins stated that it was upsetting to hear about the child getting hurt while participating in a recreational sport. He did not know all sides of the story but hopes that the county can find out what happened and make sure that rural communities are not left out of recreational programs. He agreed with Mr. Caldwell that sports for the youth are critical for our community and keeps kids active and out of trouble. Mr. Askins said he would be open to discussions to see improvements in this area.

Ms. Thomas commended the support of the citizens and hopes that the county can resolve this matter.

#### Vote For Executive Session – Discussion Of Negotiations Incident To Proposed Contractual Arrangements And Proposed Sale Or Purchase Of Property RE: The I-20 Industrial Park

**MOTION** made by Mr. Flowers and seconded by Mr. Douglas to vote for executive session for discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property regarding the I-20 Industrial Park.

The motion carried unanimously.

#### Vote For Executive Session – The Receipt Of Legal Advice Where The Legal Advice Relates To A Pending, Threatened, Or Potential Claim RE: Darlington County Animal Control Ordinance (Chapter 6 Of Darlington County Code Of Ordinances) And SC Code Ann. Section 47-1-10, et seq.

**MOTION** made by Mr. Flowers and seconded by Mr. Douglas to vote for executive session for the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim regarding Darlington County Animal Control Ordinance (Chapter 6 of Darlington County Code of Ordinances) and SC Code Ann. Section 47-1-10, et seq.

The motion carried unanimously.

#### Vote For Executive Session – The Receipt Of Legal Advice Where The Legal Advice Relates To A Pending, Threatened, Or Potential Claim RE: Case #2021-CP-16-00389 Regarding The Darlington County Sheriff's Office



**MOTION** made by Mr. Flowers and seconded by Mr. Davis to vote for executive session for the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim regarding case #2021-CP-16-00389 regarding the Darlington County Sheriff's Office.

The motion carried unanimously.

Recess

**MOTION** made by Mr. Flowers and seconded by Mr. Douglas for Council to take a five-minute recess in preparation for Executive Session.

The motion carried unanimously.

Council recessed at 6:56 p.m. and reconvened at 7:02 p.m.

Executive Session – (1) Discussion Of Negotiations Incident To Proposed Contractual Arrangements And Proposed Sale Or Purchase Of Property RE: The I-20 Industrial Park, (2) The Receipt Of Legal Advice Where The Legal Advice Relates To A Pending, Threatened, Or Potential Claim RE: Darlington County Animal Control Ordinance (Chapter 6 Of Darlington County Code Of Ordinances) And SC Code Ann. Section 47-1-10, et seq., and (3) The Receipt Of Legal Advice Where The Legal Advice Relates To A Pending, Threatened, Or Potential Claim RE: Case #2021-CP-16-00389 Regarding The Darlington County Sheriff's Office

**MOTION** made by Mr. Flowers and seconded by Mr. Davis for Council, the County Administrator, and the County Attorney to go into executive session for (1) Discussion Of Negotiations Incident To Proposed Contractual Arrangements And Proposed Sale Or Purchase Of Property RE: The I-20 Industrial Park, (2) The Receipt Of Legal Advice Where The Legal Advice Relates To A Pending, Threatened, Or Potential Claim RE: Darlington County Animal Control Ordinance (Chapter 6 Of Darlington County Code Of Ordinances) And SC Code Ann. Section 47-1-10, et seq., and (3) The Receipt Of Legal Advice Where The Legal Advice Relates To A Pending, Threatened, Or Potential Claim RE: Case #2021-CP-16-00389 Regarding The Darlington County Sheriff's Office.

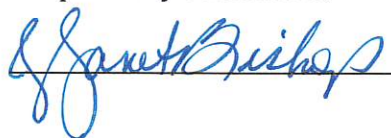
The motion carried unanimously.

County Council, the County Administrator, and the County Attorney went into Executive Session at 7:04 and reconvened at 7:40 p.m. Upon reconvening, Chairman Hudson announced that no action was taken in Executive Session.

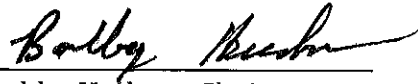
Adjournment

**MOTION** made by Chairman Hudson and seconded by Mr. Douglas to adjourn the meeting. There being no further comments, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,



J. JaNet Bishop  
Clerk to Council



Bobby Hudson, Chairman  
Darlington County Council

Approved at meeting of March 6, 2023.