

REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

SEPTEMBER 12, 2022

A Regular Meeting of the County Council of Darlington County was held this 12th day of September 2022 in the Elizabeth Boatwright Coker Performing Arts Center at Coker University, 300 E. College Avenue, Hartsville, 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.

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, Ms. Joyce W. Thomas, and Mrs. Angie Stone Godbold.

ALSO PRESENT

County Administrator Marion Charles Stewart, III, Clerk to Council J. JaNet Bishop, Acting County Attorney Jacob Godwin, Central Communications Director Michelle Hall, Codes Enforcement Director Terri Cribb, Codes Enforcement Assistant Director/Administration Mary Tunstall, Emergency Management Administrative Assistant Kathryn Gainey, Finance Director Sherman Dibble, Fire District Chief Ricky Flowers, Library Director Jimmie Epling, Planning Staff Paula Newton, South Carolina Office of Resilience Plans and Studies/Match Program Coordinator Tessa Baren, South Carolina Office of Resilience Buyout Program Coordinator Nancy Miramonti, other South Carolina Office of Resilience staff, and citizens.

REPORTERS PRESENT

None.

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. Flowers 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:

- 5.A. Pee Dee Workforce Development Board Quarterly Report, Period Ended June 30, 2022
- 5.B. Beaver Program Report, July 2022
- 5.C. Beaver Management Report, August 2022
- 5.D. Rubicon Family Counseling Center's Reports As Required By County Ordinance (Ordinance No. 22-06) Governing Alcohol And Drug Abuse Planning For Programs Funded By Excise Tax Revenue
- 5.E. Letter From SC American Revolution Sestercentennial Commission RE: SC250 Grant Award
- 5.F. Historical Commission Board Minutes, Stats and Updates, September 1, 2022
- 5.G. Monthly Financial Report, July 2022

MOTION made by Mr. Douglas and seconded by Mr. Davis to receive the consent agenda items as information.

The motion carried unanimously.

Approval Of Minutes - Minutes Of Public Hearing & Regular Meeting, August 8, 2022

MOTION made by Mr. Douglas and seconded by Mr. Davis to approve the minutes of the public hearing and regular meeting held on August 8, 2022.

The motion carried unanimously.

Approval Of Minutes - Minutes Of Public Hearing & Special Meeting, August 15, 2022

MOTION made by Mr. Davis and seconded by Mr. Douglas to approve the minutes of the public hearing and special meeting held on August 15, 2022.

The motion carried unanimously.

Ordinances

Ordinance No. 22-14, To Provide For The Issuance And Sale Of A Not Exceeding Six Hundred Eighty-Five Thousand Dollar (\$685,000) General Obligation Bond Of Darlington County, South Carolina (Hartsville 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 - FIRST READING

The title of Ordinance No. 22-14 was read for first reading. No action required.

Resolutions

There were no resolutions.

Committee Reports

There were no committee reports.

Other Items

Appointments To Boards/Commissions

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

Request To Purchase 10 Self-Contained Breathing Apparatus Units & 20 SCBA Masks

MOTION made by Mr. Douglas and seconded by Mr. Davis to approve the sole source purchase of ten self-contained breathing apparatus units and twenty SCBA masks from Newton's Fire & Safety Equipment, Inc. for \$88,435,80.

The motion carried unanimously.

Administrative Update – Mr. Stewart, County Administrator – Courthouse Construction Update

Mr. Stewart provided an update on the construction of the courthouse. The building has been dried in with temporary measures at window openings; the lightweight concrete roof has been dried in with the final membrane to be installed once the HVAC rooftop units are received and masonry completed; sheetrock has been installed in selected areas on the first floor; interior mental soffit framing is being installed on the first and second floors; plumbing and electrical wall rough-in are complete on the first floor; a majority of the HVAC above ceiling units, ductwork, and sprinkler lines have been installed on the first floor; a majority of the HVAC above ceiling units in the second-floor ceiling have been installed along with the sprinkler main lines; site grading has commenced in the secured parking area to the west of the building; concrete footings for the secured parking wall is anticipated to begin this week; and delivery of the HVAC rooftop units and the exterior bricks are expected in November. The public can follow a picture progression of the construction on the county website.

Administrative Update – Ms. Tessa Baran, Plans and Studies/Match Program Coordinator with South Caroline Office of Resilience (SCOR)– Darlington County Watershed Study.

Ms. Tessa Baran presented a PowerPoint presentation regarding the status of the Countywide Watershed Study that began in March 2022 and is anticipated to end in January 2023. Ms. Baran reviewed the components of the Watershed Study which included data gathering and analysis where SCOR's (South Carolina Office of Resilience) staff met with members of Darlington County Council, municipal representatives, public works staff, citizens, etc. and attended informal sessions and four public hearings to get an understanding of where stormwater/flooding issues exist throughout the county. The field surveys are almost complete, and the Stormwater System Existing Conditions Summary Report briefing was held on August 30th to review what was found thus far. SCOR is now moving into the Alternative Analysis part of the study to identify solutions and then the final report and recommendations component.

As for the current status of the Watershed Study, Ms. Baran reported that the firm reviewed the Stormwater System Existing Conditions Report on August 30th and preliminary identification of solutions. The project will be completed in January 2023. Then there will be

the Alternative Analyses (modeling, benefit-cost analysis, and low to moderate-income assessment), Buyout presentation, and identified solutions developed into applications for South Carolina Office of Resilience's Buyout Program, Infrastructure Program, and Match Program.

After the presentation, the floor was opened for questions regarding the Countywide Watershed Study.

Mr. Askins reported that it was brought to his attention that there are concerns about a community in the Pine Ridge area. He wanted to find out whether anyone had submitted an application to survey this area. Also, if the area had not been identified, was there a way to include it for consideration.

Ms. Baran reported that the public outreach efforts where they walked areas with residents had closed out. However, since this involved an entire community, she would talk with Mr. Askins after the meeting but could not make any promises.

It was Mr. Stewart's understanding that areas that had not received any analysis could be included after the deadline, but they would not have time to do that.

Ms. Thomas requested clarification that the firm would not have time to go back and look at areas that were not included initially or after the deadline.

Mr. Stewart clarified that the firm would not have time to add additional areas that people did not come forward with during the extensive outreach program where all households received mailers and the opportunity to attend four public meetings. The firm would not have the time and capacity to go back and add those areas to research and work out. The areas can be added to the report as someone reporting an issue, but the firm would not have the time to go back to start from the beginning.

Ms. Thomas mentioned that people in her Council District do not have transportation, the mail system was not good, and she was not available when the firm was conducting the surveys and walking around with the residents. Therefore, she wants to make sure that everyone has a chance. Ms. Thomas will follow up with Ms. Baran after the meeting.

Mr. Davis stated that he would also talk with Ms. Baran after the meeting.

Administrative Update – Ms. Nancy Miramonti, Buyout Program Coordinator with South Carolina Office of Resilience (SCOR) Mitigation Buyout Program

Ms. Nancy Miramonti explained that the purpose of the Mitigation Buyout Program is to move people and their property out of harm's way from repetitive flooding. South Carolina Office of Resilience (SCOR) will buy out homes, demolish the structures, and return the area to a green state. The Buyout Program is funded through HUD grants. The total HUD Grant budget for the buyouts totals \$35 million, of which \$19.5 million have already been awarded, and \$15.5 million remaining for eligible projects throughout seventeen counties in the state, including Darlington County.

Ms. Miramonti pointed out that during the mitigation buyout, homes will be demolished, County Council will decide who will be the responsible entity once homes are demolished, and the land will forever be transformed back into a natural floodplain, converted into a water retention area, or retained as a green space for recreational purposes. The land can never be developed in the future. The responsible entity does not have to be

the county, it can be a town, a nature conservator, or neighbors. The deed to the property will maintain a restrictive covenant so that the land cannot be developed as residential or commercial in the future. The buyout process will be a slow process which could take up to the twelve months.

The goal of the Buyout Program includes voluntarily relocating people out of floodplains and buyout contiguous properties to avoid a “checkerboard” effect as much as possible. Buying contiguous property creates an opportunity for flood waters to be captured through “living” green space, water retention ponds, etc.

As for project stakeholder roles, the South Carolina Office of Resilience will operate the day-to-day project, interact with buyout applicants/homeowners; help develop public communications, conduct regular project coordination meetings with the county and stakeholders, and ensure project compliance with federal, state, and local regulations. Darlington County will assist South Carolina Office of Resilience to identify interested applicants, assist with community involvement and communications, and participate in regular project coordination meetings with SCOR. Other stakeholders could include local banks, organizations, municipal entities, etc. that are interested in helping with green infrastructure projects.

Ms. Miramonti emphasized that the Mitigation Buyout Program is voluntary. South Carolina Office of Resilience and the county will not use eminent domain. Homeowners can opt out of the program at any point in the process up until the day of closing. The program will pay for appraisals, real estate closing fees, etc. At no point will the county or the citizen be responsible for any type of funding required for any part of the project. If a homeowner opts out of the program, no type of reimbursement will be requested.

Buyout potential challenges include tenant-occupied properties, heirship properties, property values, and available housing/rental stock. The buyout is available for homeowners if the home is their primary residence or rental property. Homeowners and tenants must think about where they will go after the buyout process. Tenants will be eligible for relocation assistance. Anyone entering the program must be the person/people on the property deed, and every person on the deed has to be agreeable to heirship properties. Brochures were available containing information about South Carolina Legal Services that will assist low to moderate income families to work through heirship issues at no cost.

Ms. Miramonti reviewed the general buyout process from the current point where the county submits an application to South Carolina Office of Resilience. Then the application goes to a steering committee for approval which could take several months. If the application is approved, there will be an environmental review (tribal grounds, asbestos, lead paint, etc.). If the property does not pass the environmental review, SCOR cannot move forward with the project. After the environmental review, there will be eligibility determinations, appraisals, offers to purchase the property, property closings, and ends with the demolition of the structures to return the area to green space.

Ms. Miramonti explained that there will be several types of appraisals during the buyout process to make things advantageous for homeowners. The project pays for everything from beginning to end. In determining the buyout price, the offer to purchase price will be based upon several criteria to include appraised fair market value minus any

duplication of benefits (money from FEMA, private insurance, etc.), plus eligible incentives (moving incentives for owner-occupied properties, low and moderate income incentive, and market adjustment incentive). There will be a maximum of \$5,000 moving incentive for owners who use their property as a primary or secondary residence, a maximum of \$25,000 low to moderate income incentive if the household adjusted gross income is below 80% for the county, and market adjustment incentive which is the difference between the current market value and the individual's highest appraisal added to the buyout offer. There will also be a programmatic cap of \$250,000 per property inclusive of incentives. Any value over this amount will go through a review. SCOR wants to make the program advantageous so that no one will lose any money on the buyout, but this will not be a money maker.

The buyout process will take about 12 months from the time of intake application to real estate closing. However, other factors could affect how long the buyout process takes. It was noted that tenants will be informed of the buyout program once the property owner has completed their intake application and will be eligible for the Uniformed Relocation Act assistance if they continue paying rent and following the terms of the lease until the process is completed.

For the next steps, County Council will decide whether to go forward with the program and Interest Property Owner forms/applications received in October. Darlington County Codes Enforcement Director Terri Cribb will accept the interest forms/applications. The presentation tonight will be considered as part of the outreach to let everyone know about the program. Mrs. Cribb and Ms. Miramonti's contact information was provided.

Mr. Stewart reported that Ms. Phleisha Lewis, the Mitigation Director, was not present at the meeting, but had asked that Council be briefed on this process tonight as a public meeting because of the timeframe. However, Council would not make a decision tonight since this matter was not on the agenda. This would be discussed at Council's October meeting or a special worksession.

The floor was opened for questions from Council members.

Mr. Coker asked whether the project would be affected if one house in a specific area opts out of the program.

Ms. Miramonti explained that they would rather have all the properties in a certain area. Nevertheless, SCOR will have a predetermined number of applications. If someone opts out, someone else can come in, and the program will move forward.

Mr. Stewart explained that the buyout list in the preliminary report will be edited prior to the submission of the final report in January. However, Council will need to review the engineer's official list of addresses for recommended buyouts.

Ms. Miramonti noted that people can apply to the program more than once. Applications are accepted quarterly.

Mr. Davis asked whether the buyout property would become green space with a retention pond.

Ms. Miramonti responded that it would be up to the responsible entity as to whether a retention pond would be installed. It is South Carolina Office of Resilience's job to return

the property to green space by demolishing the building, and leveling and seeding the land. The County or the responsible entity will decide what to do with the green space. Sometimes a neighbor may purchase/lease the land for a vegetable garden, but a restrictive covenant will be tied to the deed to indicate that another structure cannot be placed on the land.

Mr. Davis mentioned that the county would lose the tax base on homes that are demolished.

Ms. Miramonti confirmed that should individuals move out of the county, the county would lose that tax base. However, this program was not designed to make the county lose its tax base. In areas with repetitive flooding, SCOR would like to remove those individuals from harm's way, although this may not work for everyone.

Mr. Stewart pointed out that the restrictive covenants would not allow a low area to be built up by bringing in fill dirt. The land cannot be developed.

Ms. Miramonti clarified that the property must remain as a green space. Whatever is brought in must help absorb the green space/green infrastructure to help with flooding.

Mrs. Godbold asked whether any of the property owners on the engineers' recommended list were aware that they are on the list.

Ms. Miramonti said the engineers may have told the property owners in an unofficial capacity. The people who have been identified for the buyout would not be surprised.

Mr. Stewart clarified that no one has officially said anything to the property owners about the buyout program being available to them. However, the engineers may have unofficially mentioned it to the property owners.

The floor was opened for questions from the audience/the public.

Hartsville City Councilman Kenzie DeLaine wanted to know at what point could an individual change his/her mind to opt out of the buyout program. He also stated that if the county was concerned about losing its tax base, South Carolina Office of Resilience would have to find ways to mitigate flooding throughout the county.

Ms. Miramonti responded that individuals could opt out of the program up to the date of the real estate closing.

Mrs. Goldbold asked whether businesses in downtown Darlington could apply for the buyout program.

Ms. Miramonti responded that the program was for residents only.

A citizen, who did not provide her name, stated that she would hope that the Council would not vote against this project because of losing taxes. She talked about her 20-year experiences with flooding when there are heavy rains.

Another citizen, who did not provide his name, talked about flooding in his area and asked whether South Carolina Office of Resilience would fix the land.

Ms. Miramonti responded that the buyout program would not do remediation, just buyouts. She reiterated that the buyout program is voluntary, and owners would have to make plans to move after the buyout. She also talked about the incentives that will be offered for the buyout property. Ms. Miramonti also stated that buyouts may not be the only option because there are other programs that would elevate homes, etc.

Mr. Stewart responded that the staff would look at this person's specific situation to find out whether his property was on the recommended buyout list or in the design area since he provided his information during the public meetings. The preliminary report from the engineers was not available at the meeting.

A citizen, who did not give her name, asked whether SCOR would help her find another home if she chooses the buyout program.

Ms. Miramonti explained that SCOR would not assist homeowners to find another home, but they will assist tenants. She also stated that she would remain after the meeting to answer more questions.

Mr. Stewart commented that the staff would work with Ms. Baran and Ms. Lewis to obtain the engineers' recommended buyout list from the preliminary report for Council's review in October. Council will decide in October as to whether the county will be a part of the buyout program.

Mrs. Godbold wanted to know how quickly Council would get the report and make a decision.

Mr. Stewart responded that the staff had not received the report. He will find out whether he can obtain an interim report just for this part of the program because the engineers would not complete all the design and maintenance suggestions by October. He will try to obtain the interim report as soon as possible to distribute to Council before the October Council meeting.

Requests / Comments - Members Of Council

Mrs. Godbold thanked everyone for attending the meeting. She said her focus will be to do what's best for the citizens because she wants people to get the help they need.

Ms. Thomas talked about flooding problems in Darlington County, especially with stormwater. She thanked everyone for attending the meeting.

Mr. Askins said he wants to make sure there is a mechanism to include those properties that were left out.

Mr. Coker thanked everyone for attending the meeting and for their comments. He said he will do whatever he can to help people. He also stated that he wants to make sure the public knows that Council does not determine who gets the buyout and who gets the maintenance. This is not Council's decision. The engineers' work will be presented to Council, and Council will follow the engineer's recommendations.

Mr. Davis said he asked the question about taxes because when the county loses taxes, it loses more. However, the buyout program is good, and he understands that people are tired of being flooded but things could be worse. Mr. Davis thanked the staff and Coker University for providing the space for the meeting.

Mr. Douglas thanked people for attending this meeting. He hoped that others would have attended also.

Chairman Hudson concurred with the remarks of other Council members. He said Council was here to help people. Chairman Hudson thanked everyone for attending the meeting.

Vote For Executive Session

There was not a vote for executive session.


Adjournment

MOTION made by Chairman Hudson and seconded by Mr. Flowers to adjourn the meeting. There being no further comments, the meeting was adjourned at 6:58 p.m.

Respectfully submitted,



J. Janet Bishop
Clerk to Council



Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of October 3, 2022.