

REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

April 4, 2022

A Regular Meeting of the County Council of Darlington County was held this 4th day of April 2022, 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.

A Notice Of Public Hearing for Ordinance No. 22-05 was published in the Hartsville Messenger and the News and Press on March 16, 2022.

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 C. Cox, Jr., Clerk to Council J. JaNet Bishop, Economic Development Director Lewis Brown, Emergency Management Coordinator Molly Odom, Finance Director Sherman Dibble, and Fire Chief Ricky Flowers.

REPORTERS PRESENT

None.

Recognition Of Employees - Darlington County Fire Chief Ricky Flowers

Fire Chief Ricky Flowers, Deputy Fire Chief John Shoemake, and Emergency Services Director Kenny Bowen recognized and presented a plaque to the following first responders for their courageous and lifesaving actions that resulted in the preservation of a life in an incident that occurred on March 2, 2022:

Captain Nick Newton

EMT Kassidi Herndon

Lt. Christopher Murray

Firefighter Chandler Wood

Lt. Meghan Murray

Firefighter Victor Perkins

Fire Marshal Tommy Thomas

Firefighter Dale Flowers

Paramedic Steve Thompson

Firefighter Seth Cavanaugh

Captain Andy Rheuark and Paramedic Brandon Butler were not presented to receive their plaque.

PUBLIC HEARING

Ordinance No. 22-05, 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 Cedar Lake SS, LLC And Certain Affiliates, Thereby Replacing The 2018 Ashley Solar Fee Agreement And The 2019 Luz Solar Fee Agreement; And Authorizing Other Related Matters - SECOND READING

Chairman Hudson declared the public hearing open at 6:02 p.m. to receive comments on Ordinance No. 22-05. 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 6:03 p.m. Mr. Douglas presented the invocation and Mr. Davis led the Pledge of Allegiance.

Citizens' Comments

There were no citizen comments.

Personal Appearances

There were no personal appearances.

Amendment To The Agenda To Bring Forth Resolution No. 736.

MOTION made by Mr. Coker and seconded by Mr. Davis to amend the agenda to bring forth Resolution No. 736, a resolution honoring former Hartsville Area Recreation Director Frank D. Burch.

The motion carried unanimously.

Mr. Coker read the resolution and presented it to Mr. and Mrs. Mike Burch on behalf of the late Mr. Frank D. Burch. Mr. Mike Burch thanked Council for recognizing the efforts of the former Hartsville Area Recreation Director.

Consent Agenda (Receive As Information)

Included in the Consent Agenda were the following:

- 6.A. County Monthly Year-To-Date Financial Report, March 28, 2022
- 6.B. Hearing Officer Report On The Appeal Regarding The Planning Commission Granting A Cell Tower Permit To Stetler Infrastructure, LLC

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

The motion carried unanimously.

Approval Of Minutes - Minutes Of Regular Meeting, March 7, 2022

MOTION made by Mr. Douglas and seconded by Mr. Davis to approve the minutes of March 7, 2022.

The motion carried unanimously.

Ordinances

Ordinance No. 22-01, An Ordinance Authorizing Pursuant To Title 12, Chapter 44 Of The Code Of Laws Of South Carolina 1976, As Amended, The Execution And Delivery Of A Fee-In-Lieu Of Ad Valorem Taxes Agreement, By And Between Darlington County, South Carolina And A Company Known To The County As Project Scarlet II, As Sponsor, And One Or More Sponsor Affiliates To Provide For A Fee-In-Lieu Of Ad Valorem Taxes Incentive And Certain Special Source Revenue Credits For The Benefit Of A Project In The County; And Other Related Matters - SECOND READING

MOTION made by Mr. Coker and seconded by Mr. Davis to approve second reading of Ordinance No. 22-01, Ordinance No. 22-02, Ordinance No. 22-03, Ordinance No. 22-04, and Ordinance No. 22-05 as listed.

The motion carried with Ms. Thomas opposing.

Ordinance No. 22-02, An Ordinance Authorizing Pursuant To Title 12, Chapter 44 Of The Code Of Laws Of South Carolina 1976, As Amended, The Execution And Delivery Of A Fee-In-Lieu Of Ad Valorem Taxes Agreement, By And Between Darlington County, South Carolina And A Company Known To The County As Project Jefferson II, As Sponsor, And One Or More Sponsor Affiliates To Provide For A Fee-In-Lieu Of Ad Valorem Taxes Incentive And Certain Special Source Revenue Credits For The Benefit Of A Project In The County; And Other Related Matters - SECOND READING

Ordinance No. 22-03, An Ordinance Authorizing Pursuant To Title 12, Chapter 44 Of The Code Of Laws Of South Carolina 1976, As Amended, The Execution And Delivery Of A Fee-In-Lieu Of Ad Valorem Taxes Agreement, By And Between Darlington County, South Carolina And A Company Known To The County As Project Fairfield II, As Sponsor, And One Or More Sponsor Affiliates To Provide For A Fee-In-Lieu Of Ad Valorem Taxes Incentive And Certain Special Source Revenue Credits For The Benefit Of A Project In The County; And Other Related Matters - SECOND READING

Ordinance No. 22-04, An Ordinance Authorizing Pursuant To Title 12, Chapter 44 Of The Code Of Laws Of South Carolina 1976, As Amended, The Execution And Delivery Of A Fee-In-Lieu Of Ad Valorem Taxes Agreement, By And Between Darlington County, South Carolina And A Company Known To The County As Project Bell II, As Sponsor, And One Or More Sponsor Affiliates To Provide For A Fee-In-Lieu Of Ad Valorem Taxes Incentive And Certain Special Source Revenue Credits For The Benefit Of A Project In The County; And Other Related Matters - SECOND READING

Ordinance No. 22-05, 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 Cedar Lake SS, LLC And Certain Affiliates, Thereby Replacing The 2018 Ashley Solar Fee Agreement And The 2019 Luz Solar Fee Agreement; And Authorizing Other Related Matters - SECOND READING

Ordinance No. 22-06, An Ordinance To Designate That Agency In The County For Alcohol And Drug Abuse Planning For Programs And To Make Appropriations Pursuant To Sections 6-27-40(B) And 12-33-245(B) And (C) Of The 1976 Code Of Laws Of South Carolina, As Amended, For Darlington County For The Fiscal Year Beginning July 1, 2022, And Ending June 30, 2023 - FIRST READING

Ordinance No. 22-06 was read for first reading. No action required.

Ordinance No. 22-07, An Ordinance To Make Appropriations For Ordinary County Purposes For Darlington County For The Fiscal Year Beginning July 1, 2022, And Ending June 30, 2023; To Provide For The Expenditures Thereof; And To Provide For Revenues For The Payment Thereof - FIRST READING

Ordinance No. 22-07 was read for first reading. No action required.

Resolutions

Resolution No. 736, Resolution Honoring Former Hartsville Area Recreation Director Frank D. Burch

MOTION made by Mr. Coker and seconded by Mr. Davis to approve Resolution No. 736 honoring former Hartsville Area Recreation Director Frank D. Burch.

The motion carried unanimously.

Resolution No. 737, An Inducement Resolution Supporting And Providing For Incentives For A Proposed Investment By Cedar Lake SC, LLC, And Other Matters Related Thereto

MOTION made by Mr. Douglas and seconded by Mr. Davis to approve Resolution No. 737, Resolution No. 738, Resolution No. 739, Resolution No. 740, and Resolution No. 741 as listed.

The motion carried unanimously.

Resolution No. 738, Inducement Resolution Inducing And Identifying A Proposed Investment Under Code Name Of "Project Scarlett II" And Other Matters Related Thereto

Resolution No. 739, Inducement Resolution Inducing And Identifying A Proposed Investment Under Code Name Of "Project Jefferson II" And Other Matters Related Thereto

Resolution No. 740, Inducement Resolution Inducing And Identifying A Proposed Investment Under Code Name Of "Project Fairfield II" And Other Matters Related Thereto

Resolution No. 741, Inducement Resolution Inducing And Identifying A Proposed Investment Under Code Name Of "Project Bell II" And Other Matters Related Thereto

Committee Reports

There were no committee reports.

Other Items

Appointments To Boards/Commissions/Committees Due To Vacancies & Term Expirations As Of June 30, 2022

Chairman Hudson nominated Ms. Beverly DuBose for reappointment to the Historical Commission and Mr. Chad White for reappointment to the Planning Commission.

Mr. Davis nominated Ms. Erica Shante Bacote for reappointment to the Board of Assessment Appeals and Mr. Clarence Brunson for reappointment to the Construction Board of Adjustment & Appeals.

Motion made by Mr. Coker and seconded by Mr. Douglas to reappoint Ms. Beverly DuBose, Mr. Chad White, Ms. Erica Bacote, and Mr. Clarence Brunson.

The motion carried unanimously. These individuals will serve a term to commence July 1, 2022, and expire June 30, 2026.

Purchase Of Replacement of MowerMax Mower From Atmax Equipment Company

MOTION made by Mr. Douglas and seconded by Mr. Flowers to approve the purchase of a MowerMax from Atmax Equipment to replace the mower that was destroyed by fire. The cost of this purchase (\$184,319.51) will be paid using insurance funds and Roads and Bridges funds.

The motion carried unanimously.

Prime Contract Potential Change Order #011: Lightweight Insulated Concrete Roof For New Courthouse

MOTION made by Mr. Douglas and seconded by Mr. Flowers to approve the alternate roofing system (Change Order #011 for a lightweight insulated concrete roof) for the new courthouse at a cost of \$233,725.08.

The motion carried unanimously.

Hartsville Northern League Baseball Request For Funds For Repairs, \$19,450

MOTION made by Mr. Coker and seconded by Mr. Davis to approve Hartsville Northern League's request for funds (\$19,450) for the following repairs using Hospitality Tax funds:

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|---|--|
| 1) Electrical Panel Repair (\$1,500) | 6) Pitching Mound (\$2,800) |
| 2) Replace Storage Room Doors (\$1,000) | 7) New Bases (\$2,200) |
| 3) General Grading (\$2,750) | 8) Condenser for Team Building (\$2,200) |
| 4) New Dirt & Netting for Practice Fields (\$1,400) | 9) New Signage (\$2,500) |
| 5) Fence Repair (\$1,500) | 10) Refurbish Old Bleachers (\$1,600) |

The motion carried unanimously.

Vehicle Loan Agreement With Darlington Raceway For Use Of A Class A Pumper Fire Truck

MOTION made by Mr. Douglas and seconded by Mr. Davis to approve the Vehicle Loan Agreement with Darlington Raceway for the use of a Class A Pumper Fire Truck during the NASCAR Cup Series event weekends (May 3-9, 2022, and August 30- September 6, 2022).

The motion carried unanimously.

Acceptance Of PARD Funds For Lake Darpo Playground Equipment As Approved By Senator Gerald Malloy & Darlington County Delegation

MOTION made by Mr. Douglas and seconded by Mr. Davis to approve acceptance of \$45,176 in PARD funds (Total Grant \$56,470) to purchase and install new playground equipment at Lake Darpo with the County Roads and Bridges Department providing the in-kind match (local share of \$11,294) by preparing the playground site.

The motion carried unanimously.

Administrative Update – Mr. Charles Stewart, County Administrator

Appeal Of Cell Tower Permit. Mr. Stewart pointed out that Consent Agenda Item B. contained the Hearing Officer's report regarding the appeal of the communication tower permit. He explained that after going through the process, the Hearing Officer determined that there exists a state law indicating that once a Planning Commission makes a rule on an appeal, that is the end of the appeal locally. The appeal then goes to the court system. A letter was sent to the tower applicant and the person filing the appeal indicating that they would now have to go through the court system to appeal any further. The Planning/Codes Department staff will recommend an amendment for Council's consideration to remove the appeals process from the county ordinance. The landowner and the neighbor received a letter from the Hearing Officer.

Mr. Flowers asked whether an attorney would have to file the appeal with the Circuit Court.

Mr. Cox would not say that the individuals could not do the appeal on their own. He pointed out that the current county ordinance reads that the landowner can appeal. Currently, the person challenging the issue was not the landowner, but the neighbor. The courts will have to decide the interpretation.

Courthouse Construction. Mr. Stewart reported that steel was being erected and the staff would meet with the contractor tomorrow and ensure that the documentation regarding the approval of the lightweight concrete roof replacement material (Change Order #011) is received. Mr. Stewart also reported that based on the contractor's letter, the alternate roofing material should be available in July and should not hold up the construction of the courthouse.

Countywide Watershed Study. Mr. Stewart reported that E.L. Robison, the company awarded the watershed study contract by the South Carolina Office of Resilience, will hold

several public meetings. Council should receive an email from the Clerk to Council regarding the meetings. The first meeting is scheduled for April 28th at 6 p.m. at Pee Dee Council of Governments where E.L. Robinson and the engineers will meet with County Council and the Municipal Councils to present a detailed rundown on what they have been contracted to do and how they will conduct the study. The public can attend the meeting on April 28th, but will not be able to interact with the contractors, County Council, or the Municipal Councils since there will also be four public meetings throughout the county where E. L. Robinson will present information as to how they will conduct this study and receive public input. The schedule for the four public meetings is as follows:

- May 10th at St John's Elementary School Auditorium, Darlington;
- May 12th at Society Hill Neighborhood Center, Society Hill;
- May 17th at Lamar/Spaulding Elementary School, Lamar;
- May 19th at Coker College Elizabeth Boatwright Coker Performing Arts Center, Hartsville.

Mr. Stewart also reported that E.L. Robinson will mail a notice of the public meetings this week or next week to every parcel owner (47,000 parcel owners) in the county inviting citizens to attend the public meetings and present their concerns about areas where there are flooding or repeated drainage issues. This information will also be posted on the county website. When the study is completed, it should be a "funding ready" project most likely funded through available state and federal funds to resolve drainage and flooding issues in the county. The Office of Resilience will lead this project, and a representative will also be present at the meetings to answer questions. Officials will not interact with the public at the April 28th meeting.

Ms. Thomas requested a list/calendar of events. The Clerk to Council will email the calendar on the website to Council members.

Joint Meetings Of County Council, Municipal Councils, Board of Education, and County Legislative Delegation. Mr. Stewart suggested that the next joint meeting of County Council, the municipal councils, the Board of Education, and the county legislative delegation be scheduled for Monday, May 23rd, or the next fifth Monday (August 29th).

It was the consensus of Council to schedule the next joint meeting of County Council, the Municipal Council, the Board of Education, and the county legislative delegation for Monday, August 29th.

Budget Worksession. Mr. Stewart reminded Council of the Budget Worksession scheduled for Wednesday, April 6th, at 9:30 a.m., at Pee Dee Council of Governments instead of Darlington Racetrack. Due to how Darlington Raceway Media Room has been reconfigured, it would not accommodate such meeting. The Budget Worksession will consist of a review of the audit information, the proposed budget, and discussion of ARPA funds.

Requests / Comments - Members Of Council

Mr. Coker thanked Mr. Mike Burch for accepting the Resolution honoring the late Frank Burch. He also commended and thanked the first responders for their service.

Mr. Davis also thanked Mr. Mike Burch, county employees, and the citizens for working together. He asked everyone to stop littering.

Mr. Douglas asked when Council would consider the Accommodations Tax funding recommendations. Mr. Stewart responded, at the next Council meeting (May 2nd).

Mr. Flowers recommended that Council members accept the invitation from Major Coe to tour the Detention Center.

Ms. Thomas congratulated the first responders and asked that a group picture be taken. She also thanked the County Administrator for working with her. Prior to the beginning of the Council meeting, Mrs. Thomas handed each Council member a memo dated March 7th that she sent to Mr. Stewart requesting county funds for hazard mitigation issues.

Mr. Askins apologized for arriving late and echoed Mr. Flowers' comments about touring the Detention Center.

Mrs. Godbold thanked the first responders and commended the way Hartsville Northern League baseball presented their request for funds. She asked Council members to check their email for the invitation from the Coroner's Office and the Sheriff's Office.

Ms. Thomas asked whether the county has an ordinance governing litter. Chairman Hudson confirmed that the county has an ordinance governing litter and fines being imposed.

Chairman Hudson thanked and commended the first responders and the staff.

Vote For Executive Session - Discussion Of Negotiations Incident To Proposed Contractual Arrangements Regarding The FILOT Ordinances (Ordinance No. 22-01 through Ordinance No. 22-04) And Other Matters Relating Thereto

Motion made by Flowers and seconded by Mr. Douglas to vote for Executive Session for discussion of negotiations incident to proposed contractual arrangements regarding the FILOT (Fee In Lieu of Tax) ordinances.

The motion carried unanimously.

Executive Session - Discussion Of Negotiations Incident To Proposed Contractual Arrangements Regarding The FILOT Ordinances (Ordinance No. 22-01 through Ordinance No. 22-04) And Other Matters Relating Thereto

Motion made by Mr. Flowers and seconded by Mr. Douglas for Council to go into Executive Session along with the County Attorney, the County Administrator, Economic Development Director Lewis Brown, and Attorney Will Johnson (the FILOT attorney).

The motion carried unanimously.

Council and the named individuals went into executive session at 6:36 p.m. and reconvened at 8:01 p.m. Upon reconvening, Chairman Hudson announced that no action was taken in Executive Session.

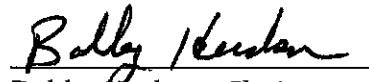
Adjournment

MOTION made by Chairman Hudson and seconded by Mr. Flowers to adjourn the meeting. There being no further comments, the meeting was adjourned at 8:02 p.m.

Respectfully submitted,



J. Janet Bishop
Clerk to Council



Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of May 2, 2022.