

REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

February 7, 2022

A Regular Meeting of the County Council of Darlington County was held this 7th day of February 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.

The following notice was distributed with the agenda and posted on the county website:

"Darlington County Council Meeting Room Is Restricted To County Council Members & Required Staff - Due to the COVID-19 threat, public and media access will be accomplished by live video stream. Darlington County Council meetings will be live-streamed on Darlington County Council Live Meetings Facebook page and archived on Darlington County website at www.darcosc.com.

To access the live stream, go to the County website at www.darcosc.com, scroll to the middle of the page to Feature, and click on the live stream link. To access the archived videos of Council meetings, go to the County website at www.darcosc.com, from the Government tab, click on County Council, then scroll to the Council Meeting Video tab on the left of the page.

Individuals Making Citizens' Comments Or Personal Appearances May Access The Meeting Room At The Appropriate Time - Individuals making Citizens' Comments (2 minutes) must enter the back area of the building through the bay door, sign in at the podium, and remain there until time to appear before Council. After the appearance, the individual will return to the back area of the building where the live stream of the meeting can be viewed or exit the building. Citizens' Comments will be governed by Section 2-85 of Darlington County Code of Ordinances.

For Personal Appearances (10 minutes), individuals must submit a written request specifically identifying the subject matter to be addressed along with their name and contact information. The request should be emailed to the Clerk to Council at jbishop@darcosc.net at least one week prior to the meeting. Individuals must enter the back area of the building through the bay door and remain there until time to appear before Council. After the appearance, the individual will return to the back area of the building where the live stream of the meeting can be viewed or exit the building. Personal Appearances will be governed by Section 2-83(d-e) of Darlington County Code of Ordinances.

Citizens' comments are also accepted in writing. Written comments should be emailed to the Clerk to Council at jbishop@darcosc.net or mailed to the County Administrator's Office at 1

Public Square, Room 210, Darlington, SC 29532. Written comments must include the individual's name and contact information and received by noon on the date of the meeting."

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, Central Communications Director Michelle Hall, Elections Voter Registration Director Hoyt Campbell, Elections/Voter Registration Deputy Director William Brunson, EMS Director Kenny Bowen, Finance Director Sherman Dibble, Emergency Management Coordinator Molly Odom, and Fire District Chief Ricky Flowers.

REPORTERS PRESENT

Due to COVID-19 threat, public and media access to Darlington County Council meeting was provided via live video stream on Darlington County Council Live Meetings Facebook page.

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. Askins led the Pledge of Allegiance.

Citizens' Comments / Personal Appearances

Ms. Ruth Baronda, Center Of Heirs Property And Preservation - Preserving Forestry Land. Ms. Baronda, a Woodlands Community Advocate with the Center for Heirs Property and Preservation and a forester, talked about protecting public/private lands using the various services offered by the Center for Heirs' Property. This organization protects heirs' property and promotes the sustainable use of land to provide increased economic benefit to historically underserved landowners. The center schedules educational seminars, legal and forestry advice and services, mediation between families, and information for last wills and testaments. Ms. Baronda has and will continue conducting informational meetings at the public libraries throughout the county. She also presented information about forestry ownership, the forestry industry in the state, the need for forestry management plans, and available services through USDA (United States Department of Agriculture) and encouraged support of family farms and Agri-tourism throughout the State of South Carolina. A packet of information was provided to Council members and the staff. Ms. Baronda asked Council to encourage people to attend upcoming seminars offered by the Center for Heirs' Property at the local libraries.

Due to technical difficulties (a lag on the internet) with the live stream, the meeting paused at 6:13 p.m. so that the staff could change the internet source and resumed at 6:16 p.m.

Mr. Ronald Winburn - Appealing The Decision Of The Planning Commission Regarding A Proposed Communication Tower. Mr. Winburn, who resides off Ousleydale Road in Hartsville, appeared to formally appeal the decision made by the Planning Commission on December 15, 2021, that would allow a communication tower to be built directly across from his runway on Mr. Larry Gainey's property. Mr. Winburn has owned the runway for 34 years, and aircrafts use it several times per week. He said it was argued that with the proposed location, airplanes could angle to the left on takeoff to not hit the tower. However, this will not work because the aircraft wings will still hit the tower during certain conditions, and someone could be killed. There needs to be a 200-foot clearance. Mr. Winburn also reported that Mr. Gainey has enough land to erect the tower at another location. He provided a handout of a picture of the 60-acre tract that contains his 2,000-foot-long runway and Mr. Gainey's property across Ousleydale Road with the proposed tower site marked. Mr. Winburn asked Council to not do away with the proposed communications tower, but locate it in another area on Mr. Gainey's property so that it will not close his runway. If the tower is erected, it will be the 14th tower near his home. Mr. Winburn briefly mentioned his appearance before County Council during the 1980s when he operated Hartsville airport.

Mr. Curtis Boyd, Darlington City Mayor - Courthouse Tree Proposal. Darlington City Mayor Curtis Boyd appeared with Darlington City Manager John Payne. Mayor Boyd apologized for having to leave the last County Council meeting early to attend Darlington City Council meeting that was scheduled at the same. He stated that it was his understanding that Bradford Pear trees are supposed to eventually come down throughout the State of South Carolina because of the issues they are causing and those around the courthouse look bad and have been there for 30 plus years outliving their life expectancy. Mayor Boyd reported the following: the City of Darlington was given the opportunity through Duke Energy for a \$5,000 grant for trees; City officials had talked about this for a while and the staff had spoken with the County Administrator about having the trees removed and replaced; the City went through the proper channels to obtain a grant for the trees to give to the county to make downtown look good; the proposal was to remove and replace the trees; the Tree Board is a group of people selected by Darlington City Council to provide suggestions; the Tree Board members are not professional experts, but were chosen because of their background with trees; the Tree Board approved the tree proposal and forwarded it to Darlington City Council who has the final authority to accept or not accept their suggestions; and Darlington City Council voted unanimously to approve the tree proposal.

Mayor Boyd explained that the current Bradford Pear trees will be replaced using Sugar Maples and Nellie Stevens Holly trees. The Holly trees will be green year-round and will not shed a lot of leaves. The Sugar Maple trees will drop leaves once per year and have fewer leaves compared to Bradford Pear trees. The trees will be 10 to 12 feet tall in a big

bucket or sack and should only grow to their normal height. When the trees get to a certain point, the City can cut them back for the county to keep them lower. The trees will not overtake and will look good downtown. Mayor Boyd also stated that members of the Tree Board spoke with Mr. Ben Williamson and others about the trees and suggested different types of trees just in case a certain species died. The City will give the trees to the county for the county to plant them. The City was requesting that the new trees replace the current trees in the same 20-foot by 20-foot space for each tree without disturbing the concrete. The current trees will be removed, and a new tree planted in the same place. He stated that according to Mr. Chris Amerson, of Amerson Nursery, the best process would be to cut down the current trees leaving about a 5-foot stump to be pulled up using a backhoe, and then plant the new tree. The trees will come from Amerson Nursery/Farms and Mr. Amerson has agreed to be present to make sure that the trees are planted correctly. Mayor Boyd said he spoke with the County Administrator who has indicated that the county would not be hiring a contractor to remove and plant the trees. He also explained that the drawing presented to Council was a quick design he made to show the location of the trees. If he had known that the drawing would circulate as it did, he would have hired a contractor to draw it. He stated that if a tree dies, he was sure that Mr. Amerson would give the county another one. The City would buy another tree because the City does not want the trees to look bad in the downtown area. Mr. Isaac, a City employee, will keep the trees watered and maintained as part of his job. City officials were told that without a watering system, the months of January and February were the best time to plant the trees. He concluded by stating that he hopes to continue working with the county for many years. If the County wants to do more with the courtyard, the City would be glad to help since the City uses it all the time. He will remain in the back area of the building should there be additional questions.

Consent Agenda (Receive As Information)

Included in the Consent Agenda were the following:

- 5.A. *Beaver Management Program Report, December 2021*
- 5.B. *Darlington County Humane Society's Animal Shelter Quarterly Report, Oct. - Dec. 2021*
- 5.C. *Darlington County Watershed Study, Notification Of Selection For Contract Negotiation*
- 5.D. *Economic Development Year-End Summary*
- 5.E. *Historical Commission Board Minutes, Stats and Updates, January 6, 2022*
- 5.F. *Pee Dee Workforce Development Board Quarterly Report, December 31, 2021*
- 5.G. *Announcement From The Office Of The Governor RE: Fiber Industries Expanding Operations In Darlington County*

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

The motion carried unanimously.

Approval Of Minutes - Minutes Of Public Hearing And Regular Meeting, January 4, 2022

MOTION made by Mr. Flowers and seconded by Mr. Douglas to approve the minutes of January 4, 2022.

The motion carried unanimously.

Ordinances

Ordinance No. 21-08, An Ordinance Authorizing (1) The Execution And Delivery Of A Fee In Lieu Of Tax And Incentive Agreement By And Between Darlington County, South Carolina (The "County") And Pee Dee Electric Cooperative, Inc., Acting For Itself, One Or More Affiliates, And/Or Other Project Sponsors (Collectively, The "Company"), Pursuant To Which The County Shall Covenant To Accept Certain Negotiated Fees In Lieu Of Ad Valorem Taxes With Respect To The Establishment And/Or Expansion Of Certain Facilities In The County (The "Project"); And (2) Other Matters Relating Thereto - THIRD READING

There was not a motion for third reading of Ordinance No. 21-08. Therefore, Ordinance No. 21-08 failed/died for lack of a motion.

Ordinance No. 21-10, An Ordinance To Amend Ordinance No. 11-20 To Change (Reapportion) The Boundaries Of The County Council Districts Of The Darlington County Council As A Result Of The 2020 Census, To Establish The Separability And Severability Of This Ordinance, And To Establish The Effective Date Of This Ordinance - THIRD READING

Motion made by Mr. Flowers and seconded by Mr. Davis to approve third reading of Ordinance No. 21-10.

The motion carried with Ms. Thomas opposing.

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 - FIRST READING

Ordinance No. 22-01 was read for first reading. No action required for First Reading.

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 - FIRST READING

Ordinance No. 22-02 was read for first reading. No action required for First 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 - FIRST READING

Ordinance No. 22-03 was read for first reading. No action required for First 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 - FIRST READING

Ordinance No. 22-04 was read for first reading. No action required for First Reading.

Resolutions

There were no Resolutions.

Committee Reports

There were no Committee Reports.

Other Items

Appointments To Boards/Commissions/Committees Due To Vacancies & Term Expirations As Of June 30, 2021

Mr. Flowers and Mr. Askins carried over their appointment(s).

Mrs. Godbold asked about attendance on boards and how long could appointments be carried over.

Mr. Stewart responded that he did not know of an ordinance that requires a certain amount of attendance. For most of the Boards and Commissions, individuals can serve until their successors are duly appointed or vetted. The Economic Development Board has certain term limits, but the last change made to the ordinance five or six years ago provided for no term limits as long as no one was appointed to replace the individual serving.

Mrs. Godbold mentioned that some people were not attending the meetings.

Mr. Stewart said the ordinance was mute as to whether not attending meetings would disqualify them. He also stated that Councilmembers do not have to recommend the person again for reappointment to the same Board/Commission. Council votes together on each member. Councilmembers nominate individuals but Council votes as a body to accept or deny the appointment. As far as anything being restrictive or would stop an individual from being renominated was not spoken to in the ordinance.

Mr. Flowers mentioned that he did not have anyone desiring to serve on the Board of Assessment Appeals or the Construction Board of Adjustment Appeals. He also mentioned that these two Boards have not met in a number of years because there had not been an appeal or assessment issue.

Mrs. Godbold mentioned that the name of an individual was still showing on the Board of Fire Control and the person was no longer associated with the fire department. She also heard that the structure of the Board was not operating as it appears to operate regarding the Chiefs, Battalion Chiefs, etc.

Mr. Stewart clarified that this had nothing to do with the Fire Board. Members of the Fire Board are appointed by County Council upon the recommendations from the Fire Board. He also mentioned that the Code of Ordinances provides a list of duties and responsibilities for the Fire Board. The Chiefs and Battalion Chiefs have nothing to do with the makeup of the Fire Board. Mr. Stewart also mentioned that the Fire Board meetings are open meetings, and anyone could attend but not participate in the voting.

Mrs. Godbold asked whether Council would want a person who was terminated from the volunteer fire service to serve on the Fire Board.

Mr. Stewart said this would not have any effect on the Fire Board membership. Board membership is not affected by personnel matters.

Mr. Flowers added that Council appoints people to the Board of Fire Control as recommended from each fire station. There was a time when a station had recommended someone who had the experience but was not an active firefighter. However, he did not remember Council ever generating a name for appointment to the Fire Board. The recommendations have always come from the individual fire station.

Chairman Hudson commented that the Fire Board decides its own training, number of meetings, etc.

Mr. Stewart clarified that Mrs. Godbold was referring to something else and not where the Fire Board had input on the primary requirements for firefighters and some individuals were removed from the list because they did not meet the Fire Board's recommended requirements to maintain active status.

Ms. Thomas stated that when she became a member of County Council, the Clerk to Council provided her with information regarding each board.

Mr. Stewart pointed out that the brief description/overview for each board was on page 186 of the agenda package. He also mentioned that the staff could provide the ordinance that governs each Board/Commission.

Mrs. Godbold wanted to know what the Board of Fire Control does.

Mr. Stewart responded that the Board of Fire Control primarily oversees the recommendations governing the volunteers and part-time staff, makes recommendations on what they think should happen with the equipment, training, etc., and recently participated in hiring the Fire Chief. The Fire Board does not make the final decision on purchases, etc. He would have to pull the ordinance to go through the list of duties and send a copy to Mrs. Godbold.

Mrs. Godbold asked whether she could attend the Fire Board meetings.

Mr. Stewart responded that the Fire Board meetings are public just as County Council meetings. She could attend the meetings but not participate.

Appointments To The FY22/23 Accommodations Tax Advisory Committee

MOTION made by Mr. Flowers and seconded by Mr. Coker to reappoint to the Accommodations Tax Advisory Committee Ms. Karla Green representing lodging, Mr. John Templin Hardee representing lodging, Mr. Winfred Herrington representing citizen at large, Mr. John Crawley representing citizen at large, and Mrs. Joyce Wingate representing cultural and hold the appointment of Ms. Carol Bishop and Mr. James Ashley Flowers for discussion after the vote.

The motion carried unanimously.

Mr. Flowers stated that he was not opposed to the reappointment of Ms. Carol Bishop representing hospitality nor Mr. James Ashley Flowers representing hospitality. He noticed in the information that they did not attend the meeting last year but did not know whether they wanted to continue serving or whether there was a conflict with the meeting time.

Mr. Douglas expressed his desire for Ms. Carol Bishop to continue serving.

MOTION made by Mr. Flowers and seconded by Mr. Coker to reappoint Ms. Carol Bishop to represent hospitality business on the Accommodations Tax Advisory Committee for FY22/23.

The motion carried unanimously.

Mr. Coker had not spoken with Mr. James Ashley Flowers but will contact him to confirm his availability.

MOTION made by Mr. Flowers and seconded by Mr. Douglas to carry over the appointment representing Hospitality Business.

The motion carried unanimously.

Rural Infrastructure Fund Grant Award And Performance Agreement For Fiber Industries, LLC - Grant #C-21-3495, \$300,000

MOTION made by Mr. Douglas and seconded by Mr. Davis to approve acceptance of the Rural Infrastructure Fund Grant Award and Performance Agreement for Fibers Industries, LLC.

The motion carried unanimously

Consideration To Elect "Standard Allowance" For Revenue Loss In ARPA Funds

MOTION made by Mr. Flowers and seconded by Mr. Askins to approve the standard allowance for revenue loss in ARPA (American Rescue Plan Act) funds.

Mr. Coker requested clarification.

Mr. Stewart explained that the Treasury Department released its Final Rule on January 7th which took the place of the Interim Final Rule governing how American Rescue Plan Act funds can be spent/utilized. The staff thought that the county had to elect an allowance by January 31st, but at the last minute, was told that counties did not. Therefore, this matter was placed on tonight's agenda. The new allowance in the Final Rule, which was not in the Interim Final Rule, allows any county to elect up to \$10 million of the money they are receiving as loss revenue versus having to do any calculations or holding the money year after year to do a loss revenue calculation. If this election is made, it would not change

anything that the funds can be spent on prior to this. The fund could still be spent on those exact programs or areas as previously laid out by the Treasury. Funds can be spent on additional governmental services while providing greater flexibility. More importantly, this makes the reporting of the loss revenue amount easier. Mr. Stewart also explained that electing the \$10 million loss revenue allowance would not affect the county's ability to choose any funding opportunities, but would make it simpler to report to the Treasury regarding the funds left and available. The county would have to submit a descriptive narrative versus providing a lot of backup documentation. He mentioned several things that loss revenue could not be used for. Council had already dedicated and paid premium pay to county employees and placed this in the January 31st report. Funds were also dedicated for broadband.

Mrs. Godbold asked whether the county had loss revenue.

Mr. Stewart responded that due to the pandemic, the federal government expects that there was loss revenue that would have been generated through some means of hospitality taxes, accommodations taxes, general growth, etc. Therefore, the federal government is providing a nationwide standard allowance of up to \$10 million. Darlington County received about \$12.9 million. He provided the example that if an agency received only \$4 million, that agency could choose to say all of that is loss revenue. It is the federal government's idea that a county could have had a lot more revenue and will never know the actual amount or the county could calculate exactly what was brought in each year and the allowance for growth and submit that. However, this cannot be done until the end of each year. The funds would have to be held to the end of the last year to calculate maximum loss revenue to dedicate it. If the standard allowance is selected, you can decide where to place the funds to begin with and the reporting requirements are simpler.

Mrs. Godbold asked whether Council will hold a Worksession to talk about dedicating ARPA funds and documenting the expenditures.

Mr. Stewart responded that Council would have to hold a Worksession. The Final Rule was received within the last few weeks. He also stated that each time Council dedicates funds, there will be an action of Council.

Mrs. Godbold mentioned that she has never seen a check-off list from the Action Items. She also requested a copy of the January 31st report.

Mr. Stewart will provide a copy of the January report. He also stated that each time council dedicated funds, Council took action. Upon Council's approval, premium pay to employees was paid and funds allocated (but not yet spent) for the broadband contract. Construction under the broadband contract will not occur until later during the year or in 2023.

Ms. Thomas asked whether this information was included in the memorandum from NACo (National Association of Counties).

Mr. Stewart pointed out that South Carolina Association of Counties (SCAC) sent a notice to counties regarding changes to the Final Rule. The large packet of information Council members received included the Final Rule, a summary from the Treasury, a set of slides used in a webinar presented by the Treasury, and a set of slides from NACo.

The motion carried unanimously.

Consideration To Appoint A Hearing Examiner Or County Council To Hear Appeal Regarding The Placement Of A Communication Tower (Stelar Infrastructure, LLC) Off Ousleydale Road In Hartsville (Tax Map #053-00-02-061) As Approved By Darlington County Planning Commission On December 15, 2021

MOTION made by Mr. Flowers and seconded by Mr. Coker to appoint a hearing examiner regarding this matter. Mr. Flowers stated that Judge Milling heard/conducted the last appeal hearing since a lot of legal issues were involved.

Mr. Stewart stated that based on that precedence, Attorney Cox reached out to Judge Milling to find out whether he would be interested again in being a hearing examiner and he stated that he would if Council chose to appoint him.

MOTION made by Mr. Flowers to amend his motion to appoint Judge Milling as the Hearing Officer for this matter. The amended motion was seconded by Mr. Coker.

The motion carried unanimously.

Courthouse Tree Proposal

MOTION made by Mr. Flowers and seconded by Mr. Douglas to approve the courthouse tree proposal from the City of Darlington.

Mrs. Godbold was concerned that the City of Darlington's ordinance was not up to date because it states that Bradford Pear trees are the approved species, and that written permission must be given for trees that are not on their list. The Nellie Stevens Holly and the Southern Sugar Maple were not on the City's list in their ordinance. The City's ordinance was included in Council's agenda package. Mrs. Godbold also was concerned that the City states that the trees will be pulled up with a backhoe. However, there are electrical boxes near the trees that cannot be pulled up.

Mr. Coker suggested that the Mayor come back before Council to answer these questions.

Mr. Flowers responded that Council generally does not have back and forth discussions where things could spiral.

Mrs. Godbold said the county sent the Mayor 17 questions and received responses but no answers. Some of the responses did not provide answers, just words. She did not like the City's approach or the response that a long-range plan was not necessary. After walking the courtyard, the number of trees still did not match up with the drawing. Mrs. Godbold felt that this was premature, and Council should have the opportunity to establish a complete renovation of the grounds. She asked whether the memorial plaques near the trees would be placed back and whether the families had been contacted. Mrs. Godbold said she was not against anything being done, but the approach was wrong, and the county and city need to work together for a better plan and do more than just pull trees up and put trees back.

Mr. Douglas felt that the City provided everything that Council asked for.

Ms. Thomas did not feel that this was researched enough, and more planning should have been done.

Chairman Hudson called for the vote. The motion carried with Ms. Thomas and Mrs. Godbold opposing.

Administrative Update – Mr. Marion Charles Stewart, County Administrator

Courthouse Construction. Mr. Stewart reported that the footers for the foundation were being completed, the full slab was expected to be poured by the end of February, and steel is expected to be erected in March based upon steel delivery. Drown videos and photos of the construction progression were posted on the county website and updated every few weeks.

Confederate Flag. Two letters from the County Attorney were placed at Council's since they were not received in time to be included in the agenda package. One letter was Attorney Cox's position on the confederate flag.

Attorney Cox said his letter answers the questions presented by a citizen who was protesting the confederate flag in Pine Ridge. The flag was paid for by private citizens, was located on private property, and the County Council or no one else could remove it. They could object to it, but this was a part of the freedom of this country to have free expression of ideas and beliefs.

Mr. Stewart said a copy of the letter will be sent to Pastor Melissa Williams who appeared before Council regarding this matter. This letter was written to Council so that it could be placed in the record should this matter come up again.

Boards and Commissions. Mr. Stewart said he had been asked to confirm again whether individuals must live in the council district for which they represent on Boards/Commissions. The second letter at Council's desk was Attorney Cox's response confirming that as the current ordinance stands, there is no requirement that someone appointed to a board/commission must reside in a specific district.

Mr. Stewart explained that if a council member nominates someone, council votes on the nomination, and the person is appointed to the board/commission as long as they live within the county. Where an individual resides in the county does not play a part as to whether he/she can or cannot be a member of a board/commission.

Attorney Cox explained that the ordinance was written in this manner because there may be a special talent needed and there may not be an individual with that talent in a certain council district. Therefore, the council member can elect or appoint someone outside his/her council district.

Ms. Thomas said she had a letter in her file dated 2017 when she had asked the same question. She read a memorandum dated July 25, 2019, from Attorney Cox to the Clerk to Council and copied to Mr. Stewart. Ms. Thomas read the memorandum as follows:

“Subject of the memorandum: Representation on Boards/Commissions of each council district. JaNet, I thank you for calling to my attention Section 2-201 of the Code. Just as each council member has to live in the district in which they have been elected, each Council member's appointment to committees must live in the district in which each has been appointed. The overall purpose is to make sure that representatives on committees come from the district in

which they live. Further, I see no need or reason for making any amendments to the code section or county code. Thank you for calling this to my attention.”

Chairman Hudson responded that the memo could have been written before the ordinance was changed.

Mr. Flowers thought Council had voted to change the requirement for committee members to live within the district of the appointing council member so that each council member could use the entire county as a pool of candidates for Council appointments to committees.

Mr. Stewart said the staff will look at the changes in the code. However, the current code does not state that individuals must live in the district that they represent on a committee.

Ms. Thomas asked that the Clerk to Council look in her file for Mr. Cox’s letter dated 2017.

Darlington Watershed Study. Mr. Stewart reported that he spoke with Felicia in the Office of Resilience who indicated that they were negotiating with E.L. Robinson who was chosen to negotiate a contract. This information was on page 68 of the agenda package. If a contract is completed, the county will be engaged, and the locations of water problems identified.

Statement of Economic Interest. Mr. Stewart reminded Council members to submit their Statement of Economic Interest by March 30th. The Clerk to Council will include this information in Council’s next agenda package.

Requests / Comments - Members Of Council

Mr. Davis announced the death of Mr. David Dickey, a former deputy sheriff, and current security officer at the courthouse. He asked everyone to be safe and take care of each other.

Mr. Askins commended Elections/Voter Registration Director Hoyt Campbell for the redistricting maps. He also commented about the limited time Council had to get this done and asked that this be addressed at the state level so that the county can get the information earlier or streamline the process.

Mr. Stewart mentioned that this was an abnormality of the census running late due to COVID.

Mr. Campbell explained that this was the first time that the information had been this late. The county usually receives it around April. He confirmed that everything was pushed back due to COVID.

Elections/Voter Registration Deputy Director William Brunson, who worked part-time with the census, also commented on the timeline for completion of the census.

Mr. Flowers asked whether the schedule for the budget process would be presented at the March meeting.

Mr. Stewart responded that the budget would be given first reading in April, followed by a Budget Worksession on the Wednesday after the April Council meeting. The second reading would occur in May and the third reading in June. The budget process would be the same as last year unless Council takes an action to change the process. The timeline/synopsis will be placed on the next agenda.

Ms. Thomas reported that she had ordered a community profile of Darlington County to help her find the boundary between Darlington City and the county on the lower end of South Main Street and Jewels Wood Drive near the mobile home park.

Mr. Stewart will print information from the Assessor's data which is available online.

Ms. Thomas asked about the comprehensive plan and ARPA (American Rescue Plan Act) funds?

Mr. Stewart responded that Council could look at the Comprehensive Plan to determine whether there is something to designate ARPA funds for. However, the Comprehensive Plan was a separate plan updated every five years. The Final Rule will dictate how ARPA funds can be used.

Mrs. Godbold asked about the county's current IT contract, why the IT staff was not present at the meetings to handle the live stream, and how often the county receives bid proposals for IT services.

Mr. Stewart said the live stream process was simple. However, tonight something happened with Spectrum at the beginning of the meeting causing a problem with the hard line. The problems at the Hartsville meeting involved the microphones. However, he could have IT present at the meetings. He also stated that there had not been a need to solicit proposals or to rebid IT services at this point.

Mrs. Godbold asked the status of the marquee.

Mr. Stewart said the staff provided a quote in the last agenda package to replace the sign with something like the signs in front of the new schools. The sign needs to be updated and not just replace the red letters. He also commented that installing a display sign may have to be discussed with the City of Darlington.

Mrs. Godbold asked about updating the county Code of Ordinances. The last update was September 23rd. She could not remember where she looked at the information online, but emergency service fees and road fees had not been updated.

Mr. Stewart stated that he would have to look with Mrs. Godbold to see what she was looking at since the ordinances are updated every time Council votes to change an ordinance.

The Clerk to Council added that the current ordinances were online. However, the codified sections are only updated several times per year. Municode's portal has notations where updates have occurred, and the actual ordinances are also there.

Mrs. Godbold asked whether the Auditor's Discussion and Analysis was public knowledge and whether the staff/Council would address the seven recommendations contained in the Auditor's Discussion and Analysis.

Mr. Stewart stated that if someone requests it, they can have it, and Council could discuss this at any time or schedule a workshop. He explained that the auditors conducting the annual audited financial statements provide an Auditor's Discussion and Analysis report containing recommendations on where they think improvements can be made. The county had a clear and clean audit, and the information is posted on the county website.

In reference to the recommendations, Finance Director Sherman explained that the auditors wanted to see the policies and procedures used throughout the years. The other items were recommendations that the staff can do to update and/or make things better.

Mrs. Godbold commented that the staff was not using software but manual spreadsheets.

Mr. Dibble responded that excel spreadsheets were used only for fixed assets information that could not be integrated into the county's QS1 system. However, there was nothing wrong with the fixed assets reporting. The auditors were saying that it would be better if the county had a system to compile the information.

Mr. Stewart confirmed that the current QS1 system software does not function as well as the excel spreadsheet for depreciation and sales application, but the excel spreadsheet is not a general ledger as termed by the auditor. Once an excel spreadsheet is compiled to make calculations for depreciation and changes, it functions like a software system from year to year based upon the controls, perimeters, functions, equations, etc. that the staff establishes for it to compute. The QS1 Asset Management application currently does not do as well a job for meeting the requirements of general accounting standards procedures as the staff's excel spreadsheet. However, the information from the staff's excel spreadsheet was verified, checked, and included as a part of the county's financial statement.

Mrs. Godbold asked whether the Treasurer's Office was using handwritten ledgers.

Mr. Stewart's response was no. However, the Treasurer's information does not automatically integrate line item to line item with the Finance Department's general ledger. The Treasurer has the responsibility under state statute to bring in and allot the tax dollars to the various organizations including Darlington County. The Finance Department's general ledger breaks down the budget by each department's line items whereas the Treasurer's Office general ledger keeps up with where the funds go as opposed to accounting for budgeted expenses by line items. Therefore, the general ledgers do not match.

Mr. Flowers said what the auditors said about the ledger was six years old. This does not exist since there has been a new Treasurer.

Mrs. Godbold questioned why the auditors would include something from six years ago in the fiscal year 2020/2021 audit.

Mr. Askins suggested that the staff provide a response to Council for each recommendation listed in the Auditor's Discussion and Analysis.

Mrs. Godbold wanted to know who was doing the down work over the new courthouse construction site.

Mr. Stewart responded that this work was contracted through Michael Baker, the company contracted to do the courthouse. Multivista was taking the photographs as the facility is constructed for walls, piping, etc. - a catalog of the process.

Mrs. Godbold said she saw flags on the top of the courthouse and wanted to know what was going on.

Mr. Stewart explained that repairs were being done to the roof and roof membrane.

Mrs. Godbold stated that she had something from Pee Dee Electric that they shared with her, and she wanted to share it with council.

Vote For Executive Session - Discussion Of Negotiations Incident To Proposed Contractual Arrangements

MOTION made by Mr. Flowers and seconded by Mr. Coker to vote for executive session for the discussion of negotiations incident to proposed contractual arrangements.

The motion carried unanimously.

Executive Session - Discussion Of Negotiations Incident To Proposed Contractual Arrangements

MOTION made by Mr. Flowers and seconded by Mr. Douglas for Council, the County Attorney, and the County Administrator to go into executive session for the discussion of negotiations incident to proposed contractual arrangements.

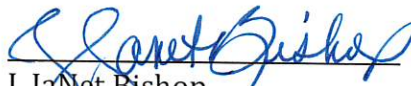
The motion carried unanimously

Council went into executive session at 7:48 p.m. and reconvened at 8:08 p.m. Upon reconvening, Chairman Hudson announced that no action was taken during executive session.

Adjournment

MOTION made by Mr. Flowers and seconded by Mr. Davis to adjourn the meeting. There being no further comments, the meeting was adjourned at 8:08 p.m.

Respectfully submitted,



J. Janet Bishop
Clerk to Council



Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of March 7, 2022.