

SPECIAL MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

JUNE 19, 2023

A Special Meeting of the County Council of Darlington County was held this 19th day of June 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.

COUNCIL MEMBERS PRESENT

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

COUNCIL MEMBERS ABSENT

Mr. Albert Davis, III.

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, Sheriff James Hudson, and others.

REPORTERS PRESENT

None.

Call To Order / Invocation / Pledge Of Allegiance

Chairman Hudson called the meeting to order at 6:01 p.m. Mr. Douglas presented the invocation and Mr. Askins led the Pledge of Allegiance.

Ordinances

Ordinance No. 23-03, An Ordinance To Make Appropriations For Ordinary County Purposes For Darlington County For The Fiscal Year Beginning July 1, 2023, And Ending June 30, 2024; To Provide For The Expenditures Thereof; And To Provide For Revenues For The Payment Thereof - THIRD READING

MOTION made by Mr. Flowers and seconded by Mr. Douglas to approve third reading of Ordinance No. 23-03, the FY23/24 budgets.

Chairman Hudson called for the vote. Those voting in favor of the motion were Mr. Coker, Mr. Douglas, Mr. Flowers, Chairman Hudson, Mr. Askins, and Ms. Thomas. Opposing was Mrs. Godbold. The motion carried.

Ordinance No. 23-04, 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, 2023, And Ending June 30, 2024 -THIRD READING

MOTION made by Mr. Flowers and seconded by Mr. Douglas to approve third reading of Ordinance No. 23-04.

The motion carried unanimously.

Ordinance No. 23-10, An Ordinance To Amend Darlington County Code Of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 7 (Fees), To Increase The Emergency Services Vehicle Fee; To Increase The Rate For Mileage Reimbursement; To Include Animal Adoption And Redemption Fees, And To Establish The Effective Date Of This Ordinance - SECOND READING

MOTION made by Mr. Flowers and seconded by Mr. Douglas to approve second reading of Ordinance No. 23-10.

The motion carried with Ms. Thomas opposing.

Ordinance No. 23-12, An Ordinance To Amend Darlington County Code Of Ordinances, Chapter 6 (Animals), To Amend/Update Various Sections And To Establish The Effective Date Of This Ordinance - SECOND READING

MOTION made by Mr. Flowers and seconded by Mr. Douglas to approve second reading of Ordinance No. 23-12.

Mrs. Godbold stated that the ordinance was a cleanup version of what the county already has. She was hoping to see more of something that would address animal welfare such as defining what is adequate food and water, abandonment, outdoor temperatures, tethering, breeding operations, etc. She also wants to make sure that the county has a class one law enforcement officer who can enforce the ordinance. She mentioned that she met with the Sheriff, SLED, and others regarding this matter. Mrs. Godbold felt that the county needs more and clearer definitions so that people will know exactly what it means and officers will know exactly what they can and cannot enforce because what seems to be adequate to her may not be adequate to someone else. Therefore, Council needs to define what that is because officers need to know how to make clear decisions. She mentioned that she has information to share with the county administrator and county attorney to incorporate into the ordinance if Council agrees.

Ms. Thomas asked whether the animal adoption and redemption fees would be for the city and the county.

Chairman Hudson responded that the city has its own.

Mrs. Godbold asked whether her amendments would be added.

Mr. Stewart explained that Council would have to amend the ordinance. The staff nor the county attorney could make changes to the ordinance without directions from council, as a body, to amend the ordinance and bring it back for Council's consideration.

Mrs. Godbold said this was the time to get this right by including information regarding the mistreatment of animals which was happening everywhere. Although this was a clean-up version of the ordinance, she did not want to move forward with it because it does not address the problems.

Ms. Thomas was concerned about the redemption fees and how they are determined.

Mr. Stewart explained that the City does not have a separate set of fees. The Humane Society has contract fees, and the staff reached out to them to get their current fees to make sure they are updated in the ordinance. He also stated that the city has its own rights to enforce codes within the town and sometimes they contact the county for assistance. Mr. Stewart confirmed that the current ordinance did not set parameters for animal cruelty and welfare, specifically regarding the amount of food, tethering, etc. The ordinance refers to state laws as to what is considered animal cruelty and mistreatment so that the Sheriff's Office and/or SLED can use these laws to enforce the codes. However, some counties have their own rules about the amount of food, tethering, etc. He also stated that whatever Mrs. Godbold sends to the staff will be sent to council members for consideration.

Mr. Flowers clarified that if Mrs. Godbold would like to make changes to the ordinance, she should send the specific changes to the Administrator's Office and the staff will forward them to council members as information. Then at third reading, she could move to amend the ordinance and have the amendments placed for a vote.

Attorney Lucas confirmed Mr. Flower's comments. He also stated that the county has a uniform ordinance, but, unfortunately, it did not correspond to what the county was doing. In many cases, it named people that the county did not have working and described processes and procedures that the county did not use, particularly regarding the Humane Society's fees, etc. Attorney Lucas said the staff met with Ms. Kirven on two occasions because he wanted to get this right. He also stated that Council had just considered second reading of a fees ordinance (Ordinance No. 23-10) and the fees in that ordinance could not be different than the fees in this ordinance (Ordinance No. 23-12). Attorney Lucas also mentioned that the current ordinance was sent to the chief investigator/SLED for review, and the statutes that are relied on when enforcing state laws were sent and incorporated into the proposed ordinance by reference. The current ordinance was not a bad ordinance. It was uniform and did not apply to a lot of the things that the county was doing. Attorney Lucas also wanted to make it clear as to whether the county would let codes officers put down animals, get arrest warrants, etc., or should the codes officer go to the Sheriff who can utilize SLED. These were policy decisions. It was his opinion that anyone who does not go to the academy should not make these types of decisions as reflected in the current ordinance. He also mentioned that incorporating state laws and other code sections by reference makes the ordinance better. His task was to bring the current ordinance up-to-date and ensure that the fees are correct and the process is what the county is doing. However, the ordinance

could be more strict/specific and the definitions could be changed. To do this, Council could have a worksession to talk through it or if any member has suggested amendments, he would prefer to receive them in writing to be placed in amendment form and offered at the next meeting for a vote before voting on third reading of the ordinance. It was up to council on how to proceed with the third reading of this ordinance.

Mr. Flowers again stated that proposed amendments should be sent to the staff to be placed in amendment form and sent to Council to be voted on at the next meeting.

Attorney Lucas confirmed that the amendments should be in writing, and he would work with any council member to draft an amendment before the next meeting. With the short turnaround for the next meeting, if the amendments could not be made in time, the ordinance could be carried over until all the amendments are received or Council could have a worksession.

Mr. Coker asked whether the ordinance mirrors state laws.

Attorney Lucas responded that the ordinance incorporates a number of state codes that can be enforced by the Sheriff's Office. He also mentioned that the ordinance was sent to SLED's leading investigator who had good changes. However, the question was whether Council would like the scope of the ordinance to go further and offer amendments at the next meeting.

Chairman Hudson called for the vote. Those voting in favor of second reading of Ordinance No. 23-12 were Mr. Askins, Mr. Coker, Mr. Douglas, Mr. Flowers, Mrs. Godbold, Chairman Hudson, and Ms. Thomas. The motion carried unanimously.

Ordinance No. 23-11, An Ordinance Authorizing The Sale Of The I-20 Industrial Park Pursuant To A Purchase And Sales Agreement Between Darlington County And Pee Dee Electricom, Inc. - FIRST READING (By Title Only)

The title of Ordinance No. 23-11 was read for first reading. No action required.

Resolution No. 756, Proclaiming The Month Of June As Men's Health Month In Darlington County

MOTION made by Mr. Flowers and seconded by Mr. Coker to approve Resolution No. 756. Proclaiming the month of June as Men's Health Month in Darlington County.

Mr. Flowers read the resolution. The motion carried unanimously.


Adjournment

MOTION made by Mr. Flowers to adjourn the meeting. There being no further comments, the meeting was adjourned at 6:22 p.m.

Respectfully submitted,



J. Janet Bishop
Clerk to Council


Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of July 3, 2023.