

PUBLIC HEARING & REGULAR MEETING  
DARLINGTON COUNTY COUNCIL  
DARLINGTON, SC

October 6, 2014

A public hearing and regular meeting of the County Council of Darlington County was held October 6, 2014, at 6 p.m., at the Darlington County Courthouse Annex/EMS Building, 1625 Harry Byrd Highway, Darlington, South Carolina.

NOTICE OF MEETING

In compliance with the Freedom of Information Act, a copy of the agenda, giving the date, time, and place of the meeting was mailed in advance to the local newspapers, persons requesting notification, and posted on the bulletin board at the entrance of the County Administrator's Office and the Courthouse Annex/EMS Building.

NOTICE OF PUBLIC HEARING

A Notice of Public Hearing for Ordinance No. 14-13 and Ordinance No. 14-14 was published in the Hartsville Messenger and the News and Press on August 27, 2014.

A Notice of Public Hearing for the extension of lease to U.S. Department of Agriculture for office space for Darlington County USDA Service Center Offices was published in the Hartsville Messenger and the News and Press on September 10, 2014.

COUNCIL MEMBERS PRESENT

Chairman Wesley Blackwell, Vice Chairwoman Ms. Mozella "Pennie" Nicholson, Chaplain Dannie Douglas, Jr., Mr. Robbin Brock, Mr. Marvin Le Flowers, Mr. Bobby Hudson, Mrs. Wilhelmina P. Johnson, and Mr. Robert L. Kilgo, Jr.

ALSO PRESENT

Interim County Administrator Thomas W. Edwards, Jr., County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Finance Director Perry Strickland, Emergency Services Director Charles Stewart, Sheriff Wayne Byrd, Planning Director Doug Reimold, Roads and Bridges Director Bobby Richardson, Corrections Director Mitch Stanley, Economic Development Director Frank Willis, Airport Manager Barry Kennett, Fire Chief Kenny Stratton, and others.

REPORTERS PRESENT

Mr. Jim Faile of the Messenger and Ms. Samantha Lyles of the News and Press.

PUBLIC HEARINGS

Ordinance No. 14-13, An Ordinance To Amend The Darlington County Code Of Ordinances, Chapter 2 (Administration), Article IV. (Boards, Commissions And Committees), Section 2-204 And Division 2 (Jetport Commission), Sections 2-221 And 2-222 To Change The Name

From Jetport Commission To Airport Commission, To Change The Words Jetport To Airport, And To Establish The Effective Date Of This Ordinance

Chairman Blackwell declared the public hearing open at 6 p.m. to receive comments on Ordinance No. 14-13.

There being no comments, Chairman Blackwell closed the public hearing.

Ordinance No. 14-14, An Ordinance Authorizing Amendments To That Certain Intergovernmental Agreement By And Between Darlington County, South Carolina And The City Of Hartsville, South Carolina; And Other Matters Relating Thereto

Chairman Blackwell declared the public hearing open to receive comments on Ordinance No. 14-14.

There being no comments, Chairman Blackwell closed the public hearing.

Extension Of Lease To U.S. Department Of Agriculture For Office Space For Darlington County USDA Service Center Offices. The Lease Amendment, Commencing Upon Execution And Ending On July 31, 2015, Will Consist Of 3,139.75 Square Foot Of Office Space For Darlington County Farm Service Agency (FSA) Office And 1,037.67 Square Feet Of Office Space For Darlington County Natural Resources And Conservation Service (NRCS) Office Located In The Mozingo Building, 300 Russell Street, Darlington, South Carolina

Chairman Blackwell declared the public hearing open to receive comments on the lease extension to U.S. Department of Agriculture for office space for Darlington County USDA Service Center Offices in the Mozingo Building.

There being no comments, Chairman Blackwell closed the public hearing.

**REGULAR MEETING**

Call To Order / Invocation / Pledge Of Allegiance

Chairman Blackwell called the meeting to order at 6:07 p.m. Mr. Douglas presented the invocation and Mrs. Johnson led the Pledge of Allegiance.

Citizens' Comments

Ms. Summer Baker, Evans Construction of the Carolinas, indicated that Evans Construction was willing to work with Council to develop Ansley Park Subdivision.

Approval Of Minutes - Public Hearing And Regular Meeting Held On August 18, 2014

**MOTION** was made by Mrs. Johnson and seconded by Mr. Douglas to approve the minutes of the August 18, 2014.

The motion carried unanimously

Approval Of Minutes - Regular Meeting Held On September 2, 2014

**MOTION** was made by Mr. Douglas and seconded by Mrs. Johnson to approve the minutes of September 2, 2014.

The motion carried unanimously.

Approval Of Minutes - Special Meeting Held On September 11, 2014

**MOTION** was made by Mrs. Johnson and seconded by Mr. Douglas to approve the minutes of September 11, 2014.

The motion carried unanimously.

Approval Of Minutes - Joint Dinner Meeting Of Darlington County's Municipal Councils, County Council, Board of Education & Legislative Delegation Held On September 29, 2014 - Carry Over Requested, Minutes Incomplete

**MOTION** was made by Mrs. Johnson and seconded by Mr. Douglas to carry over approval of the minutes of September 29, 2014.

The motion carried unanimously.

Ordinances

Ordinance No. 14-13, An Ordinance To Amend The Darlington County Code Of Ordinances, Chapter 2 (Administration), Article IV. (Boards, Commissions And Committees), Section 2-204 And Division 2 (Jetport Commission), Sections 2-221 And 2-222 To Change The Name From Jetport Commission To Airport Commission, To Change The Words Jetport To Airport, And To Establish The Effective Date Of This Ordinance - THIRD READING

**MOTION** was made by Mr. Kilgo and seconded by Mrs. Johnson to approve third reading of Ordinance No. 14-13.

The motion carried unanimously.

Ordinance No. 14-14, An Ordinance Authorizing Amendments To That Certain Intergovernmental Agreement By And Between Darlington County, South Carolina And The City Of Hartsville, South Carolina; And Other Matters Relating Thereto - THIRD READING

**MOTION** was made by Mr. Douglas and seconded by Mrs. Johnson to approve third reading of Ordinance No. 14-14.

The motion carried unanimously.

Ordinance No. 14-15, An Ordinance To Amend The Darlington County Code Of Ordinances, Chapter 14 (Civil Emergencies), Article II. (Emergency Services Director), Section 14-53 (Duties) To Add The Duties Of Administering The Ambulance Service District, The Emergency Medical Services Department, The Enhanced 911 System, 911 Addressing, And The Emergency Telephone Fund, And To Amend Chapter 18 (Emergency Services), Article III. (Enhanced 911 System) To Add A Section For The Emergency Services Director To Direct The Operations Of The Enhanced 911 System - SECOND READING

**MOTION** was made by Mr. Kilgo and seconded by Mr. Brock to carry over second reading of Ordinance No. 14-15 to Council's January 2015 meeting.

The motion carried unanimously.

Ordinance No. 14-16, An Ordinance To Set The Millage Rate For Bond Indebtedness For FY14/15 - SECOND READING

**MOTION** was made by Mrs. Johnson and seconded by Mr. Douglas to approve second reading of Ordinance No. 14-16.

Mr. Edwards explained that he was trying to incorporate all the millage rates into a budget document and formalize the previous bond millage (2.85) and add four mils for the new \$3.9 million bond for a total of 6.85 mils.

The motion carried unanimously.

Ordinance No. 14-17, An Ordinance To Amend Ordinance No. 14-02, FY14/15 General Fund Budget, For A Supplemental Appropriation To Provide Funds For CTC Pin #P027982 And To Establish The Effective Date Of This Ordinance - FIRST READING

Chairman Blackwell read the title of Ordinance No. 14-17 for first reading.

Ordinance No. 14-18, An Ordinance To Amend Ordinance No. 14-02, Fy14/15 General Fund Budget, For A Supplemental Appropriation To Carry Over Grant Balances To FY14/15 Budgets To Provide Funds For CTC Pin #42153, CTC Pin #42154, CTC Pin #P027750, Land Purchase Airport Grant, Apron Taxilanes Rehabilitation Grant, Apron Rehabilitation Construction Grant, Airport Improvement Program Grant, And Justice Assistance Grant (JAG), And To Establish The Effective Date Of This Ordinance - FIRST READING

Chairman Blackwell read the title of Ordinance No. 14-18 for first reading.

Ordinance No. 14-19, Authorizing An Amendment To The Agreement Governing The Joint County Industrial And Business Park By And Between Darlington County, South Carolina And Marlboro County, South Carolina, In Order To Expand The Boundaries Of The Park To Include Certain Property Located In Marlboro County And Other Matters Related Thereto - FIRST READING

Chairman Blackwell read the title of Ordinance No. 14-19 for first reading.

Resolutions

Resolution No. 645, Recognizing James Howle "Jay" Lucas

**MOTION** was made by Mr. Flowers and seconded by Ms. Nicholson to approve Resolution No. 645.

The motion carried unanimously.

Resolution No. 646, Resolution Proclaiming Childhood Cancer Awareness Week In Darlington County

**MOTION** was made by Mr. Flowers and seconded by Mrs. Johnson to approve Resolution No. 646.

The motion carried unanimously.

Committee Reports

There were no committee reports.

Amendment To The Agenda

**MOTION** was made by Mr. Flowers and seconded by Mr. Douglas to amend the agenda to go to Personal Appearances.

The motion carried unanimously.

Personal Appearances - Mr. Tom Lampack, Junk Vehicles In Residential Areas

Mr. Lampack complained about the ordinance governing junk vehicles being backwards in that it places the burden on an individual to put up a privacy fence to block the view of junk vehicles in residential areas. His neighbor owns a wrecker/recovery business and was parking junk vehicles along the property line. Codes Enforcement staff indicated that there was nothing that the county could do since Section 22-8 of Darlington County Code of Ordinances contains an exception for people selling cars. Mr. Lampack felt that the burden of installing a privacy fence to block the view of the junk/wreck vehicles should be on his neighbor because his neighbor was operating a wrecker service as well as a junk yard.

Personal Appearances – Mr. Gary I. Finklea And Mr. Keith Evans – Ansley Park Subdivision Located On Off Hoffmeyer Road

Mr. Finklea appeared on behalf of Mr. Keith Evans to ask Council to approve the development of the former Ansley Park Subdivision located off Hoffmeyer Road beside Trinity-Burns Collegiate School. His partner purchased the development and sold it to Mr. Keith Evans who was not ready to move forward with this project. Mr. Finklea talked about the restrictive covenants and the Summerville Homeowner Association, which would require mandatory assessment of dues.

Mr. Flowers indicated that the two major holdups were the retention ponds and the turn lane.

Mr. Finklea explained that the developer did not want to invest \$75,000 to \$100,000 in a turn lane up front. The sale of lots would stop at twenty-five (25) if the turn lane is not installed. There would be one large retention pond to service the entire development of about 200 lots. Part of the original retention pond was sold with the rear tract of land. An easement to service any aspect of the stormwater system would be conveyed to the new developer and subsequently to the Homeowner Association. Mr. Finklea had no doubt that the Homeowner Association would fully fund the maintenance of the retention pond.

Mr. Finklea also reported that the roads in the subdivision were paved and all the utilities had been installed. Everything had been done to the county's specs and standards, subject to Mr. Reimold's subsequent inspection when the last engineer left the jobsite.

Personal Appearances -Mr. Joseph Mark Smith, Vehicle Traffic From Horsepen Branch Subdivision Off Ruby Road And Northwood Development Off Lakeview Blvd. In Hartsville

Mr. Smith was not present at the meeting.

Other Items

Appointments To Board/Commissions/Committees - Alcohol & Drug Citizen Advisory Committee (Flowers), Ambulance Commission (Nicholson), Construction Board of Adjustment & Appeals (Johnson, Flowers), Historical Commission (Brock), Jetport Commission (Flowers), Library Board (Flowers), Parks & Recreation Commission (Johnson, Flowers, Blackwell), Pee Dee Workforce Investment Board (Private Industry Sector - Carry Over for nomination from Darlington Chamber of Commerce)

Parks and Recreation Commission. Mrs. Johnson nominated Mr. Franklin Jordan to the Parks and Recreation Commission.

Council voted unanimously to appoint Mr. Jordan to the Parks and Recreation Commission for a term to expire June 30, 2017.

Historical Commission. Mr. Brock nominated Mr. Bill Segars for appointment to the Historical Commission.

Council voted unanimously to appoint Mr. Segars to the Historical Commission for a term to expire June 30, 2017.

The remaining appointments were carried over.

#### Rubicon's Strategic Plan For Darlington County, FY2015

Due to medical issues, Mr. Winston McElveen could not attend the County Council meeting.

**MOTION** was made by Mr. Kilgo and seconded by Mrs. Johnson to carry over Rubicon's Strategic Plan for Darlington County.

The motion carried unanimously.

#### Memorandum Of Agreement With SC Department Of Transportation And Letter Of Credit From Developer For A Proposed Subdivision (Formally Ansley Park) Located Off Hoffmeyer Road Near Trinity-Byrnes Collegiate School

**MOTION** was made by Mr. Kilgo and seconded by Mr. Flowers to approve the agreement and letter of credit, which had been reviewed by Attorney Cox.

#### Animal Shelter Contract For FY2014/2015

**MOTION** was made by Mr. Flowers and seconded by Mr. Kilgo to approve the Animal Shelter Contract.

Mr. Brock was not in favor of the section in the contract (page 2) stating that animals brought to the shelter and reclaimed would be altered (spay/neuter) at the owner's expense. He was concerned that people may not be able to pay the cost for spay/neuter to reclaim their pet.

Mrs. Kathy McDonald, of the Humane Society, indicated that the animals causing the problems were those animals that are not contained and altered.

Mr. Flowers suggested that there not be an exception for animal reclaimed within four days. If an animal is picked up, it should immediately come under the spay/neuter program versus someone who calls about their dog being missing. He wanted the four days to apply to everyone and not exempt certain dogs.

Mrs. McDonald said currently, after four days, the animals become the property of Darlington County Humane Society and can be altered. Therefore, there would be no change in policy.

Mr. Flowers was also in favor of adding the proposed language on page 2, which states, "After shelter operational hours, county employees certified through the South Carolina Animal Care & Control Association, will perform the necessary euthanasia for injured or suffering animals."

Mrs. McDonald confirmed that Mr. Flowers wanted mandatory spay/neuter after four days. She stated that if Council would agree to this, she felt that she could represent the Humane Society and say they would accept this.

**MOTION** was made by Mr. Flowers and seconded by Mr. Kilgo to amend the motion to delete the four-day exception and all animals be spay/neutered within four days. He wanted to use the existing contract and allow the addition language regarding emergency euthanasia after shelter operational hours.

The motion carried with Mr. Brock and Chairman Blackwell opposing.

Chairman Blackwell called for the vote to approve the Animal Shelter Contract, as amended.

The motion carried with Mr. Brock opposing.

Lease Amendment For U.S. Department Of Agriculture To Lease Office Space In The Mozingo Building For Darlington County USDA Service Center Offices

**MOTION** was made by Mrs. Johnson and seconded by Mr. Flowers to approve the lease amendment for USDA to lease office space in the Mozingo Building.

The motion carried.

Quit Claim Deed For Undeveloped Road In Fox Hollow Subdivision

**MOTION** was made by Mr. Flowers and seconded by Mrs. Johnson to approve the quit claim deed for the undeveloped road in Fox Hollow Subdivision.

Mr. Flowers expressed concerns about giving the property to the O'Neals when it was beside Brenda and Tommy Hayes. It appeared to Mr. Flowers that the Hayes access their property using this undeveloped road.

Planning Director Doug Reimold explained that this would deed the property to the owners of the adjacent property since the original owners could not be found, West Rydings (the developer). He further explained that the O'Neals were trying to sell their property along with the strip to the Hayes. However, the Hayes would not go through with the transaction unless they received the undeveloped right-of-way.

Ms. Nicholson mentioned that Rev. Hughes and Mrs. Hattie Hughes had contacted the county about a similar matter, and the county instructed the Hughes that they would have to buy the right-of-way. She questioned why the county would charge the Hughes for a small pathway.

Attorney Cox explained that every attempt was made to contact the Rydings Corporation because if the right-of-way ceases to be used for public good, it goes back to the Rydings Corporation. In this instance, the county was saying whatever interest the county has, if the county has any interest, the county was quit claiming it to everyone involved. Attorney Cox said Ms. Nicholson was talking about a developed subdivision were not all the neighbors were in agreement to close the right-of-way. Therefore, the county could not just honor the two people who want it closed.

The motion carried with Ms. Nicholson opposing and Mrs. Johnson abstaining for more information.

Purchase of Firefighter Protective Clothing

**MOTION** was made by Mr. Flowers and seconded by Mr. Hudson to approve the purchase of firefighter protective clothing.

The motion carried unanimously.

Acceptance Of Land Donation For Station 6 (Substation) In Ashland Area

**MOTION** was made by Mrs. Johnson and seconded by Mr. Hudson to approve the land donation in Ashland area.

The motion carried unanimously.

Request Funds From Existing Account To Resurface Stanley Circle, \$69,358

**MOTION** was made by Mr. Flowers and seconded by Mrs. Johnson to approve the request for funds from an existing account to resurface Stanley Circle.

The motion carried unanimously.

Request To Proceed With South Darlington Watershed Project

**MOTION** was made by Mrs. Johnson and seconded by Ms. Nicholson to proceed with the South Darlington Watershed Project.

Chairman Blackwell reported that a meeting, consisting of Senator Gerald Malloy, Interim County Administrator Tommy Edwards, Mr. Blackwell, Mr. Kilgo, SEPI Engineers, USDA, Planning Director Doug Reimold, and Finance Director Perry Strickland, was held last Wednesday to discuss whether the South Darlington Watershed Project could be completed by September 2015. He took from the meeting that the time would be extended.

Mr. Edwards said Council received an approval to extend the project for another year to September 2015. However, in looking at the time frame to complete the project, the county needed to consider not knowing when the permits would be received and the time frame to bid the project, to approve the contractor, for the contract to begin working, and construction. Mr. Edwards indicated that unless Senator Malloy and others are able to get an additional year added or additional time added to the last extension, the county may not be able to complete the project. He asked whether Council would be prepared to go forward and try to find another means to complete the project. Mr. Edwards indicated that Economic Development Director Frank Willis volunteered to work with Senator Malloy in an effort to obtain the permits.

Mrs. Johnson felt that this historical project should be completed and she did not care where the money comes from.

**MOTION** was made by Mr. Brock and seconded by Mr. Douglas to table this until all members are fully abreast of everything regarding this issue.

Mr. Edwards stated that since nothing could be done until the permits are obtain, Council could proceed under the assumption that the permits will be obtained. This was being presented to advise Council to recognize that the county has less than a year to do everything, which was not enough time, and that the county was proceeding to get the permits. Nothing would happen to stop what was being done unless Council made a motion to cease everything, which the staff was not asking.

Mr. Brock withdrew his motion and Mr. Douglas withdrew his second to table this matter.

**MOTION** Mr. Kilgo and seconded by Mr. Douglas to receive this as information.

The motion carried unanimously.

Purchase Of 25 Laptop Computers, Sheriff's Office

**MOTION** was made by Mr. Kilgo and seconded by Mrs. Johnson to approve the purchase of 25 laptop computers for the Sheriff's Office.



Mr. Edwards explained that \$80,000 were in a non-departmental section of the budget for IT purchases and were not assigned to a department. If approved, Mr. Edwards would present a budget amendment to keep all expenditures within the department that uses the money and to appropriate the funds to the Sheriff's Department. Mr. Edwards expressed concerns about having a sizable amount of money placed in a budget with no specific allocation to a department and with some idea of what would be bought.

Sheriff Byrd explained that last year when Microsoft notified the county that all XP computers had to be replaced, every department was instructed to submit a list of every XP machine that needed to be replaced. The Sheriff's Office submitted a list to the county's IT vendor. All the desktop computers were replaced. When asked the status of the Sheriff's Office laptop computers, he was told that no one had submitted a request for them. The laptop computers were never replaced and no long supported by Microsoft. Within the next year, they will not be supported by the Sheriff's Office records management software.

Mr. Kilgo said the desktop computers were in last year's budget. Since the same budget was approved for this year, the funds were in the budget again.

Mr. Edward encouraged Council to get a handle on knowing the cost to the county for software, maintenance, hardware, etc. for each department. He asked Council to look at hiring someone from outside to manage IT because there were so many things that needed to be addressed.

The motion carried unanimously.

CTC Funds For Improvements To Country Side Drive, Tomac Drive, Whitehall Lane, White Sands Circle, Canyon Drive & Lotus Circle, \$379,094.12, PCN#PO27750

**MOTION** was made by Mr. Flowers and seconded by Mrs. Johnson to approve CTC funds for improvements to the roads listed above.

The motion carried unanimously.

CTC Funds For Improvements To Opal Street, Ruby Street, Indian Branch Road, Stanley Circle & Apple Street, \$13,000, PCN#PO27982

**MOTION** was made by Mrs. Johnson and seconded by Mr. Brock to approve CTC funds for improvements to the roads listed above.

The motion carried unanimously.

Consent Agenda

Included in the Consent Agenda were the following:

<u>ITEMS</u>	<u>ACTION</u>
A. NACo Prescription Drug Discount Card Program Update, August 2014	Receive As Information
B. Building Permit Types Report, July & August 2014	Receive As Information
C. County Building Inspections Report, July 2014	Receive As Information

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|--|------------------------|
| D. Historical Commission Minutes, April 3, May 1, June 5, & September 4, 2014  | Receive As Information |
| E. Amendment To Darlington County Safety Policy Manual, Annex Q, Vehicle Management Program  | Receive As Information |
| F. Letter From S.C. Election Commission RE: Amendment To S.C. Code Of Laws Sections Governing Referendum For Capital Projects Sales Tax      | Receive As Information |
| G. Memo From SC Association Of Counties RE: Local Government Fund  | Receive As Information |
| H. Information RE: SC Association Of Counties' Fall Meeting Of The County Council Coalition And Institute of Government For County Officials | Receive As Information |
| I. Board Of Fire Control Minutes, August 21, 2014  | Receive As Information |

**MOTION** was made by Mr. Kilgo and seconded by Mr. Flowers to receive as information Consent Agenda items A through I, with the exception of Item E.

The motion carried unanimously.

Consent Agenda, Item E. Amendment To Darlington County Safety Policy Manual, Annex Q, Vehicle Management Program

**MOTION** was made by Mr. Kilgo and seconded by Mrs. Johnson to carry over this item to the next meeting to receive an explanation from Mac McDonald.

The motion carried unanimously.

Administrative Update - Mr. Tommy Edwards, Interim County Administrator

Mr. Edwards did not have an update.

Requests / Comments – Members Of Council

Mr. Brock and Mr. Hudson commented about being in favor of the revision in the Safety Policy Manual, Annex Q.

Ms. Nicholson commended the I-20/Highway 340 Industrial Park Ground Breaking and recognized Mr. Nathaniel Phillips of the NAACP.

Mrs. Johnson commented about not adding additional assignments to the EMS Director and keeping the E911 Director position. She pointed out that Rubicon had submitted a strategic plan. However, if Council was not satisfied with Rubicon, Council could solicit proposals for 2015. Mrs. Johnson complained about the maintenance along state roads and talked about poverty and the need for a Human Service Poverty Department.

Chairman Blackwell commended the I-20/Highway 340 Industrial Park Ground Breaking and thanked Council for its commitment of \$2.5 million for the industrial park.

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

**MOTION** was made by Mr. Kilgo and seconded by Mrs. Johnson to vote for executive session for discussion of negotiations incident to proposed contractual arrangements regarding the airport.

The motion carried unanimously

Executive Session - Discussion Of Negotiations Incident To Proposed Contractual Arrangements Regarding The Airport

**MOTION** was made by Mr. Kilgo and seconded by Mrs. Johnson for Council, the County Attorney, the County Administrator, Andy Busby, and Airport Manager Barry Kennett to go into executive session for discussion of negotiations incident to proposed contractual arrangements regarding the airport.

The motion carried unanimously

Council recessed at 8:06 p.m. prior to going into executive session and reconvened at 9:05 p.m. Upon reconvening, Chairman Blackwell announced that no action was taken in executive session.

Adjournment

**MOTION** was made by Mr. Flowers and seconded by Mr. Kilgo to adjourn the meeting. There being no further business, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

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Mrs. J. JaNet Bishop  
Clerk to Council

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Mr. Wesley Blackwell, Chairman  
Darlington County Council

Approved at meeting of November 6, 2014.