

PUBLIC HEARING & REGULAR MEETING  
DARLINGTON COUNTY COUNCIL  
DARLINGTON, SC

July 3, 2023

A Public Hearing and Regular Meeting of the County Council of Darlington County was held this 3rd day of July 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.

A Notice of Public Hearing for Ordinance Nos. 23-05, 23-06, 23-07, 23-08, 20-09, 23-10, 23-11, and 23-12 was published in the News and Press and Hartsville Messenger on June 14, 2023.

COUNCIL MEMBERS PRESENT

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

COUNCIL MEMBERS ABSENT

Mr. M. Kirk Askins.

ALSO PRESENT

County Administrator Marion Charles Stewart, III, County Attorney James H. Lucas, Attorney Adam Gainey, Clerk to Council J. JaNet Bishop, Central Communications Director Michelle Hall, Detention Center Director Waddell Coe, Emergency Management Director Molly Odom, Emergency Services Director Kenny Bowen, Finance Director Sherman Dibble, Fire District Chief Ricky Flowers, Library Director Jimmie Epling, Sheriff James Hudson, Chief Deputy Sheriff Chad McInville, Environmental Services Director Gary White, and others.

REPORTERS PRESENT

None.

**PUBLIC HEARINGS**

Ordinance No. 23-05, 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 Culpepper Solar, LLC And Certain Affiliates,

Thereby Replacing The 2018 Culpepper Solar Fee Agreement; And Authorizing Other Related Matters - SECOND READING

Chairman Hudson declared the public hearing open at 6 p.m. to receive comments on Ordinance No. 23-05. There being no comments, the hearing was closed.

Ordinance No. 23-06, 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 Rollins Solar, LLC And Certain Affiliates, Thereby Replacing The 2018 Rollins Solar Fee Agreement; And Authorizing Other Related Matters - SECOND READING

Chairman Hudson declared the public hearing open to receive comments on Ordinance No. 23-06. There being no comments, the public hearing was closed.

Ordinance No. 23-07, 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 GEB Solar, LLC And Certain Affiliates, Thereby Replacing The 2019 GEB Solar Fee Agreement; And Authorizing Other Related Matters - SECOND READING

Chairman Hudson declared the public hearing open to receive comments on Ordinance No. 23-07. There being no comments, the public hearing was closed.

Ordinance No. 23-08, 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 B&K Solar, LLC And Certain Affiliates, Thereby Replacing The 2018 B&K Solar Fee Agreement; And Authorizing Other Related Matters - SECOND READING

Chairman Hudson declared the public hearing open to receive comments on Ordinance No. 23-08. There being no comments, the public hearing was closed.

Ordinance No. 23-09, 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 Ross Solar, LLC And Certain Affiliates, Thereby Replacing The 2019 Ross Solar Fee Agreement; And Authorizing Other Related Matters - SECOND READING

Chairman Hudson declared the public hearing open to receive comments on Ordinance No. 23-09. There being no comments, the public hearing was closed.

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 - THIRD READING

Chairman Hudson declared the public hearing open to receive comments on Ordinance No. 23-10. There being no comments, the public hearing was closed.

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. - CARRY OVER PUBLIC HEARING & SECOND READING REQUESTED

**MOTION** made by Mr. Flowers and seconded by Mr. Douglas to carry over the public hearing and second reading of Ordinance No. 23-11.

The motion carried unanimously.

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 - THIRD READING

Chairman Hudson declared the public hearing open to receive comments on Ordinance No. 23-12. There being no comment the public hearing was closed.

## **REGULAR MEETING**

### Call To Order / Invocation / Pledge Of Allegiance

Chairman Hudson called to order at 6:06 p.m. Mr. Douglas presented the invocation and Mr. Flowers led the Pledge of Allegiance.

### Citizens' Comments

Ms. Diane Wilks, of Hartsville Medical Enrichment Services (HMES), stated that the medical services contract for Darlington County Detention Center was sent out as an RFP (Request for Proposal) but was not handled as an RFP. She said RFPs should be graded. It was her understanding that the ordinance had been changed to bids. She felt there needed to be discussions in executive session to get some type of meaning.

### Personal Appearances

There were no Personal Appearances.

### Consent Agenda (Receive As Information)

Included in the Consent Agenda were the following:

- 6.A. Beaver Program Monthly Report, May 2023
- 6.B. Recreation Department Events & Activities, July 2023
- 6.C. 911 Call Volume Report, May 2023
- 6.D. Darlington County Fire District Incident Numbers For May 2023 And June 2023 Through June 26, 2023

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

The motion carried unanimously.

Approval Of Minutes - Minutes Of Public Hearing And Regular Meeting, June 5, 2023

**MOTION** made by Mr. Douglas and seconded by Mr. Coker to approve the minutes of the public hearing and regular meeting held on June 5, 2023.

The motion carried unanimously.

Approval Of Minutes - Minutes Of Special Meeting, June 19, 2023

**MOTION** made by Mr. Douglas and seconded by Mr. Coker to approve the minutes of the special meeting held on June 19, 2023.

The motion carried unanimously.

Ordinances

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 - THIRD READING

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

The motion carried unanimously.

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 - THIRD READING

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

**MOTION** made by Mrs. Godbold and seconded by Ms. Thomas to approve Amendment No. 1 to further amend Section 6-16(b) Impoundment. A copy of the proposed amendment was given to each Council member and read by Mrs. Godbold (attached).

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

The motion failed for Amendment No. 1.

**MOTION** made by Mrs. Godbold and seconded by Ms. Thomas to approve Amendment No. 2 to add Section 6-19 to govern tethering. A copy of the proposed amendment was given to each Council member and read by Mrs. Godbold (attached).

Mr. Coker asked whether state laws include anything about tethering.

Attorney Adam Gainey responded that state laws do not address tethering. However, nothing would prohibit Council from adding this.

Mrs. Godbold asked whether any surrounding counties had implemented tethering laws.

Attorney Adam Gainey responded that Florence County previously had a tethering ordinance but subsequently repealed it.

Chairman Hudson called for the vote. Voting in favor of the motion was Mrs. Godbold. Opposing were Mr. Coker, Mr. Davis, Mr. Douglas, Mr. Flowers, Ms. Thomas, and Chairman Hudson.

The motion failed for Amendment No. 2.

**MOTION** made by Mrs. Godbold and seconded by Mr. Davis to approve Amendment No. 3 to further amend Section 6-12 to change the definition of abandonment and/or maltreatment. A copy of the proposed amendment was given to each Council member and read by Mrs. Godbold (attached).

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

The motion failed for Amendment No. 3.

**MOTION** made by Mrs. Godbold and seconded by Ms. Thomas to approve Amendment No. 4 to further amend Section 6-15 to add a definition for shelter. A copy of the proposed amendment was given to each Council member and read by Mrs. Godbold (attached).

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

The motion failed for Amendment No. 4.

**MOTION** made by Mrs. Godbold and seconded by Mr. Davis to approve Amendment No. 5 to further amend Section 6-15 to add provisions regarding maltreatment. A copy of the proposed amendment was given to each Council member and read by Mrs. Godbold (attached).

Chairman Hudson called for the vote. Those voting in favor of the motion were Mr. Davis, Mrs. Godbold, and Ms. Thomas. Those opposing were Mr. Coker, Mr. Douglas, Mr. Flowers, and Chairman Hudson.

The motion failed for Amendment No. 5.

Chairman Hudson called for the vote on third reading of Ordinance No. 23-12 as presented.

The motion carried unanimously.

Ordinance No. 23-05, 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 Culpepper Solar, LLC And Certain Affiliates,

Thereby Replacing The 2018 Culpepper Solar Fee Agreement; And Authorizing Other Related Matters - SECOND READING

**MOTION** made by Mr. Flowers and seconded by Mr. Douglas to approve second reading of Ordinance No. 23-05.

The motion carried unanimously.

Ordinance No. 23-06, 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 Rollins Solar, LLC And Certain Affiliates, Thereby Replacing The 2018 Rollins Solar Fee Agreement; And Authorizing Other Related Matters - SECOND READING

**MOTION** made by Mr. Flowers and seconded by Mr. Douglas to approve second reading of Ordinance No. 23-06.

The motion carried with Ms. Thomas opposing.

Ordinance No. 23-07, 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 GEB Solar, LLC And Certain Affiliates, Thereby Replacing The 2019 GEB Solar Fee Agreement; And Authorizing Other Related Matters - SECOND READING

**MOTION** made by Mr. Flowers and seconded by Mr. Douglas to approve second reading of Ordinance No. 23-07.

The motion carried with Ms. Thomas opposing.

Ordinance No. 23-08, 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 B&K Solar, LLC And Certain Affiliates, Thereby Replacing The 2018 B&K Solar Fee Agreement; And Authorizing Other Related Matters - SECOND READING

**MOTION** made by Mr. Flowers and seconded by Mr. Douglas to approve second reading of Ordinance No. 23-08.

The motion carried with Ms. Thomas opposing.

Ordinance No. 23-09, 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 Ross Solar, LLC And Certain Affiliates, Thereby Replacing The 2019 Ross Solar Fee Agreement; And Authorizing Other Related Matters - SECOND READING

**MOTION** made by Mr. Douglas and seconded by Mr. Flowers to approve second reading of Ordinance No. 23-09.

Mr. Coker commented about Council needing to look at the abundance of solar farms coming into the county.

Mr. Douglas mentioned that farmers need help.

Ms. Thomas stated that she needs to research this more.

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

The motion carried.

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. - CARRY OVER PUBLIC HEARING & SECOND READING REQUESTED

The public hearing and second reading for Ordinance No. 23-11 were carried over during the public hearing.

Ordinance No. 23-13, 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-In-Lieu Of Ad Valorem Taxes Agreement Between Darlington County, South Carolina, And Project Lotus; And Authorizing Other Related Matters - FIRST READING

The title of Ordinance No. 23-13 was read for first reading. No action required.

Ordinance No. 23-14, An Ordinance Authorizing The Enlargement Of The Joint County Industrial Park Between Darlington County, South Carolina And Florence County, South Carolina; And Other Matters Related Thereto (Project Lotus) - FIRST READING

The title of Ordinance No. 23-14 was read for first reading. No action required.

Ordinance No. 23-15, 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-In-Lieu Of Ad Valorem Taxes Agreement Between Darlington County, South Carolina, And Project Vega; And Authorizing Other Related Matters – FIRST READING

The title of Ordinance No. 23-15 was read for first reading. No action required.

Ordinance No. 23-16, An Ordinance Authorizing The Enlargement Of The Joint County Industrial Park Between Darlington County, South Carolina And Florence County, South Carolina; And Other Matters Related Thereto (Project Vega) – FIRST READING

The title of Ordinance No. 23-16 was read for first reading. No action required.

Resolutions

Resolution No. 757, An Inducement Resolution Supporting And Providing For Incentives For A Proposed Investment By Culpepper Solar, LLC, And Other Matters Related Thereto

**MOTION** made by Mr. Flowers and seconded by Mr. Douglas to approve Resolution No. 757.

The motion carried with Ms. Thomas opposing.

Resolution No. 758, An Inducement Resolution Supporting And Providing For Incentives For A Proposed Investment By Rollins Solar, LLC, And Other Matters Related Thereto

**MOTION** made by Mr. Flowers and seconded by Mr. Douglas to approve Resolution No. 758.

The motion carried with Ms. Thomas opposing.

Resolution No. 759, An Inducement Resolution Supporting And Providing For Incentives For A Proposed Investment By Geb Solar, LLC, And Other Matters Related Thereto

**MOTION** made by Mr. Flowers and seconded by Mr. Douglas to approve Resolution No. 759.

The motion carried with Ms. Thomas opposing.

Resolution No. 760, An Inducement Resolution Supporting And Providing For Incentives For A Proposed Investment By B&K Solar, LLC, And Other Matters Related Thereto

**MOTION** made by Mr. Flowers and seconded by Mr. Douglas to approve Resolution No. 760.

The motion carried with Ms. Thomas opposing.

Resolution No. 761, An Inducement Resolution Supporting And Providing For Incentives For A Proposed Investment By Ross Solar, LLC, And Other Matters Related Thereto

**MOTION** made by Mr. Flowers and seconded by Mr. Douglas to approve Resolution No. 761.

The motion carried with Ms. Thomas opposing.

Resolution No. 762, A Resolution Committing To Negotiate A Fee-In-Lieu Of Ad Valorem Taxes Agreement Between Darlington County And Project Lotus; Identifying The Project; And Other Matters Related Thereto

**MOTION** made by Mr. Flowers and seconded by Mr. Douglas to approve Resolution No. 762.

The motion carried with Ms. Thomas opposing.

Resolution No. 763, A Resolution Approving The Joinder Of Robert Gilbert Cagle As A Sponsor Affiliate To The Fee In Lieu Of Ad Valorem Tax And Special Source Credit Agreement Between Hawfinch Solar, LLC And Darlington County, South Carolina Dated March 6, 2023

**MOTION** made by Mr. Flowers and seconded by Mr. Douglas to approve Resolution No. 763.

The motion carried with Ms. Thomas opposing.

### Committee Reports

There were no committee reports.

### Other Items

#### Appointments To Boards/Commissions/Committees

Mr. Flowers, Ms. Thomas, Mr. Coker, and Chairman Hudson carried over their appointment(s). Mr. Askins' appointments were carried over in his absence.



Library Board. **MOTION** made by Mr. Davis and seconded by Mr. Flowers to reappoint Ms. Barbara Carraway to the Library Board and carry over his appointment to the Planning Commission.

The motion carried unanimously. Ms. Carraway will serve a full term to expire on June 30, 2027.

Economic Development Partnership. Chairman Hudson nominated Mr. Robbie Smith of Lamar/Fiber Industries. Ms. Thomas stated that she had talked with someone from Pee Dee Electric about serving in this position, but the person had not gotten back to her.

It was the consensus of Council members to carry over the appointment to the Economic Development Partnership Board.

Opioid Recovery Act Funds Committee. Council carried over its appointment to the Opioid Recovery Act Funds Committee.

Bid Award For Inmate Medical Services At The W. Glen Campbell Detention Center

**MOTION** made by Mr. Douglas and seconded by Mr. Davis to approve acceptance of the bid from Southern Health Partners, Inc., in the amount of \$430,800, to provide inmate medical services at the Detention Center for one year.

Mrs. Godbold stated that earlier today, she had requested a copy of the information posted about Inmate Medical Services, the RFP (Request For Proposal), and the bids received. She later received a response indicating that Finance Director Sherman Dibble would have the information at this meeting. Mrs. Godbold said Southern Health Partners was awarded the bid previously but left before the contract ended. Therefore, she wanted to know the vendor's explanation as to why they did not fulfill the contract.

Mr. Stewart confirmed that since there was not enough time to put together a packet for everyone, Mr. Dibble had the requested information that will show that the contract was terminated, which was allowed under their contract.

Mr. Dibble read a letter dated November 5, 2021, addressed to Sheriff James Hudson from Jennifer Hairsine, President/CEO of Southern Health Partners, regarding their termination for cause due to safety and security issues of their staff.

Mr. Coker commented that Southern Health Partners was no longer concerned about the safety/security issues since they submitted a bid to come back.

Sheriff Hudson explained that based on what was emailed to the staff, a lot of things were happening at the jail, including COVID, a staff shortage, inmates acting out, a nurse not being professional, and a confrontation between a former detention center officer and a nurse. However, all these things have been removed; salaries have increased; and there is better staffing and security. What is needed now is a vendor to provide the necessary tools/services to inmates at the Detention Center. Sheriff Hudson mentioned that he receives calls every day about inmates not receiving medications.

Mr. Coker asked whether the Sheriff was comfortable enough with the new protocol to accept the low bid.

Sheriff Hudson's response was yes. He stated that the Jail Administrator and the Chief Deputy Sheriff have met with Southern Health Partners. He told Council that the county is responsible for the inmates at the jail, and it is his job to take care of them to the best of his ability and not create lawsuits. Sheriff Hudson confirmed that he was comfortable with Southern Health Partners who left for a reason which he agreed with, especially with an officer of the jail having a confrontation with a female nurse. Based on what he has been told by Major Coe, such incidents should not happen again.

Mrs. Godbold questioned why the letter included in the agenda package from the Sheriff regarding the jail medical contract was signed by the Sheriff but not the Chief Deputy.

Sheriff Hudson responded that the Chief Deputy did not have to sign the letter since he is only responsible if the Sheriff is incapacitated.

Ms. Thomas said she felt that something was not in order due to the current discussion, and she had received calls about people being sick and not getting help. She wanted to know whether there is information or a manual about what suppose to be or not be.

Sheriff Hudson assured Ms. Thomas that everything was in order although the jail was not an easy facility to run. He explained that he was looking for a vendor to come in to provide medical services to the inmates seven days a week. Sheriff Hudson then talked about what Southern Health Partners offered in their bid packet.

Mrs. Godbold mentioned that Southern Health Partners had already begun to advertise on Indeed as if they automatically received the contract.

Sheriff Hudson responded that he does not get into that. The vendors submit their bids at the courthouse, then he looks at the services they will provide and chooses a vendor. He also stated that when he was told that the current vendor, HMES (Hartsville Medical Enrichment Services), was not going to request another contract, he told his Chief Deputy that they had to find somebody.

Mrs. Godbold wanted to know who told the Sheriff that the current vendor was not going to reapply for the contract.

Sheriff Hudson responded that Diane Wilkes told the Chief Deputy. This was why they searched for another vendor.

Mr. Stewart explained that when a vendor is needed, the county may solicit a request for proposal or a request for bid -- either one may be issued, and both are received closed. Sometimes people use the word "bid" even when it is a request for proposal. In this case, an RFP was issued which gave the bidders or person providing the proposal more latitude to provide more detail as to what they think the county needs and design what they think is best for the county for specification. This gives the person placing the bid an advantage. A bid and an RFP are judged by the same standards. However, in a bid, a list of detailed things is given. In a proposal, vendors are allowed to say what they can offer and present options. Therefore, the Sheriff's Office was able to see what the bidders were offering and the first and foremost qualification being the lowest responsible bidder. The purchasing ordinance was included in the agenda package as information. Mr. Stewart said the determination was made that there was no reason to exclude the lowest bidder who was a responsible bidder. He also explained that local bidder/local preference is only active by ordinance if the vendor

is within five percent of the outside/non-local bidder which did not exist. Southern Health Partners was the lowest responsible bidder, and it was determined that this vendor would not be excluded. Therefore, Southern Health Partners was submitted to Council for approval.

Mr. Dibble read the details from the ordinance regarding requests for proposals. The information indicated that in order to initially select a vendor, the proposal must meet the minimal qualifications included in the RFP and must satisfy both the mandatory requirements and the objectives of the RFP. After these conditions are met, the proposals are ranked based on the quality of response, experience, price, and references. Proposals are taken beyond just a price. Mr. Dibble stated that after the review by the Sheriff, Southern Health Partners was listed as a bidder, the potential winner, and presented to Council for approval for the county to contract with Southern Health Partners knowing all the things in the past had been corrected and knowing that a list of things had been weighted.

Mr. Coker asked Attorney Lucas whether everything regarding the RFP was legal.

Attorney Lucas responded that Council has to award the bid and the difference between the bids was about \$72,000. Regarding the vendor that left the job several years ago, Council has to answer the question as to whether they feel comfortable enough with this vendor given the difference in the bid. The Sheriff runs the jail and feels confident with the vendor. However, it was up to County Council to award bids. If Council has concerns about this vendor's performance, Council should vote that way. If Council is comfortable with the Sheriff's recommendations, Council may want to vote that way. Legally, there was not a problem. This was an issue that has to be decided by Council.

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

The motion carried.

Mr. Flowers said he stated his reason for abstaining with the County Administrator.

Ms. Thomas said she abstained because she needed more information and the number of bidders.

Mr. Stewart clarified that the list of the five bidders was on page 608 of the agenda package.

Request To Purchase A Fire Engine, Darlington County Fire District

**MOTION** made by Mr. Douglas and seconded by Mr. Davis to approve the trade-in and purchase of a new fire engine for the Fire District at a cost of \$778,976.

Mrs. Godbold wanted to know whether grant funds would be used to purchase this fire engine.

Mr. Stewart reported that as stated in the agenda package, this fire engine has had extensive trouble. This unit failed the Fire District about three months ago with firefighters inside a house. After trying to repair the truck numerous times, Spartan Fire has offered to pay the county \$115,000 to take this truck for spare parts as a trade on a new truck. The county will keep this truck until the new truck is ready (approximately 25-month delivery time).

Chairman Hudson called for the vote. The motion carried unanimously.

Update To Darlington County Personnel Policy Handbook

**MOTION** made by Mr. Flowers and seconded by Mr. Douglas to approve the proposed update to the Vehicle Use Agreement in the county Personnel Policy Handbook to allow the County Administrator to authorize the use of county vehicles inside and outside the county based on the county department's mission, needs, and best fit fiscal/efficient operational balance.

Mr. Davis questioned why this request was not part of the budget or the job analysis study.

Mr. Stewart responded that this matter was not a part of the job analysis study. He explained how inspections could be done more efficiently if employees are allowed to take a county vehicle home. Currently, the employees have to go to the courthouse in the mornings to pick up paperwork and a county vehicle to do inspections and then return to the courthouse in the evenings to drop off the vehicle in the county parking lot and get off work on time. Building inspections could be more efficient if the employees plan their day by scheduling inspections earlier in the morning and later in the evening. Also, from time to time, operations may change due to storms, and other employees may need to drive a vehicle home for a specific period for certain operations. Therefore, Mr. Stewart was requesting the ability to do this when needed. This would not impact the budget.

Mr. Davis mentioned that he had been seeing a lot of county vehicles without a decal.

Mr. Stewart stated that some county vehicles possibly did not have decals, but the staff was trying to ensure that decals are on county vehicles. However, the county has not added any vehicles.

Mrs. Godbold wanted to know why the handbook needs to be changed for such situations when Council can approve them.

Mr. Stewart responded that the County Administrator was better set on the day-to-day management of the county to say when a vehicle needs to go home with someone or when to temporarily make a change.

Mrs. Godbold asked whether all county vehicles have a decal.

Mr. Stewart responded that every county vehicle has a decal, except for the vehicle driven by the County Administrator, the Economic Development Director, the Finance Director, and some of the vehicles turned over to the Sheriff's Office. All other county vehicles should have a decal or department name on them. Occasionally something may happen, and the decal does not get on the vehicle initially. The Magistrate's Office vehicles did not have decals but have them now. The staff will confirm that Roads and Bridges vehicles have decals although the department name is on the vehicles.

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

The motion carried.

### Administrative Update – Mr. Charles Stewart, County Administrator

Mr. Stewart reported that the monthly financial statement was not included in the agenda package but placed at Council member's desk. This report and next month's report will be included in the next agenda package for public view.

As requested by a Council member, a report on the tax comparison and revenue for the solar farms listed on the agenda was placed on Council's desk.

Mr. Stewart reported that the South Carolina Office of Resilience has indicated that three areas (Moses Drive behind Bojangles in Darlington, Martin Luther King Drive in Hartsville, and Chestnut Street in the City of Darlington) from the watershed study would be going forward for application. The award letters will not be available until November.

Mr. Stewart reminded Council that the Historical Commission will be closed after construction to get ready for opening, which was recently approved by Council. The Historical Commission and the new courthouse are still on schedule to open around the second week in December if there are no changes.

### Requests / Comments - Members Of Council

Mr. Coker mentioned that although Council needs to protect landowners' rights so that they can do what they want to with their land, Council also needs to think about farmers and the land that is being used to install solar farms instead of raising crops. He said the county is about to its capacity with solar farms.

Mr. Coker also stated that the Animal Ordinance was rewritten to mirror state laws to give the Sheriff and Codes officers enough leeway to take care of those who do not take care of their animals. Therefore, he voted no on the proposed amendments presented during the meeting.

In reference to the bid award for medical services for the Detention Center, Mr. Coker said he has confidence in the Sheriff's decision.

Mr. Davis thanked everyone for attending the meeting. He talked about Council members agreeing to disagree on matters and why he did not vote on some of the proposed amendments to the Animal Ordinance. Although he has nothing against animals, he does not want to tell people what to do with their animals. Mr. Davis asked everyone to be responsible and take care of their animals. He thanked the employees for what they do for Darlington County.

Mr. Douglas thanked everyone for attending the meeting and wished them a safe July 4<sup>th</sup> holiday.

Ms. Thomas stated that she has enjoyed her tenure on County Council and would like the county to be more into human service. She commended the Sheriff's Office and staff and thanked Chairman Hudson and the County Administrator for their support of the grant, although it did not go through. However, she was currently talking to someone about another funding source and would need everyone's support.

Mrs. Godbold thanked the attorney's office for working on the amendments to the Animal Ordinance at the last minute. She stated that she voted no for the medical service provider because the vendor previously walked out, and she does not see where the environment has changed at the jail. The reason why the provider left worries her because the same scene and actors still exist based on what she knows about the environment at the jail.

Chairman Hudson thanked everyone for their work.

Vote For Executive Session

There was not a vote for Executive Session.

Adjournment

**MOTION** made by Chairman Hudson to adjourn the meeting. There being no further comments, the meeting was adjourned at 7:21 p.m.

Respectfully submitted,



J. Janet Bishop  
Clerk to Council



Bobby Hudson, Chairman  
Darlington County Council

Approved at meeting of August 7, 2023.

## Amendment Number 1

Councilmember Godbold Proposes Amendment Number 1 to Darlington County Ordinance Number 23-12 entitled “*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*”

Chapter 6, Article 1 adopted September 17, 1984 by Ordinance Number 126 and Article 2 adopted April 6, 1998 by Ordinance Number 98-3, which was subsequently amended by Ordinance Number 16-10 on April 4, 2016.

Chapter 6, Article 1 being further amended by Darlington County Ordinance 23-12 on June 5, 2023 and June 19, 2023. The following amendment is offered on Third Reading and is as follows:

### **Section 6-16(b) – Impoundment.**

By striking the following language: “Any animals that are deemed by the animal control officer or the shelter officer to be sick and/or injured, ~~unweaned or dangerous to humans or other animals~~ may be humanely destroyed immediately.”

## Amendment Number 2

**Councilmember Godbold Proposes Amendment Number 2 to Darlington County Ordinance Number 23-12 entitled “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”**

Chapter 6, Article 1 adopted September 17, 1984 by Ordinance Number 126 and Article 2 adopted April 6, 1998 by Ordinance Number 98-3, which was subsequently amended by Ordinance Number 16-10 on April 4, 2016.

Chapter 6, Article 1 being further amended by Darlington County Ordinance 23-12 on June 5, 2023 and June 19, 2023. The following amendment is offered on Third Reading and is as follows:

By adding **Section 6-19 – Tethering.**

By adding the following language as **Section 6-19 - Tethering:**

It shall be unlawful to tether an animal while outdoors except when all of the following conditions are met.

- (a) The animal is over the age of six (6) months.
- (b) The tether is connected to the animal with a buckle-type collar or a body harness made of nylon or leather, and the collar or harness is not less than one inch (1”) in width and is at least one inch (1”) greater in diameter than the animal's neck or torso, whichever is smallest.
- (c) The tether has the following properties:
  - (1) A minimum length of fifteen feet (15’);
  - (2) A swivel-type termination at both ends; and,
  - (3) The total weight does not exceed ten percent (10%) of the animal's body weight.
- (d) The animal is not tethered outside during extreme weather, including, but not limited to, temperatures above ninety-five degrees Fahrenheit (95°F) or below thirty-two degrees Fahrenheit (32°F).
- (e) The animal is tethered so as to prevent injury, strangulation or entanglement.
- (f) The animal has access to water and shelter.



- (g) The animal is not tethered where any object may interfere or impede free movement of the tether.
- (h) The animal is not sick or injured.
- (i) The animal is not tethered in such proximity to any other tethered animal that would allow entanglement.
- (j) The animal is not tethered on any property with an unoccupied dwelling, to include, but not be limited to, abandoned or condemned buildings.
- (k) Any pulley, running line or trolley system to which a tether is attached shall be no less than eight feet (8') in length and shall be positioned no more than seven feet (7') above the ground.
- (l) This subsection shall not apply to animals tethered as part of training for hunting or sport dogs, for animals involved in public events (dog shows, fairs, etc.) or animals at campgrounds located within the unincorporated areas of the county. Nothing in this section shall be construed to prohibit a person from walking a small animal on a hand-held leash.

## Amendment Number 3

Councilmember Godbold Proposes Amendment Number 3 to Darlington County Ordinance Number 23-12 entitled “*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*”

Chapter 6, Article 1 adopted September 17, 1984 by Ordinance Number 126 and Article 2 adopted April 6, 1998 by Ordinance Number 98-3, which was subsequently amended by Ordinance Number 16-10 on April 4, 2016.

Chapter 6, Article 1 being further amended by Darlington County Ordinance 23-12 on June 5, 2023 and June 19, 2023. The following amendment is offered on Third Reading and is as follows:

By deleting the definition of “Abandonment and/or maltreatment” found within **Section 6-12 – Definitions**, which reads as follows:

~~*Abandonment and/or maltreatment* means a situation in which an owner of an animal does not provide for humane disposal of the animal, or transfer ownership to a responsible person, or who does not provide or arrange for adequate food, water, shelter and care.~~

By adding the following definition of “Abandonment and/or maltreatment” within **Section 6-12 –**

**Definitions:**

*Abandonment and/or maltreatment* means intentionally, knowingly, or recklessly leaving a domestic animal alone or permitting the animal to be abandoned at a location without providing minimum care and/or in circumstances which might cause harm to the animal, or deserting, forsaking, or relinquishing custody of such animal without making reasonable arrangements for someone else to assume responsibility for the health, safety, and welfare of the animal.

## Amendment Number 4

Councilmember Godbold Proposes Amendment Number 4 to Darlington County Ordinance Number 23-12 entitled *“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”*

Chapter 6, Article 1 adopted September 17, 1984 by Ordinance Number 126 and Article 2 adopted April 6, 1998 by Ordinance Number 98-3, which was subsequently amended by Ordinance Number 16-10 on April 4, 2016.

Chapter 6, Article 1 being further amended by Darlington County Ordinance 23-12 on June 5, 2023 and June 19, 2023. The following amendment is offered on Third Reading and is as follows:

By adding the following definition of “shelter” within **Section 6-15 – Abandonment and maltreatment** as subsection (g):

(g) Proper shelter is a four-sided ventilated structure with an entrance on one (1) side, a roof, and a solid floor that is in good repair appropriate for the size and number of animals which will keep a non-aquatic animal dry, out of the direct path of winds and direct sun, and at a reasonable temperature that is healthful for the animal. The containment area for the animal should be sanitary and free of accumulated waste and debris permitting the animal to be free to walk or lie down. Reasonable measures should be taken to keep the area free of ticks, fleas, and flies. There should be a suitable drainage method to eliminate any excess water or moisture. Aquatic and semi-aquatic animals shall have an adequate amount of clean water in which to move. For dogs outside without the physical presence of an owner or caretaker, proper shelter should meet the following minimum standards:

(1) The shelter should be waterproof, windproof, and allow retention of body heat.

(2) During times when the forecasted or actual outdoor temperature measures thirty-two degrees Fahrenheit (32°F) or lower, the outdoor shelter must have a windbreak at the entrance. The outdoor shelter should have adequate suitable, clean bedding material to provide insulation and protection against cold

and dampness and promote retention of body heat such as shavings, straw, or otherwise as needed when illness or injury are present.

(3) During times when the forecasted or actual outdoor temperature measures ninety-five degrees Fahrenheit (95°F) or higher, each dog must be afforded one (1) or more separate areas of shade large enough to accommodate the entire body of the dog to ensure protection from the direct rays of the sun during all daylight hours. A doghouse is inadequate protection from the sun.

(4) A doghouse shall not be constructed of metal or any material that readily conducts heat or cold unless properly insulated.

(5) Trees, shrubbery, abandoned cars and the like, stacked cages without dividers, and cages with wire floors without a solid resting platform do not meet the criteria for proper shelter.

By deleting the definition of “Shelter” found within **Section 6-12 – Definitions**, and which reads as follows:

~~*Shelter* means something adequate that may reasonably be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.~~

By adding the following definition of “Shelter” within **Section 6-12 – Definitions**:

*Shelter* shall have the meaning as set forth within **Section 6-15(g) – Abandonment and maltreatment**.

## Amendment Number 5

**Councilmember Godbold Proposes Amendment Number 5 to Darlington County Ordinance Number 23-12 entitled “*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*”**

Chapter 6, Article 1 adopted September 17, 1984 by Ordinance Number 126 and Article 2 adopted April 6, 1998 by Ordinance Number 98-3, which was subsequently amended by Ordinance Number 16-10 on April 4, 2016.

Chapter 6, Article 1 being further amended by Darlington County Ordinance 23-12 on June 5, 2023 and June 19, 2023. The following amendment is offered on Third Reading and is as follows:

By adding the following provision within **Section 6-15 – Abandonment and maltreatment** as subsection (h):

- (h) It shall be unlawful to intentionally, knowingly, negligently, or recklessly:
  - (1) Possess a large number of animals;
  - (2) Fail to, or be unable to, provide the minimum requirements under subsection (b) of this section;
  - (3) Keep the animals in severely overcrowded environment; and
  - (4) Display an inability to recognize or understand the nature of, or have a reckless disregard for, the conditions under which the animals are living and the adverse impact they have on the animal’s and/or owner’s health and well-being.