

PUBLIC HEARING & REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

January 2, 2024

A Public Hearing and Regular Meeting of the County Council of Darlington County was held this 2nd day of January 2024, 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 No. 23-23 was published in the News and Press and the Hartsville Messenger on December 13, 2023.

COUNCIL MEMBERS PRESENT

Chairman Bobby Hudson, Vice-Chairman Marvin Le Flowers, Chaplain Dannie Douglas, Jr., Mr. Michael 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 H. Lucas, Attorney Adam Gainey, Clerk to Council J. JaNet Bishop, Codes Enforcement Director Terri Cribb, Emergency Management Director Molly Odom, Environmental Services Director Gary White, Finance Director Sherman Dibble, Human Resources Director Ginger Winburn, Library Director Jimmie Epling, Sheriff James Hudson, Society Hill Mayor Dwayne Duke, and others.

REPORTERS PRESENT

None.

PUBLIC HEARING

Ordinance No. 23-23, An Ordinance Authorizing The Conveyance Of Certain Property From Darlington County, South Carolina To The Darlington County Water & Sewer Authority To Correct An Erroneous Deed Filed By A Private Taxpayer And Addressing Other Matters Related Thereto - SECOND READING

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

REGULAR MEETING

Call To Order

Attorney Lucas called the meeting to order at 6:01 p.m.

Election Of Officers

Chairman. Attorney Lucas opened the floor for nominations for Chairman of Darlington County Council for 2024. Mr. Coker nominated Mr. Bobby Hudson and Mr. Douglas seconded the nomination.

MOTION made by Mr. Douglas to close the floor for nominations and elect Mr. Bobby Hudson as Chairman by acclamation.

The motion carried unanimously. Mr. Bobby Hudson was elected as Chairman of County Council for the 2024 calendar year.

Vice Chairman. Attorney Lucas opened the floor for nominations for Vice Chairman of County Council for 2024. Mr. Coker nominated Mr. Le Flowers and Mr. Askins seconded the nomination.

MOTION made by Mr. Douglas to close the floor for nominations and elect Mr. Le Flowers as Vice Chairman by acclamation.

The motion carried unanimously. Mr. Le Flowers was elected as Vice Chairman of County Council for the 2024 calendar year.

Chaplain. Attorney Lucas opened the floor for nominations for Chaplain of County Council for 2024. Mr. Coker nominated Mr. Dannie Douglas and Mr. Askins seconded the nomination.

MOTION made by Mr. Coker to close the floor for nominations and elect Mr. Dannie Douglas as Chaplain by acclamation.

The motion carried unanimously. Mr. Dannie Douglas was elected as Chaplain of County Council for the 2024 calendar year.

Attorney Lucas congratulated the officers and turned the meeting over to Chairman Hudson.

Invocation And Pledge Of Allegiance

Mr. Douglas presented the invocation and Mr. Flowers led the Pledge of Allegiance.

Citizens' Comments

There were no citizen comments.

Personal Appearances

There were no personal appearances.

Consent Agenda (Receive As Information)

Included in the Consent Agenda were the following:

- 7.A. Beaver Program Report, November 2023
- 7.B. Financial Update through November 2023
- 7.C. FY2023 Financial Report Annual Audit
- 7.D. Darlington County Parks, Recreation, and Tourism Activities, January 2024
- 7.E. Darlington County Budget Approval Timeline Fiscal Year 2025
- 7.F. 911 Call Volume Statistics, November 2023
- 7.G. Fire District December Call Volume, November 2023

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

The motion carried unanimously.

Approval Of Minutes - Minutes Of Public Hearings And Regular Meeting, December 4, 2023

MOTION made by Mr. Douglas and seconded by Mr. Davis to approve the minutes of the public hearing and regular meeting held on December 4, 2023.

The motion carried unanimously.

Ordinances

Ordinance No. 23-18, An Ordinance To Amend Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article 19 (Renewable Energy Systems), Section 19.6 (Solar Energy System/Wind Farm Permitting Process), To Delete The Wattage Designation And Require Approval By South Carolina Public Services Commission Only When Applicable During The Permitting Process For Solar Energy System/Wind Farming And To Establish The Effective Date Of This Ordinance - THIRD READING

MOTION made by Mr. Coker and seconded by Mr. Davis to approve third reading of Ordinance No. 23-18.

The motion carried unanimously.

Ordinance No. 23-19, An Ordinance To Amend Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article 7 (Administration, Enforcement, Appeal Complaints And Remedies), Section 7.8.3 (Appeals), To Comply With Section 6-29-1150 Of The South Carolina Code Of Laws, As Amended, Regarding Appeals From The Decision Of The Planning Commission And To Establish The Effective Date Of This Ordinance - THIRD READING

MOTION made by Mr. Davis and seconded by Mr. Douglas to approve third reading of Ordinance No. 23-19.

The motion carried unanimously.

Ordinance No. 23-20, An Ordinance Authorizing The Sale Of The I-20 Industrial Park Pursuant To A Purchase And Sale Agreement Between Darlington County And Pee Dee

Electricom, Inc. Dated September 14, 2023, As Amended By The First Amendment To The Purchase And Sale Agreement Attached Hereto - THIRD READING

MOTION made by Mr. Douglas and seconded by Mrs. Godbold to approve third reading of Ordinance No. 23-20.

The motion carried unanimously.

Ordinance No. 23-21, 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 Duke Energy Progress, LLC; And Authorizing Other Related

MOTION made by Mr. Flowers and seconded by Mr. Douglas to approve third reading of Ordinance No. 23-21.

The motion carried unanimously.

Ordinance No. 23-22, 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 - THIRD READING

MOTION made by Ms. Thomas and seconded by Mr. Davis to approve third reading of Ordinance No. 23-22.

The motion carried unanimously.

Ordinance No. 23-23, An Ordinance Authorizing The Conveyance Of Certain Property From Darlington County, South Carolina To The Darlington County Water & Sewer Authority To Correct An Erroneous Deed Filed By A Private Taxpayer And Addressing Other Matters Related Thereto - SECOND READING

MOTION made by Mr. Askins and seconded by Mrs. Godbold to approve second reading of Ordinance No. 23-23.

The motion carried unanimously.

Ordinance No. 24-01, 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 Project Known To The County As Project Hearth, 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, BY TITLE ONLY

The title of Ordinance No. 24-01 was read for first reading. No action required.

Ordinance No. 24-02, 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 Hearth) - FIRST READING, BY TITLE ONLY

The title of Ordinance No. 24-02 was read for first reading. No action required.

Ordinance No. 24-03, An Ordinance Authorizing Pursuant To Chapter 44 Of Title 12, South Carolina Code Of Laws, 1976, As Amended: (1) The Execution And Delivery Of A Fee-In-Lieu Of Ad Valorem Taxes Agreement Between Darlington County, South Carolina And A Company Identified For The Time Being As Project Tree, Acting For Itself, One Or More Affiliates, And/Or Other Project Sponsors; (2) Other Related Economic Development Incentives, Including Special Source Revenue Credits; And (3) Other Matters Related Thereto - FIRST READING, BY TITLE ONLY

The title of Ordinance No. 24-03 was read for first reading. No action required.

Ordinance No. 24-04, 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 Tree), FIRST READING, BY TITLE ONLY

The title of Ordinance No. 24-04 was read for first reading. No action required.

Resolutions

Resolution No. 770, A Proclamation Recognizing And Honoring Anceline Eugenia Jones Williamson's 100th Birthday

MOTION made by Mr. Flowers and seconded by Mr. Douglas to approve Resolution No. 770.

The motion carried unanimously.

Resolution No. 771, Memorandum Of Agreement And Road Acceptance For Lullwater Drive Located In Summerville Subdivision, Phase III

MOTION made by Mr. Flowers and seconded by Mr. Douglas to approve Resolution No. 771.

The motion carried unanimously.

Resolution No. 772, an Inducement Resolution Identifying A Project To Satisfy The Requirements Of Title 12, Chapter 44 Of The South Carolina Code, So As To Allow Investment Expenditures Incurred By A Company Known To The County As Project Tree, Its Affiliates And Related Entities, To Qualify As Expenditures Eligible For A Fee-In-Lieu Of Ad Valorem Taxes Arrangement With Darlington County, South Carolina; Providing For Other Related Economic Development Incentives, Including Special Source Revenue Credits; And Other Matters Related Thereto

MOTION made by Mr. Flowers and seconded by Mr. Douglas to approve Resolution No. 772.

The motion carried unanimously.

Committee Reports

There were no committee reports.

Other Items

Appointments To Boards/Commissions/Committees

Pee Dee Regional Council of Governments Board. Mr. Coker reported that after attending a few meetings as a member of Pee Dee Regional Council of Governments Board, he realized that the County Administrator should serve on this Board to represent Darlington County. He also mentioned that four other County Administrators were serving on this Board. Therefore, Mr. Coker requested to be removed from Pee Dee Regional Council of Governments Board and the County Administrator be appointed to replace him to represent Darlington County Council.

MOTION made by Mr. Coker and seconded by Mr. Davis to appoint the County Administrator to replace Mr. Coker to represent Darlington County Council on Pee Dee Regional Council of Governments Boards.

The motion carried unanimously.

Mr. Coker carried over his appointment to the Board of Assessment Appeals and the Construction Board of Adjustment and Appeals.

Mr. Flowers carried over his appointment to the Board of Assessment Appeals and the Alcohol & Drug Citizen Advisory Committee.

Chairman Hudson carried over his appointment to the Alcohol and Drug Citizen Advisory Committee.

Economic Development Partnership Board. Ms. Thomas requested clarification regarding County Council's appointment to the Economic Development Partnership Board. She mentioned that Mr. Leo Bonaparte was from her council district, and she had suggested someone else but had not received a follow-up from that individual.

Mr. Stewart explained that, unlike the appointments to other boards where there is an appointment from each council district, County Council has only four appointments to the Economic Development Partnership Board. County Council, as a body, will appoint someone to replace Mr. Bonaparte. This appointment was not based on a council district.

Mr. Stewart also explained that the Clerk to Council prepares a list of vacancies, and the ordinance is written so that board members remain in their seats until Council replaces them although their term may have expired. He stated that Mr. Bonaparte's term had expired, and he has made it clear that he has no intention of continuing his membership on this Board.

Mr. Stewart mentioned that Councilman Albert Davis had previously expressed an interest in serving on this board multiple times.

Mr. Flowers asked Attorney Lucas whether it would be appropriate for a council member to sit on this board.

Attorney Lucas stated that prior precedence was set by this County Council with the appointment of former Councilman Lewis Brown to this board when he was a sitting member of County Council. He also stated that it was clear, at least from the Attorney General's opinion, that as long as a board is not carrying out the sovereign power of the state,

a member could serve. A number of Attorney General's opinions state that local development type boards do not carry out the sovereign authority of the state. Therefore, based upon the Attorney General's opinions and prior precedence established by this County Council, Attorney Lucas stated that it would appear to be permissible for Councilman Davis to be appointed to the Economic Development Partnership Board.

MOTION made by Mr. Flowers and seconded by Mr. Coker to appoint Councilman Albert Davis to the Economic Development Partnership Board.

The motion carried unanimously. Councilman Davis will fill the unexpired term of Mr. Leo Bonaparte through June 30, 2027.

Mr. Stewart pointed out that the way the ordinance is written, Darlington Progress will bring forth nominations for the other three appointments. He said this information had been requested and he will make it clear to the Board that County Council must have the nominations by February.

Mr. Askins stated that a member of the Board of Assessment Appeals now serves on Hartsville City Council. He asked whether this was a conflict.

Mr. Stewart stated that since this Board exercises some sovereign powers, he would have to check on this and get back.

Mrs. Godbold stated that her appointee to the Construction Board of Adjustment Appeals has moved to Columbia. She will present someone else for an appointment.

2024 Proposed Schedule Of Meetings For Darlington County Council

MOTION made by Mr. Davis and seconded by Mr. Douglas to approve the 2024 Schedule of Meetings for County Council.

The motion carried unanimously.

2024 Holiday Schedule For Environmental Services

MOTION made by Mr. Douglas and seconded by Mr. Coker to approve the 2024 Holiday Schedule for Environmental Services.

The motion carried unanimously.

Summerville Subdivision Phase III (+/- 20 lots)

MOTION made by Mr. Douglas and seconded by Mrs. Godbold to approve Summerville Subdivision Phase III.

The motion carried unanimously.

Administrative Update – Mr. Marion Charles Stewart, III, County Administrator

Mr. Stewart mentioned that Council had just approved the 2024 Holiday Schedule for Environmental Services and talked about how the staff was working to catch up on the large volume of trash from the Christmas holiday.

Mr. Stewart pointed out that Council's general meeting schedule states that other meetings will be scheduled as needed. He announced that County Council will hold a Special Meeting, an executive session workshop specific to economic development matters, on

January 24, 2024, at 10:30 a.m., at the Courthouse Annex/EMS Building. This meeting is expected to last two hours. There will not be a public portion to this meeting other than the call to order.

Requests / Comments - Members Of Council

Mr. Davis wished everyone a Happy New Year and expressed his condolences to the family and co-workers of Ms. Shaw who worked for E911. He asked Mr. Stewart whether the county could observe Juneteenth as a holiday.

Mr. Stewart responded that Council could approve adding any holiday. It would be the decision of County Council to add Juneteenth as a county holiday.

Mr. Douglas wished everyone a Happy New Year and hopes for another good year.

Mr. Flowers agreed with Mr. Douglas.

Ms. Thomas asked about the status of the stormwater/flood program administered by South Carolina Office of Resilience (SCOR).

Mr. Stewart responded that SCOR was still evaluating the projects and deciding what to fund. SCOR has indicated that approvals for the flood study projects should be received by May. The Buyout Program was still ongoing.

Mr. Askins expressed his hopes for a good year.

Mrs. Godbold requested an update on the Pee Dee River Landing Project.

Mr. Stewart responded that the county was waiting for information from DNR (Department of Natural Resources) about securing additional federal funds for the match that the county has pledged to go with it. He will check on this matter.

Mrs. Godbold also requested an update on the new courthouse construction and Historical Commission Museum.

Mr. Stewart reported that a number of items were being worked on at the new courthouse. There will be a meeting next Tuesday for an update. The Historical Commission Museum was in a more ready state but unless the parking lots and roads (Fountain Street and Hewitt Street) are paved, it would not be an appropriate opening for the museum.

Chairman Hudson wished everyone a Happy New Year.

Ms. Thomas commended the County Recreation Department staff on the senior affair that was held during the holiday.

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 6:33 p.m.

Respectfully submitted,



J. Janet Bishop
Clerk to Council



Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of February 5, 2024.