

**PUBLIC HEARING & REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC**

July 1, 2019

A Public Hearing and Regular Meeting of the County Council of Darlington County was held this 1st day of July 2019, at 6 p.m., at the Courthouse Annex/EMS Building, 1625 Harry Byrd Highway (Highway 151), Darlington, South Carolina.

NOTICE OF MEETING

In compliance with the Freedom of Information Act, a copy of the agenda providing the date, time, and place of the meeting was emailed to the local newspapers, persons requesting notification, and posted on the county's website, on the bulletin board in the lobby of the courthouse, and at the entrance of the Courthouse Annex/EMS Building.

A Notice of Public Hearing for Ordinance No. 19-14 and Ordinance No. 19-15 was published in the Hartsville Messenger and News And Press on June 12, 2019.

COUNCIL MEMBERS PRESENT

Chairman Bobby Hudson, Vice Chairman J. Lewis Brown, Chaplain Dannie Douglas, Jr., Mr. Albert Davis, III, Mr. Marvin Le Flowers, Mr. Robert L. Kilgo, Jr., and Ms. Joyce W. Thomas.

COUNCIL MEMBERS ABSENT

Mr. David Coker.

ALSO PRESENT

County Administrator Marion Charles Stewart, III, County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Codes Enforcement Director Terri Cribb, Economic Development Director Frank Willis, EMS Director Kenny Bowen, Environmental Services Director Renee Howle, Finance Director Sherman Dibble, Fire District Chief Ricky Flowers, Human Resource Manager Ginger Winburn, Prison Farm Director Mitch Stanley, Risk Manager Molly Odom, Roads and Bridges Director Bobby Richardson, Lieutenant Robby Kilgo, Mr. Linwood Epps, Ms. Rosena James, Ms. Anna DeWitt, and others.

REPORTERS PRESENT

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

PUBLIC HEARING

Ordinance No. 19-14. 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 Project Peach And Certain Affiliates And Matters Relating Thereto

Chairman Hudson declared the public hearing open at 6 p.m. to receive comments on Ordinance No. 19-14. There being no comments, the public hearing was closed.

Ordinance No. 19-15. An Ordinance Approving An Amendment To The Agreement For Development Of A Joint County Industrial And Business Park By And Between Darlington County, South Carolina And Lee County, South Carolina, And Other Matters Relating Thereto (Project Peach)

Chairman Hudson declared the public hearing open to receive comments on Ordinance No. 19-15. There being no comments, the public hearing was closed.

REGULAR MEETING

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. Kilgo led the Pledge of Allegiance.

Amendment To The Agenda To Bring Forward Resolutions

MOTION made by Mr. Flowers and seconded by Mr. Brown to amend the agenda to bring forward the Resolutions.

The motion carried unanimously.

Resolutions

Resolution No. 704. Congratulating Hartsville High School Lady Foxes Softball Team, Class 4A State Softball Champions

Councilman Brown read Resolution No. 704 and presented it to Hartsville High School Softball Coach Tommy Garrison and the softball team.

Coach Tommy Garrison talked about the various other records, awards, and recognitions regarding the Hartsville High School Lady Foxes Softball Team and team members.

MOTION made by Mr. Brown and seconded by Mr. Flowers to approve Resolution No. 704 congratulating Hartsville High School Lady Foxes Softball Team, Class 4A State Softball Champions.

The motion carried unanimously.

Resolution No. 705. Renaming Animal Control Blvd To Adoption Way

MOTION made by Mr. Kilgo and seconded by Mr. Brown to approve Resolution No. 705 renaming Animal Control Blvd. to Adoption Way.

The motion carried unanimously.

Citizens' Comments

Mr. John Smithey, who resides off Society Hill Road near the proposed communication tower site, thanked Council for allowing an appeals hearing for residents to provide their input. However, he was told by the cellphone tower lawyer that the Planning Commissioners had to approve the permit because all the procedures had been followed and all the requirements met. Therefore, Mr. Smithey questioned the purpose of an appeals hearing if the Planning Commission had to approve the cellphone tower permit. He asked Council members what they would do if a cellphone tower was being built 450 feet from their house?

Attorney Cox explained that under the statute, once a decision is made by the Planning Commission, any citizen has the right to make an appeal. The appeal was honored. Although all the provisions of the ordinance regarding the cell tower had been met and approved, the court could listen to the appeal. The Hearing Officer, Judge John Milling, looked at the law to ensure that every point had been covered, and then approved what the Planning Commission had done. Attorney Cox said Council would have to change the ordinance/regulations to make this process more stringent, but every condition of the law had been met.

Mr. Smithey expressed that he was not against the cell tower being somewhere on the Benton Farm. However, he did not want the tower 450 feet from his house. It was also his opinion that the appeals hearing did not mean anything.

Mr. Kilgo stated that he would also address this matter later in the meeting.

Personal Appearance - Mr. Stephen Edwards, Executive Director, Free Medical Clinic of Darlington County - Update On Services Provided By Free Medical Clinic of Darlington County

Mr. Stephen Edwards presented information about the Free Medical Clinic of Darlington County to include statistics about the number of people with no insurance, individuals receiving delayed care, emergency room visits, hospitalizations, strokes, obesity, infant mortality, mortality rate for breast cancer victims, etc.; the Free Medical Center of Darlington County partnering with McLeod Mobile Mammography Unit to provide free mammograms at the Darlington Clinic on August 29th and the Hartsville Clinic on September 16th; the history of the clinic; the needs met in 2018; eligibility requirements for services; and the numerous organizations that have partnered with the clinic to provide various services. For the past 19 years, the clinic has operated on volunteer hours from physicians from Darlington, Hartsville, and Kershaw. Beginning later this summer, the Free Medical Clinic of Darlington will have a full-time provider in the Darlington Clinic.

Personal Appearance Mrs. Tonya D. Flowers, House of Refuge Outreach Ministry - Request For Donation To Help Victims Of Domestic Violence

Mrs. Flowers was not present at the meeting.

Consent Agenda

Included in the Consent Agenda were the following:

- 6.A. Rubicon's FY2020 County Plan
- 6.B. Building Permit Report, May 2019
- 6.C. Inspection Totals, May 2019
- 6.D. Animal Control Report, May 2019
- 6.E. Planning Commission Meeting Minutes, April 16, 2019
- 6.F. Parks And Recreation Monthly Report, June 2019

MOTION made by Mr. Kilgo 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 3, 2019

MOTION made by Mr. Flowers and seconded by Mr. Davis to approve the minutes of June 3, 2019.

The motion carried unanimously.

Approval of Minutes - Minutes Of Special Meeting, June 21, 2019

MOTION made by Mr. Brown and seconded by Mr. Davis to approve the minute of June 21, 2019.

The motion carried unanimously.

Amendment To The Agenda To Bring Forward The Vote For Executive Session For (1) Discussion Of Personnel Matters And (2) Receipt Of Legal Advice.

MOTION made by Mr. Flowers and seconded by Mr. Kilgo to amend the agenda to bring forward Executive Session for the discussion of personnel matters and for the receipt of legal advice.

The motion carried unanimously.

Executive Session – (1) Discussion Of Personnel Matters And (2) Receipt Of Legal Advice.

MOTION made by Mr. Flowers and seconded by Mr. Douglas for Council, the County Attorney, and the County Administrator to go into Executive Session for the discussion of personnel matters and for the receipt of legal advice.

The motion carried unanimously.

Mr. Kilgo questioned the legality of going into Executive Session for the receipt of legal advice without it being printed on the agenda.

Attorney Cox stated that Council was giving notice now and a final decision would not be made during the Executive Session.

Council, the County Attorney, and the County Administrator went into Executive Session at 6:25 p.m. and reconvene at 6:41 p.m. Upon reconvening, Chairman Hudson announced that no action was taken in Executive Session.

Ordinances

Ordinance No. 19-09. An Ordinance To Amend Darlington County Code Of Ordinances, Chapter 2 (Administration), Article IV. (Boards, Commissions And Committees), Section 2-204 (Enumeration) And Chapter 18 (Emergency Services), Article II (Ambulances), Section 18-52 (Ambulance Service Commission), Section 18-56 (Unlawful To Operate Without Franchise), Section 18-57 (Reporting Procedures), And Section 18-58 (Limits Of Members' Liability) Regarding the Ambulance Commission and Ambulance Service District, And 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. 19-09.

The motion carried with Mr. Kilgo opposing.

Ordinance No. 19-10. An Ordinance Authorizing The Execution And Delivery Of A Fee Agreement By And Between Darlington County, South Carolina And Project Heat Wave, Providing For A Payment Of A Fee In Lieu Of Taxes, And Other Matters Related Thereto, AS AMENDED - THIRD READING

MOTION made by Ms. Thomas and seconded by Mr. Kilgo to approve third reading of Ordinance No. 19-10.

The motion carried unanimously.

Ordinance No. 19-12. Authorizing Pursuant To Title 12, Chapter 44 Of The Code Of Laws Of South Carolina 1976, As Amended, The Execution And Delivery Of Fee-In-Lieu Of Ad Valorem Taxes Agreements By And Between Darlington County, South Carolina And Certain Companies, Identified Collectively For The Time Being As Project Dates 2, To Provide For Fee-In-Lieu Of Ad Valorem Taxes Incentives And Certain Special Source Revenue Credits; And Other Related Matters - THIRD READING

MOTION made by Mr. Flowers and seconded by Mr. Kilgo to approve third reading of Ordinance No. 19-12.

The motion carried unanimously.

Ordinance No. 19-13. To Amend The Existing Agreement Governing The Darlington-Florence Industrial Park By And Between Darlington County, South Carolina And Florence County, South Carolina To Enlarge The Boundaries Of The Industrial Park To Include Certain Property Now Or To Be Hereafter Owned And/Or Operated By Companies Identified For The Time Being As Project Dates 2, Located In Darlington And Florence Counties, South Carolina; And Authorizing Other Related Matters - THIRD READING

MOTION made by Mr. Brown and seconded by Mr. Davis to approve third reading of Ordinance No. 19-13.

The motion carried unanimously.

Ordinance No. 19-14. 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 Project Peach And Certain Affiliates And Matters Relating Thereto - REQUEST CARRY OVER OF SECOND READING

MOTION made by Mr. Flowers and seconded by Mr. Davis to carry over second reading of Ordinance No. 19-14.

The motion carried unanimously.

Ordinance No. 19-15. An Ordinance Approving An Amendment To The Agreement For Development Of A Joint County Industrial And Business Park By And Between Darlington County, South Carolina And Lee County, South Carolina. And Other Matters Relating Thereto (Project Peach) - REQUEST CARRY OVER OF SECOND READING

MOTION made by Mr. Douglas and seconded by Mr. Brown to carry over second reading of Ordinance No. 19-15.

The motion carried unanimously.

Ordinance No. 19-16. An Ordinance To Amend The Agreement For The Development Of A Joint Industrial And Business Park Dated November 18, 2010. By And Between Darlington And Florence Counties So As To Enlarge The Park (Project Clean) - FIRST READING

Ordinance No. 19-16 was read for first reading. No action required.

Ordinance No. 19-17. To Provide For The Issuance And Sale Of A Not Exceeding Four Million Two Hundred Thousand Dollar (\$4,200,000) General Obligation Bond Of Darlington County, South Carolina. To Prescribe The Purposes For Which The Proceeds Of Said Bond Shall Be Expended. To Provide For The Payment Of Said Bond, And Other Matters Relating Thereto - FIRST READING

Ordinance No. 19-17 was read for first reading. No action required.

Ordinance No. 19-18. To Provide For The Issuance And Sale Of Not Exceeding Four Million One Hundred Thousand Dollar (\$4,100,000) General Obligation Bond Of Darlington County, South Carolina (Darlington County Fire Protection District). To Prescribe The Purposes For Which The Proceeds Shall Be Expended. To Provide For The Payment Thereof. And Other Matters Relating Thereto - FIRST READING

Ordinance No. 19-18 was read for first reading. No action required.

Committee Reports

There were no Committee Reports.

Other Items

Appointments To Boards & Commissions To Fill Vacancies/Expired Terms. And For Non-Attendance

Chairman Hudson carried over his appointment to the Construction Board of Adjustment and Appeals, the Library Board, and Parks & Recreation Commission.

Mr. Flowers carried over his appointment to the Airport Commission, Alcohol and Drug Citizen Advisory Committee, Ambulance Commission, Board of Assessment Appeals, Construction Board of Adjustment and Appeals, Historical Commission, and Planning Commission.

Mr. Davis carried over his appointment to the Parks & Recreation Commission.

Mr. Brown carried over his appointment to the Alcohol and Drug Citizen Advisory Committee.

Request For Appointments To The Board Of Assessment Appeals Due To Lack Of Attendance

Mr. Stewart explained that the request for appointments to the Board of Assessment Appeals was placed separately on the agenda because the Board was still having trouble obtaining a quorum to hear appeals. This is an important Board in that once the Assessor has reviewed a situation, if the taxpayers do not agree with the Assessor, the matter goes before this Board whose members have received training to hear appeals from the Department of Revenue. Currently, there is an appeal that has been pending for over one and one-half years. Therefore, the members who have not been attending the meetings need to attend or be replaced by Council so that this Board can do its job.

Mr. Stewart also explained that there exists the potential for more appeals due to the recent reassessment. If the taxpayers are not satisfied with the Assessor's decision, they can move forward with the Board of Assessment Appeals.

It was pointed out that two of the eight members had not attended any of the meetings in 2018 nor 2019 and two other members had fifty percent absences. Therefore, the respective Council members would need to decide whether to replace their appointee or talk with them about attending the meetings. Mr. Stewart stated that he wanted Council to be aware of this matter because the Board could not move forward without the appropriate number of members attending the meetings; plus this process is an obligation of the county.

Ms. Thomas stated that Mr. Jimmy Laws was not her appointee. However, she would contact him.

Chairman Hudson nominated Ann Weaver for appointment to the Board of Assessment Appeals. However, it was pointed out that his appointee, Mr. Sean Austin, had been attending the meetings and was the Chairman of the Board of Assessment Appeals.

Since Chairman Hudson did not need an appointment, Mr. Flowers stated that he would appoint Ann Weaver to the Board of Assessment Appeals to represent his Council district (Council District 5).

Mr. Kilgo questioned whether Mr. Flowers could appoint someone outside of his Council district to represent his district.

Attorney Cox's response was yes.

Mr. Flowers thought Council had changed the policy so that a person does not have to reside in the Council district that he/she is appointed to represent.

Attorney Cox explained that the current Code requires a representative from the eight Council districts.

Mr. Stewart pointed out that Council had changed the term limitations. However, the current Code still requires each council member to appoint individuals to represent each of the eight Council Districts, subject to term limitations.

Mr. Flowers thought that it was being interpreted that he could appoint someone, regardless of where they live, to represent his Council District on the various Boards/Commissions. The individuals do not have to physically live in his Council District because Council was having a difficult time finding people who are willing to serve on the Boards/Commissions.

Mr. Stewart explained that it would take three readings to change the ordinance.

Attorney Cox asked Council to think about this and let the staff research and get back to Council.

Mr. Flowers said he could not find anyone to serve on the various Boards/Commissions.

It was the consensus of Council to carry this matter over to the next Council meeting.

Appointment To Pee Dee Workforce Development Board (Private Industry Representative)

MOTION made by Mr. Brown and seconded by Mr. Davis to appoint Mr. Jeff Singletary, of Pee Dee Electric Cooperative, to represent Private Industry on Pee Dee Workforce Development Board.

The motion carried unanimously. Mr. Singletary will serve a term to commence July 1, 2019, and expire on June 30, 2022.

West End Heritage Corporation's Request For Donation To Erect A Monument In Memory Of Former Employees Of Darlington Manufacturing Company

Mr. Brown stated that Council had received a letter from West End Heritage Corporation requesting \$20,000 to construct a memorial park for the people who worked at the Darlington Manufacturing Company also known as the Old Cotton Mill.

Mr. Kilgo indicated that he would abstain from voting.

The request failed due to the lack of a motion.

Hearing Officer's Recommendation Regarding American Tower (Benton Brothers) Permit To Erect A Cell Tower At 1631 Society Hill Road In Darlington

MOTION made by Mr. Kilgo and seconded by Mr. Flowers to approve the action of the Planning Commission.

On March 19, 2019, the Planning Commission granted final approval to American Tower Corporation to construct a new cellular communication tower on Society Hill Road, approximately 2,000 feet north of the intersection of Greenfield Road.

In response to Mr. John Smithey's comments made during Citizen Comments, Mr. Kilgo explained the necessity of an appeals hearing. He stated that sometimes lawyers make mistakes in documents, etc., and an appeals hearing is held for the company to prove everything was done right. Therefore, the purpose of the appeals hearing was to let the

public question the matter. If they found something wrong, to bring it up to the Planning Commission.

Ms. Thomas talked about the importance of people in the area being notified of such matters.

Mr. Stewart pointed out that the Development Standards Ordinance list who must be notified. Those who were required to be notified were notified. Once the matter came before Council, anyone who requested to be notified, whether they reside in the proposed cellular tower construction area or not, were notified of the Appeals Hearing and the results of the Appeals Hearing. He added that the required individuals were also notified in 2014 and again recently because this was a new permit although the same site had been approved in 2014.

The motion carried unanimously.

Bid Award For Full Depth Patching On Vapor Road. \$46,360. CTC PIN 38860

MOTION made by Mr. Kilgo and seconded by Mr. Brown to approve awarding the bid contract in the amount of \$46,360 to Palmetto Corp of Conway to repair potholes in Vapor Road.

The motion carried unanimously.

Bid Award For Roof Replacement On The Robert L. Grooms Building. Lamar

MOTION made by Mr. Douglas and seconded by Mr. Flowers to approve awarding the bid contract in the amount of \$113,800 to Land Roofing Company to replace the roof on Robert L. Grooms Building in Lamar.

The motion carried unanimously.

Bid Award For Lake Darpo Building. \$244,352

MOTION made by Mr. Douglas and seconded by Mr. Davis to approve awarding the bid contract in the amount of \$244,352 to Steel buildings of Darlington for a pre-engineered metal building at Lake Darpo.

The motion carried unanimously.

Administrative Update

Mr. Stewart did not have a report.

Requests / Comments - Members Of Council

Mr. Davis congratulated Hartsville High School Softball Team and requested to meet with Tax Assessor Kyle Johnson after the meeting regarding the appointments to the Board of Assessment Appeals. He wished his son, Jackson Davis, a happy first birthday.

Mr. Douglas stated that he was in favor of the proposed cellular tower being constructed in his Council District. However, he would not want the tower 450 feet from his home. His wishes that the tower site would be moved across the road where Mr. Benton once had hogs.

Mr. Brown congratulated the accomplishments of Hartsville High School Softball Team and thanked Mr. Linwood Epps for bringing this to Council's attention. He hated that Councilman Coker could not be present for the presentation.

Ms. Thomas commented on the State Guard Induction Ceremony that she recently attended; the stats regarding the Free Medical Center of Darlington County; Nucor's 50th Anniversary Event; and the Library's Chicken Little Program. She will be working with the 211 program.

Mr. Kilgo talked about seeing a mechanism near Jefferies Creek or one of the other creeks that allows you to watch the depth of the creek, shows how the creek rises and falls, and sends the information. He said the county needs such mechanism on Black Creek which affects everyone from Lake Robinson to Florence County line and afterward. He stated that if the State is not going to fund it, Council needs to find the money to get this done.

Chairman Hudson congratulated Hartsville High School Softball Team. He announced that Spectrum will host an event/presentation/give away in Lamar on August 13, 2019, from 4 p.m. to 6 p.m. and invited Council and the public to attend. He briefly talked about the network/equipment that will be in Lamar.


Adjournment

MOTION was made by Mr. Kilgo and seconded by Mr. Flowers to adjourn the meeting. There being no further comments, the meeting was adjourned at 7:06 a.m.

Respectfully submitted,



J. Janet Bishop
Clerk to Council



Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of August 12, 2019.