

PUBLIC HEARING & REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

November 6, 2023

A Public Hearing and Regular Meeting of the County Council of Darlington County was held this 6th day of November 2023, at 6 p.m., at the Courthouse Annex/EMS Building, 1625 Harry Byrd Highway (Highway 151), Darlington, South Carolina.

NOTICE OF MEETING

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

COUNCIL MEMBERS PRESENT

Chairman Bobby Hudson, Vice-Chairman Marvin Le Flowers, Chaplain Dannie Douglas, Jr., Mr. 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, Economic Development Director Lewis Brown, Emergency Management Director Molly Odom, Finance Director Sherman Dibble, Human Resources Director Ginger Winburn, Library Director Jimmie Epling, and others.

REPORTERS PRESENT

Mr. Stephan Drew of the News and Press, Mr. Bob Sloan of the Morning News, and TV 15 News reporter.

PUBLIC HEARING

Lease: A Five (5) Year Farmland Lease Between Darlington County And Sunny Dayz Farm For 103.7 Acres Of Land On The Exterior Of The Darlington County Landfill Located On Great Cypress Road in Darlington, South Carolina, For The Period January 8, 2024, Through October 31, 2029. Parcel #122-00-01-044

Chairman Hudson declared the public hearing open at 6 p.m. to receive comments on the five-year farm lease between Darlington County and Sunny Dayz Farm for 103.7 acres of land on the exterior of Darlington County Landfill located on Great Cypress Road in Darlington (Parcel #122-00-01-044).

There being no comments, the public hearing was closed.

REGULAR MEETING

Call To Order / Invocation And Pledge Of Allegiance

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

Citizens' Comments

Ms. Kim Alleyne, who has lived at her address in Darlington for 20 years, presented the following concerns: (1) Several years ago, someone dug an 8-foot hole for Taco Bell and Walmart with the drainage going through her property which has caused her property to sink and hold water. She contacted the contractor and requested more dirt to be placed on her property, but they have not done so. (2) She spoke with Darlington City Mayor Curtis Boyd about installing lights under the bridge near her residence, but no lights have been installed. (3) The drainage on Pearl Street that extends to the train tracks is causing the shower in her bathroom to backup.

Mr. Stewart asked Ms. Alleyne to provide her contact information to the Clerk to Council so that county staff may follow up.

Ms. Lucinda Hubbs, a volunteer at Darlington County Humane Society, talked about the need for tethering laws. She stated that updating and changing ordinances could be seen as restrictive or met with a lot of conflict, but typically, it is for the betterment of the overall community. Ms. Hubbs felt that most dog owners would not run into conflict with tethering guidelines. She asked Council to revisit and modify the tethering laws and allow enforcement for those who abuse it. She stated that the county needs to elevate the standards for tethering in the county.

Personal Appearances

There were no Personal Appearances.

Consent Agenda (Receive As Information)

Included in the Consent Agenda were the following:

- 6.A. Darlington County Humane Society Animal Shelter Quarterly Report, July - September 2023
- 6.B. Darlington County Transportation Committee (DCTC) October Meeting Agenda, August Minutes, & Distribution Statements
- 6.C. Financial Report Through September 2023
- 6.D. Fire District Call Volume, September 30, 2023 - October 30, 2023
- 6.E. Darlington County Parks, Recreation, And Tourism Activities, November 2023
- 6.F. August 2023 911 Call Statistics
- 6.G. Pee Dee Workforce Development Board Quarterly Report, September 30, 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 Regular Meeting, October 2, 2023

MOTION made by Mr. Douglas and seconded by Mr. Davis to approve the minutes of the regular meeting held on October 2, 2023.

The motion carried unanimously.

Amendment To The Agenda To Bring Forth The Vote Of Executive Session

MOTION made by Mr. Flowers and seconded by Mr. Davis to amend the agenda to bring forth executive session since information from executive session could affect the vote for the ordinances.

The motion carried unanimously.

Executive Session - (1) Discussion Of Negotiations Incident To Proposed Contractual Arrangements And Proposed Sale Or Purchase Of Property Regarding The I-20 Industrial Park And (2) Discussion Of Matters Relating To The Proposed Location, Expansion, Or The Provision Of Services Encouraging Location Or Expansion Of Industries Or Other Businesses In The Area Served By The Public Body - Project Apollo

MOTION made by Mr. Flowers and seconded by Mr. Coker for Council, the County Administrator, County Attorney, legal representative, and the Economic Development Director to go into executive session for (1) discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property regarding the I-20 Industrial Park and (2) discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body - Project Apollo.

The motion carried unanimously.

Council and the individuals named above went into Executive Session at 6:09 p.m. and reconvened at 6:32 p.m. Upon reconvening, Chairman Hudson announced that no action was taken in executive session.

Ordinances

Ordinance No. 23-15, An Ordinance Authorizing (1) The Execution And Delivery Of A Fee In Lieu Of Tax And Incentive Agreement By And Between Darlington County, South Carolina (The "County") And A Company Identified For The Time Being As Project Vega, Acting For Itself, One Or More Affiliates And/Or Other Project Sponsors (Collectively, The "Company"), Pursuant To Which The County Shall Covenant To Accept Certain Negotiated Fees In Lieu Of Ad Valorem Taxes With Respect To The Establishment And/Or Expansion Of Certain Facilities At One Or More Locations In The County (Collectively, The "Project"); (2) The Benefits Of A Multi-County Industrial Or Business Park To Be Made Available To The Company And The Project; (3) Certain Special Source Revenue Credits In Connection With The Project; And (4) Other Matters Relating Thereto - SECOND READING

MOTION made by Mr. Flowers and seconded by Mr. Davis to approve second reading of Ordinance No. 23-15.

The motion carried unanimously.

Ordinance No. 23-16, An Ordinance Approving An Amendment To The Agreement Governing The Darlington-Florence Industrial Park Between Darlington County, South Carolina And Florence County, South Carolina, And Other Matters Relating Thereto - SECOND READING

MOTION made by Ms. Thomas and seconded by Mrs. Godbold to approve second reading of Ordinance No. 23-16.

The motion carried unanimously.

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 - FIRST READING

The title of Ordinance No. 23-18 was read for first reading. No action needed.

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 - FIRST READING

The title of Ordinance No. 23-19 was read for first reading. No action needed.

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 - FIRST READING, BY TITLE ONLY

The title of Ordinance No. 23-20 was read for first reading. No action needed.

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 [Project Apollo]; And Authorizing Other Related Matters - FIRST READING, BY TITLE ONLY

The title of Ordinance No. 23-21 was read for first reading. No action needed.

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 - FIRST READING, BY TITLE ONLY

The title of Ordinance No. 23-22 was read for first reading. No action needed.

Resolutions

Resolution No. 766, A Resolution Committing To Negotiate A Fee-In-Lieu Of Ad Valorem Taxes Agreement Between Darlington County And Project Apollo; Identifying The Project; And Other Matters Related Thereto

MOTION made by Mr. Flowers and seconded by Mr. Douglas to approve Resolution No. 766.

The motion carried unanimously.

Resolution No. 767, A Resolution Authorizing (1) The Execution And Delivery Of A Fee In Lieu Of Tax And Incentive Agreement By And Between Darlington County, South Carolina (The "County"), And A Company Identified For The Time Being As Project Vega, Acting For Itself, One Or More Affiliates And/Or Other Project Sponsors (Collectively, The "Company"), Pursuant To Which The County Shall Covenant To Accept Certain Negotiated Fees In Lieu Of Ad Valorem Taxes With Respect To The Establishment And/Or Expansion Of Certain Facilities At One Or More Locations In The County (Collectively, The "Project"); (2) The Benefits Of A Multi-County Industrial Or Business Park To Be Made Available To The Company And The Project; (3) Certain Special Source Revenue Credits In Connection With The Project; And (4) Other Matters Relating Thereto

MOTION made by Mr. Flowers and seconded by Mr. Douglas to approve Resolution No. 767.

The motion carried unanimously.

Other Items

Appointment Of A Local Pharmacist To The Opioid Recovery Act Funds Committee

Chairman Hudson nominated Ms. Michelle Vargas, of Lamar, to represent local pharmacists on the Opioid Recovery Act Funds Committee.

MOTION made by Mr. Coker and seconded by Mr. Davis to approve the appointment of Ms. Michelle Vargas of Lamar to represent local pharmacists on the Opioid Recovery Act Funds Committee.

The motion carried unanimously.

Appointments To Boards/Commissions/Committees

Ms. Thomas confirmed her appointment of Mr. Reginald Gardner to the Airport Commission. *(Mr. Gardner's name was listed on the appointment sheet because he did not attend any of the Airport Commission meetings in 2022. His term expires June 30, 2026.)*

Ms. Thomas carried over her appointment to the Construction Board of Adjustment & Appeals and the Library Board.

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

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

Mr. Davis carried over his appointment to the Planning Commission.

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

Council's Appointment to the Economic Development Partnership was also carried over.

Bid Award For Five (5) Year Farmland Lease Between Darlington County And Sunny Dayz Farms For 103.7 Acres Of Land Located On The Exterior Of The Darlington County Landfill On Great Cypress Road, Darlington - Parcel # 122-00-01-044

MOTION made by Mr. Askins and seconded by Mr. Davis to approve the five-year farmland lease between Darlington County and Sunny Dayz Farms for 103.7 acres of farmland on the exterior of Darlington County Landfill located on Great Cypress Road in Darlington (Parcel #122-00-01-044).

The motion carried unanimously.

Bid Award For Darlington County Library Flooring Installation

MOTION made by Mr. Douglas and seconded by Ms. Thomas to approve acceptance of the bid from The Flooring Connection, LLC of Conway in the amount of \$66,213.37 for carpet replacement and laminate flooring installation in high-traffic areas at Darlington Library.

The motion carried unanimously.

Darlington County Library Lighting Replacement

MOTION made by Mr. Douglas and seconded by Mrs. Godbold to approve acceptance of the bid from Safeway Signaling, LTD in the amount of \$131,033 for lighting replacement at Darlington library.

The motion carried unanimously.

Bid Award For Hartsville Library Roof Improvements

MOTION made by Mr. Coker and seconded by Mr. Davis to approve acceptance of the bid from Frizzell Construction Company, dba Summit BSR Roofing, in the amount of 132,935 to seal the roof with acrylic coating and modify the current gutter system at Hartsville Library.

The motion carried unanimously.

Administrative Update

Holiday Schedule. Mr. Stewart reviewed the schedule for county operations for Veterans Day and Thanksgiving Holiday. A copy was placed at Council's desk.

CDBG Mitigation Grant/SC Office of Resilience. Mr. Stewart announced that the county has been awarded additional CDBG Mitigation grant funds for voluntary housing buyouts through the South Carolina Office of Resilience (SCOR) as indicated on a flyer placed at Council's desk. The buyouts will be for clusters of homes in areas of repetitive flooding. The flyer and a media release will be distributed/posted on the county website and a map will be forthcoming. Anyone interested should contact the number on the flyer.

FEMA Firm Flood maps. Mr. Stewart reported that the FEMA firm flood maps were still being updated. If there is a problem with the maps that are posted on the website, individuals may contact Codes Enforcement Director Terri Cribb although the official comment period has not yet opened. Individuals in the designated zone(s) will be notified when the official comment period opens.

Courthouse & Historical Commission Museum Construction. Mr. Stewart reported that last Tuesday, it was determined that work on the inside of the new courthouse was not far enough along to begin furniture installation this coming week. Therefore, the furniture installation has been postponed by two weeks. However, this does not look like it will postpone getting into the building in January.

Construction of the Historical Museum was complete. The staff was currently working on exhibits, etc. The museum should be ready for some type of opening during the first few weeks of January.

Spectrum Services. Mr. Davis reported that a resident has indicated that he/she has not been able to reach Spectrum for services.

Mr. Stewart requested the resident's physical address so that he may give it to the Spectrum representative to determine whether the area is in the county's contract build, RDOF's (Rural Digital Opportunity Fund) build that the federal government is paying for, or outside of both of these projects. Mr. Davis will provide the address after the meeting.

CDBG Mitigation Programs. Ms. Thomas asked whether the CDBG Mitigation grant program was the same as what she questioned last month.

Mr. Stewart responded that the CDBG Mitigation Grant was the voluntary housing buyout program. The other program was for drainage work in the areas behind Bojangles and along Moses Drive, Chestnut Street, etc. South Carolina Office of Resilience (SCOR) had notified the county that they will make awards in May 2024 instead of November 2023. The county was working with SCOR on both grant programs (drainage in areas known for repetitive flooding and the voluntary housing buyout program).

Ms. Thomas requested a meeting with Mr. Stewart to talk about seniors who do not use computers and miss out on such programs.

Mr. Coker asked whether the county had received an update on the existing housing buyouts.

Mr. Stewart responded that this information would not be public or released until SCOR closes with individuals.

Junk Cars. Mr. Douglas asked whether fencing is required where there are junk cars.

Mr. Stewart explained that a shop can have a certain number of inoperable vehicles on site unless it is a junkyard. Nevertheless, he needed to revisit the Development Standards Ordinance regarding the number of inoperable vehicles at a location that is not a shop and get the location in question.

Requests / Comments - Members Of Council

Mr. Flowers commended Darlington High School Falcons football team, players, cheerleaders, band, staff, fans, and families who represented Darlington so well. It was a pleasure for him to work with the chains on the sidelines and be a part of the program at the high school. He urged everyone to attend high school athletic activities to see the kids compete and get to know the community and the people involved.

Ms. Thomas will talk with Mr. Stewart about visiting the landfill.

Mr. Askins mentioned that Hartsville Red Foxes were in the playoffs and encouraged people to attend the games. He also encouraged everyone to vote in the local elections which impact the local community most.

Mrs. Godbold thanked Ms. Lucinda Hubbs for appearing before Council to speak about animal tethering. Due to the number of citizens who have appeared before Council expressing concerns about tethering, Mrs. Godbold stated that she would like for this matter to be placed on Council's December agenda.

Mr. Flowers pointed out that Mrs. Godbold could discuss this matter but could not bring back the ordinance since she was on the prevailing side of the vote. However, if she waits until January, according to the rules, this would be another term of council and she could then bring it up again. He asked Attorney Lucas to confirm the parliamentary rules about the terms of council.

Attorney Lucas said Mrs. Godbold, or any member of council, during their time, could ask that an ordinance be placed on the agenda for the next reading (Section 2-104 of the Code of Ordinances). In doing this, the ordinance has to be created and given to the county attorney and the county administrator to look at the legality, form, and draftsmanship. He explained that the last time council dealt with this ordinance, amendments were offered. To the extent that the ordinance will mirror the amendments, Council may have to look back in its rules to determine whether or not the issue was preserved for reconsideration. However, he would not know what this would look like until Mrs. Godbold presents the ordinance to the county attorney and the county administrator. Attorney Lucas pointed out that any member of council could preserve their right to make procedural objections with regard to what Mr. Flowers was speaking about, and Mrs. Godbold could ask that the ordinance be placed on the agenda. However, she has to give a copy of the ordinance to the county attorney and the county administrator for review and to compare it to what was previously offered. Since he did not know what the ordinance would look like, he could not tell council whether this was something that could or could not be done at this time. Therefore, when he reviews what Mrs. Godbold submits, he may make a recommendation and any member of council has the right to procedurally object. The county attorney and county administrator will look at the ordinance presented and make a decision as to whether or not it can be placed on the agenda. However, if council goes into January, there would not be a question with regards to this.

Mr. Flowers stated that if a different ordinance is presented to the county attorney and county administrator, it would be at the chairman's discretion to place it on the

December agenda. However, if the same ordinance is being revisited, it could be brought back up in January when this current term has ended.

Attorney Lucas said the definition deals with the wording of the ordinance. Previously, council dealt with an ordinance that revised the animal ordinance. As he recalled, there were amendments to that ordinance and not an ordinance itself. Therefore, he has to look at what Mrs. Godbold presents to the county attorney and the county administrator. Attorney Lucas also stated that Mrs. Godbold did it the correct way to bring the matter back up. Whether or not this will be something that Council can take up at the next meeting, he would not know until he sees what is presented, and each member of council has a right to preserve his/her procedural objection if he/she feels that there is an issue regarding this matter. This was not an easy issue to answer without anything to look at. Attorney Lucas did not feel that a vote was required at this time.

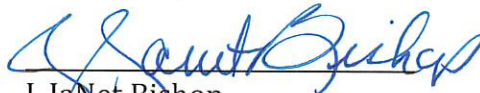
Chairman Hudson announced that Lamar was still in the playoffs. He thanked everyone for attending the meeting.

Mr. Douglas commended Darlington High School for winning some games.

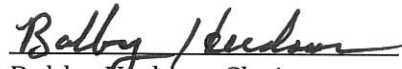
Adjournment

MOTION made by Mr. Flowers to adjourn the meeting. There being no further comments, the meeting was adjourned at 6:59 p.m.

Respectfully submitted,



J. Janet Bishop
Clerk to Council



Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of December 4, 2023.