

PUBLIC HEARING & REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

August 18, 2014

A public hearing and regular meeting of the County Council of Darlington County was held August 18, 2014, at 6 p.m., at the Darlington County Courthouse Annex/EMS Building, 1625 Harry Byrd Highway, Darlington, South Carolina.

NOTICE OF MEETING

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

NOTICE OF PUBLIC HEARING

A Notice of Public Hearing for Ordinance No. 14-11 and Ordinance No. 14-12 was published in the Hartsville Messenger and the News and Press on July 16, 2014.

COUNCIL MEMBERS PRESENT

Chairman Wesley Blackwell, Vice Chairwoman Ms. Mozella "Pennie" Nicholson, Chaplain Dannie Douglas, Jr., Mr. Robbin Brock, Mr. Marvin Le Flowers, Mr. Bobby Hudson, Mrs. Wilhelmina P. Johnson (*arrived at 6:05 p.m.*), and Mr. Robert L. Kilgo, Jr.

ALSO PRESENT

Interim County Administrator Frank Willis, County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Finance Director Perry Strickland, Emergency Services Director Charles Stewart, Codes Enforcement Director Randy Evans, Magistrate Josh Edwards, Central Communications Director David Sessoms, Sheriff Wayne Byrd, Library Director Jimmie Epling, Recreation Director Ken McRae, Planning Director Doug Reimold, Elections/Voter Registration Director Hoyt Campbell, Roads and Bridges Director Bobby Richardson, Darlington County Board of Education Member Joyce Thomas, Haynsworth Sinkler Boyd Attorney Ben Zeigler, and others.

REPORTERS PRESENT

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

PUBLIC HEARING

Ordinance No. 14-11, Authorizing The Entry By Darlington County, As Lessor, Into An Agreement For The Lease Of A Building And Four Parking Spaces At 131 Cashua Street, Darlington, S.C., Authorizing The Chairman Of The County Council Of Darlington County To Sign Such Lease, And Other Matters Related Thereto

Chairman Blackwell declared the public hearing open at 6 p.m. to receive comments on Ordinance No. 14-11.

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

Ordinance No. 14-12, An Ordinance To Provide For The Issuance And Sale Of A Not Exceeding Three Million Five Hundred Seventy-Five Thousand Dollar (\$3,575,000) General Obligation Bond Of Darlington County, South Carolina, To Prescribe The Purposes For Which The Proceeds Shall Be Expended, To Provide For The Payment Thereof, And Other Matters Relating Thereto

Chairman Blackwell declared the public hearing open to receive comments on Ordinance No. 14-12.

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

REGULAR MEETING

Call To Order / Invocation / Pledge Of Allegiance

Chairman Blackwell called the meeting to order at 6:05 p.m. Mr. Douglas presented the invocation and Mr. Kilgo led the Pledge of Allegiance.

Citizens' Comments

Chairman Blackwell recognized Representative Robert Williams and Darlington County Board of Education Member Joyce Thomas.

Mr. William Jackson reported that the armored Afghan military vehicle that the Sheriff's Department was requesting may be free to the county through the 1033 program, however, the maintenance cost for such vehicle would be extremely high. He referred to several periodicals while talking about the types of problems the vehicle has and the specialized maintenance required which would hinder the unit's ability to be ready. He also mentioned that to carry the equipment a distance, it would have to be trailored. Mr. Jackson said this vehicle was not justifiable in such a rural county, and there were no reasons to have such a heavy piece of military equipment.

Mr. Robby Kilgo said some people have proposed several situations where the proposed vehicle for the Sheriff's Office could be used, such as the nuclear power plant. He questioned the Sheriff's Office responsibility for securing the nuclear power plant and pointed out that the vehicle was slow and would take at least thirty minutes to respond at a moment's notice. Mr. Robby Kilgo talked about past active shooter situations and how he was trained for such situations. In reference to the Sheriff's Office use of the proposed equipment, he mentioned that the Sheriff's Office would not replace the National Guard during a disaster situation; would have to eventually get out the vehicle during a shooting situation or to serve warrants; and the equipment does not handle well off road since it was only intended for improved roads. He emphasized that over aggressiveness does not de-escalate situations, it only escalates them. Mr. Robby Kilgo said the Sheriff's Office never needed such equipment before and violent crime rate was going down. Therefore, he questioned the need for such equipment. Mr. Robby Kilgo concluded by stating that this was a toy to be used for intimidation.

Mr. John Wallace stated that he could not find one person outside law enforcement who thought the proposed vehicle for the Sheriff's Office was a good idea. He questioned

who would pay for the vehicle and what it would be used for. Mr. Wallace stated that it was brought to his attention that there was a problem with driving Dodge Chargers in Darlington County. Therefore, he questioned who would train individuals to drive the proposed vehicle and make the policies for it. Mr. Wallace stated that this was not a safe vehicle; it was hard to handle and more dangerous than cars. He concluded by stating that the people of Darlington do not need this vehicle.

Approval Of Minutes - Minutes Of Special Meeting Of June 26, 2014

MOTION was made by Mrs. Johnson and seconded by Mr. Douglas to approve the minutes of the Special Meeting held on June 26, 2014.

The motion carried unanimously.

Approval Of Minutes - Minutes Of Darlington County's Municipal Councils, County Council, Board Of Education, And Legislative Delegation Meeting Of June 30, 2014

MOTION was made by Mrs. Johnson and seconded by Mr. Douglas to approve the minutes of the joint meeting of the Municipal Councils, County Council, Board of Education, and Legislative Delegation held on June 30, 2014.

The motion carried unanimously.

Approval Of Minutes - Minutes Of Regular Meeting Of July 7, 2014

MOTION was made by Mrs. Johnson and seconded by Ms. Nicholson to approve the minutes of the Regular Meeting held on July 7, 2014.

The motion carried unanimously.

{Arrival of Senator Gerald Malloy, Hartsville Mayor Mel Pennington, and Hartsville City Manager Natalie Zeigler (6:21 p.m.)}

Approval Of Minutes - Minutes Of Special Meeting Of July 21, 2014

MOTION was made by Mrs. Johnson and seconded by Ms. Nicholson to approve the minutes of the Special Meeting held on July 21, 2014.

The motion carried unanimously.

Ordinances

Ordinance No. 14-10, An Ordinance To Amend The Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article Twelve (Communication Towers), Sections 12.3 And 12.5 To Increase The Fees For New Tower Construction And Co-Locations On Existing Towers In Darlington County, And To Establish The Effective Date Of This Ordinance - **THIRD READING**

MOTION was made by Mr. Kilgo and seconded by Mr. Douglas to approve third reading of Ordinance No. 14-10.

The motion carried unanimously.

Ordinance No. 14-12, An Ordinance To Provide For The Issuance And Sale Of A Not Exceeding Three Million Five Hundred Seventy-Five Thousand Dollar (\$3,575,000) General Obligation Bond Of Darlington County, South Carolina, To Prescribe The Purposes For Which

The Proceeds Shall Be Expended, To Provide For The Payment Thereof, And Other Matters Relating Thereto - **THIRD READING**

MOTION was made by Mr. Kilgo and seconded by Mr. Hudson to approve third reading of Ordinance No. 14-12.

The motion carried with Mr. Flowers opposing.

Ordinance No. 14-11, Authorizing The Entry By Darlington County, As Lessor, Into An Agreement For The Lease Of A Building And Four Parking Spaces At 131 Cashua Street, Darlington, S.C., Authorizing The Chairman Of The County Council Of Darlington County To Sign Such Lease, And Other Matters Related Thereto - **SECOND READING**

MOTION was made by Mr. Kilgo and seconded by Mr. Douglas to approve second reading of Ordinance No. 14-11.

The motion carried unanimously.

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

Chairman Blackwell read the title of Ordinance No. 14-13 for first reading. No action required.

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

Chairman Blackwell recognized Senator Gerald Malloy, Hartsville Mayor Mel Pennington, and Hartsville City Manager Natalie Zeigler.

Senator Malloy stated that he had spoken with many of the Council members regarding this issue, which would be a big benefit for Darlington County. He said this would provide for an expansion into another area in the City of Hartsville regarding the Intergovernmental Agreement that the County approved in 2000 with Lee County and the City of Hartsville. Senator Malloy said the funds had been allocated, and they needed authorization to spend the money in another area. They already had \$2.9 million and would like to pave College Avenue and sidewalks. Senator Malloy mentioned the City's enhancement grants and a possible grant for Lamar.

Chairman Blackwell reported that there would be no extra expenditure for Darlington County regarding this matter. There would be a change in the ordinance to include College Avenue.

Chairman Blackwell read the title of Ordinance No. 14-14 for First Reading. No action required.

Resolutions

There were no resolutions.

Committee Reports

There were no committee reports.

Appointments To Board/Commissions/Committees

Alcohol & Drug Citizen Advisory Committee (Flowers). Mr. Flowers carried over his appointment to the Alcohol and Drug Citizen Advisory Committee.

Ambulance Commission (Nicholson). Ms. Nicholson carried over her appointment to the Ambulance Commission.

Construction Board of Adjustment & Appeals (Johnson, Flowers, Blackwell). Mrs. Johnson and Mr. Flowers carried over their appointment to the Construction Board of Adjustment and Appeals.

Chairman Blackwell nominated Mr. Dick Coker for reappointment to the Construction Board of Adjustment and Appeals. Mrs. Johnson seconded the nomination. The vote was unanimous to reappoint Mr. Coker for a term to expire June 30, 2017.

Fire Board (Council) (South Darlington Station 5 recommended Harry Tarlton). **MOTION** was made by Mr. Flowers and seconded by Mr. Hudson to appoint Mr. Harry Tarlton to fill the unexpired term on the Board of Fire Control. Mr. Flowers pointed out that Mr. Tarlton would replace Mr. Jesse Watford in a term to expire June 30, 2015.

The motion carried unanimously.

Historical Commission (Brock). Mr. Brock carried over his appointment to the Historical Commission.

Jetport Commission (Flowers). Mr. Flowers carried over his appointment to the Jetport Commission.

Library Board (Flowers). Mr. Flowers carried over his appointment to the Library Board.

Parks & Recreation Commission (Johnson, Flowers, Nicholson (reappointment of Deloris Gibson Patterson)). Mrs. Johnson and Mr. Flowers carried over their appointment to the Parks and Recreation Commission.

Ms. Nicholson nominated Ms. Deloris Gibson Patterson for reappointment to the Parks and Recreation Commission. The vote was unanimous to reappoint Ms. Patterson for a term to expire June 30, 2017.

Pee Dee Workforce Investment Board (Private Industry Sector) (Carry Over for nomination from Darlington Chamber of Commerce). **MOTION** was made by Mr. Kilgo and seconded by Mrs. Johnson to carry over the appointment to Pee Dee Workforce Investment Board.

The motion carried unanimously.

Rubicon's Strategic Plan For Darlington County, FY2015

MOTION was made by Mr. Douglas and seconded by Mr. Hudson to accept Rubicon's Strategic Plan.

Mrs. Johnson pointed out that there were many changes to the strategic plan, and she did not know whether the changes were within the law. Therefore, she requested that the Strategic Plan be carried over.

Ms. Nicholson said it would be important for Mr. Winston McElveen (Rubicon's Executive Director) to appear before County Council to answer questions. She stated that during her twelve years on Council, Mr. McElveen never attended a County Council meeting.

Mr. Kilgo pointed out that Rubicon was required to submit their plan by May 1, 2014. He felt that the only reason Council received this plan was because he started grumbling about Rubicon during the budget worksession and made a motion to transfer the funds to Pee Dee Mental Health. Mr. Kilgo said he had no idea as to what Rubicon does. He would like to ask Mr. McElveen several questions.

MOTION was made by Mr. Kilgo and seconded by Mrs. Johnson to amend the motion to carry over Rubicon's FY2015 Strategic Plan for Darlington County.

Mr. Flowers pointed out that Rubicon was the only organization in the county setup to receive the funds (excise tax revenue/former mini-bottle funds) at this time. Therefore, Mr. McElveen appearing before Council would be a courtesy and not a necessity.

Ms. Nicholson stated that Rubicon provides an essential service and was the only entity besides Pee Dee Mental Health receiving these funds. Therefore, Mr. McElveen should appear before Council. She talked about the drug problems in her Council district and questioned whether the changes in Rubicon's plan were mandated by the state and federal governments.

Chairman Blackwell called for the vote to carry over Rubicon's FY2015 Strategic Plan for Darlington County.

The motion carried unanimously.

Mr. Flowers stated that this matter would be on the next agenda already being moved and seconded to approve.

Chairman Blackwell said Mr. McElveen would be invited to attend Council's next meeting.

Mr. Douglas pointed out that Council could not take the funds from Rubicon regardless as to whether Mr. McElveen appears at the next County Council meeting.

Service Contract With Rubicon, Inc. For Darlington County's Employee Assistance Program, \$2,500

MOTION was made by Mrs. Johnson and seconded by Mr. Kilgo to carry over the Service Contract with Rubicon for Darlington County's Employee Assistance Program.

Mr. Kilgo stated that he would like to see the county work out a service contract so that Pee Dee Mental Health could provide this service.

The motion carried unanimously.

Budget Transfer Request, Economic Development Office

MOTION was made by Mr. Kilgo and seconded by Mr. Hudson to approve the budget transfer request for the Economic Development Office.

The motion carried unanimously.

The Economic Development Director was requesting to transfer \$7,000 to Svcs-Tec/General (017-060-46510-34000) from Full-Time Salaries/Wages (017-060-46510-11100) to provide funds for contract labor to fill the vacancy of the Administrative Assistant.

Sheriff's Office Request To Add An International MaxxPro Dash Response Vehicle To The County's Fleet

MOTION was made by Mr. Brock to carry over the Sheriff's request because there was a lot of information that he did not see. He wanted to hear from the Sheriff. The motion was seconded by Ms. Nicholson.

Mr. Kilgo stated that he did some research and found it interesting that the Sheriff's email said the vehicle would have a dump truck chassis. He showed a picture of the truck and an article from the New York Times (August 16, 2014) listing the equipment each county in the United States has. Mr. Kilgo reported that Darlington County has armored vehicles, automatic weapons, assault rifles, night vision goggles, and body armor. The only things the Sheriff's Office did not have were aircraft and grenade launchers. He mentioned that Kershaw County did not have any of these items. Mr. Kilgo showed Council the ammunition used in the machine gun on top of the vehicle. He said he would not want anyone in Darlington County to be faced with 50 caliber ammunition.

Sheriff Byrd indicated that Mr. Kilgo was pandering to his son and son's friends. He pointed out that two and one half years ago, he did not hire Mr. Kilgo's son and since then, he has received grief from them. He emphasized that this would not change. He would never give Mr. Kilgo's son a job because of things like this.

Sheriff Byrd explained that the proposed vehicle has the same engine, chassis, and suspension as any other heavy equipment the county owns. This was the reason he wanted the unit added to the county's fleet. Sheriff Byrd agreed that the vehicle was armored and the military equips it with 50 caliber ammunition. However, the proposed vehicle does not have any weapons on it. He stated that he would be willing to go into executive session to discuss the details of the Sheriff's Office response plan with the nuclear plant. By federal law, he could not discuss the plans in open session.

Sheriff Byrd agreed with Mr. Kilgo that the nuclear plant has a well armed and equipped security force and would be able to stop and repel anyone launching an attack on the nuclear plant. However, when the nuclear plant security force repels the attack, he questioned where the attackers would go. He said the attackers would go into the county and be a threat to the people in the county and not the plant. Sheriff Byrd pointed out that the county had an armored vehicle for over three years. Many people did not know the vehicle was there because the Sheriff's Office has not had a need for it. He said the current vehicle requires a lowboy to move. The proposed vehicle could be driven on the highway and was a newer and better piece of equipment. He could get rid of the old one that requires additional expenses to operate. Sheriff Byrd stated that he would be glad to talk with anyone about the vehicle and provide the details. He also stated that it was not a joke when men and women put their lives on the line everyday for people in the county and are not appreciated.

The motion carried unanimously to carry over this request.

FY14 LEMPG Grant Award, \$60,401 - EMS

MOTION was made by Mr. Hudson and seconded by Ms. Nicholson to approve the LEMPG grant award.

The motion carried unanimously.

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

MOTION was made by Mr. Kilgo and seconded by Mr. Hudson to carry over the Memorandum of Agreement with the Department of Transportation and the Letter of Credit from the developer of the former Ansley Park subdivision.

Mr. Kilgo said this contained a lot of information and may need some “fine tuning.”

Chairman Blackwell expressed concerns about the HOA (Home Owner Association) being enforced, the twenty-five lots that could be developed, and the pond. He asked Council members to present their concerns to Planning Director Doug Reimold.

Mr. Reimold explained that the subdivision was located near the High Hill Fire Station and next to Trinity-Byrnes Collegiate School. He indicated that he would provide a PowerPoint and maps at Council’s next meeting.

Mr. Kilgo asked whether the information specifies which 25 lots could be developed.

Mr. Reimold said no.

The motion carried unanimously.

Sharing Of GIS Addressing Data

MOTION was made by Mr. Kilgo and seconded by Mr. Douglas to grant the free sharing of address data points with requesting entities without confidential information.

It was Mr. Kilgo’s understanding that the county would only give out addresses with no personal information.

The motion carried unanimously.

Budget Transfer Request, Recreation Department

MOTION was made by Mr. Douglas and seconded by Mr. Hudson to approve the budget transfer request for the Recreation Department.

The motion carried unanimously.

The Recreation Director was requesting to transfer \$5,000 to Other Professional Svcs (1-070-45120-31000) from Reg. Full-Time Salaries/Wages (070-45110-11100) to provide funds for temporary clerical services due to vacancy in Hartsville Area Recreation Office.

Consent Agenda

Included in the Consent Agenda were the following:

<u>ITEMS</u>	<u>ACTION</u>
A. Letter From S.C. Dept. Of Commerce RE: Rural Infrastructure Fund Grant Award For PolyQuest Withdrawn, \$200,000	Receive As Information

B. Animal Shelter Quarterly Report, April - June 2014	Receive As Information
C. NACo Prescription Drug Discount Card Program Update, June 2014	Receive As Information
D. Building Permit Types Report, May, June, July 2014	Receive As Information
E. Marlboro/Darlington County Beaver Program Report, June 2014	Receive As Information
F. Pee Dee Mental Health Center Board Of Director's Minutes April & May 2014	Receive As Information
G. Fire Board Minutes, June 4, 2014	Receive As Information
H. Duke Energy Progress' Neighborhood Energy Saver Program For Low Income Residential Customers In Darlington Area	Receive As Information
I. Pee Dee Workforce Investment Board Quarter Report, July 1, 2013 - June 30, 2014	Receive As Information
J. Darlington County 4 th Quarter Financial Reports, April - June 2014	Receive As Information
K. Thank You Note From The Family Of Alex Buz Shaw	Receive As Information
L. Letter From SC Rural Infrastructure Authority RE: Approval Of The County's Request To Extend The RIA Grant To August 25, 2015 For The South Darlington Watershed Project	Receive As Information
M. Pee Dee Workforce Investment Board Executive Committee Meeting Minutes, July 29, 2014	Receive As Information

In reference to Consent Agenda Item "E" regarding the Darlington/Marlboro County Beaver Program, Mr. Brock questioned whether someone could appear before Council and report what was going on with the beavers.

Mr. Flowers instructed Mr. Brock to call the beaver control specialist. He also talked about the criteria for beaver control to assess and remove beavers and beaver dams.

Chairman Blackwell commented on the financial report for last quarter ending June 2014 (*Consent Agenda Item "J"*).

MOTION was made by Mr. Brock and seconded by Mr. Hudson to receive the Consent Agenda items as information.

The motion carried unanimously.

Personal Appearances

There were no personal appearances.

Administrative Update

Interim County Administrator Frank Willis did not have an update.

Requests / Comments – Members Of Council

Mr. Kilgo questioned whether the document copy fee that was approved in the budget had been implemented in every department.

Finance Director Perry Strickland replied that the approved budget, including the fee increases, was sent to each department.

Mr. Kilgo commented that “sent” was not the same thing as implemented. He requested that the fee increase be implemented.

Mr. Kilgo then pointed out that information on the county’s website was out of date, such as the ordinance prohibiting bath salts. He suggested that the ordinance be replaced with the salaries that were hidden in the online forms of County Council. This was his personal suggestion, and he was leaving this up to the staff.

Mr. Kilgo requested a list of all the equipment from the federal government issued to or in possession of the Sheriff’s Office.

Mrs. Johnson mentioned Darlington County Cultural Realism Complex’s recent Intergenerational Empowerment Survival Rural Extravaganza. She also mentioned that the roads (State) in the county were a disgrace.

Ms. Nicholson stated that she did not see a reason to have military equipment. She said the only place the equipment could be used was high crime areas such as in her Council district. However, crime was not high enough to have military equipment. Ms. Nicholson mentioned flooding in her Council district and wanted to know who to call.

Ms. Nicholson then stated that when the auditors were before Council, she asked whether the county was deficit spending but never received a direct answer. However, it was now obvious that the county was deficit spending according to the financial report included in the Consent Agenda.

Mr. Douglas asked Mr. Cox the status of the road on Black Creek.

Mr. Cox replied that this matter needed to be revisited with the Highway Department.

Mr. Douglas asked that status of Lakeside.

Mr. Cox replied that he had not heard anymore about this. He also explained that the road was on private property and county equipment and personnel could not go onto private property unless Council makes a change.

Mr. Douglas, Mr. Cox, and Roads and Bridges Director Bobby Richardson talked about the location of the original road near Black Creek Cemetery. Mr. Cox pointed out that

he had no knowledge of the county ever using equipment, materials, or labor on private property.

Mr. Hudson asked the status of Lowther's Lake.

Mr. Brock asked Mr. Willis to provide an update on the fire stations in Pine Ridge (Ashland and Kelletown Fire stations). He then requested to have information prior to Council meetings in order to look at it before it is presented at the meeting.

Vote For Executive Session (A) Discussion Of Personnel Matters and (B) Discussion Of Negotiations Incident To Proposed Contractual Arrangements

MOTION was made by Ms. Nicholson and seconded by Mrs. Johnson for Council to go into executive session for personnel matters and contract negotiation matters.

The motion carried unanimously.

MOTION was made by Ms. Nicholson and seconded by Mrs. Johnson for County Council, the county attorney, and interim County Administrator Frank Willis to go into executive session for personnel matters and contract negotiation matters.

The motion carried unanimously.

Executive Session

Council recessed at 7:22 p.m prior to going in executive session and reconvened at 7:58 p.m. Upon reconvening, Chairman Blackwell announced that no action was taken in executive session.

Employment Of Interim County Administrator

MOTION was made by Mr. Kilgo and seconded by Ms. Nicholson to hire Mr. Tommy Edwards as Interim County Administrator beginning August 21, 2014.

The motion carried unanimously.

Adjournment

MOTION was made by Mr. Kilgo to adjourn the meeting. There being no further business, the meeting was adjourned at 7:59p.m.

Respectfully submitted,

Mrs. J. JaNet Bishop
Clerk to Council

Mr. Wesley Blackwell, Chairman
Darlington County Council

Approved at meeting of October 6, 2014.