

PUBLIC HEARING & MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON COUNTY, SC

March 3, 2014

Darlington County Council held a Public Hearing and Regular Meeting on March 3, 2014, at 6 p.m., at the 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. 14-01 was published in the Hartsville Messenger and the News and Press on February 12, 2014.

COUNCIL MEMBERS PRESENT:

Chairman Wesley H. Blackwell, Vice Chair Mozella Nicholson, Chaplain Dannie Douglas, Jr., Mr. Robbin Brock, Mr. Bobby Hudson, Mrs. Wilhelmina P. Johnson, and Mr. Robert L. Kilgo, Jr.

COUNCIL MEMBERS ABSENT:

Mr. Marvin Le Flowers.

ALSO PRESENT

County Administrator Dale Surrett, County Attorney James C. Cox, Jr., Clerk To Council J. JaNet Bishop, Corrections Director Mitch Stanley, Codes Enforcement Director Randy Evans, Central Communications Director David Sessoms, Emergency Services Director Charles Stewart, Library Director Jimmie Epling, Roads and Bridges Director Bobby Richardson, Recreation Director Ken McRae, Planning Director Doug Reimold, Prison Farm Director Jonathan McFadden, Sheriff Wayne Byrd, several county staff members and Sheriff's Deputies, Mr. George Cannon, Retiree Thomas Winburn, and others.

REPORTERS PRESENT

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

Recognition Of Retirees

Chairman Blackwell presented a plaque to Mr. Thomas Winburn in appreciation for 20 years of service with Darlington County Planning.

Chairman Blackwell read a plaque for Mr. Roger Graham in appreciation for 26 years of service with Darlington County Sheriff's Department. Mr. Graham was not present at the meeting.

PUBLIC HEARING

Ordinance No. 14-01, An Ordinance To Amend Ordinance No. 13-11, FY13/14 Library System Fund Budget, For A Supplemental Appropriation To Receive And Expend Funds From State Aid And To Establish The Effective Date Of This Ordinance

Chairman Blackwell declared the public hearing open at 6:02 p.m. to receive comments on Ordinance No. 14-01.

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 6:03 p.m. Mr. Douglas presented the invocation and Mr. Kilgo led the Pledge of Allegiance.

Citizens' Comments

Mr. George Cannon expressed concerns about the people of Darlington County supporting the \$500,000 General Obligation Bond for the Fire District, when after 27 years, the Fire District should have been established. He also did not agree with the proposed increase not affecting certain districts. Mr. Cannon thought that according to an Ordinance approved by County Council in 2003, if there was an increase in the County Fire District, the municipalities would receive the same. He talked about newspaper articles that appeared in the Florence Morning News (February 12th, 20th, and 21st editions) about how a neighboring county was working to help property owners and uniting their Fire District for a better ISO rating.

Mr. C. Wayne Howle, of 320 Kelleybelle Road, expressed support for third reading of Ordinance No. 13-31.

Mr. Will Black, of Kelleybelle Road, also expressed support for third reading of Ordinance No. 13-31. He indicated that his residence was over five miles from three different fire departments. Therefore, the cost of his homeowner's insurance doubled.

Approval Of Minutes - Public Hearing & Regular Meeting, February 3, 2014

MOTION was made by Mrs. Johnson and seconded by Mr. Kilgo to approve the minutes of the public hearing and regular meeting of February 3, 2014.

The motion carried unanimously.

Approval Of Minutes - Special Meeting, February 11, 2014

MOTION was made by Mr. Kilgo and seconded by Mrs. Johnson to approve the minutes of the special meeting of February 11, 2014.

The motion carried unanimously.

Ordinances

Ordinance No. 13-31, To Provide For The Issuance And Sale Of Not Exceeding Five Hundred Thousand Dollar (\$500,000) General Obligation Bond Of Darlington County Fire Protection District, 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. Brock and seconded by Mr. Hudson to approve second reading of Ordinance No. 13-31.

Mr. Kilgo stated that he would vote against third reading of this ordinance because Council had discussed, decided, and confirmed that Council would let the people of Darlington County, who live in the Fire District, decide what they want. Now, because of a few people, Council was going against its own decision to fund something that would only affect a few. He felt that Council should stick with its original decision to let the people have a chance to vote on this matter.

Ms. Nicholson stated that she wanted to mirror what Mr. Kilgo said. She was not in support of Ordinance No. 13-31.

Mrs. Johnson thought the county was already working on this project with money budgeted.

Mr. Surrett clarified that no funds were in the budget for this project. Council began with a staff proposal for a five-mill increase for a \$2.5 million bond for five years. Through discussions, the five-mill increase over five years was reduced to one-mill for five years. The county Fire District mills bring in about \$100,000 per mill in taxes. He explained that the \$500,000 was designated in the ordinance to add three additional substations and the necessary equipment in the areas beyond five road miles. Mr. Surrett pointed out that the substations would be a building with heat and a fire engine. He said it was important to note that people had not complained about the service, but an insurance regulation wherein insurance companies were looking at how ISO is rated and the distribution of fire not quite meeting the standards. He commended what the county has compared to the coverage area and financial means. Mr. Surrett also mentioned that there were a lot of needs in the Fire District beyond this project. There was a lot of aged equipment that needs to be replaced.

Mr. Brock asked Mr. Black to explain how he found out that his homeowner's insurance had increased.

Mr. Black provided an explanation. He also stated that he was paying the same taxes as everyone else. He stated that other homeowners had not yet been caught by their insurance company. Therefore, this problem would affect more people than the individuals present at the meeting.

Mr. Brock asked Council members to reconsider this. He emphasized that it was not fair for people to suffer because of the gaps where the county does not provide fire coverage (three areas).

Ms. Nicholson asked Mr. Black whether he was opposed to this matter being presented to the taxpayers for a vote.

Mr. Black asked Ms. Nicholson whether she would vote to help him if the matter does not affect her. He also mentioned that taking this to the voters would prolong the process when he needed help right now.

Mr. Brock asked, "Why would someone vote on something for other people that would raise his/her millage?" He said it would never be approved. Mr. Brock said Council needed to fix this problem and place the remainder on the ballot for November.

Chairman Blackwell commented that the Fire District would provide fire service to all the people in Darlington County. However, he would support the ordinance because of the areas around the perimeter of the county.

Mrs. Johnson said the ordinance reads "Darlington County Fire Protection District." However, it was being said that this was not for Darlington County, but for three districts. Therefore, she requested that the ordinance clearly state what it is for.

Chairman Blackwell pointed out that the ordinance clearly states that this would be for three fire substations.

The motion carried with Mr. Kilgo and Ms. Nicholson opposing. Mr. Flowers was not present at the meeting.

Ordinance No. 14-01, An Ordinance To Amend Ordinance No. 13-11, FY13/14 Library System Fund Budget, For A Supplemental Appropriation To Receive And Expend Funds From State Aid And To Establish The Effective Date Of This Ordinance - **SECOND READING**

MOTION was made by Mr. Kilgo and seconded by Mr. Hudson to approve second reading of Ordinance No. 14-01.

The motion carried unanimously.

Resolutions

There were no resolutions.

Committee Reports

There were no committee reports.

Other Items

Appointments To Board/Commissions/Committees

Alcohol & Drug Citizen Advisory Committee. Mr. Hudson nominated Ms. Ruth Carroway for appointment to the Alcohol and Drug Citizen Advisory Committee.

Chairman Blackwell called for the vote to appoint Ms. Ruth Carroway to the Alcohol and Drug Citizen Advisory Committee.

The vote was unanimous. Ms. Carroway will serve until she resigns or replaced by County Council.

Alcohol & Drug Citizen Advisory Committee (Flowers, Blackwell), Construction Board Of Adjustment & Appeals (Flowers), And Parks & Recreation Commission (Blackwell)

Chairman Blackwell carried over his appointments. Mr. Flowers was not present at the meeting.

Request To Abandon The County Maintained Section Of Nettles Road

MOTION was made by Mr. Hudson and seconded by Mrs. Johnson to **keep the road open** (to not abandon the county maintained section of Nettles Road).

Chairman Blackwell clarified that the request was to abandon the county maintained section of Nettles Road.

Mr. Hudson clarified that his motion was to keep this road open.

Chairman Blackwell confirmed that Mr. Hudson wanted the county to accept this section of Nettles Road into the county road maintenance system. He explained that Council would be setting a tremendous precedence by taking an abandon road into the county road maintenance system.

Mr. Brock pointed out that this was a State road and not a private road. The State gave the road to the county.

Mrs. Johnson said the method that the State used to return Nettles Road to the county should be challenged by Darlington County Council and Darlington County Attorney, at the expense of the State. She said what the State did was unfair to South Carolina, and the road should not be taken in by the County.

Mr. Kilgo asked Attorney Cox whether this matter had been litigated.

Attorney Cox's response was yes. He explained that from time to time, the State abandons or alters parts of rights-of-way leaving stretches of road that are no longer used. He said there was a law that says if the State abandons a public right-of-way, it automatically goes to the county and becomes the county's responsibility. The only thing the county could do is bring an action to abandon the road. Attorney Cox said there were many roads in South Carolina that the State has abandoned. However, in this case, the residents along this road (Nettles Road) brought an action to make the county or the State continue to maintain the road. The County filed an answer stating no, the county should not and never accepted the road into the county road maintenance system. The county never took care of this road and does not want it. But the court indicated that according to the law, it was the county's road. The only course of action for the county, if the county does not want to maintain this road, is to bring an action to abandon it. The action being presented tonight was to abandon this road.

Mrs. Johnson asked whether the county was notified by the State when the litigation took place.

Mr. Cox responded that when the interstate was constructed and this section of the road abandoned, he was not the County's Attorney. Therefore, he did not know what notice was given. But, at some point, Darlington County Roads and Bridges Department knew that the people were looking to the county to maintain this road. Therefore, notice was given. However, a paper was not sent to Mrs. Johnson indicating that the county now has the road.

Ms. Nicholson said that whenever the county is sued, each County Council member is named in the caption of the lawsuit. During last year, this was her reason for asking that Council members be brought up-to-date on all the lawsuits that had been brought against the County. She was concerned about knowing what lawsuits Council members had been named in.

Attorney Cox clarified that lawsuits brought against Darlington County is never brought in the name of a Council member. They are brought in the name of the county. This was the reason no individual Council member had been served with papers. He explained that court actions are brought against the county for a number of reasons all the time. The only time an individual is named is when that individual has supervisory position and allegedly involved. For example, Jail Director Mitch Stanley had been named in many things and sometimes the Sheriff. However, lawsuits against the county are brought against the county and in the name of the county.

Mrs. Johnson stated that Council members make all the rules for the county and should know what is coming forth.

Attorney Cox clarified that the motion was not to abandon. He said the road was already in the county because the court says it is. Therefore, the road belongs to Darlington County, and the only action Council has is to accept the road or bring an action to abandon it. If Council votes to abandon the road, Council wants it gone. If Council votes against the motion to abandon, then the county wants to keep the road.

The motion carried with Chairman Blackwell opposing.

Grant For Lamar Youth Football Field Lighting Project, \$44,894

MOTION was made by Mr. Hudson and seconded by Ms. Nicholson to authorize the use of county funds to cover the total cost (\$44,894) and receive eighty percent (80%) reimbursement.

Mr. Surrett explained that this grant was pending. It had not been fully approved by the delegation. However, the staff was requesting Council's approval because of the matching funds involved. He pointed out that the football field does not belong to the county, and the State would give the grant to the entity that owns the field. Therefore, this would be a pass through to the Town of Lamar with the county supervising the grant, or the county entering a long-term lease for the field in order to meet the requirements of the grant. This football field was located behind an area where the county already leases. The match would be \$8,979.

The motion carried unanimously.

Budget Transfer Request, Environmental Services

MOTION was made by Mr. Kilgo and seconded by Ms. Nicholson to approve the budget transfer request for Environmental Services.

The motion carried unanimously.

Environmental Services Director David Williamson was requesting to transfer \$8,300 to Overtime (010-080-43211-13000) from Fuel (010-081-43221-62100)

to correct a deficit in the overtime budget. At the beginning of the fiscal year, funds were expended from this line item for temporary help.

Purchase Of Firefighter Protective Clothing, Sole Source Purchase

MOTION was made by Mrs. Johnson and seconded by Mr. Brock to purchase firefighter protective clothing from Newton's Fire and Safety.

Mr. Surrett indicated that the funds were included in the budget. This was being presented to Council because it would be a sole source purchase and the amount of the purchase.

The motion carried unanimously.

Appointments To Board Of Fire Control - Industrial Park Station 3 (Mr. Daniel McManus), Lake Swamp Station 15 (Ms. Linda Dorriety)

MOTION was made by Mr. Kilgo and seconded by Mr. Douglas to approve the appointment of Mr. Daniel McManus and Ms. Linda Dorriety to the Board of Fire Control, as recommended.

The motion carried unanimously.

Mr. Daniel McManus will replace Mr. Brad DeWitt in a term to expire June 30, 2015, and Ms. Linda Dorriety will replace Mr. Chris Mahn in a term to expire June 30, 2016.

Request To Use Up To \$7,000 From 700 Account (Improvements Other Than Buildings) To Trap Beavers And Remove 13 Beaver Dams In Newman Swamp From Lamar Highway to Country Club Road

MOTION was made by Mr. Hudson and seconded by Mr. Kilgo to approve the use of up to \$7,000 from the 700 account to trap beavers and remove thirteen beaver dams in Newman Swamp from Lamar Highway to Lamar Country Club Road.

Mr. Surrett indicated that the 700 account in the Roads and Bridges budget was considered a Special Projects Account. The money in this account is not spent until approved by County Council.

The motion carried unanimously.

Request To Obtain Bids To Resurface Certain County Roads

Mr. Surrett indicated that Roads and Bridges Director Bobby Richardson did not have the information ready when the agenda packages were prepared. However, he was prepared to present the details on the roads. He reminded Council that the staff works with the CTC (County Transportation Committee) on an ongoing basis to pave/resurface county roads. Mr. Surrett explained that some roads do not meet the CTC criteria or fall outside the scope of what is normally approved by the CTC.

Roads and Bridges Director Bobby Richardson presented Council with a list of roads for resurfacing. The list included the following roads:

Stanley Circle - 3,468 ft./\$63,585

Redwood Street - 390 ft./\$8,475

Laurens Circle - 2,004 ft./\$36,750
Prosperity Court - 740 ft./\$13,500

Wood Duck Drive - 1,260 ft./\$23,100
Mallard Duck Drive - 1,421 ft./\$26,051

Mr. Richardson recommended the resurfacing of Laurens Circle, Prosperity Court (located in the County's Industrial Park along the Florence County line), and Redwood Street (near IGA and Highway 15 in Hartsville) due to the amount of traffic. Funding for the road resurfacing would come from the 700 account (Improvements Other Than Buildings) in the Roads and Bridges budget.

MOTION was made by Mr. Kilgo and seconded by Ms. Nicholson to authorize the staff to obtain bids to resurface Laurens Circle, Prosperity Court, and Redwood Street using funds from the 700 account (Improvements Other Than buildings).

The motion carried unanimously.

Consent Agenda

Included in the Consent Agenda were the following:

<u>ITEMS</u>	<u>ACTION</u>
A. Roster Of Boards & Commissions Showing Expiring Terms As Of July 30, 2014	Receive As Information
B. NACo Prescription Drug Discount Card Program Report, January 2014	Receive As Information
C. Jetport Commission Minutes, January 16, 2014	Receive As Information
D. Historical Commission Minutes, January 2, 2014	Receive As Information
E. Recreation Department Report, February 2014	Receive As Information
F. March Calendar of Meetings For Boards, Commissions, & Committees	Receive As Information

MOTION was made by Mr. Kilgo 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 - Summary Report Regarding Lide Springs Road, Mr. James C. Cox, Jr., County Attorney

Attorney Cox's written report regarding Lide Springs Road was included in the agenda packages.

Attorney Cox reported that Roads and Bridges Director Bobby Richardson and he visited Lide Springs Road and, later, he went back on his own to observe it again. He explained that originally, Lide Springs Road was a paved road off Society Hill Highway. From Society Hill Highway to Mechanicsville Highway, Lide Springs Road measured 4.2 miles and stops. A dirt road right across from it is a continuation of Lide Springs Road that has a sign stating "Lide Springs Road." He said this sign came into being when 911 was implemented. Attorney Cox said he talked with Mr. Graham who owns the road/land. At one time, the road was referred to as Graham Road. For the history of this road, it came into existence because there once was a grists mill down this road. Attorney Cox indicated that Mr. Graham had maintained Lide Springs Road, the dirt road, from the Mechanicsville Highway to a point where the road has been blocked and a gate erected. He said Mr. Graham has given easements/rights-of-way for power and water to go down this road, and he actually maintains the road in order to keep people from driving in his field. This section of Lide Springs Road measures .7 miles and was only wide enough for one vehicle.

Attorney Cox further explained that from Charleston Highway, you enter the back side or east side of Lide Springs Road where the residents had appeared before County Council several times complaining about the condition of the road. He said the residents got together and deeded to each other a right-of-way/easement for the eastern portion of Lide Springs Road. The deed states that they will mutually provide the resources to maintain their road. The road has a sign that makes it appear to be a county road. A section of this road was also block by private landowners. Attorney Cox believes a hunting club closed the road to keep people from trespassing. He described the eastern portion of Lide Springs Road as being a great dirt bike course because of its condition. He also pointed out that there was no uniform width for the road; the maximum distance that he could measure was twenty feet. Attorney Cox said this was truly a private road and someone erected a sign that would make people think the road was a county road because of the color of the road sign.

Attorney Cox explained that if County Council wants to, Council would have to have the land surveyed to define the right-of-way, acquire additional width for the road to meet the county's standard of 50 feet, bring the road up to county road standards (which would be extremely expensive), and vote to accept the road into the county road maintenance system. The county would have to obtain rights-of way or condemn land, part of which would be from the people who use the road and other landowners. There were fourteen dwellings on this eastern section of the road.

It was Mr. Kilgo's understanding that Lide Springs Road between Society Hill Road and Mechanicsville Highway was a public road. Attorney Cox confirmed that it was a State road.

Mr. Kilgo stated that the problem begins once you cross the Mechanicsville Highway, which was a private road.

Mr. Douglas stated that years ago, this road was open and maintained by the county.

Roads and Bridges Director Bobby Richardson responded that Lide Springs Road was maintained on a request basis prior to 1985, just as all the other driveways that people would call the county to do. After 1985, the Attorney General took away sovereign immunity making it no longer legal to use public personnel or equipment on private property.

Attorney Cox added that prior to 1985, it was the custom of Darlington County to scrape people's driveways, install culverts, etc. when requested. However, after 1985, the case said public funds and equipment could not be used on private property.

Mr. Surrett indicated that the lawsuit was brought by a private construction company stating that counties were interfering with their ability to make money.

Attorney Cox said Mr. Graham owns the land on both sides of the road and indicated that he would love to deed the road to the county. He said the main decision that the county has to make is where to get the funds to acquire/buy the rights-of-way or bring a court action to condemn the land and bring the road up to county standards.

Mrs. Johnson talked about the people living on this road for forty plus years and not receiving any services. She said since this road had been in existence for over 40 years, it should have been grandfathered because the people were paying taxes, etc.

Chairman Blackwell referred to the cost (\$3,820,000) to maintain unpaved private roads in the county.

Administrative Update - Mr. Dale Surrett, County Administrator

County Roads. Mr. Surrett pointed out that the last page of Council's agenda package was information that was presented to Council in October 2013 showing the number of private and county roads and the costs associated with them.

Local Government Fund. Mr. Surrett reported that the South Carolina Association of Counties had sent out numerous fliers and emails regarding the local government fund. He asked Council members to talk with delegation members about the importance of funding the Local Government Fund. The County has lost \$3 million since 2009 and was losing \$600,000 this year. Mr. Surrett also talked about the provision in the State budget to not allow counties to charge credit card fees. The county charges a credit card fee for people who use a credit card to pay, just as gas stations charge a credit card processing fee for gas purchases using credit cards. The county receives about \$50,000 from people paying with credit cards. If the provision is approved, people would still be able to use their credit card to pay, but the county would have to pay the \$50,000 credit card processing fee.

South Darlington Watershed Project. Mr. Surrett reported that the county was still waiting for the wetlands permit from the Corps of Engineers. It would cost about \$89,000 to move the power poles in the project area.

Severe Weather. Mr. Surrett reported that Severe Weather Awareness Week would begin next week. He reminded Council to let their constituents know about ways to receive weather information. He recommended that everyone purchase a battery operated Severe Weather Radio - Specific Area Messaging Encoding (SAME) radio.

Requests / Comments – Members Of Council

Ms. Nicholson commended the County Administrator and staff for their work during the snowstorm. She talked about families in South Hartsville experiencing an increase in homeowners and automobile insurance because the area was labeled a high crime area. She also talked about crime prevention and crime watch meetings held in her Council district. Ms. Nicholson said the citizens in the South Hartsville area think that if there were a presence of law enforcement in the community, this would alleviate some of the crimes. Ms. Nicholson said she would like to see a police substation in this area.

Mrs. Johnson indicated that she reviewed the sign ordinance and information as to what the Planning Commission did regarding the sign appeal. She felt that County Council should hear the appeal and make a decision. She commended the work of the Planning Commission.

Mrs. Johnson said Patience Street was the ghetto of the City of Darlington and Darlington County. She said the City of Darlington would do what they say regarding Patience Street. She talked about the State paving Patience Street, Franklin Street, Brown Street, and Jewels Wood Drive. Mrs. Johnson suggested that Council let the Accommodations Tax Advisory Committee know whether the Committee's recommendation would stand or whether Council would make the decision. She requested that Council have a retreat prior to the budget worksession.

Mr. Kilgo agreed that Council should have an overnight retreat at least every two years. He read the following proposal that he would like to be placed on Council's next agenda:

"Salaries of all Darlington County elected officials, County Administrator, Department Heads, and any county employee earning more than \$50,000 a year shall be posted on Darlington County website (www.darcosc.com) and updated every July."

Mr. Kilgo stated that these salaries should be posted so that people can see them without having to go through the Ethics website.

Chairman Blackwell read a letter from Mr. Dennis Townsend, South Carolina Department of Transportation District Engineering Administrator, expressing thanks for Darlington County's assistance during the inclement weather event in January. Chairman Blackwell commended the efforts of the County Administrator and the staff during the recent storms.

Adjournment

MOTION was made by Mrs. Johnson and seconded by Ms. Nicholson to adjourn the meeting. There being no further business, the meeting was adjourned at 7:25 p.m.

Respectfully submitted,

J. JaNet Bishop, Clerk to Council

Wesley H. Blackwell, Chairman
Darlington County Council

Approved at meeting of April 7, 2014.