

PUBLIC HEARING & REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

February 2, 2015

A public hearing and regular meeting of the County Council of Darlington County was held February 2, 2015, 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.

A Notice of Public Hearing for Ordinance No. 15-01 and 15-02 was published in the Hartsville Messenger and the News and Press on January 14, 2015.

COUNCIL MEMBERS PRESENT

Chairman Bobby Hudson, Vice Chairman Robbin Brock, Chaplain Dannie Douglas, Jr., Mr. David Coker, Mr. Marvin Le Flowers, Mrs. Wilhelmina P. Johnson, and Ms. Mozella "Pennie" Nicholson, and Mr. Robert L. Kilgo, Jr.

ALSO PRESENT

Interim County Administrator Thomas W. Edwards, Jr., County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Emergency Services Director Charles Stewart, Special Program Director Mac McDonald, Prison Farm Director Jonathan McFadden, Codes Enforcement Director Randy Evans, Planning Director Doug Reimold, Economic Development Director Frank Willis, Chief Deputy Sheriff James Hudson, Corrections Director Mitch Stanley, Sheriff J. Wayne Byrd, Tax Collector Kyle Johnson, Treasurer Belinda Copeland, Tax Collector Mae Helen Burch, Finance Director Perry Strickland, Library Director Jimmy Epling, Roads and Bridges Director Bobby Richardson, Mr. Rob Jordan of Hill & Jordan P. A., County Administrator Terence Arrington, and others.

REPORTERS PRESENT

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

Public Hearing

Ordinance No. 15-01, An Ordinance To Amend The Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article Six (How Development Permits Are Reviewed And Approved), Section 6.1 (Development Exempt From Permit) By Adding A Provision To Guide Subdivision Developments, Deleting Repetitive Language, And Establish The Effective Date Of This Ordinance

Chairman Hudson declared the public hearing open at 6:02 p.m. to receive comments on Ordinance No. 15-01.

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

Ordinance No. 15-02, An Ordinance To Amend The Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article Twelve (Communication Towers), Section 12.3 (Co-Location On Existing Towers And Structures) To Add A Section To Provide Guidelines And Requirements For Communication Tower Foundational And Structural Upgrades And Repairs; To Set The Fee For The Planning Review Of These Modifications To Existing Towers In Darlington County; And To Establish The Effective Date Of This Ordinance

Chairman Hudson declared the public hearing open to receive comments on Ordinance No. 15-02.

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

Call To Order / Invocation / Pledge Of Allegiance

Chairman Hudson called the meeting to order at 6:04 p.m. Mr. Douglas presented the invocation and Ms. Nicholson lead the Pledge of Allegiance.

Citizens' Comments

Ms. Diane DeLucia, representing Hartsville Pine Acres Civic Association, talked about problems in her neighborhood (221 South Mary Street) involving zoning and public health issues, noise and burning violations, and theft. She requested that Council create an ordinance for densely populated residential areas, amend the current noise ordinance to include generators, and create an ordinance that would prevent the registration of trailers until Council knows that the person moving the trailer can afford to set it up. She also requested the Council provide a representative to work with her organization.

Amendment To The Agenda To Go To Personal Appearances

MOTION was made by Mr. Kilgo and seconded by Mr. Brock to amend the agenda to move to Personal Appearances after approval of the minutes.

The motion carried unanimously.

Approval Of Minutes - Public Hearing & Regular Meeting Of January 6, 2015

MOTION was made by Mr. Douglas and seconded by Ms. Nicholson to approve the minutes of the public hearing and regular meeting of January 6, 2015.

The motion carried unanimously.

Personal Appearance - Mr. Rob Jordan, Hill & Jordan CPA – County Audit

As Mr. Jordan began to review the county audit, Ms. Nicholson asked whether the county was deficit spending. Mr. Jordan stated, "yes, as reflected in the financial statements." In reviewing the revenues, expenditures, balance sheet, etc., he pointed out that the General Fund had deficit spending, but overall, the county had a surplus in revenues. He reviewed the revenues, expenses, and cash flow for Environmental Services, county investments, and notes regarding cash deposits and investments, long-term indebtedness, pension benefits,

unfunded obligations, etc. Mr. Jordan concluded by review the financial statements for the Library and Fire District, the report on internal control, and compliance with federal programs.

Personal Appearance - Mr. Benjamin Zeigler, Haynsworth Sinkler Boyd, P.A. – Installment Purchase Financing

Mr. Ben Zeigler provided an update on Installment Purchase Financing for the courthouse renovation and a new administration building. Previously, Council had talked about the eight percent General Obligation Debt, Capital Project Sales Tax financing, and Installment Purchase Financing. He provided Council with numbers as to what a \$20 million Installment Purchase Financing would look like over 10, 15, 20, and 25 years. Installment Purchase Financing would allow the county to take the eight percent debt limit and leverage it. Mr. Zeigler said this was not an efficient way to borrow money and would be expensive if not structured correctly. However, counties and school districts utilized this to get projects done when their debt and general obligation capacities would not allow them to do so.

Mr. Zeigler talked about the bill that was prefiled in December that would prohibit local governments from doing Installment Purchase Financing. If the bill passes, the effective date will be July 1, 2015

Mr. Zeigler explained that with Installment Purchase Financing, a non-profit would issue the bond and the county would have a use agreement with the non-profit whereby the county would be entitled to use it while acquiring it. The non-profit would be appointed by County Council (a supporting organization).

Ordinances

Ordinance No. 14-21, Ordinance To Amend The Agreement For The Development Of A Joint Industrial And Business Park Dated November 18, 2010 By And Between Florence And Darlington Counties So As To Enlarge The Park (PolyQuest) - **THIRD READING**

MOTION was made by Mr. Kilgo and seconded by Mrs. Johnson to approve third reading of Ordinance No. 14-21.

The motion carried unanimously.

Ordinance No. 14-28, An Ordinance Authorizing The Entry By Darlington County, As Lessor, Into An Agreement For The Lease Of Farm Land At Darlington County Airport, Authorizing The Chairman Of The County Council of Darlington To Sign Such Leases, And Other Matters Relating Thereto - **THIRD READING**

MOTION was made by Mr. Flowers and seconded by Mr. Douglas to approve third reading of Ordinance No. 14-28.

The motion carried unanimously.

Ordinance No. 14-29, An Ordinance To Amend Darlington County Code Of Ordinances, Chapter 2 (Administration), Division 3 (Meetings), Section 2-85 (Order Of Meeting), Item G (Agenda Categories), To Change The Order Of Business For County Council Meetings To Have Personal Appearances After Citizens' Comments And Consent Agenda After Personal Appearances; And Chapter 2 (Administration), Division 2 (Officers), Section 2-54 (County Administrator) And Section 2-55 (Clerk To Council) To Authorize The Clerk To Council To Attest The Signature Of The Chairman On All Ordinances, Resolutions And Directives Of The

Council, And To Sign With The Chairman All Deeds, Leases, Bonds, Contracts And Other Legal Instruments Affecting The County; And To Establish The Effective Date Of This Ordinance - **AS AMENDED - THIRD READING**

MOTION was made by Mrs. Johnson and seconded by Mr. Kilgo to approve third reading of Ordinance No. 14-29.

The motion carried unanimously.

Ordinance No. 14-30, An Ordinance To Amend The Darlington County Code Of Ordinances, Chapter 10 (Businesses), To Add Article II, Establishing A Local Hospitality Tax On The Sales, **AS AMENDED - THIRD READING**

This ordinance was amended at Council's meeting of January 6, 2015 to change the effective date to July 1, 2015.

MOTION was made by Mr. Kilgo and seconded by Ms. Nicholson to approve third reading of Ordinance No. 14-30, as amended.

Those voting in favor of the motion were Mr. Kilgo, Mrs. Johnson, Mr. Brock, Ms. Nicholson, and Mr. Hudson. Opposing were Mr. Douglas, Mr. Flowers, and Mr. Coker.

The motion carried.

Ordinance No. 14-31, An Ordinance To Amend Ordinance No. 14-02, FY14/15 General Fund Budget, For A Supplemental Appropriation Of \$190,000 To Purchase the Old Post Office Building Located At 201 Pearl Street In Darlington To House The Darlington County Historical Museum/Gallery - **SECOND READING**

MOTION was made by Mr. Kilgo and seconded by Ms. Nicholson to approve second reading of Ordinance No. 14-31.

Mrs. Johnson talked about the proposed building. She stated that Darlington County was the only county within the State without an official museum.

Mr. Kilgo presented concerns about Council bypassing normal procedures for negotiating a purchase. He also commented that the Historical Commission did not recommend this purchase and the county has a facility to house items from the Clerk of Court and Probate offices predating 1900.

Those voting in favor of the motion were Mr. Hudson, Ms. Nicholson, and Mrs. Johnson. Opposing were Mr. Brock, Mr. Douglas, Mr. Flowers, Mr. Kilgo, and Mr. Coker.

The motion failed.

Ordinance No. 14-32, An Ordinance To Amend Ordinance No. 14-02 (FY14/15 General Fund Budget), Section 18, To Reduce The Fee For Photocopies From One Dollar Per Page To Twenty-Five Cents Per Page - **SECOND READING**

MOTION was made by Mr. Kilgo and seconded by Mr. Brock to approve second reading of Ordinance No. 14-32.

The motion carried unanimously.

Ordinance No. 15-01, An Ordinance To Amend The Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article Six (How Development Permits Are Reviewed And Approved), Section 6.1 (Development Exempt From Permit) By Adding A

Provision To Guide Subdivision Developments, Deleting Repetitive Language, And Establish The Effective Date Of This Ordinance - **SECOND READING**

MOTION was made by Mr. Flowers and seconded by Mr. Kilgo to approve second reading of Ordinance No. 15-01.

Ms. Nicholson and Mr. Douglas requested clarification information regarding the ordinance. Mrs. Johnson mentioned that she would not vote for this ordinance because it would not consider the condition of roads such as Lide Spring Road.

Mr. Flowers referred to information that was provided in the agenda package.

Attorney Cox stated that the ordinance would better control developments and developers.

The motion carried with Mr. Douglas and Ms. Nicholson opposing and Mrs. Johnson abstaining.

Ordinance No. 15-02, An Ordinance To Amend The Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article Twelve (Communication Towers), Section 12.3 (Co-Location On Existing Towers And Structures) To Add A Section To Provide Guidelines And Requirements For Communication Tower Foundational And Structural Upgrades And Repairs; To Set The Fee For The Planning Review Of These Modifications To Existing Towers In Darlington County; And To Establish The Effective Date Of This Ordinance - **SECOND READING**

MOTION was made by Mr. Brock and seconded by Mr. Coker to approve second reading of Ordinance No. 15-02.

The motion carried unanimously.

Ordinance No. 15-03, An Ordinance To Amend Ordinance No. 14-02, FY14/15 General Fund Budget, Section 18 (Fee Schedule), To Include The Increased Delinquent Tax Fees For Real Estate And Mobile Homes And Establish The Effective Date Of This Ordinance - **FIRST READING**

Mr. Kilgo read the title of Ordinance No. 15-03 for First Reading.

Ordinance No. 15-04, An Ordinance To Amend Ordinance No. 14-02, FY14/15 General Fund Budget, To Transfer The Roads and Bridges Department And The Road Maintenance Fees To A Newly Established Fund For Roads And Bridges, And Establish The Effective Date Of This Ordinance - **FIRST READING**

Mr. Flowers read the title of Ordinance No. 15-04 for First Reading.

Ordinance No. 15-05, An Ordinance To Create A New Road Maintenance Fund For The Roads And Bridges Department And Establish The Effective Date Of This Ordinance - **FIRST READING**

Mrs. Johnson read the title of Ordinance No. 15-05 for First Reading.

Resolutions

There were no resolutions.

Committee Reports

There were no committee reports.

Other Items

Appointments To Board/Commissions - Alcohol & Drug Citizen Advisory Committee (Coker, Flowers), Ambulance Commission (Nicholson), Construction Board of Adjustment & Appeals (Johnson, Flowers), Airport Commission (Flowers), Library Board (Flowers), Parks & Recreation Commission (Flowers, Coker)

The various appointments were carried over.

Appointments To Council's 2015 Committees – Chairman Hudson

Chairman Hudson appointed the following Committees: Animal Shelter Committee (Mr. Kilgo and Mr. Coker), Benevolent Committee (Mrs. Johnson and Perry Strickland), Finance Review Committee (Mr. Hudson, Mr. Douglas, Mr. Kilgo, Treasurer Belinda Copeland and Auditor Rosa Hudson), Pee Dee Regional Council of Governments (Mr. Wesley Blackwell, Ms. Nicholson, and Mr. Leon Johnson of Society Hill), Solid Waste Study Committee (Mr. Douglas, Mr. Brock, and Mr. Coker), South Darlington Watershed Project (Mr. Hudson, Mr. Flowers, and Mrs. Johnson), and NESAs (Senator Gerald Malloy).

Appointment Of The FY2015/2016 Accommodations Tax Advisory Committee

MOTION was made by Mr. Kilgo and seconded by Ms. Nicholson to reappoint the members of the Accommodations Tax Advisory Committee.

The motion carried unanimously.

This reappointment included Mrs. Gaye Tallon (lodging), Mr. Steve Tinney (lodging), Mrs. Carol Bishop (hospitality business), Mr. Joseph Saleeby, Jr. (hospitality business), Mr. David McFarland (citizen at large), Mr. Scotty Jeffords (citizen at large), and Mrs. Joyce Wingate (cultural).

Schedule Special Meeting Of County Council (Wed., February 11th @ 9 a.m.)

Mr. Edwards explained that the purpose of the special meeting would be to discuss and present the framework of the FY15/16 budget. He also pointed out that Ordinance Nos. 15-04 and 15-05 were needed for accounting purposes so that the Road Maintenance Fee funds would be separated and automatically carried over. Mr. Edwards asked Council to look at and prioritize the Pending List items for the new County Administrator.

It was the consensus of Council to schedule a Special Meeting on February 11th at 9 a.m.

South Darlington Watershed Project - Planning Director Doug Reimold & Economic Development Director Frank Willis

As an update, Economic Development Director Frank Willis reminded Council that additional funds were needed to redesign the retention pond for the South Darlington Watershed Project. The Corp of Engineers had looked at the new design very favorably and would probably give their approval so that the county could apply for the necessary permits. Mr. Willis said the county would need congressional action to extend the project's

September 30, 2015 deadline. Therefore, Council needed to consider the September 30th deadline, the amount of money (estimated \$630,000) the county would obligate through September 30th, and the purchase of approximately 11 acres of land at about \$10,000 per acre to build the redesigned retention pond.

Mr. Edwards pointed out that Council needed to understand the risks that Council may confront.

Mr. Willis stated that the number one risk would be that if the deadline is not met or changed, the South Darlington Watershed Project would end on September 30, 2015. Whatever funds the county placed into the project would be gone. The staff did not know whether the congressionally mandated deadline would or could be extended.

Mr. Kilgo indicated that he was contacted by Congressman Rice's Office who would meet with USDA in the coming week to discuss the South Darlington Watershed Project.

Mr. Willis also pointed out that funds would need to be expended monthly for various reasons. Therefore, as the county move toward September 30th, the county would obligate additional funds in the pursuit of getting the project built. However, the project could not be built by September 30th. Mr. Willis clarified that Council would have \$1 million in this project. The county had already spent \$339,000 and would spend another \$628,000 by September 30th.

Mr. Coker suggested that Council wait to find out whether the deadline would be extended before spending more funds.

Mr. Willis suggested that Council approve moving forward only to the extent that the county gets through the permitting process - to make sure the county receives the Corp of Engineers permit. This would obligate the county to about \$50,000. If the deadline is extended, the project would be ready to go.

MOTION was made by Mr. Kilgo and seconded by Mr. Brock to permit the authority to continue through the permitting stage and report back to Council.

The motion carried with Mr. Flowers and Mr. Coker opposing.

Consent Agenda

There were no Consent Agenda items.

Amendment To The Agenda

MOTION was made by Mr. Flowers and seconded by Mr. Brock for Council to amend the agenda to consider the purchase of ArcGIS server/desktop hardware and software to upgrade and provide an up-to-date GIS system for the 911 system.

The motion carried unanimously.

Purchase Of ArcGIS Server/Desktop Hardware And Software To Upgrade And Provide An Up-To-Date GIS System For The 911 System.

MOTION was made by Mr. Flowers and seconded by Ms. Nicholson to approve the purchase of ArcGIS server/desktop hardware and software to upgrade and provide an up-to-date GIS system for the 911 system. This purchase would be reimbursed from emergency funds.

The motion carried unanimously

Administrative Update

Mr. Edwards thanked Council for the opportunity to work with the staff and County Council members.

Requests / Comments – Members Of Council

Council members thanked Mr. Edwards for his service to the county as Interim County Administrator.

Mr. Brock requested that Council appoint a committee consisting of Planning, Codes Enforcement, the Sheriff’s Department, and Council members to fill the gaps and loopholes with Codes Enforcement and Planning in order to clean up and make the county look better.

Mrs. Johnson commended the Employees’ Appreciation Banquet.

Mr. Flowers recognized Mr. Luke Author for his contributions to Lydia community.

Mr. Kilgo stated that Item G in the County Administrator’s contract requires Council to set goals, etc.

Chairman Hudson recognized Mr. Terence Arrington, the new County Administrator.

Vote For Executive Session

There was not a vote for executive session.

Adjournment

MOTION was made by Mr. Brock to adjourn the meeting. There being no further business, the meeting was adjourned at 8 p.m.

Respectfully submitted,

J. JaNet Bishop, Clerk to Council

Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of March 2, 2015.