

PUBLIC HEARING & REGULAR MEETING
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

April 6, 2015

A public hearing and regular meeting of the County Council of Darlington County was held this 6th day of April 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.

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.

COUNCIL MEMBERS ABSENT

Mr. Robert L. Kilgo, Jr.

ALSO PRESENT

County Administrator Terence Arrington, County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Emergency Services Director Charles Stewart, Acting Finance Director Sherman Dibble, Fire Chief Kenny Stratton, Special Projects Coordinator Mac McDonald, Tax Collector Mae Helen Burch, Prison Farm Director Jonathan McFadden, Planning Director Doug Reimold, Human Resources Director Ginger Winburn, Library Director Jimmie Epling, Corrections Director Mitch Stanley, Sheriff Wayne Byrd, Chief Deputy Sheriff James Hudson, Recreation Director Ken McRae, Roads and Bridges Director Bobby Richardson, Airport Manager Barry Kennett, Economic Development Director Frank Willis, Building Maintenance/Janitorial Director Andrew Smith, Codes Enforcement Director Randy Evans, Elections/Voter Registration Director Hoyt Campbell, and others.

REPORTERS PRESENT

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

PUBLIC HEARINGS

Ordinance No. 15-07, An Ordinance To Create A Debt Service Fund For Darlington County And To Establish The Effective Date Of This Ordinance

Chairman Hudson declared the public hearing open at 6 p.m. to receive comments on Ordinance No. 15-07.

There being no comments, the public hearing was closed.

Ordinance No. 15-08, An Ordinance To Transfer Debt Service Activities From Various Accounts To The Newly Created Debt Service Fund For Reporting Purposes

Chairman Hudson declared the public hearing open to receive comments on Ordinance No. 15-08.

There being no comments, the public hearing was closed.

REGULAR MEETING

Call To Order/Invocation/Pledge Of Allegiance

Chairman Hudson called the meeting to order at 6:03 p.m. Mr. Douglas presented the invocation and Mrs. Johnson led the Pledge of Allegiance.

Citizens' Comments

There were no citizen comments.

Personal Appearance - Ms. Diane Delucia, Hartsville Pine Acres Civic Association – Request For Amendment To Noise Ordinance, The Development Of Residential Zoning & Land Use, And To Present Public Health And Safety Concerns

Ms. Delucia provided a handout addressing her concerns in the east Hartsville area. She presented concerns regarding clarification of the county's Noise Ordinance, the need for zoning in residential areas, littering in a nearby mobile home park, and blighted properties in the area.

Mr. Arrington indicated that a letter had been sent to certain property owners. He pointed out that the county does not have zoning or a property maintenance ordinance.

Codes Enforcement Randy Evans explained that the property located at 221 Mary Street looks terrible, but was not in violation of county laws.

After a discussion regarding whether a generator would be governed by the county's Noise Ordinance, Mr. Arrington asked Council members how they wanted him to proceed with this matter.

Chairman Hudson suggested that Council look at the Noise Ordinance.

Mr. Flowers stated that there needs to be consistency with the Sheriff's Office regarding enforcement of the ordinance. He suggested that the Sheriff and/or Attorney Cox review the ordinance for clarity so that the Sheriff could provide consistent training with the deputies regarding enforcement of the ordinance.

Mr. Arrington suggested that the enforcement be incremental as to what would happen with each occurrence.

Chairman Hudson asked the Sheriff to review the Noise Ordinance and submit any suggested changes to Attorney Cox to be presented to Council. Mrs. Johnson suggested that Planning Director Doug Reimold also be involved in this process.

Personal Appearance - Mr. Billy Williams, Pee Dee Healthy Start – Request For Funds

Mr. Williams was not present at the meeting.

Consent Agenda

Included in the Consent Agenda were the following:

<u>ITEMS</u>	<u>ACTION</u>
A. Letter From City Of Darlington RE: Community Clean Up Day, April 11, 2015	Receive As Information
B. Animal Control Report, February 2015	Receive As Information
C. Building Permits Report, February 2015	Receive As Information
D. Memo Containing Telephone Extensions For Staff In In The County Administrator's Office	Receive As Information
E. PDRTA Commuter Bus Ride-Along Flyer/Invitation	Receive As Information
F. Calendar Of Events For Darlington Area Recreation Dept., April – June 2015	Receive As Information

MOTION was made by Mr. Flowers and seconded by Ms. Nicholson to receive the Consent Agenda items as information.

The motion carried unanimously.

Approval Of Minutes - Public Hearing & Regular Meeting, March 2, 2015

MOTION was made by Mrs. Johnson and seconded by Mr. Douglas to approve the minutes of the public hearing and regular meeting of March 2, 2015.

The motion carried unanimously.

Approval Of Minutes - Regular Meeting, March 16, 2015

MOTION was made by Mrs. Johnson and seconded by Mr. Coker to approve the minutes of the regular meeting of March 16, 2015.

The motion carried unanimously.

Ordinances

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 - **THIRD READING** (Initiated by the Planning Commission & Staff)

MOTION was made by Mr. Flowers and seconded by Mrs. Johnson to approve third reading of Ordinance No. 15-01.

The motion carried unanimously.

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 - **THIRD READING** (Initiated by the Staff)

MOTION was made by Mr. Flowers and seconded by Mr. Douglas to approve third reading of Ordinance No. 15-05.

Mr. Arrington explained that creating a Road Maintenance fund was for accounting purposes, only.

The motion carried unanimously.

Ordinance No. 15-07, An Ordinance To Create A Debt Service Fund For Darlington County And To Establish The Effective Date Of This Ordinance - **THIRD READING** (Initiated by the Staff)

MOTION was made by Mr. Brock and seconded by Mr. Coker to approve third reading of Ordinance No. 15-07.

Mr. Flowers questioned whether this ordinance would affect any of the funds controlled by the Treasurer.

Mr. Arrington explained that the Debt Service Fund would provide a means to track debt service information in the books. This would not affect the functions of the Treasurer.

The motion carried unanimously.

Ordinance No. 15-08, An Ordinance To Transfer Debt Service Activities From Various Accounts To The Newly Created Debt Service Fund For Reporting Purposes - **THIRD READING** (Initiated by the Staff)

MOTION was made by Ms. Nicholson and seconded by Mr. Coker to approve third reading of Ordinance No. 15-08.

The motion carried unanimously.

Ordinance No. 15-09, An Ordinance To Amend Darlington County Code Of Ordinances, Chapter 2 (Administration), Article V. (Finance), Section 2-312 (Line Item Transfers) To Allow The County Administrator To Approve Interfund Transfers Up To Five Thousand Dollars Between Departmental Activities And Establish The Effective Date Of This Ordinance, **AS AMENDED - SECOND READING**

MOTION was made by Mr. Douglas and seconded by Ms. Nicholson to approve second reading of Ordinance No. 15-09.

The motion carried unanimously.

Ordinance No. 15-10, An Ordinance Establishing A Countywide Business Registration Fee On All Businesses In Darlington County - **SECOND READING - CARRY OVER REQUESTED**

MOTION was made by Ms. Nicholson and seconded by Mrs. Johnson to carry over second reading of Ordinance No. 15-10.

Mr. Arrington indicated that he was gathering information as to what the fees would be used for to be presented at a future Council meeting.

Mr. Brock wanted the fee to apply to subcontractors who come into the county to do million dollar jobs.

Mr. Flowers presented his opposition for a countywide business registration fee regardless to the amount of the fee.

The motion carried unanimously.

Ordinance No. 15-11, An Ordinance To Amend The Darlington County Code Of Ordinances, Chapter 54 (Streets, Sidewalks And Other Public Places), Article II. (Use Of Public Buildings), Section 54-26 (Criteria) And Section 54-28 (Rules, Procedures, Fees) To Require County, Municipal, State, Federal And Other Governmental Agencies To Pay A User Fee For Use Of Darlington County Government Facilities; Sections 54-27 (Buildings Available) And Section 54-28 (Rules, Procedures, Fees) To Delete Lamar Recreation Center; And To Establish The Effective Date Of This Ordinance - **FIRST READING**

The title of Ordinance No. 15-11 was read for first reading.

Ordinance No. 15-12, Ordinance Authorizing The Execution And Delivery Of A Fee Agreement And An Infrastructure Credit Agreement By And Among Darlington County, South Carolina, Sonoco Products Company, Sonoco Recycling, LLC, Sonoco Flexible Packaging Co., Inc., And Sonoco Plastics, Inc. Providing For The Payment Of A Fee In Lieu Of Taxes, The Issuance Of Special Source Revenue Credits, The Inclusion Of Certain Property In A Multi-County Industrial Park, The Extension Of The Term Of A Multi-County Industrial Park, The Extension Of The Term Of A Prior Fee In Lieu Of Tax Arrangement, And Other Matters Related Thereto - **FIRST READING**

The title of Ordinance No. 15-12 was read for first reading.

Resolutions

Resolution No. 650, Recognition And Appreciation Of The Contributions Of Ms. Faye Griffin To Lamar Branch Of Darlington County Library System

MOTION was made by Mr. Flowers and seconded by Mrs. Johnson to approve Resolution No. 650.

The motion carried unanimously.

Resolution No. 651, A Resolution Supporting State Efforts To Find Solutions To The Funding Needs For State Maintained And Operated Roads And Bridges Without Transferring The Burden To Local Governments And Opposing Any Actions Taken By The General Assembly That Through Lack Of State Funding Will Lead To Increased Taxes On The Citizens Of Darlington County

MOTION was made by Mr. Brock and seconded by Mrs. Johnson to approve Resolution No. 651.

Committee Reports

There were no Committee Reports.

Other Items

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

MOTION was made by Mr. Flowers and seconded by Ms. Nicholson carried over appointments to the various Boards/Commissions.

The motion carried unanimously.

Adoption Of An Ethics Policy For Inclusion In Darlington County Employee Handbook

MOTION was made by Mr. Brock and seconded by Mrs. Johnson to approve the Ethics Policy for inclusion in the Employee Handbook.

Mr. Arrington pointed out the any grammatical errors would be corrected and would not change the context of the document.

The motion carried unanimously.

Darlington County Vision 2025 Worksession – May 15, 2015

MOTION was made by Mrs. Johnson and seconded by Ms. Nicholson to approve the Darlington County Vision 2025 Worksession scheduled for the morning of May 15, 2015.

Mr. Arrington explained that this worksession would provide an opportunity for the staff and Council to look at what direction they want the county to go and create a vision. The consultant(s) would meet with the business community the first day and with the staff and Council on the second day to talk about the future of Darlington County. Prior to the worksession, Council will develop goals.

Mr. Arrington pointed out that there would not be a cost because this would be an information workshop to see if this would be something that Council would want to consider. The consultant will talk about what visioning is, what it can do, and the impact it would have on a community. He also indicated that the consultant would not be completing or working on the plan because it would take longer than two days to launch a visioning initiative.

Mr. Coker asked how the consultant makes money.

Mr. Arrington explained that if the county were interested in the plan, then there would be a cost for the consultant's time and actually facilitating the plan. Costs would be associated with implementing a plan. However, there would not be a cost for just talking about it to find out whether Council would want to consider this for the future of Darlington County.

Mrs. Johnson pointed out that the information states that each Council member should submit at least five priorities for the County Administrator.

The motion carried unanimously.

Amendment To Nepotism Policy

MOTION was made by Mrs. Johnson and seconded by Mr. Brock to approve the amended Nepotism Policy.

The motion carried unanimously.

FM Global Fire Prevention Grant For Four iPads, Fire District

MOTION was made by Mr. Brock and seconded by Mr. Douglas approve the FM Global Fire Prevention Grant to purchase four iPads for the Fire District.

The motion carried unanimously.

Revised Organizational Chart

MOTION was made by Mr. Flowers and seconded by Mrs. Johnson to approve the revised organizational chart.

Mr. Arrington pointed out that the revised organization chart depicted the current organization. This was not the organization chart that was previously presented to Council.

The motion carried unanimously.

Adoption Of A Smoke Free Policy

MOTION was made by Mrs. Johnson and seconded by Ms. Nicholson to approve the Smoke Free Policy.

Mr. Arrington stated that with the proposed policy, there would be no smoking in county facilities. All county facilities would be considered smoke free. It was his position that employees who do not smoke should not have to be forced to inhale second hand smoke.

Mr. Flowers wanted to know how e-cigarettes and vaping items would be classified since e-cigarettes were being used in the Detention Center.

MOTION made by Mr. Flowers and seconded by Mr. Brock to carry over this item until Council receives more information regarding e-cigarettes.

Ms. Nicholson stated that Attorney Cox could follow up, but she thought that the State had adopted a policy of smoke free environment in any public facility statewide. She asked Mr. Cox whether the county would be governed by the State's policy.

Mr. Cox said he did not know.

Corrections Director Mitch Stanley clarified that the County does not sell e-cigarettes. They are sold by a vendor to the inmates, and the jail makes a profit from the sales. The profits are placed in the inmates' commissary account and used in lieu of taxpayers' dollars to purchase things for the inmates such as food supplies, blankets, etc. He also pointed out that the inmates smoke e-cigarettes in their room, only. Inmates are not allowed to smoke in common areas. Mr. Stanley said e-cigarettes have a vapor, no smell, and has calmed the population tremendously and reduced contrabands. Mr. Stanley reported that the jail profited about \$15,000 the first year and estimating a profit of about \$20,000 to \$25,000 for this year.

Ms. Nicholson questioned whether the county was in violation of State law.

Mr. Cox indicated that he did not know how e-cigarettes were classified. However, there were lawsuits because the electronic cigarettes were exploding and burning people.

Mr. Arrington suggested that Council direct Mr. Cox to conduct further investigation and report back at a certain Council meeting.

MOTION was made by Mr. Flowers and seconded by Mr. Brock to place this item on the Pending List rather than carrying it over from meeting to meeting.

Mr. Arrington asked Council's position on the Smoke Fee Policy, excluding e-cigarettes.

Mr. Brock suggested that the staff move forward with the Smoke Free Policy and obtain information regarding e-cigarettes.

Mr. Flowers said there was an existing policy regarding cigarette smoking/tobacco use. He wanted to know how aggressive the smoke free/tobacco band would be. Mr. Flowers wanted this placed on the Pending List because he did not know how long it would take to gather the information. When appropriate, Mr. Arrington could recommend removing it from the Pending List for consideration.

Mr. Coker and Mr. Brock suggested moving forward with the policy regarding cigarette (tobacco) smoke. Mrs. Johnson suggested moving forward with no smoking, with the exception of the Prison Farm.

Chairman Hudson said he would like to see the full policy implemented.

Mr. Brock questioned whether there was a problem at the Courthouse.

Mr. Arrington confirmed that there was and that it was out of his jurisdiction because he was not over elected officers. He talked about state legislation that prohibits smoking in municipal facilities.

Mr. Coker asked Sheriff Byrd how to stop individuals from smoking in public facilities.

Sheriff Byrd stated that there was a prohibition on smoking in public building and public places. He said his office building was smoke free. However, the jail was not technically a public building even though it has public areas. He said this would be a civil matter.

Councilwoman Nicholson and Sheriff Byrd talked about a public facility versus a facility with public access. Sheriff Byrd pointed out that the jail was not accessible to the public unless you are a prisoner. It was Ms. Nicholson's position that the jail was built and maintained by taxpayers' dollars.

The motion carried with Ms. Nicholson opposing.

Mr. Arrington commented for the record that elected officials do not have autonomy. There were ways that Council could take action on what goes on regarding elected officials. However, it was not his job to fight with elected officials. His position was that they all should work collaboratively for the benefit of Darlington County.

Consultant Agreement For Runway 5-23 Lighting Rehabilitation And Shoulder Pavement Demolition Project

MOTION was made by Mr. Brock and seconded by Mr. Douglas to approve Michael Baker International Work Authorization #11 (contract for design, bidding, and permitting professional services for the Runway 5-23 Lighting Rehabilitation and Shoulder Pavement Demolition Project at the county airport).

The county's share of the cost would be \$5,304.85.

The motion carried unanimously.

Budget Transfer Request, Corrections

MOTION was made by Mr. Flowers and seconded by Mrs. Johnson to approve the budget transfer request for Corrections.

The motion carried unanimously.

Corrections Director Mitch Stanley was requesting to transfer \$60,000 to Overtime (21-42320-13000) from the following line items: \$10,000 from Reg.FT. Salaries/Wages (21-42320-11100) and \$50,000 from Svcs. Tec/Data Process (21-42320-34200) to complete the fiscal year due to high turnover rate of employees at the Detention Center.

Appointments To Pee Dee Workforce Development Board

MOTION was made by Mrs. Johnson and seconded by Mr. Brock to approve the recommended appointments to Pee Dee Workforce Development Board.

The motion carried unanimously.

Council approved the following recommended appointments to the newly established Pee Dee Workforce Development Board: (1) Bernell Evans representing Organized Labor with term to expire June 30, 2018. (2) Charlotte Adams representing Private Sector with term to expire June 30, 2016. (3) James Jonathan Zeigler representing Private Sector with term to expire June 30, 2016. (4) Chuck Miller representing Adult Education Partners with term to expire June 30, 2017.

Direct Deposit Policy

MOTION was made by Mr. Brock and seconded by Mr. Douglas to approve the Direct Deposit Policy.

The motion carried unanimously.

Purchase Of Computer-Aided-Dispatch Server Hardware, Software, & Support Upgrade For 911 Central Communications Center

MOTION was made by Mr. Douglas and seconded by Mr. Brock to approve the purchase of computer-aided-dispatch server hardware, software, and support upgrade for the Central Communications Center.

The motion carried unanimously.

Administrative Update – Mr. Terence Arrington, County Administrator

Mr. Arrington mentioned the requests for proposals that were currently being solicited and the status of the budget preparation.

Request To Waive Plan Review Fees For Summerville Subdivision

Mr. Arrington said it was his goal to become business friendly as a county to individual who are developing and building in Darlington County. He said there was a particular developer who has plans in the Summerville Subdivision and was requesting

Council's approval to waive the applicable fees as was listed in the information provided to Council members.

Codes Enforcement Director Randy Evans stated that Council members may have received calls regarding the recent increase in fees. The only legitimate argument he received is that someone starting out may have more problems with financing. After meeting with representatives of the Home Builders Association, it was suggested that Council waive the plan review fees for the starter homes in subdivisions of 20 or more homes instead of changing the county's fee schedule.

MOTION was made by Mr. Flowers and seconded by Mrs. Johnson to waive the plan review fee for the homes in Summerville Subdivision.

Mr. Brock asked whether the fee would be waiver for an individual building a house. Mr. Evans explained that an individual building a house can make adjustments to save money. The houses in Summerville Subdivision would be starter homes built as spec houses and sold as built with no way to change the cost after the homes are built.

Mr. Arrington talked about the county's revenue projection being based upon the established fee structure. Therefore, reducing the fees would have a fiscal impact on the county during the next budget cycle.

The motion carried unanimously.

Requests / Comments – Members Of Council

Mrs. Johnson talked about an article that appeared in the South Carolina Association of Counties' magazine about their first Institute Of Government Graduates, which included her. She also announced the Countywide Cleanup scheduled for April 28th. Mrs. Johnson read a prepared statement regarding the budget preparation, priorities for dirt roads, funding for Pee Dee Regional Transportation Authority, and the need for recreational activities in the rural areas.

Mr. Brock stated that he supports the no smoking plan. He thanked Council members for supporting Sonoco's project.

Mr. Coker expressed his support for the no smoking policy and for the county to abide by State laws.

Chairman Hudson announced that the Genesis Group bought Kistler Funeral Home facility in Lamar to open a doctor's office. He thanked the Sheriff's Department and deputies for their support and assistance at the Egg Scramble Jamboree. Chairman Hudson mentioned that work was needed on the parking lot at the Robert L. Grooms Building in Lamar.

Vote For Executive Session - Discussion Of Negotiations Incident To Proposed Contractual Arrangements Regarding Darlington County Airport

MOTION was made by Mr. Flowers and seconded by Mrs. Johnson to vote for executive session for discussion of negotiations incident to proposed contractual arrangements regarding Darlington County Airport.

The motion carried unanimously.

Executive Session - Discussion Of Negotiations Incident To Proposed Contractual Arrangements Regarding Darlington County Airport

MOTION was made by Mr. Flowers and seconded by Mr. Douglas for Council, the County Administrator, the County Attorney, Airport Manager Barry Kennett, Acting Finance Director Sherman Dibble, and Mr. Andy Busbee and Staff to go into executive session for discussion of negotiations incident to proposed contractual arrangements regarding Darlington County Airport.

The motion carried unanimously.

Executive Session

Council recessed at 7:36 p.m. prior to going into executive session and reconvened at 8:07 p.m.

MOTION was made by Mr. Flowers and seconded by Mr. Douglas to approve the purchase of the O'Neal property and E.J. Bryant property at the negotiated price.

The motion carried unanimously.

MOTION was made by Mr. Flowers and seconded by Mrs. Johnson to fund this purchase from the I-20 Industrial Park bond.

The motion carried unanimously.

Adjournment

MOTION was made by Mr. Flowers to adjourn the meeting. There being no further business, the meeting was adjourned at 8:08 p.m.

Respectfully submitted,

J. JaNet Bishop, Clerk to Council

Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of April 20, 2015.