

PUBLIC HEARING & REGULAR MEETING  
DARLINGTON COUNTY COUNCIL  
DARLINGTON, SC

DECEMBER 3, 2007

A public hearing and regular meeting of the County Council of Darlington County was held this 3<sup>rd</sup> day of December 2007, 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 (the News and Press, the Messenger, and the Morning News), persons requesting notification, and posted on the bulletin board at the entrance to the County Administrator's Office.

COUNCIL MEMBERS PRESENT

Chairman Billy Baldwin, Vice Chairman Wesley Blackwell, Chaplain Dannie Douglas, Jr., Mr. Marvin Le Flowers, Mrs. Wilhelmina P. Johnson, Ms. Mozella "Pennie" Nicholson, Mr. Alex "Buz" Shaw, and Mrs. Anne C. Warr.

ALSO PRESENT

County Administrator Phyllis Griffiths, County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Finance Director John Williams, EMS Director Robbin Brock, Codes Enforcement Director Randy Evans, Economic Development Director Dave Bailey, Roads and Bridges Director Bobby Richardson, EMS Training Officer Linwood Epps, Special Projects Coordinator Mac McDonald, Attorney Gordon McBride, Mr. and Mrs. Clarence Johnson, Mr. and Mrs. Blake Bondy, and others.

REPORTERS PRESENT

Mr. Jim Faile of the Messenger, Ms. Candace Jarrett of the Morning News, and Ms. Cathy Elliott of the News and Press.

**PUBLIC HEARING**

Ordinance No. 07-17, An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Ad Valorem Taxation Agreement Effecting A Conversion Of That Certain Lease Purchase Agreement Dated As Of December 1, 1997, Between NSLC Darlington, Inc., Assignee Of Chesterfield Lumber Company, Inc., And Darlington County, South Carolina

Chairman Baldwin declared the public hearing open at 6:05 p.m. to receive comments on Ordinance No. 07-17 as listed above. There being no comments, Chairman Baldwin declared the public hearing closed.

**REGULAR MEETING**

Call To Order / Invocation / Pledge Of Allegiance

Chairman Baldwin called the meeting to order. Mr. Douglas presented the invocation and Mr. Flowers led the pledge of allegiance.

### Citizens' Comments

Mr. Clarence Johnson showed his no farms no food sign and talked about the importance of farmers for food supply. He stated that the county already has a comprehensive plan and does not need another one. The county does not need the plan that it has. He called this slavery and said progress was a bad word.

### Approval Of Minutes - Regular Meeting Of November 19, 2007 - Carry Over Requested

**MOTION** was made by Mrs. Warr and seconded by Mrs. Johnson to carry over approval of the minutes of the regular meeting of November 19, 2007.

The motion carried unanimously.

### Ordinances

Ordinance No. 07-17, An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Ad Valorem Taxation Agreement Effecting A Conversion Of That Certain Lease Purchase Agreement Dated As Of December 1, 1997, Between NSLC Darlington, Inc., Assignee Of Chesterfield Lumber Company, Inc., And Darlington County, South Carolina - **THIRD READING**

**MOTION** was made by Mrs. Johnson and seconded by Mrs. Warr to approve third reading of Ordinance No. 07-17.

The motion carried unanimously.

Ordinance No. 07-18, An Ordinance To Replace Ordinance No. 98-26, The Natural Resources Ordinance Element Of The Darlington County Comprehensive Plan, As Recommended By The Darlington County Planning Commission And Pursuant To The 1976 S.C. Code Of Laws, Title 6 Chapter 29 Et. Seq; To Replace The 1998 Approved Natural Resources Element And To Adopt The Amended Natural Resources Element Dated October 16, 2007, Of The Darlington County Comprehensive Plan - **SECOND READING**

**MOTION** was made by Mrs. Johnson and seconded by Mr. Blackwell to approve second reading of Ordinance No. 07-18.

The motion carried unanimously.

Ordinance No. 07-19, An Ordinance To Provide For A Partnership With Darlington County Progress, Inc. And Darlington County And To Provide For An Equal Number Of Appointees Being Named By Darlington County Council And Darlington County Progress, Inc. And Approved By Darlington County Council (*for consideration with proposed change*) - **SECOND READING**

Chairman Baldwin pointed out that the proposed change would be to increase the number of members on the Partnership Board from seventeen (17) members up to nineteen (19) members to include the municipalities.

**MOTION** was made by Mr. Shaw and seconded by Mr. Blackwell to approve second reading of Ordinance No. 07-19 with the proposed change to increase the number of members on the Partnership Board from seventeen up to nineteen.

Mrs. Warr asked whether the proposed change had been made.

Mrs. Griffiths said the ordinance was first presented to Council with seventeen members. Then there were discussion about changing the number of members from seventeen up to nineteen. Therefore, the ordinance was drafted for second reading with the proposed change (up to nineteen members).

Mr. Cox clarified that Council was voting on the ordinance with the change.

Mrs. Johnson said she was under the impression that Council would attend the workshop prior to any further readings of the ordinance.

Chairman Baldwin stated that the Senator was sponsoring the workshop.

The motion carried with Mrs. Johnson opposing.

#### Resolutions

There were no resolutions.

#### Committee Reports

There were no committee reports.

#### Other Items

There were no other items.

#### Consent Agenda

Included in the Consent Agenda were the following:

<u>ITEMS</u>	<u>ACTION</u>
A. Planning Commission Minutes, Oct. 16, 2007	Receive As Information
B. Marlboro/Darlington County Beaver Program, October 2007 (Revised)	Receive As Information
C. Pee Dee Workforce Investment Board Minutes, Nov. 6, 2007	Receive As Information
D. Building Permit Types, October 2007	Receive As Information

**MOTION** was made by Mr. Blackwell and seconded by Mr. Douglas to receive the Consent Agenda items as information.

The motion carried unanimously.

#### Amendment To The Agenda

**MOTION** was made by Ms. Nicholson and seconded by Mrs. Johnson to amend the agenda for a personal appearance by a representative from Kingsville Heights United Methodist Church.

The motion carried unanimously.

Personal Appearance - Ms. Rose Williams and Mr. Raymond Cosom - Kingsville United Methodist Church

Ms. Rose Williams stated that the members of Kingsville United Methodist Church were aware of the progress being made with economic development and growth in the county and know that this would benefit everyone. She said Kingsville United Methodist Church was in the middle of an area where development was taking place. The Church has been at this location for 150 years. On behalf of the members of Kingsville United Methodist Church, she requested that Council consider the fact that historical markings were in this area. This church, located at 151 Bobo Newsome Highway and the Corner of Highway 15, is outside the city limits and behind the newly constructed Markette Truck Stop.

Mr. Raymond Cosom said the Church has two problems. One problem being the driveway to the church crosses the Markette property. This being the only driveway the church has had in 157 years. Also, they have no access to their cemetery off Highway 15 because graves are located from the ditch to the property line. The second problem involves the Markette property in front of the church. As the property was being prepared for construction, it was raised between two to three feet higher than ground level, which will cause more drainage problems. Mr. Cosom said the Church had a water problem before the construction when the land was flat. With the property being built up higher, the water problem will be worse for the church and the community. He suggested that the Markette install a reservoir so that when it rains, there would be a place for the water to go.

Mr. Shaw asked Roads and Bridges Director Bobby Richardson whether there were plans for a retention pond at the Markette. Mr. Richardson directed the question to Planning Director Doug Reimold who indicated that the plans did not include a detention pond. The water would go directly into the ditch located between the church property and the new Markette.

Mrs. Warr asked whether the church driveway crossed the Markette property.

Mr. Cosom said the property owner indicated that eventually, the driveway would be closed so that other structures could be built.

Mrs. Warr asked whether the property owner could close a driveway that has been in use for so many years.

Mr. Cox said this was a legal issue that he had discussed, in detail, with members of the church and attempted to have some influence with West Oil Company. He said the church has a deed to the property where the church and cemetery are located. Maybe 100 years ago or some time ago, the church members think that they were orally given land to the right of the church, in front of their front yard leading to the driveway. However, there was no record of this. Mr. Cox said this piece of property has changed hands several times. Therefore, the church would have to go into court to prove their ownership of the land. With the expenses involved, the church had a decision to make as to whether to work out something to buy the property from West Oil Company or use the money to fight this case. He thought the church had made a decision and West Oil had cut the price to help finance it where the church could buy the strip of land for the entrance. Mr. Cox indicated that he was not familiar with the water problem that was presented.

Mr. Shaw mentioned that former County Councilman Rufus Streater had assisted with identifying the graves, etc. when the Highway Department was widening the road. He talked about previous water problems in this area and the work that was done to the drainage ditch.

As far as doing something to alleviate the water problem in the area, Planning Director Doug Reimold indicated that this was an engineering matter and a typical solution would be to install a drainage basin or detention pond. However, the issue would be where to place it and

designing it to function properly. Mr. Reimold said the company had an engineer, and the Planning Department conducted the review for the project based upon the calculations that were submitted. The calculations showed that the water flow was not increasing significantly. The property owner received a stormwater permit from DHEC (Department of Health and Environmental Control) and the Planning Department performed a review, as well.

Mrs. Johnson questioned why the church was not given an option to purchase the land in order to not be blocked in. She said something should have been done at the beginning of the project.

Ms. Williams said it was the lack on the members' part for not having the foresight to purchase the land first. She explained that when the property was purchased, the property owner spoke to one of the church members and made an offer for the church to purchase the land. The property owner also made the statement that this would not affect the church. Therefore, they did not have any other concerns at that time until they saw construction happening farther down towards the doors of the church. At that point, the members went to the property owner again and made an offer. But by this time, the property owner had things going on. Ms. Williams said Kingsville Church has a small congregation. The property owner gave them a price, and even if they purchased the piece of property, the pump station would still be in the church's front door. Therefore, the members were concerned about the driveway in order to get to the church and the possible drainage problem.

Ms. Nicholson said that it was her understanding that in addition to the sale price for the piece of property, the church would have to bear the cost to move the pump station.

Mr. Cosom confirmed this. It was his understanding that the price started at \$45,000 when there was just a septic tank on the property. When the property owner found out that the church really wanted the property, the price was then \$5 per square foot, which would equate to about \$63,000, plus the cost of moving the tanks as he was continuously putting them in.

Ms. Nicholson stated that state laws should prevent the store from selling alcoholic beverages next to a church and school.

Mr. Cox said the Markette already had their license because no one objected to it.

Mr. Cosom said a notice that this location was applying for a license to sell beer and wine was not advertised in the Hartsville Messenger.

Mr. Cox said he could not speak to whether the owner had advertised in the Messenger. However, it was his understanding that the owner had obtained all the necessary licenses and permits.

Ms. Nicholson questioned West Oil Company using the City of Hartsville' water lines when the county already has water and sewer lines in this area.

Mr. Cox said he did not think that the county had sewer lines in this area. The City of Hartsville provides the sewer service.

Ms. Nicholson asked Mrs. Griffiths to find out who provides water and sewer services in this area. Mr. Cosom will provide Mrs. Griffiths with a copy of the church's bill for water and sewer services.

Chairman Baldwin indicated that this was more of a legal problem than a County Council problem. He said Council could not tell someone what to do with their property.

Ms. Nicholson said the water/flooding problem would be within Council's jurisdiction.

Mrs. Johnson stated that she thought the state law governing the locations (near churches and schools) where alcoholic beverages could and could not be sold would be enforced without anyone protesting or contesting it.

Mr. Cox said the wine regulations were being enforced by the State of South Carolina. He said there was a process for getting a permit. However, he was not a part of this process. But it was his understanding that the new Markette has all the permits. If there is a playground, school, or anyone wanting to protest a license, there is a period to appeal in Columbia. One of the problems, just thinking as a lawyer and not knowing what happened, about protesting the alcohol license at this location would be that there has always been, for the past 50 years or longer, an establishment on or near this location that sold beer (the old Four Way Stop, the old Markette Store across the street, and other establishments that had been in this area). Therefore, it really would be hard on this location to keep someone from having a beer and wine off premise license there. Mr. Cox said he could not speak for the ABC Commission as to what they would or would not do, but these were the guidelines.

Mrs. Johnson said the new Markette was closer to the church than the other establishments.

#### Administrative Update - Mrs. Phyllis Griffiths, County Administrator

Mrs. Griffiths did not have an update.

#### Requests / Comments – Members Of Council

Ms. Nicholson stated that she resides in the Kingsville Community and was concerned about the water problem. She indicated that Mr. Reimold and she had spoken with a project representative during the Spring. Ms. Nicholson requested that the Planning Department check to find out whether the land was built to the engineering calculations that were submitted.

Mr. Douglas indicated that Ms. Cabbagestalk was present at the meeting and had a concern about the county's ordinance governing pre 1976 mobile homes.

Mr. Cox indicated that if a mobile home was too old to be moved, by law, and it had been brought up to modern day standards, Council, in one instance, has allowed the mobile home to be moved.

Mrs. Griffiths said that whatever was in the county was grandfathered in, as long as the mobile home was on the tax books. If the owner went to the Tax Assessor's Office and registered the mobile home, anyone owning a pre 1976 mobile home could move it anywhere within the county. But the county would not allow other 1976 mobile homes to come into the county from other counties.

Mr. Douglas clarified that if a person has a mobile home in the county and already pays taxes on it, it could be moved.

Mrs. Griffiths said yes. If the mobile home was already registered in the county when the ordinance was approved and the owner was paying taxes on it, it could be moved within the county.

Mr. Douglas asked Ms. Cabbagestalk whether she was paying taxes on her mobile home. She indicated that the mobile home was given to her. When she went to the courthouse and talked with Mrs. Griffiths, the mobile home was not registered. However, the mobile home dealer told her that she could go back a year and pay the taxes. Therefore, she was willing to do this. Ms. Cabbagestalk indicated that she had the mobile home rewired, etc.

Mrs. Johnson said she had mentioned historic cemeteries at the last meeting and had asked that something be placed on the agenda for Council to take a look and find a solution. She

mentioned the cemetery at Kingsville United Methodist Church and one in Lamar. Mrs. Johnson said she would like for this matter to be placed on the agenda for Council to do something one way or another. She then talked about the crime rate increasing during the holiday season and the need to be watchful of our neighbors and think of something that could be done so that the crime rate would not continue to rise among our young people.

Mrs. Warr said the security system at the courthouse, in her opinion, was no good. She recently observed people going around security as she went through it. She stated that whether the person going around security was an employee or not, if the courthouse was going to have a security system, then everyone should go through it. Mrs. Warr talked about employees taking guns to work and killing people because they were angry. She said the security system was not working and the county was wasting money on it. The county could do away with it because this happens almost every time she goes into the courthouse. She pointed out that she went through the metal detectors, it alarmed, and the guard just commented that it may be her shoes. He did not check anything else.

Mrs. Griffiths indicated that this should not be happening.

Mr. Shaw stated that he delivers medicine to the Detention Center at night and the guards, who are from a security company out of Sumter, will not sign for the medicine since the nurse is not there. He said the guards have indicated that they do not have the authority to sign for the medicine and he, sometimes, have to wait until someone else comes. Mr. Shaw agreed with Mrs. Warr that the county needs to look at the security systems and have them checked to find out whether the county was getting what it pays for.

Vote For Executive Session - Discussion Of Matters Relating To The Proposed Location, Expansion, Or The Provision Of Services Encouraging Location Or Expansion Of Industries Or Other Businesses In The Area Served By The Public Body

**MOTION** was made by Mr. Blackwell and seconded by Mrs. Johnson to vote for executive session for discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.

The motion carried unanimously.

Executive Session - Discussion Of Matters Relating To The Proposed Location, Expansion, Or The Provision Of Services Encouraging Location Or Expansion Of Industries Or Other Businesses In The Area Served By The Public Body

**MOTION** was made by Mr. Blackwell and seconded by Mrs. Johnson for Council to go into executive session for discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body, along with the County Administrator, the County Attorney, Finance Director John Williams, and Economic Development Director Dave Bailey.

The motion carried unanimously.

Council recessed at 6:45 p.m. prior to going into executive session and reconvened at 7:13 p.m. Upon reconvening, Chairman Baldwin announced that no action was taken during executive session.

Adjournment

**MOTION** was made by Mr. Blackwell and seconded by Mrs. Johnson to adjourn the meeting. There being no further business, the meeting was adjourned at 7:14 p.m.

Respectfully submitted,

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Mrs. J. JaNet Bishop, Clerk to Council

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Mr. Billy Baldwin, Chairman  
Darlington County Council

Approved at meeting of December 17, 2007.