

Clarendon County Regular Council Meeting

Monday, August 12, 2024

6:00 PM

Council Chambers, 411 Sunset Drive, Manning, SC 29102

Those in attendance:

Chairman Dwight L. Stewart, Jr
Councilman A.C. English
Administrator Lynden Anthony
Clerk to Council, Dorothy M. Levy

Councilman Billy G. Richardson
Councilman John P. Coker
Deputy Administrator Sharmane Anderson

Absent: Vice Chairman W.J. Frierson

Press in attendance: None

Others in attendance included:

WL McCade Carmine Iadarola
Neal & Amy Lane Gregory K. Goodson
Jim Martin Jay Johnson
Josh Jordan Corey Blackmon
Frank Colclough, Jr. Jacqueline Blackwell
Glyn Bethune Clinton Bethune
Troy Allan Brad Floyd

Michael A. Johnson, Jr. Roy E. Belser
Moye Graham Jason Luck
Bruce Binney Tanya Cox
Erin Sieber Matt Crook
Shanita Brangman Patricia Pringle
Xavier Boatwright Vanessa Boatwright
And Other Clarendon County Residents

Chairman Stewart called the meeting to order at 6:00 pm. Councilman Richardson led the invocation. The Pledge of Allegiance was recited in unison.

1. Approval of the Agenda

On motion by Councilman Richardson and Seconded by Councilman Coker, Council voted Unanimous Approval to the Agenda for the Regular scheduled Council Meeting for August 12, 2024.

2. Approval of Minutes

On motion by Councilman English and Seconded by Councilman Coker, Council voted Unanimous Approval to the minutes for the Regular Council Meeting, which was held on Monday, July 8, 2024.

3. Service Awards

Prior to the business session of the Regular Council Meeting Linda Lemon, HR Director, Chairman Stewart and Administrator Lynden Anthony recognized four employees for service awards.

• Joshua Jordan	5 years	Tanya Cox	15 years
• Carol Richburg	5 years	Mary Sue McDowell	25 years

Chairman Stewart thanked everyone for their hard work.

4. Public Comments

- Kurk Goodson stated that there are serious issues with the North Shore water system and The Town of Summerton is aware of it.
- Administrator Anthony responded by stating that the Town of Summerton operates and owns the North Shore Water System and it's not controlled by County Council.

5. Board Appointment

On motion by Councilman Coker and Seconded by Councilman English, Council voted Unanimous Approval to the following re-appointments and appointment to the following boards:

- Tiffany Myers and William “Scott” Wannamaker, III, re-appointed to serve another term on the Clarendon County Behavioral Health Service Board.
- Donald Bethune re-appointed to serve another term on the Clarendon County Assessments Appeals Board.
- Justin McArthur appointed to serve a two-year term on the Clarendon County Assessments Appeals Board.

6. Clarendon County Transportation Committee

Chairman Stewart called the Transportation Committee to Order. Councilman Coker made a motion and it was Seconded by Councilman Richardson that the Transportation Committee is now in session. The Transportation Committee began at 6:09 pm.

Administrator Anthony requested Authorization for drainage improvements on Lake Marion Shores Road in an amount not to exceed \$30,000.

On motion by Councilman Coker and Seconded by Councilman Richardson, Council voted Unanimous Approval to the request from Administrator Anthony for drainage improvements on Lake Marion Shores not to exceed \$30,000.

Chairman Stewart stated that the Clarendon County Transportation Committee will close and we will go back into open session. The Transportation Committee closed at 6:11 pm.

7. Intergovernmental Agreement

Administrator Anthony presented Council with two Intergovernmental Agreements between Clarendon County, South Carolina and the South Carolina Department of Transportation. They are FEMA related reimbursement agreements associated with disaster-related debris clearing activities on County and State maintained roadways.

On motion by Councilman English and Seconded by Councilman Coker, Council voted Unanimous Approval to the Intergovernmental Agreements between Clarendon County, South Carolina and the South Carolina Department of Transportation for FEMA related reimbursement associated with disaster-related debris clearing activities on County and State maintained roadways.

8. Public Hearing – Ordinance 2024-05

An Ordinance of Clarendon County, South Carolina amending the Unified Development Code of Clarendon County Regarding the Regulation of Solar Energy Facilities and Other Matter Related Thereto.

Administrator Anthony stated that there are five commercial solar farms in the county encompassing an average of 15 acres each. New proposed projects are growing significantly within the region and the Planning Commission wanted to review our codes on the development of these projects in early January of this year. After months of research, community meeting and legal assistance, the proposed ordinance was brought to Council in June for First Reading.

Chairman Stewart gave the Land Use Regulations of 1980 then he stated that the public hearing will now open for Ordinance 2024-05. The Public Hearing began at 6:21 pm.

- Caleb Lemoine - Development Management, We have a couple of real estate in the county and what we typically do for setbacks is 300 feet around residential property. The 300 feet around each property is a waste of land and the 50 feet of vegetation will cost millions of millions of dollars.
- Bruce Benning – Southern Current Energy wants the opportunity to participate with the development of this Ordinance and we ask that you do not move forward with this existing version.
- Neil Langley – a resident of Clarendon County and I'm for solar power but wind turbulence will not help us here. How close are we to not having electricity. What about the risk vs the rewards.
- Xavier Boatright – I support solar but there should be a balance. What about the tax revenue. Everyone should have that opportunity.
- Patricia Pringle – Renewable Energy – stated that she has no objections to solar farms and 20 kilowatts are exempt from property taxes. Most solar farms are operating on a Fee-In-Lieu agreement and farmers get a big discount.
- Carmine Iadarola -SolarGen of South Carolina, the proposed Ordinance does not appear to apply to at least a portion of the Best Solar and Industrial Park Project(BSIPP) because the project has been clear from the beginning of the application process over a year ago. I am under the assumption that Clarendon County is adopting these regulations that allow local solar energy facilities as part of the community's mix of local renewable and fossil fuel energy sources.
- Jim Martin, Leeward Renewable Energy, We have 31 operating facilities across 12 states and we are asking Council to reconsider the Ordinance as it is written. The electricity companies are asking for Renewable Energy and South Carolina is growing faster and the market is changing.
- Ron Bowman – Solar Farms does not produce much pollution and we need a buffer and to be more reasonable.
- Councilman Coker –What is the life span on Solar Farms
- Ron Bowman – 30 to 35 years
- Bill Simpson – We who live here should have a say about what goes against our property. We should have a voice as to what is going on.
- Troy Allan – stated that the Planning Commission did a great job on putting this Ordinance together and we should respect the Planning Commission decision and the hard work that they have done.
- Jay Johnson – stated that 75% of Solar Farms go bankrupt, what is the cleanup per acre, and who will do the clean up after a Solar Farm Owner filed for bankruptcy.
- Carmine Iadarola – we have a responsibility to the landowners. We don't know the cost to clean up a Solar Farm that is no longer producing electricity. The market changes and the Bond is updated every three years.
- Willie Briggs – what if a hurricane tears the panels off, is there any possibility of toxic waste contaminating the water system.
- Carmine Iadarola – there is no contamination from solar panels, it's not battery acid.
- A Farmer – this year the farmers are going through a drought and it would be good to get a solar farm check to help us out. He stated that he did not know the County was going to do a flip flop, he said that the land has been setting up for years because they signed up for a solar farm and nothing has been done. He concluded by stating that solar panels are not hurting anybody and he wants Council to reconsider the setbacks.

Chairman Stewart stated that the Public Hearing will close. The Public Hearing closed at 7:38 pm.

9. Executive Session

Chairman Stewart asked for a motion to go into Executive Session to discuss the Solar Farm Ordinance. An Ordinance of Clarendon County, South Carolina Amending the Unified Development Code of Clarendon County Regarding the Regulation of Solar Energy Facilities and Other Matters Related Thereto.

On motion by Councilman Coker and Seconded by Councilman English, Council voted Unanimous Approval to go into Executive Session to discuss the Solar Farm Ordinance. An Ordinance of Clarendon County, South Carolina Amending the Unified Development Code of Clarendon County Regarding the Regulation of Solar Energy Facilities and Other Matters Related Thereto.

The Executive Session began at 7:39 pm.

10. Open Session

Chairman Stewart asked for a motion to come out of Executive Session and back into Open Session.

On motion by Councilman Richardson and Seconded by Councilman English, Council voted Unanimous Approval to come out of Executive Session and back into Open Session.

The Executive Session ended at 8:49 pm.

Chairman Stewart stated that in Executive Session, Council discussed the Solar Farm Ordinance and he asked for a motion to approve Second Reading.

On motion by Councilman English and Seconded by Councilman Coker, Council voted Unanimous Approval to the Second Reading of Ordinance 2024-05. An Ordinance of Clarendon County, South Carolina Amending the Unified Development Code of Clarendon County Regarding the Regulation of Solar Energy Facilities and Other Matters Related Thereto.

Chairman Stewart stated that we do have some suggestions from Legal Counsel, Attorney CD Rhodes.

Attorney CD Rhodes, Pope Flynn Law Firm, stated that he would like to read a few suggested changes to the Ordinance:

- Section 57.02-C - Removing the requirement of the operator in the application process providing an interconnection agreement, replacing that, with the operator providing proof that they have applied for an interconnection agreement;
- Section 57.02-D - Amending that to require just three specific terms of the lease. Those that involve the term itself, responsibility to carry out the decommission plan and any indemnification provisions;
- Section 57.02-F - Remove the requirement for the certification of the Engineer that all of the components meet all applicable local, state and federal regulatory standards – replace that with, requirement that the applicant provide a certification that the facility will contain components that are UL listed; that are approved by Underwriter Laboratories.
- Section 57.03 - Delete “or any waters of Lake Marion”. So, the 5-mile restriction would apply just to Lake Marion itself and the airport clarifying language there.
- Section 57.03-C - Would clarify that no zoning certificates may be issued once all of the solar energy facilities within the county in the aggregate exceed 3,900 acres.
- Section 57.04 - Amend the setback requirements. Retain the 500-foot setback unless the consent is obtained from adjoining property owners in which case the setback would be 300 feet.
- Section 57.05 - Reduce the buffer from 50 feet to 25 feet.
- Section 57.06-B - Clarify that the restriction against impervious services does not apply in parking areas, footprints of buildings or where required as a foundation or pad for equipment but excluding solar panels. In other words, solar panels cannot be on an impervious pad.
- Section 57.10 - Correcting a misspelling

- Section 57.12-B - Add to the end of that subsection that the operator has to provide a completed and executed performance guarantee prior to the issuance of a Certificate of Occupancy.
- Section 57.14 - The requirement that was originally in the application process of providing the interconnection agreement is moved to 57.14 and the interconnection agreement has to be provided during the permitting process. Then removing Item B which is a completed and executed performance guarantee as a condition of receiving a permit because that has been shifted to the CO stage of the project.

Attorney Rhodes concluded that those are the provisions that he would suggest and he thinks that they accurately reflect the discussion.

Councilman English made a substitute motion to the Second Reading of Ordinance 2024-05 - An Ordinance of Clarendon County, South Carolina Amending the Unified Development Code of Clarendon County Regarding the Regulation of Solar Energy Facilities and Other Matters Related Thereto with the suggested provisions that were stated by Attorney Rhodes be included for third reading and it was Seconded by Councilman Richardson.

11. Financial Report

Mr. Lynden Anthony, County Administrator, began his report by stating the following:

- **The General Fund** had Expenditures of \$2,769,911 and Revenue was not available as of July 31, 2024.
- **Weldon Auditorium** had Revenue of \$700 for the month ending July 31, 2024 and total Expenses were \$7,555. He stated that the Weldon Auditorium ended the month of July, 2024 (after transfers) with zero balance.
- **Water and Sewer Department** had total Revenue of \$147,244 for the month ending July 31, 2024 and total Expenses were \$90,932. After Depreciation and Bond Interest Expense the Water and Sewer Department ended the month of July 31, 2024, with a Net Utility Income of \$228.
- **The C-Fund Program** - for the month ending July 31, 2024, The C-Fund program had a Cash Balance of \$7,1722,805 of which \$5,089,513 has been committed to remaining local paving projects, State Construction Projects in Progress and State Proviso Funds. He stated that the C-Fund Program had an Uncommitted Balance of \$2,083,293 as of the end of July 2024.

12. Administrator's Report

Administrator Anthony began his report by giving Council an update on the following:

Facilities:

EOC/Communication Center: Architectural firm and Civil Engineering sub-contractor are developing preliminary site plans now. In addition, we are finalizing the interior space needs.

Turbeville Fire Station: Site work has begun and is progressing briskly.

Public Works, Fleet Maintenance, Animal Control: We are scheduled to release a Request For Proposals (RFP) for design/build services this week.

SCIIP Grant: We have executed our contract for engineering /design services and work has begun designing both the well and storage tank, We have bid out the drilling of a test well on the site and are continuing to move forward.

Weldon Auditorium Renovations: No change from last month on Weldon Auditorium renovations: currently expect that design and specifications will be completed and bid packages ready later this month. An issue is the water drainage issues in the garden between buildings.

Turbeville Library: The General Assembly has approved proviso funding in the recently completed budget to move the project forward and our project team met to discuss next steps.

North Shore Summerton Development Project: Engineering design and site work are moving forward as well.

Law Enforcement Joint Training Facility: The Memorandum of Understanding (MOU) with the City of Manning, Sheriff's Department, and the County to build the facility has been completed and we are awaiting its approval from the City.

✓ Recreation:

- Our fall sports sign up period ends this Friday for soccer, flag and tackle football.

✓ **Miscellaneous:**

- I would like to thank all of our First responders for their efforts last week dealing with the effects of Tropical Storm Debby – to include Law Enforcement, Fire/Rescue, EMS, and our dedicated E911 Communications staff and others.
- I would like to give a big thank you to our Fire Rescue department for the 17 hours it took to address the recent fire and the bulk storage building at Georgia Pacific.
- Emergency calls – In July, our E911 call center received early 2,200 inbound 911 calls. We responded to over 820 fires and medicals calls. We had over 3,919 Sheriff department responses logged in (includes security checks and wellness calls).

13. Chairman's Report

Chairman Stewart stated that he appreciated everyone's patience and we are trying to do the best that we can.

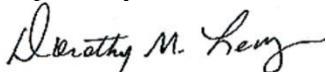
12. Adjourn

Chairman Stewart stated that we had exhausted our agenda, and he asked for a motion to adjourn the Regular Council Meeting.

On motion by Councilman Richardson and Seconded by Councilman Coker Council voted Unanimous Approval to adjourn the Regular Council Meeting.

The Council Meeting adjourned at 9:00 pm.

Respectfully Submitted,



Dorothy M. Levy
Clerk to Clarendon County Council, CCC