

**CITY OF DARLINGTON  
SPECIAL MEETING  
THURSDAY, JULY 27, 2017 AT 6:00 PM**

The City of Darlington held a Special Meeting on Thursday July 27, 2017 at 6:00 PM in the Courtroom/Council Chambers located at 400 Pearl Street. Those in attendance included: Mayor Gloria C. Hines, Council Members: Mayor Pro-Tem Coleman Cannon, Councilpersons Carolyn Bruce, John Segars, Elaine Reed, Bryant Gardner, and John Milling. Others attending included: City Manager, Howard Garland, City Attorney Kevin Etheridge and his wife Savannah, Danny Watson, Ms. Jannie Lathan, Fire Chief Pat Cavanaugh, Officer Jimmy Davis, Mrs. Lisa Rock, several city employees, Mr. Lee Andrews, Mr. Roger & Mrs. Audrey Gore, Ms. Evelyn Jett, Mr. T.C. & Mrs. Patsy Sawyer, Mr. Curtis Boyd, Mr. Linwood Epps, Ms. Judy Alexander, Mr. Steve Abbott, and the hallway and room full of visitors.

Mayor Hines called the meeting to order at 6:00 PM and Mayor Pro-Tem Coleman Cannon did the invocation.

**Councilwoman Carolyn Bruce said before they go into executive session she would like to make a motion that they make an amendment to the agenda. She said she would like for the agenda to state that the City of Darlington may go into executive session for matters of economic development, personnel or contractual matters. Darlington City Council may or may not vote after executive session. Councilwoman Reed seconded the motion.** Mayor Hines asked if there was any discussion. Councilman Milling said he wanted to point out to Council that in order to amend the agenda within 24 hours of notice having been given, so that we don't violate the Freedom of Information Act, it must be a 2/3 vote. Mayor Hines said, "I know that" and hearing that, asked for a vote. **Councilpersons Reed, Bruce, Mayor Hines and Cannon voted for the motion. Councilpersons Segars, Gardner and Milling voted against the motion.** Mayor Hines said, "Ok, it passes". Councilman Milling said, "No ma'am it doesn't pass, it's not a 2/3 vote that's a 3 to 4 vote". Mayor Hines said, "It's 4 to 3. Councilman Milling that's not a 2/3 majority. Mayor Hines said, "That's fine then". Councilman Millings said he would check his phone to make sure he was correct. Mayor Hines said, "That's fine, it

can stay as it is. She told him he didn't have to look up anything. Mayor Hines said, "At this time, we will be going into executive session and everyone may leave the courtroom/council chambers. Mr. Garland interrupted and said there was something he'd like to read. He said according to S.C. Section 30-4-70 if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly and he is making that request at this time. There were comments from the audience and Mayor Hines struck the gavel and said, "There will be no talk from the audience and I will have respect in here". Councilwoman Reed said, "The motion was to continue to go into executive session". He has made a proposal, let's go into executive session". "That's what you said that we failed at that, so at this time on the agenda it is time for the executive session as stated on here". "All others as he has just said it. Any change to the agenda needs a 24-hour thing and public hearing". "Let's follow the agenda with the executive session that you just said as is, ok". Councilman Milling said this is something that Mr. Garland brought to their attention and it's got to be considered if this is going to be an adversarial hearing involving individual. Councilwoman Reed said, "It's executive session, no hearing. It's not on the agenda". Councilman Milling said the executive session is going to handle administrative, contractual, personnel. (Mayor Hines struck the gavel once again to get order). Councilman Milling said, "We've got to do it the way the statute provides or the press is going to sue us". Councilwoman Reed said, "So we will". (There were words back and forth between Councilpersons Reed & Milling and the Mayor struck the gavel again and told them to hold up. Mayor Hines asked City Attorney, Mr. Kevin Etheridge if he could answer this question. Mr. Etheridge said he thinks what Mr. Garland is alluding to is Section 30-4-70A Subsection I and what that is discussing is individual employment matters and if it's adversarial, that Statute itself reads: If an adversary hearing involving employee/client is held, the employee/client has a right to demand the hearing be conducted in the public. Mayor Hines asked, "That would be in the case of what?" "What's that for"? Mayor Hines said she thinks everybody has alluded to one thing that it's not. She said she had a Councilwoman come to her the last time and said that she did not get understanding at the last council meeting and that's why this meeting is being held. Councilman Milling said his understanding of the statute is that if we go into executive session and then we start talking about a personnel matter, then that individual has the right to demand a public hearing. Mayor Hines and a couple Councilmembers said, "Afterwards". Councilman Milling said if we are in

executive session and we aren't talking about a particular individual and matters that are of an adversarial nature, then we can discuss things that are on the agenda, (*example*) but if we start attacking "Bryant" who runs the water department or whatever type thing, then he's entitled to say, "Wait a minute folks, if you are going to lambast me, I'm going to insist upon my right to have a public hearing". Mayor Hines said, "Who said we're doing that"? "Where is that assumption coming from"? Councilman Millings said, "Well, we don't know, he's just saying if you're going to do that he wants a public hearing". Mayor Hines said, "That's an assumption. That's not what the meeting is about". Councilwoman Bruce asked at that time if she could speak. Councilwoman Bruce said, "We went into executive session last council meeting and there were a lot of unanswered questions". She said those present at the meeting saw first-hand that there was some disagreement as far as making amendment to the last agenda, but we got that clarified. Councilwoman Bruce said when we went into executive session to ask questions there was a lot of talking over each other. She said the City Manager was not given an opportunity to address those questions and she as a Councilmember didn't feel like there was clarity coming out of the executive session. Councilwoman Bruce said she asked the Mayor if we could have a special meeting to follow up with the executive session so that the questions that we ask can be clearly answered and that the City Manager can be given ample time to do that. She said, "All this other stuff about bashing somebody, I don't know where that came from. Councilwoman Bruce said, "My request to the Mayor was to follow-up from the last executive session to be able to get clarity and give the City Manager an opportunity to ask questions that was not answered last executive meeting because we all talked over each other. She said that was the purpose of the meeting and all this other stuff, I don't know anything about it". Councilman Bryant Gardner said that's all well and good and I truly applaud that. I just wish whenever I and Councilman Milling asked what the reason for the executive session was, you would have told us that". Councilwoman Bruce said, "I gave you that". Councilman Gardner said, "If it was in the memo right here in front of everyone's eyes, then we'd have that, but we don't". Councilman Gardner said he specifically asked, "What is the executive session about and ya'll would not give us this information". Councilwoman Bruce said, "That is not true". Councilman Gardner said he has a text. Councilwoman Bruce told Councilman Gardner that she sent him a text. Councilman Gardner told her he can read the text message word-for-word. He said the text read: The City Administrator would let us know. Councilman Gardner told Councilwoman Bruce that was her response and

this is what we got. He said he was in the executive session and I'm not sure what we can discuss that wasn't dealing with Howard. Councilwoman Bruce told Councilman Gardner that was his assumption. Councilman Gardner said, we're under assumptions because proper procedures are not being followed. He said we're not giving 24-hour period, we're not communicating with each other. He said our own councilmen don't have an idea why we're going into executive session. Councilman Gardner said, "How am I supposed to have an actual adequate vote when I don't have time to prepare because I don't even know what we're meeting on". He said, "With the word "administration", you could be talking about Council or any department within there. Councilwoman Reed said, "It seems to me if everything you all have assumed that it's simply on the City Manager, what is the fear of being in executive session to follow the policies by which we are governed"? She said, "It says an executive session, and even if it was, she wanted to amend it. Councilwoman Reed said, "She has stated clearly there are questions that they want cleared up". Councilwoman Reed continued, "A Councilperson, the things that we do all the time. Now, what is the fear that you're even now; let's go in, if he wants a public hearing we will set it up like we do any other public hearing, but why have a public hearing"? "What's the fear going on here"? Councilman Milling said, "The fear of telling us ahead of time what's going on instead of amending it". Councilman Milling said, I never got any information about this". Councilman Gardner said, "What is the fear of having a meeting":.....Mayor Hines hit the gavel to get order and told them to stop it. She said, "You will respect me". Mayor Hines said there was a call from Councilwoman Bruce and she said there was some unanswered questions and on her text it said, "We wanted a follow-up from the last executive session". Mayor Hines said, "I don't know what yours said, but that's what mine said and that's all we were doing". Mayor Hines said, "There were things that were put out there. She said Facebook is good for one thing, but bad for another. Mayor Hines said, "I have not been on Facebook, but I have screenshots (Hines said, "I wasn't going to bring this out in open session, but since the City Manager brought it up"). She said there were things that were put out there that were false. She said nobody heard me say that and it's unfair for that to have been put on Facebook not knowing what was going on. Mayor Hines said it was clearly stated what the meeting was about; to follow up what was said in the last executive session and there are things that are being told that is not the truth. Mr. Garland said, "Since we had our last meeting on July 11, 2017, I've been at work every work day and nobody has come by and asked me any questions relating to any of this". He said his door has been

open and he'll be glad to talk to any council member or any person in the public (one-on-one or two on one) about this. Mr. Garland said he doesn't mind asking questions or finding out answers. He said he's not trying to hide anything. Councilman Milling said, "We can go into executive session for what the agenda announces was the basis for executive session, but if we vary from that, we are not acting in accordance with Freedom of Information Act (FOIA). Mayor Hines said she understand that and she knows it can be done with 2/3 vote. Councilman Milling said we would have to respond appropriately and we'll either have to quit talking about things that are not covered by the agenda that he's looking at and if we get out of line and if we're not talking about that portion of the FOIA that Mr. Garland read to us, then a public hearing won't be necessary. Councilman Milling said, "But if we get into some of that we may have to stop and say, "Well, if that's really what we want to talk about this isn't the agenda that allows us to do it and we come out". He said he doesn't have a problem going in based on what we've got here and see how we fare. Mayor Hines said, "We'll do that then". Mayor Hines said, "You can't vary, but on my time on Council I've gone into executive session many a times and the topic varied. It changed from what it was supposed to be. So, seems like times are changing now since I'm the Mayor". Councilman Gardner said, "It's against the law, Mayor". Mayor Hines said, "I know, it was against the law before". Councilman Gardner said, "That doesn't make it right, Mayor". Mayor Hines said, "We can go into executive session for personnel-administration, that's it." Councilwoman Reed asked, "Is that what we are doing now"? Mayor Hines asked, "Can we do that"? City Attorney, Mr. Kevin Etheridge said this was written in 2015, so this is the applicable law. He said he doesn't think there's anything wrong with going into executive session and if it varies, Howard has a right at that point, if it becomes adversarial, to come out. Mayor Hines said, "He can come out and have a hearing, but we won't to go into executive session first. Mr. Etheridge said, "Again, as the Judge stated, if it varies, he has a right to a public hearing". Mayor Hines said, "I know we have to stick with what's on the agenda". She asked Council's pleasure. **Councilwoman Reed made a motion to go into executive session for personnel-administration. Councilman Milling said he will second the motion as long as we stay on agenda and he will make a motion to come out if we get off of it.** Mayor Hines said, "That's fine, that's fine, that's fine. I appreciate that. That's what you're supposed to do". All approved the motion to go into executive session at 6:15 PM. **All approved the motion.**

**EXECUTIVE SESSION**

**Upon motion of Councilman Milling, seconded by Councilman Segars,  
Executive Session ended at 8:07 PM.**

**Upon motion of Councilman Milling, seconded by Councilwoman Reed,  
the meeting adjourned at 8:10 PM.**

---

Mayor

ATTEST:

---

Clerk & Treasurer