

**CITY OF DARLINGTON  
REGULAR CITY COUNCIL MEETING AT 6:30 PM  
TUESDAY – AUGUST 6, 2019**

**PRESENT AT MEETING:**

Mayor Gloria Hines, Councilpersons: John Segars, Carolyn Bruce, Sheila Baccus, Bryant Gardner, Elaine Reed, and John Milling. Also, present: City Manager, Mr. Howard Garland, Mrs. Lisa Rock, City Attorney Kevin Etheridge, Building Official Alex Gainey, Mr. Kinsaul, Ms. Jannie Lathan, Mr. Steve Abbott, Mr. Curtis Boyd, Mr. John Isgett, Mr. Kerry Tharp, Mr. Lee Andrews. Mrs. Lisa Rock, Mrs. Anna Dewitt, and other visitors.

**NEWS REPORTERS**

Also present were News Reporter from the Morning News.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Gloria Hines did the invocation which was followed by the Pledge of Allegiance.

**APPROVAL OF MINUTES**

**Upon motion of Councilwoman Carolyn Bruce, Seconded by Councilman Bryant Gardner to approve the minutes of the July 2, 2019 Council Meeting. All approved the motion.**

**APPROVAL OF MEETING AGENDA**

Councilman John Milling said because Council did not receive information pertaining to item 8 (c) Ordinance for corner of Wyandot Street & Nez Perce Drive prior to the meeting, **he made a motion to approve the meeting agenda for August 6, 2019 without item 8 (c) and carry it over to the next meeting. The motion was seconded by Councilman Bryant Gardner. All approved the motion.**

**REPORT OF STANDING COMMITTEES**

**A) DARLINGTON DOWNTOWN REVITALIZATION ASSOCIATION – MRS. LISA ROCK**

Mrs. Rock thanked everyone that came out to The DDRA's "Bringing Downtown Alive" Concert series in July. She gave a special thank you to

American Legion Post #13. Mrs. Rock said Race Week is coming up in Darlington which will start with the Car Haulers Parade and Race Fest on the Public Square on Thursday August 29<sup>th</sup>. She said the car haulers will come at 7:00 and the Race Fest will continue from 6:00 to 10:00 PM. On Friday night Bill Rivers and the Bonding Company perform at DDRA's free next "Bringing Downtown Alive" concert from 7:00 PM – 10:00 PM. On Saturday night after the VFW sports clips 200 they will have the Southern 550 parade downtown. Mrs. Rock said on Sunday they will have the Bojangles Southern 500. Mrs. Rock said businesses, individuals, civic groups and churches are invited to join the DDRA as members. Mrs. Rock said members can give them a call or send them an email at [buildupdarlington.org](http://buildupdarlington.org) and they will feature their news, employee recognitions, sales, new products, special hours and other events with people interested in Darlington as well as TV stations, Radio stations, and newspapers through their text and email news alert system. Mrs. Rock said the next monthly Breakfast is at 8:00 AM, Wednesday, August 28, 2019 at Takis Diner. She said the breakfast is free for members and \$5.00 for others to go toward the meal. Mrs. Rock said there's one other event that's coming up and she included a press release in the Council packets. She said Councilwoman Baccus already knows about this event already because she's part of the organizing factor of it. Mrs. Rock said The Darlington Memorial Cemetery Association is organizing a community Clean Up Day beginning at 6:00 AM on Saturday August 17, 2019 at the cemetery on D Avenue. Councilman Milling asked Mrs. Rock if the Miss Darlington USA Pageant scheduled for August 17<sup>th</sup> was still on? Mrs. Rock said, "Yes", the Pageant will be held at Trinity-Burns Collegiate School at 7:00 PM that evening.

## **B) GREATER DARLINGTON CHAMBER OF COMMERCE –**

No one was present to represent the Chamber

## **ANYONE WISHING TO APPEAR**

**Ms. Rose Pruitt – Flooding** Ms. Pruitt said she don't think for an instant that her area is the only area that floods in town but she's aware the big storms have caused some problems. However, she said she has two feet of water at the end of her driveway and she can't get in or out of it. She said she has water lapping at the siding that she recently replaced because of the flooding damage. Ms. Pruitt said, "We've got that vac truck and paid a lot of tax money for it. I don't know how often it gets used, but it doesn't get used often enough". She said, "They came out, did a little bit of work on the storm drain in front of my house but nobody ever came back to finish the

job”. Ms. Pruitt said they may have dug out a few extra buckets of sand and made a little bit more capacity there, but the job is not finished until it goes all the way through that drain. Ms. Pruitt said this is a block on the City’s storm water plan that was omitted. She said, “My neighbors and I have located the missing section of storm drain that’s clogged that runs for about four lots across the street from me down to Edwards Avenue”. She said that line can be cleaned out really easily with the vac truck because it has about three or four access points. Ms. Pruitt said it’s just something that’s been overlooked. She said it’s not just her property that’s flooding, it’s all her neighbor’s property and it’s escalating now. She said they have cars stalling out in front of her house and crazy people trying to go 100 mph and hydroplaning. Ms. Pruitt said this time, somebody tried to drive around the flooded street and drove down the sidewalk. It’s not just a safety issue, but they are damaging city property. Ms. Pruitt said, “I hope you will send that vac truck back out there; I hope that you’ve got somebody to operate it. It needs to be out there every day”. She said its hurricane season again and we’re all just one flood away from getting washed away, but she’s getting pretty tired of the damage to her property. Ms. Pruitt said, “I hope that the City can find some way to follow through with what they started before”. She said Mr. Ervin came out to see if he could locate a line that went off toward Tedder Street, but nothing ever came of that. She said aside from that initial blast where they probably cleared out about twenty or fifty feet, they’ve had no further action on that. Mayor Hines asked Mr. Garland if he knows why the vac truck never went back out? Mr. Garland said he’ll have to check it tomorrow. Mayor Hines said, “You say they did something else to it; they came out and dug it out a little bit and didn’t come back and finish it up”? Ms. Pruitt said, “Right. Well, and again we’re starting in the middle of an area that needs to run all the way to the creek or where ever it drains to”. Councilwoman Reed said, “You said you had someone to outline or map out the drain line of what’s clogged”? Ms. Pruitt said, “It wasn’t included in the storm water plan. That was the plan, I don’t know what the date on that was. They just left the whole block out. Talk about what a big flooding problem it was and then didn’t bother to map the storm water features”. Ms. Pruitt said what they found in that four-lot area, they found the storm drain. She said they couldn’t locate it before because it was so filled in, but they located it because there are two or three manhole covers that are easily accessible. Councilwoman Reed said, “you say “we”, I wanted to know who”. Ms. Pruitt said, “My neighbors”. Councilwoman Reed said, “I’m interested because I’m asking to see if our departments that’s responsible for all of that if they come out there will they know where

to do this to alleviate some of this problem”. Ms. Pruitt said these manhole covers were there all along, but nobody noticed them before because a lot of sand covered them up. Councilman Gardner asked, “We originally came out there, I know and then we purchased a camera and a root cutter, has anybody come out there since”? Ms. Pruitt said, “No”. Councilwoman Reed asked Mr. Garland if this information that Ms. Pruitt is providing been given to Mr. Kinsaul’s department so they can do whatever they can. Mr. Garland said, “We just found out about it tonight”. Ms. Pruitt said, “Well, I’ve talked to Mr. Kinsaul about it at one of the earlier meetings, so it is something that they knew about, but it’s not a regular during office hours complaint kind of thing so whether or not that went in one ear and out the other, I don’t know”. She said, “The thing is, that’s an expensive truck; that’s expensive equipment. It does a good job, but it only does it when somebody uses it”. Ms. Pruitt said that truck should be out there every day because Darlington is drowning. Mayor Hines said the reason she pushed for the cutter and the camera is because roots were growing in the sewer line so if it’s not being used, it’s no good to the citizens. Councilwoman Reed said, “Mayor can we find out why it’s not being used”? “I mean, I didn’t know it wasn’t being used”. Mayor Hines said, “I thought it was being used too; we need to find out about that”.

**Dianna Pruitt – Flooding** Ms. Pruitt said she has much the same complaint as Rose Pruitt. She said they are renovating the property at 368 W. Broad Street (which is the corner of Broad & Edwards). Ms. Pruitt said, “Just like Rose Pruitt, we are experiencing some horrific problems simply because this area of town is some of the worst flooded area of town and it was completely left off the Master Plan and I have a hard time understanding how that happened when there was such a discussion about it to begin with”. She said, “While Rose Pruitt and some of the neighbors tracked down where these drain lines are, didn’t ya’ll pay engineers to do that job”? Ms. Pruitt said the reason you don’t have that information is because engineers didn’t come down through there and that’s citizens researching something that engineers were paid to research. She said, “I don’t mean any disrespect to anyone, but clearly, the City of Darlington paid for this job to be done properly not just in our street, not just in our neighborhood, but in every neighborhood in the City that is flooding so badly that most recently the news media has taken it up again and made Darlington look badly on television which is not something that the City needs when everybody is trying to pull it up. Ms. Pruitt said we have a half million-dollar piece of equipment, parked. She said we flood every time we get more than an inch

of rain. She said the storm drain by their house at the Edwards Street side is less than two feet from the top full of dirt, grass and trash. Ms. Pruitt said, "For three weeks prior to this week past, the lid has been off that drain and inside of the drain. And as I pointed out when I went over to the proper department and spoke to the young lady, that drain frame is so far out of the ground that an adult, much less a small child, is going to get hurt". Ms. Pruitt asked, "Who is going to fix that"? She said because that drain is so full of sand, dirt, trash and grass, their property is flooding". She said she and her husband Scott is trying to do everything they can to renovate their property. Ms. Pruitt said she and Scott both work full time jobs, but every chance they get they are on that property making the necessary renovations and every time it rains, their property floods. Ms. Pruitt said, "Just like Rose Pruitt the work we're doing is being destroyed slowly but surely, because we've got a half million-dollar piece of equipment sitting in a parking lot somewhere not getting used". She said, "And I don't know why either and I'm confused about that, but I don't think that the priorities in this cleaning, using the vac truck were laid out the way they needed to be done". She said, "I know the entire City needs to be addressed but from Main Street, down Broad Street, down Edwards Street was completely left off the plan, how does something like that happens"? Ms. Pruitt said, "And at this point, I just ask you with the greatest degree of respect, how do we fix that"? She said, "From here forward, how can we fix that Mayor, because it is hurricane season and the rain we've experienced over the last three to four months is nothing like what we're fixing to experience and if we don't address this problem right now Rose and I are not the only ones who's going to be standing in front of you crying". Mayor Hines said, "Mr. Garland directs them as to where to go". Mayor Hines asked Mr. Garland if he would check on this because she thought the vac truck would be used on a continuous basis every day. Councilwoman Reed said, "The storm water master plan that you're talking about.....are you talking about the project that we just finished completing or are you talking about something else"? Ms. Pruitt said the entire storm water master plan of what was supposed to be repaired and cleaned out". Councilwoman Reed said the project that we have just completed....Councilwoman Bruce said she's not talking about the southwest Darlington project. Councilwoman Bruce asked Ms. Pruitt if she was talking about the storm water master plan and she said, "Yes ma'am". Mayor Hines told Mr. Garland she wants him to check on this early in the morning and see what's going on with this. Councilman Milling said, "It might also be time for you to start putting together a proposal where we take another look at what needs to be done and how much it will cost to get some

of this stuff engineered even if we can't go through with everything because of extreme cost of storm water. We can at least identify where our problems are and how they can be resolved". Councilman Gardner said he agrees with that. Councilman Gardner said, "The GIS program that we discussed in the work session if we can get that going and start at least mapping out our areas and include the areas that were left out of the storm water master plan like that area on the other side of Swift Creek". Councilman Gardner said, "And then we can start using the vac. Councilwoman Baccus said, "Well as far as the storm water master plan is concerned, if I remember correctly, we discussed this six months ago and said we were going to go back in, and Ms. Lathan was supposed to present something else to this council six months and the council itself didn't follow up on it". Councilwoman Baccus said, "So, I'm not going to say and let it be blamed on Ms. Lathan who created the storm water master plan. Mr. Garland was supposed to get with Ms. Lathan, and she was supposed to come back again and add and improve the storm water master plan. The council did not follow through". Councilman Gardner said, "I'm not familiar with that". Councilman Milling said, "I don't remember that meeting either". Councilwoman Baccus said, "Yes we did, we had that meeting, I'll find the minutes and show it to you. We had that meeting". Mayor Hines said, "It will be looked after".

## **UNFINISHED BUSINESS**

None

## **NEW BUSINESS**

### **A) MAYOR'S AWARD – MAYOR GLORIA C. HINES**

Mayor Hines presented Mr. Kerry Tharp with a Plaque and a "Key to the City of Darlington" for his outstanding service and hard work and dedication. Mayor Hines told Mr. Tharpe he has done a marvelous job with the race track even though it's in the County she feels it's the City because he promotes businesses in the City. Mayor Hines told Mr. Tharp that the plaque presented was from her and the "Key" was from the City of Darlington. Mr. Tharp told Mayor, City Council and Mr. Garland that he appreciates the award very much, but the race track is Darlington, whether City, County or whatever it is a part of this community. Mr. Tharp said he came into the community a little over three years ago and he absolutely loves it. He said he loves living in Darlington and he's committed to Darlington. Mr. Tharpe said he is proud to be a part of this great community and this great race track. Mr. Tharpe said today they had a great event at the

race track. He said they had Bubba Wallace, Kyle Petty and Richard Petty were in Darlington today. He said they had big news coming out of Darlington today and it was all over the Country. Mr. Tharp said this is what they like; they like to bring positive reflection on our community. He said in about 25 days they will have sixty to seventy thousand people coming to Darlington from all over the world. Mr. Tharpe thanked Mayor & Council for the award.

### **MS. JANNIE LATHAN**

Ms. Lathan said, "I know this is out of order and if I would ask permission for two minutes to just straighten up something about the storm water master plan because I think some of our citizens have some of the council persons who are under misimpression. Ms. Lathan said, "That was the storm water master plan, it was not a design for any storm water projects or any storm water sections. The intent of that plan was to show a road map for how the City would go about tackling managing storm water within the City Limits. It broke the entire City into four quadrants. It then prioritized which one of those quadrants the City should focus its resources on designing projects to correct flooding. It was never intended to be a design, because it wasn't. Within that plan it also did what Councilman Milling is recommending. It gave a rough cost estimate for how much it would cost the city over time to tackle hiring an engineer and designing projects. She said that was the whole purpose of that. What the City then proceeded to do, based on that plan was now hire engineers and design storm water projects in southwest and southeast Darlington which was the priority areas because everything is draining from north to south. Ms. Lathan said, "I just wanted to clear that up". Councilman Gardner said, "Ms. Jannie, may I ask you a question"? Ms. Lathan said, "Yes Sir". Councilman Gardner said, "You said the storm water master plan included the entire City"? Ms. Lathan said, "Exactly". Councilman Gardner said, "So, why can't I find anything on the other side of Swift Creek, for instance I can't find the Country Club, the Medford neighborhood or Oakdale or any of those neighborhoods on the map at all"? Councilman Gardner said, "But you said it included the whole City". Ms. Lathan said, "If you let me finish please". Councilman Gardner said, "It's my fault". Ms. Lathan said, "Because it was not designed to go neighborhood by neighborhood. It was designed to look at the entire City, break the City up in four quadrants which included the entire city and then from that look at laying out a plan, not a design and from that plan then the City could hire engineers to design specific projects in specific areas to look at specific flooding areas. Ms. Lathan said, "It also said in that plan that the

City needed to develop a comprehensive maintenance plan and with that maintenance plan, the city would then do what the City is doing now-secure the equipment, come up with a comprehensive maintenance plan and comprehensively section by section throughout the entire City begin to clean out our ditches and pipelines. Ms. Lathan said, “This misconception is really something I think we really need to clean up”. Councilman Gardner said, “My apologies, maybe I misspoke. I guess what I should ask is how can a plan cover the whole city when the map or the plan doesn’t have the whole City included”? He said, “What I mean by that is anything that’s on the opposite side of Swift Creek; The Medford area of our town which is a large part of our City; The Country Club & Oakdale part of town which is large part of our City is not even in there anywhere”. Ms. Lathan said, “I think Councilman Gardner you looked at one or two maps and did not read....Councilman Milling said, “Ms. Lathan and Mr. Gardner, we’re not on this issue tonight and I think it’s important to address it, but we approved an agenda that had certain items on it, so I think we need to move to the agenda and give you an opportunity to come back and get on the agenda so that we can address it properly at that time”. Councilman Milling said, “Ms. Lathan if you will, work with Mr. Garland so that you can get yourself a set amount of time and make your presentation that you want to make, and the agenda can be developed so that the time that you need can be afforded to you and Mr. Gardner or anybody that has questions will have a chance for questions. Councilman Milling said, “Just don’t want to get us bogged tonight addressing something that’s not on the agenda”. Ms. Lathan said, “I understand, I appreciate that, but Councilwoman Baccus is correct; the Council did decide but never followed through with what was supposed to be a working session so that we could go over this in detail so that the citizens of Darlington have a clear understanding of what that plan does and does not do. Mayor Hines said, “It really needs to be cleared up even though it was not on the agenda. I let her speak because it was brought up and we don’t want the citizens misinformed about what’s going on”. Mayor Hines told Ms. Lathan they would have her back to bring it up again.

**B) DARLINGTON COUNTRY CLUB – SOUTHERN 500 GOLF TOURNAMENT FUNDING REQUEST – MR. TIMMY HUNTLEY**

Mr. Timmy Huntley wrote a letter to mayor & Council seeking financial support for the Southern 500 Golf Tournament hosted by the Darlington Country Club. Mr. Huntley said each year DCC sponsors the Southern 500 Golf Tournament which has been an annual tradition for fifty-four consecutive years. He said the annual event draws approximately 150

golfers from across the southeast; many of which bring their families. The tournament will be August 23<sup>rd</sup> – August 25<sup>th</sup>. He said the tournament requires additional staffing for DCC and attracts over 400 visitors to the tournament. Mr. Huntley said in 2018, the approximate cost of the tournament was \$35,000 which covered salaries for temporary staffing, prizes, as well as administrative and food costs. He said they tried to offset this financial burden by relying on donations and sponsorships. He said they are requesting \$7,500 from the City of Darlington Hospitality Tax Fund to help support this event. He said donations and sponsorships allow DCC to improve the quality of the tournament and provide athletic scholarships for young golfers. He asked them to consider the number of people their tournament brings to Darlington when deciding if they should receive hospitality tax funds. Mayor Hines asked Councils thoughts on this. Mr. Garland told Council the amounts the City has given to different organizations this year. **Councilman Bryant Gardner made a motion to approve \$5,000 for the golf tournament at Darlington Country Club. Councilwoman Elaine Reed seconded the motion. Councilmembers John Milling & John Segars abstained from voting because of a conflict of interest. Councilpersons Carolyn Bruce, Bryant Gardner, Sheila Baccus, Elaine Reed & Mayor Hines voted for the motion. (Motion Passes)**

### **C) ORDINANCE 2019-18 SPECIAL PROPERTY TAX ASSESSMENT FOR REHABILITATED HISTORIC PROPERTIES**

Mr. Garland said recently we were approached by the City of Hartsville to work and look at something called “The Bailey Bill” which is a specialty property tax assessment for rehabilitating historic properties (can be residential or commercial). Mr. Garland said we have five historic districts in Darlington that over a hundred properties are a part of. He said what they are proposing with this ordinance is if someone improves their historical commercial or historical residential the property taxes would be frozen. He said this would be a benefit for them to come into Darlington and improve their residential historic structure or their commercial historic structure. Mr. Garland said for this to work out we have to have approval from the School District, Darlington County Council, Darlington City Council, Society Hill Town Council and Lamar Town Council. Mr. Garland said everyone has to be involved so the tax breaks are equal for everyone. He said this is another incentive to beautify our historic residential and commercial buildings. Mr. Garland said we are also working on a partnership with Historic Preservation Agency to come in and look at some of these historical buildings and

hopefully adopt some of these buildings and advertise them for us nationally. Councilman John Milling said the only thing he had when he reviewed the drafts that were included from Richland County & Hartsville had sections in it that address eligible rehabilitation and eligibility requirements, eligible properties, we do not have either of those sections contained in the proposed ordinance. Mr. Garland said we already have eligible structures in historic districts. He said I don't think Hartsville have the same historic district structure that we have, while they have the centennial downtown historic district, the Hartsville historic districts are local in nature. Mr. Garland said we already have those properties listed individually. Councilman Milling asked if such a designation is contained within our ordinance and Mr. Garland said, "Yes, it is". Councilman Milling asked if we have something that describes the same as what's done in Richland County and Hartsville about the eligible rehabilitation"? Mr. Garland said eventually this would have to go through the Historic Landmarks Commission for their approval, but as far as tax credits are concerned, I think that has to be approved at the local, State and then the federal level. Councilman Milling said Section 23-63 of the Richland County just says, "Standards for Rehabilitation" and there's a similar section in Hartsville and he didn't see those sections, so he is asking the question now to see if there is anything further, we need to do as we are looking". He said we can make adjustments if necessary, before a second reading, but he wanted to bring it to is attention so he can double check it to be sure we don't miss something. Mr. Garland said it is a rather complicated ordinance. Mr. Garland said he feels this is an important step towards rehabbing these residential and commercial properties. Mayor Hines asked Mr. Garland how many commercial properties do we have? Mr. Garland said we have two commercial historic districts 1) East Broad Historic District which includes approximately 10 properties and the Historic District on parts of the Public Square which includes the south side, west side and properties on Exchange & Ward Street for a total of approximately 30 properties; the rest are residential properties. **Councilman John Milling made a motion to approve Ordinance 2019-18 Special Property Tax Assessment for Rehabilitated Historic Properties. Councilwoman Carolyn Bruce seconded the motion. All approved the motion.**

**D) ORDINANCE 2019-19 FIRE DEPARTMENT COST RECOVERY  
ORDINANCE – FIRE CHIEF PAT CAVANAUGH**

Fire Chief Pat Cavanaugh told Council the ordinance they have before them is the finished product and the City Attorney Mr. Kevin Etheridge has

worked very hard with them to come up with good wording. Chief Cavanaugh said as he explained before this is something that's not going to make a lot of money, but it will be in place in case we have a tanker overturn or a spill and use a lot of our equipment and materials. This will be a way to recoup some of the cost back from the insurance company, so we don't exhaust all of our resources and drain our budget. **Councilman Bryant Gardner made a motion to approve Ordinance 2019-19 Fire Department Recovery Cost Ordinance. Councilwoman Elaine Reed seconded the motion. All approved the motion.**

**E) ORDINANCE 2019-20 FALSE ALARM ORDINANCE AND PREVENTION – POLICE CHIEF KELVIN WASHINGTON**

Police Chief Kelvin Washington said a few weeks ago they had a particular business in town that within a seven-day period they had nine false alarms for fire. Chief Washington said each time they received that phone call they dispatched fire personnel as well as law enforcement personnel. He said on one particular call there was an actual fire at another location while they were responding to the false alarm. Chief Washington said he spoke with Assistant Chief Davis, Fire Chief Cavanaugh and the City Manager about this. He said there is nothing in place here in the City of Darlington to help people to remember that they need to get those false alarms repaired quickly. Chief Washington said they want to put an ordinance in place that after the third and subsequent false alarm within a thirty-day period they will be assessed a fee for it. Chief Washington said those are valuable resources that the City is having to put into use to respond to these calls. He said a lot of times all the business owner or resident owner has to do is call the alarm company and get them to come out and repair. Chief Washington said they will work with people if they can show them that they have called the alarm company or made some attempt to get the alarm company out there. He said this particular business in town the other week, nine calls in a seven-day period is a bit ridiculous. Each time they are sending a fire truck out there, our on-duty personnel as well as our volunteer firemen and our police personnel is responding. Councilman Milling asked if we need to have a provision in the ordinance in it for collection? He said he notice there's a dollar amount if they fail to do it but we don't have any way to enforce it; there's no criminal penalty 30 days or \$200 is just a fine, I didn't know if we need something where if it was unpaid within a certain period of time that it needed to be added to the city tax bill or some way of "putting some teeth" into it. Chief Washington told Councilman Milling that he agrees with him and he can speak with Mr. Garland and City Attorney Etheridge and they

can do something and maybe bring it back to the next council meeting. Mayor Hines asked, “What do you think about charging after the third time”? Fire Chief Cavanaugh said, “The biggest thing about the fire side, we don’t have to worry about that”. He said, for instance, if it’s the hospital and they fail to get their alarm fixed, he notifies the Fire Marshall and they close them down. Fire Chief Cavanaugh said with an ordinance in place, that would help them a lot. Mr. Garland said we can take away their business license if we have to. Councilman Milling said, “That takes care of the businesses, but will this apply for residences as well.? Fire Chief Cavanaugh said they don’t have a lot of problems with the residents. He said you may have an older person that has a problem with their alarm, but that’s not what they are concerned about because they will go out and help them. He said their biggest problem is businesses and not being able to contact a keyholder or have a keyholder present. Chief Washington said there are times that police personnel respond and the keyholder doesn’t come out and they can’t get into the building to determine if a burglary is or has taken place. He said the only thing they can do is an exterior check to make sure that the exterior is in place. Chief Washington said if we assess some fines and fees this will end some of the false alarms. Chief Washington said he can meet with Mr. Garland and Attorney Etheridge within the next week or two and they will put something in place and bring it back to Council next month. Councilwoman Reed asked if Council needs to vote on this now or wait until he comes back. Chief Washington said he recommends just tabling it until the next meeting and then they will have all of the language correct. He said at this point, receive as information only.

**F) FIRST READING ORDINANCE 2019-21 REZONING 245**  
**COLUMBIAN STREET – MRS. LISA ROCK**

Mrs. Rock said the property they are discussing is at the corner of Columbian & East Broad Street and there was a tobacco warehouse that was torn down and the property cleared. She said the new owner would like the property to be rezone Office Residential - OR, it’s currently zoned General Commercial - GC. She said everything else on Columbian Street is zoned OR with the exception of the Feed & Seed which is zoned Core Commercial – CC. Mrs. Rock said on the right-hand side of E. Board Street from S. Main Street is all zoned GC and once you get past this piece of property, it’s all zoned High-Density Residential – R-6. She said the property owner wants to put triplex or quadplex rental units on the property. He has not submitted any plans, but he did send a picture of what he’s thinking about putting there. Mrs. Rock said, “Next to the property if you are on E. Broad

Street the property is on your left. The next property is apartments and then if you go down two or three houses there's a duplex, so it's not uncommon for this neighborhood". She said the Planning Commission recommended changing the parcel to R-6 which is stricter than OR. She said 3 members of the Board were present and the only neighbor who attended the public hearing they had about this issue simply said they wanted it to remain residential. Mrs. Rock said currently it is not residential at all, it's GC in which you could put most businesses there. Mrs. Rock said either designation would accomplish the concern of the neighbor. She said the property owner could not be at the meeting tonight, but they will be here for second reading. Mrs. Rock said the owner implores that Council disregards what the Planning Commission said and go with Office Residential - OR which they Commission didn't give a clear reason on why not. Mrs. Rock said any kind of plans that this person would come up with has to go through Codes Enforcement and if there's any issue with parking or other issues, Mr. Gainey would stop them before they start digging. Councilman Gardner said, "We have a lack of rental properties in our community and I'm in favor of this". Councilwoman Baccus said, "regardless of whether it's deemed R-6 or OC it still can be rental property, right"? Councilman Gardner and Lisa Rock both said, "Yes". Councilwoman Baccus said, "So it doesn't matter, so the Planning Board is recommending R-6"? Mrs. Rock said the Planning Commission is recommending the more restrictive designation. Councilwoman Reed said, "Was there any reason for that"? "Did they indicate.....Mrs. Rock said the best reason I could gather from the discussion was they had some concern about parking, but the only neighbor that came up was really just concerned that it was residential. Mrs. Rock said obviously the rest of our zoning ordinance and Codes Enforcement when they do their site plan review would stop them from building if there's not enough space for parking. Councilwoman Reed asked. "If we went with the Planning Commission it still gets him what he wants, what's the problem"? Mrs. Rock said he won't be able to (based on the setbacks and maximum impervious square footage) get that fourth unit in. Councilman Gardner said, "So he can't build what he wants to build". Mrs. Rock said, "Without an actual plan, she can't tell if he could build this on that property, but he has no way of building this if it's R-6". Mrs. Rock said the owner has said if Council is going to go with the Planning Commission recommendation, they further withdraw their request to change the zoning. Councilman Segars said we have a Planning Commission in place, and I think we need to go with their recommendation. Councilman Gardner said at some point we've got to worry about the rental property issues in our community.

Councilwoman Bruce said, Did Mr. Evans say when he would have a blueprint”? Mrs. Rock said he doesn’t have any type of site plan because you can’t have one drawn until the zoning designation is determined. Councilwoman Bruce said, “So the problem is now he’s not able to do the fourth unit”? Mrs. Rock said the way it’s zoned now, he can’t do a duplex; he can’t do anything with it now”. Mrs. Rock said right now it’s commercial and he can build a single-family home and that’s it in terms of residential. He wants to do something more in the duplex, triplex or quadplex or whatever he can figure out to fix with his engineer/architect. Councilwoman Bruce said, “And the Planning Commission couldn’t give you a reason”? Mrs. Rock said the best they came up with was parking and I didn’t really see that as an issue given that our zoning ordinance addresses parking. Councilwoman Reed said, “But as R-6 he just can’t do all of what he wants; he can still build whatever he wants to build except for the quantity”. Mrs. Rock said if Council is not going to give the R-6 designation, then he doesn’t want to. Mrs. Rock said, “And of course there’s a precedent Council has overlooked Planning Commission recommendations on several occasions most notably in this kind of situation-South of Pearl. The Planning Commission recommended a completely different zoning designation than was originally stated. It ended up being approved as GC to allow that business to open. Councilman Gardner said, “If you look at the blocks, you’ve got R-6 as a huge jump and directly beside it you have another jump that’s OR and he’s literally asking for that line to extend one property down and he will be in that same rectangle”. Mrs. Rock said, “If you look at Columbian Street everything on that street even the houses are Office Residential-OR”. Councilman Gardner said, “So why would we make this one different if he’s wanting to change to that, Mr. Segars”? Councilman Segars said, “I’m just going on the recommendation of the Planning Commission plus if you’re recall from previous meeting the improvements, he made on that street were not to our ordinance. Consequently, if you’ll recall now, DOT has given us Columbian Street to maintain because it was not, the setback was in place”. Councilman Gardner said, “You are correct on that but that would be a problem with our building inspector not doing his job, but this doesn’t negate that we need new rental properties in the entire block as Office Residential – OR. Mrs. Rock said, it may be perceived that this is punishing him for something that the past building inspector didn’t do or allowed him to do that shouldn’t have been allowed. Mayor Hines asked if Mr. Evans was asking for this property to be zoned OR and Mrs. Rock said, “Yes”. Councilman Gardner said, “And he’s a developer. He’s a developer that’s been building throughout our

community, but not in the City. He said the only two times he's been to the City it looks like at this time we don't approved what he's interested in Office Residential and the rest of the block is. Councilman Gardner said, "This will be another time when we say we don't want you to invest and build properties within our City". He said, "I don't think that's the route we want to go with investors who are interested in investing in our City". Councilwoman Reed said, "It's not the route, but it's like we ignore our Planning, our department their recommendations and things of that sort". Councilwoman Reed said, "I am for all of this and I'm for everybody building but he has built there on Columbian". Councilwoman Reed said, "seems like the Planning Commission would have all this information as well. What is their apprehension and just like you're laying it out to us...Mrs. Rock said she laid it out the exact same way to Planning Commission. Councilwoman Reed said she wish someone from the Planning Commission was at the meeting and they could ask them the reason for their opposition to the zoning change. Mrs. Rock said had the same concern that Mr. Segars had about the properties on Columbian Street. She said some people don't like how the houses on Columbian Street looks; they don't like that they're not to the specifications and I can't say that that's not part of it. Mrs. Rock said, "We can't penalize him for something that... we dropped the ball on that". She asked, "Why is he going to be penalized for that"? Mayor Hines asked Council what they want to do. Mayor Hines asked, "Mrs. Rock with this duplex, townhouse or whatever he want to build; it looks like it has four apartments, is that space large enough for that"? Mrs. Rock said, "It depends on how big it is, I don't know and without any kind of plans, I can't say yes, it is or no, it's not". Mayor Hines said, "I know it wouldn't be approved if there's no parking". Mrs. Rock said it's got to have two parking spaces per spot, per unit and if he can't with the engineer figure out how to do that on there, that's his problem, that's not our problem". Councilman Gardner said, "The economics of it is not our interest. What our interest is, do we want to make this triangle more of a rectangle and include his property in the same block as every other property behind it. Or do we want to go and make a zigzag line and make it part of the R-6. They are directly beside each other. Councilman Gardner said OR is not anything like zoning it commercial, you still can build a house or an apartment. Councilman Gardner said, "One thing I know our previous Comprehensive Plan tells us we need more rental properties". Mrs. Rock said, "Well in Office and Residential sort of serves as a buffer zone so you don't end up with GC or CC butting up right next to Residential. Mayor Hines said, "So if we change it to this OR and then he come in and want to

build that duplex or whatever and don't have enough space you can deny"? Mrs. Rock said, "Correct, Codes Enforcement can deny it and not give them a building permit if it doesn't fit". Mr. Garland asked Mayor Hines if she wanted Alex to give an opinion on that? Codes Enforcement Officer Alex Gainey said, "One thing I would say is #1, if somebody wants to build something in the City, I think I should be the first person they talk to because I'm the one that has to approve it or deny it". Mr. Gainey said, "He has not talk to me one time about anything he wants to do. He did talk to me about some property at Avenue D and Main Street. He wanted to put four houses down there and I told him, there's no way you can do it. So, then he decided to trade the property with Curtis for the Memorial Park to take the property down at the corner of Broad Street and Columbian Street. Mr. Gainey said, "But he has not come to me and ask what can I build on this property with the size that we have". Mr. Gainey said he did present to us a patio style home or a townhome. Mr. Gainey said if you look in our ordinance, the ordinance says that to build a townhouse in the City of Darlington you have to have a minimum of 50,000 square feet. If you add all the property together it doesn't have but 43,000 square feet, so he's not going to be able build it to start with. Mr. Gainey said, "If he wants to build three houses there or something, that's fine he's got enough room to do it, I think; he hasn't submitted anything to me". Mr. Gainey said, "I will say that when I took this job, and I think that's where the Planning Commission was coming from whenever they made the decision they made". Mr. Gainey said, "When I took this job, I caught a lot of grief for all the little houses that he built on Columbian Street because it was zoned OR so the stipulations were a lot broader as to what he could do". Mr. Gainey said he was also told that no plans were ever submitted until after he actually started the project, but he doesn't know that. Mr. Gainey said, "No, he can't be penalized for what happened prior because he was allowed to do it by the City or whoever. Mr. Gainey said there are way too many houses on a small piece of land, and they are not to code because being that close they are supposed to have fire walls and everything else. Mr. Gainey said, "Keith's statement to me has been in the past, if I can't build four, I don't want to build anything". He said that's the wrong mentality to have; nevertheless, I think he should be coming to my department first instead of trying to go around my office and get everything done because I'm the one's that's got to approve everything. Mrs. Rock said, "I don't think that was the intent and based on how you're describing it he could see this as the City or you as a fellow builder taking some sort of negative impact on him and I know that's not the case". Councilman Gardner said, "I think we're making assumptions and we need

to come to reality”. Mrs. Rock said, “But we’re talking about reality is, if anybody came up here and said I want to make this Office and Residential, why wouldn’t you”? “That doesn’t make any sense not to”. Councilwoman Reed & Bruce both said, “Based on the Planning Commission that is the recommendation”. Mrs. Rock said, “But again, think about what this looks like from a third-party view”. She said if Keith had his name on that zoning sheet and he didn’t have any plans submitted, then you are judging it based on who he is. Councilwoman Bruce said, “No, no, no, I’m judging it based on the information the City Inspector just gave us. Councilwoman Bruce said, “Even if we change the zoning from that, it’s still not feasible”. Mrs. Rock said, “Which is fine”. Mayor Hines hit the gavel and said let’s go ahead and call a vote so we can go on because it’s gone a little too far. Councilmembers agreed that this needed to be tabled until they get more information. Mrs. Rock asked, “What information would you like”? Councilwoman Reed said, “From the Planning Commission”. Councilwoman Bruce said, “I think he should go speak with Alex and then Alex can come back and present to us what he wants to do, and he can bring that information back to us and we’ve got accurate information”. Councilwoman Bruce said, we’re just getting into this whole thing here and we don’t want to make it look like he’s being targeted, as you say”. Mrs. Rock said, “I don’t see how he would be either but when you look at that map that little corner looks weird. If you were to be redrawing this and not know anything of what was there, would you not think that this would be OR”. Councilwoman Bruce said, “If you have that conversation with Alex and he can get that information back to us and then I think we can make some intelligent decisions”. Councilwoman Reed said, “The department that we have that is a City Board and we got them to function and we should consider that”. Councilwoman Reed said, “I would like to hear why they put those restrictions”. Councilwoman Reed said, “I want to see why in your presentation you think that they made a bad decision, that’s the way I’m getting it from you”. Mrs. Rock said, “I really didn’t understand why they chose R-6 over OR other than they mentioned parking and the little houses next to it and if anybody else came to say this should be OR, I don’t see how we would deny them”. Councilwoman Reed said, “But rather than assume what they meant, let’s hear what it is. Let’s see why they did that along with the information we’re going to get from Alex”. Councilman Gardner said, “To be clear, the information we’re getting from Alex is Alex is going to contact Evans Construction”. Mayor Hines said, “No, we didn’t say that”. Mr. Gainey said. “I’ll tell you right now it’s not going to do any good for me to contact him because he’s not going to answer the phone and he won’t

return my phone calls”. Mrs. Rock said, “What can Mr. Evans submit to Alex if they don’t know what the zoning is”? Councilman Gardner asked, “We want to have some back and forth between some entity and possibly Alex as our Building Inspector and we want to find out what he’s trying to build to fit on the property as far as our codes enforcement goes, is that the question”? Councilman Gardner said he’s trying to figure out what additional information we’re tabling this for. Mrs. Rock said, “What is the extra information that we need for Council’s purposes”? (Mayor, some of the Councilmembers and Lisa continued back and forth discussion concerning this issue). Mayor Hines said we need to table this because we’re not getting anywhere with it. She said we need to table it or vote it up or down. **Councilman Bryant Gardner made a motion to table this discussion to a future date. Councilwoman Elaine Reed seconded the motion. All voted in favor of the motion.**

**G) BOARDS/COMMISSION APPOINTMENTS – MRS. LISA ROCK**

Mrs. Rock said the Williamson Park Committee has a couple of people that will be rotating off and they have nominated Mr. Jay Ervin who would like to serve. **Councilman John Milling made a motion to appoint John M. Ervin, III also known as “Jay Ervin” to serve on the Williamson Park Committee. Councilman Bryant Gardner seconded the motion. All approved the motion.**

**COUNCIL COMMENTS**

None

**REMINDERS**

Race Week is coming up & Mayo Alumni is coming up  
September 3, 2019 at 6:30 PM - Regular Monthly Meeting Darlington City Council

**ADJOURNMENT**

*Upon motion of Councilwoman Sheila Baccus, seconded by Councilwoman Carolyn Bruce, the meeting adjourned at 7:49 PM.*

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Mayor

ATTEST:

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Clerk & Treasurer