

CITY OF DARLINGTON
PUBLIC HEARING – TUESDAY FEBRUARY 7, 2017 AT 6:00 PM
REGULAR CITY COUNCIL MEETING – 7:00 PM
TUESDAY – FEBRUARY 7, 2017

PRESENT AT MEETING:

Mayor Gloria Hines, City Manager, Mr. Howard Garland and Councilpersons: John Segars, Carolyn Bruce, Bryant Gardner, Ms. Elaine Reed, Coleman Cannon and John Milling. Also, present: Mrs. Lisa Rock, City Attorney Kevin Etheridge, Mr. Freddie Kinsaul, Mr. Alex Gainey, Mrs. Henrietta P. Nelson, Police Chief Danny Watson, Jannie Lathan and several other guests.

Mayor Hines said the purpose of the Public Hearing was to get public comment and council comment about the Economic Development Incentive Program. Mrs. Rock said no one from the public signed up to speak. Mrs. Rock told Council her power point presentation she had for tonight was the same one they had already seen, but she didn't know how many people from the public would be here. She went over the discounts for building permit fees, business licenses, hospitality taxes, and accommodations taxes as well as the eligibility requirements. Mrs. Rock went over all the information she previously told council about. Mrs. Rock said each packet would be presented to council individually and passed by an ordinance. She said they have already started sending drafts of the ordinance to Economic Development, Florence-Darlington TECH's Incubator and some of the businesses and industry to make sure they are aware we are trying to support them. Mrs. Rock said the Facade Improvement Grant is in the ordinance, but this is a line item in the budget so this would have to be funded each year. Councilman Milling said since this is up to the discretion of council, they would be required to treat everybody the same, therefore they can't give an incentive to one and turn around and deny another. Mrs. Rock said, "Correct". She said it's more in the terms of what a person needs. She said one company may not create 50 jobs, but they are investing millions in capital so they will translate that into a jobs number so they will qualify under those parameters. Mayor Hines wanted to know where we would get our half of the grant money. Mrs. Rock said for the Facade Grant we would have to set funds aside in our budget on the general fund side. Mrs. Rock said the DDRA has their own Facade & Sign Improvement Grant and its 50/50 grant match up to \$1,000. She said the DDRA decides who gets their

funding. She said this is a separate City grant, so an individual can apply for the city grant incentives and for the DDRA funds. Mayor Hines asked Mrs. Rock if she sent the ordinance to the City Attorney to check for any loopholes. She said she sent it to him and City Attorney Kevin Etheridge said he read it today and it looks fine. Mr. Garland said he thinks it's important that council vote on these because some municipalities have the administrator/city manager to do it, but he feels this is too much authority for one person to have. There were no other council comments and no one from the public wanted to speak. **Councilman Bryant Gardner made a motion to adjourn the public hearing at 6:20 PM. Councilwoman Elaine Reed seconded the motion. All approved the motion.**

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In addition to those present at the Public Hearing was Sheriff Tony Chavis, some members of the Planning Commission, Mr. Mike Cavanaugh, Ms. Maureen Valazak, Mr. Norman Steadman, Ms. Rhonda D. Brown, Ms. Toyinda Smith, Mrs. Rosena James, Fire Chief Pat Cavanaugh, Ms. Joan Alston, Mrs. Dyan Cohen, and other visitors.

NEWS REPORTERS

Also present were News Reporters from the News & Press and the Morning News.

PRAYER

Councilman Coleman Cannon did the invocation which was followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

Upon motion of Councilman John Segars, seconded by Councilwoman Elaine Reed, to approve the minutes of the regular City Council meeting on Tuesday, January 3, 2017, which unanimously carried.

APPROVAL OF MEETING AGENDA

Upon motion of Councilman Coleman Cannon, seconded by Councilwoman Elaine Reed, to approve the City Council Meeting Agenda, which unanimously carried.

REPORT OF STANDING COMMITTEES

A) DARLINGTON DOWNTOWN REVITALIZATION ASSOCIATION – MRS. LISA ROCK

Mrs. Rock said the DDRA's Annual Golf Tournament will be Wednesday, April 5th. The "Taste of Darlington" will be Thursday, April 13th from 7:00 PM – 9:00 PM. The tickets for the "Taste" are \$30 in advance and \$35 at the gate. Mrs. Rock said they will continue the free concert series with the first on Friday, March 17th with Morgan's Road Band. Other dates for concerts are; Saturday, April 29th with Radio Vibe; Friday, May 12th with The Freeway Revival; Friday, June 9th with Bout Time Band; Friday, July 21st with Southern Pride – Tentative; and Friday, September 1st with the Recollections Band. She said the Build-up Darlington website has launched (Buildupdarlington.org). She said in addition to the website there's an E-News Notification system that's built into it, so those that sign up will get an email or text message as they update items.

B) GREATER DARLINGTON CHAMBER OF COMMERCE –MR. NORMAN STEADMAN

Mr. Steadman said the Chamber welcomed several new members in January, 2017. He said the Chamber Annual Awards Banquet & Celebration is this Thursday, February 9, 2017 from 6:30 to 9:00 PM. Mr. Steadman said they are getting things together for Freedom Fest on July 1, 2017. He said if anyone is interested in serving on the committee, give him a call.

CITIZENS WISHING TO SPEAK BEFORE COUNCIL

A) **Ms. Joan Alston**. Ms. Alston thanked Mayor and Council for working hard for Darlington. She also thanked Mayor and Council for approving funds to beautify the several entrances into Darlington.

UNFINISHED BUSINESS

A) Leadership Strategy Consulting – Ms. Toyinda L. Smith

Ms. Smith said she was back to check in with Council to see if they had a chance to discuss doing the workshop and if they are willing to give it a try. She asked if she needed to do a recap of the workshop. Mayor Hines said she was fine with it and asked other Council members their feelings. She asked Council members if they wanted a recap and then she called for a motion. Councilman Gardner wanted to know what the motion would be for. Mayor Hines said for Ms. Smith to do the Leadership Conference.

Councilman Gardner asked the cost of the conference and Ms. Smith said \$2,200 which includes a 4-hour interactive workshop with a personality typing assessment as well as a follow-up book and an additional 90 minutes. He said his personal opinion is that Council goes on a Council retreat because he's been asking for that for a number of months. Councilman Gardner said he'd much rather invest this money in renting Moree's Cabin and spend two days there so as a council they can figure out what their goals are. He said he values this course because he's a Sociology major and he really believes in psychology. Councilman Gardner said he would won't Council to use the course and get value from it, but he would much rather Council come together as a group beforehand and get an idea of what they all want and start working together and build a team atmosphere. He said at that point, the course would be very valuable; but to do it beforehand would be a \$2,200 waste. Councilwoman Bruce said the presentation Ms. Smith gave in December will do what Councilman Gardner is talking about as far as team building, etc. She said it's an excellent thing for Council to do. Councilman Gardner said he agrees with Councilwoman Bruce and if they are going to do this all one weekend he's fine, but if we're going to spend four hours together as a Council, he asks that they spend an additional four hours talking about the goals that they all have as a Council and moving forward with this City and what they want to do. He said he still doesn't have a true idea what the City wants to get done. Ms. Smith said she can help with all of this. Councilwoman Elaine Reed said it is obvious and has been expressed that we need to be together in something and Ms. Smith has been the one that has offered and will incorporate all of the things that have been expressed by Council and she's on board to do it. Councilwoman Bruce said Ms. Smith talked about doing a follow-up too and Ms. Smith said she will be coming back to check on Council's progress. Councilman Milling asked where would we pay for such a project as this? Mr. Garland said if it's something we don't have budgeted, it would have to go under 801-279 which is a catch-all budgeted line item. Councilman Milling asked where do we get beautification money from and Mr. Garland said we have a line item for beautification projects. He said he is wondering where we've got the money since we don't have this budgeted. Mr. Garland said the 801-279 line item could go up to \$70,000 or \$80,000. Councilman Milling asked how much do we have in this line item now? Mr. Garland said we've probably spent \$25,000 out of it. Councilman Segars said this is something we need to discuss further as a Council and possibly look at it in the next budget year. Councilman Gardner said he want them to get together for a retreat and if he has to do this and pay \$2,200 to get them together for a

weekend, then that's the best \$2,200 we can ever spend. Mr. Garland suggested that we do a Friday evening and a Saturday morning and work until midday Saturday. He said to have Ms. Smith come in on Friday evening and then Council members can meet Saturday morning. Mr. Garland said Council needs to interact outside of the Council setting. He said he endorses the concept of a split meeting. **Councilwoman Bruce made a motion to accept the leadership consultant, Ms. Toyinda Smith, to do training for Council. The motion was seconded by Councilman Cannon. All voted for the motion except Councilmen Millings and Segars.** (Motion Passed) **Councilman Milling made a motion that Council come back on Saturday morning and work at least until 1:00 PM and then have a work session. Councilwoman Elaine Reed seconded the motion.** Councilman Gardner asked if they can do this until 5:00 PM and have a nice relaxed lunch. Councilman Milling said he doesn't think that the Saturday they follow-up with Ms. Smith should be their one meeting, but should have other meetings throughout the year. **All approved the motion.**

B) SECOND READING ON ORDINANCE 2017-01 ECONOMIC DEVELOPMENT INCENTIVES

Upon motion of Councilwoman Elaine Reed, seconded by Council Bryant Gardner, Second Reading on Ordinance 2017-01 (Economic Development Incentives), which unanimously carried.

C) SECOND READING ON ORDINANCE 2017-02 PROCUREMENT POLICY UPDATE

Upon motion of Councilwoman Elaine Reed, seconded by Councilwoman Bruce, Second Reading on Ordinance 2017-02 (Procurement Policy Update, which unanimously carried.

D) SECOND READING ON ORDINANCE 2017-03 (MONTHLY COUNCIL MEETING TIME CHANGE FROM 7:00 pm TO 6:30 PM

Upon motion of Councilman Cannon, seconded by Councilwoman Elaine Reed, Second Reading on Ordinance 2017-03 (Monthly Council Time Change From 7:00 PM to 6:30 PM, which unanimously carried.

NEW BUSINESS

U PASS IT ON – PASTOR WILLIAM STEPHENS

Pastor Stephens appeared before Council to introduce their new training facility, U Pass It On, which was established to try and help our youth and

anyone that does not have basic skills training. He asked council if they would give him an opportunity to come back and discuss the program in more detail. He also asked for their support in what they are doing. Mayor Hines told Pastor Stephens that he has the Council's blessing.

FIRST READING ON ORDINANCE 2017-04 – MAYOR/COUNCIL FILING FEE CHANGE

Mr. Garland said the current filing fee for Council is \$35.00 and the filing fee for Mayor is \$100.00. The new filing fee will 1% of the four-year salary for Mayor & Council. With the new increase, the filing fee will be \$200.00 for Council and \$340 for Mayor. Mr. Garland said last year in the budget work session, we looked at increasing Council salaries each year when we give the employees raises. **Upon motion of Councilman Milling, seconded by Councilman Segars, First Reading on Ordinance 2017-04 (Mayor/Council Filing Fee Change), which unanimously carried.**

FIRST READING ON ORDINANCE 2017-05 MILEAGE REIMBURSEMENT CHANGE FROM .36 CENTS PER MILE TO 53.5 CENTS PER MILE

Upon motion of Councilman Segars, seconded by Councilman Gardner to change mileage rate from .36 cents per mile to 53.5 cents per mile, which unanimously carried.

SUNRISE ACRES COMMUNITY POSSIBLE ANNEXATION – MS. JUDY ALEXANDER

Ms. Judy Alexander said she's representing Sunrise Acres Community which is located on the S.E. side of Darlington off of 52 By-Pass off of Cross Street. She said they are requesting annexation into the City of Darlington and also requesting information on what is required to be annexed into the City. She told Council she hopes they will consider their request. Mayor Hines asked Ms. Alexander if they want to do this as a group or individually? She said as a group. Mayor Hines said we will receive this as information. Mr. Garland said this group has been in touch with us for over 1 ½ years. He said several people expressed interest years ago about annexation, so they covered the advantages of being in the City. Mrs. Rock told Council she included in their packets information on the 3 different methods of annexation. She said she thinks Ms. Alexander and the neighborhood is requesting the 75% method by petition. Mrs. Rock told Ms. Alexander when they are ready to go door-to-door to get signatures to annex, she will give them a copy of the petition, sign and dated. Ms. Alexander

will then get 75% of the property owners to sign the petition within a certain limit (State Law says 6 months from the time we give them the petition). We would follow all procedures for notification and public hearings. Mrs. Rock said we would have to work out a billing system for trash pickup for those on County water. Mr. Garland said the nearest sewer line is at B&B and Family Dollar, but the cost for that is approximately \$600,000. Mrs. Rock said the sewer line does not run to every street in this neighborhood (only Marshall & Johnson Streets). Mr. Garland said we don't have the money right now to do this, but he would like to get an EDA grant to have sewer on this side of the By-Pass behind the lumber mill and try to combine the EDA opportunity with a chance to get residential sewer in the neighborhood. Councilman Gardner asked Ms. Alexander if she would be fine with the annexation if the sewer is done later and she said, "yes".

MITIGATION COST RECOVERY – CHIEF PAT CAVANAUGH

Chief Cavanaugh said a lot of the fire departments in the County and surrounding areas are going to mitigation cost recovery. He said they are the only department in the area not using a cost recovery system. Chief Cavanaugh said after looking around and doing research, he found a company. Mr. Dennis Pitts & Mr. Nick Pearce were at the meeting to explain the recovery program. Mr. Pitts said what they try to do is find a way to be able to recover the cost of what the fire departments do. He said his company provides technology (on an iPad) that allows firefighters to collect information when they go to vehicle accidents. He said they collect information about the person that caused the accident. Mr. Pitts said the fire department would collect the formation and scan it and also take pictures at the accident and they use this information to file an insurance claim against the driver who created the accident. Mr. Pitts told Council a sample ordinance is included in their packets. He said this money goes back to the Fire Department for training and equipment. He said they are asking Council to pass an ordinance in which S.C. Laws permit to allow them to act on behalf of the Fire Department to collect this money from insurance companies. Mr. Pitts said this is the at-fault drivers auto insurance only. He said they never go after a person. Mr. Pitts said there is a minimum amount of insurance everyone has to carry. He said for the longest time that insurance has never been used, so they are using it for the fire departments. He said everyone in South Carolina that has auto insurance is paying premiums for emergency services, but the problem is, insurance companies just keep the money because fire departments have not been filing the claims. Mr. Pitts said their claims people working with them are former

insurance people that have retired and their mission is to give back. He said there's no cost impact to the community. He said all we would be doing is recovering cost. Chief Cavanaugh said things they are buying now has to be paid for out of his budget, but if we had cost mitigation, we would get some of this money back. Councilman Milling wanted to know if someone's house catches on fire, who would pay? Mr. Pitts said if they don't have homeowner's insurance they wouldn't bill for it. He said what if homeowner's insurance is written so that they pay for the structure, but there's no language within the policy to cover incidentals. Mr. Pitts said the fire department is listed on every single homeowner's policy. Mr. Hayes said usually \$500 is the maximum that is included in the policy, but it's up to Council if they want to collect for structure fires. Councilman Milling said he asked because Section 3 of the proposed ordinance says the owner or the occupant shall pay the cost of such service. Mr. Hayes said if Council wishes, they can exclude home fires from the ordinance. Councilman Gardner said Council can write the ordinance however they choose. Mayor Hines said Council will discuss this later and get back with Mr. Pitts and Mr. Hayes.

MR. STEPHEN GIBSON – GRAND JURY FOR COMMON LAW

Mr. Stephen Gibson appeared before Council to announce the intention of making public assemblies notoriously offered for the intent and purpose of creating common law juries for the counties and for the State of S.C. Mr. Gibson said the authority to do so is twofold-the Magna Carta from 1215, but the more recently Justice Antonin Scalia said the right of the people to the common law of grand juries is without dispute. He said they are functioned or supervised by the other three branches of the government. They are truly the fourth (4th) branch of government. Mr. Gibson said 31 states have functioning grand juries at the County level, but they have to get to 38 before they can convene a national grand jury. Councilwoman Reed asked Mr. Gibson about the organization. He said the City of Darlington and all the counties in S. C. will be given an opportunity to form a public assembly at which time they will be given information and education as to how the common law of grand juries will function in their county. Councilwoman Reed asked if this is a grand jury that's separate from our grand jury and he said, "Yes, this is separate and a true fourth branch of government not responsible or supervised by the other three. Mayor Hines said, "We have law enforcement, so what would that be"? Mr. Gibson said that would be a question beyond his scope, he is only a messenger. Councilman Cannon asked what would happen if the County chooses not to

form the common law. Mr. Gibson said then nothing would change. Councilman Cannon asked, “What’s the purpose of the common law and who would it serve”? Mr. Gibson said the purpose is to the Common Law of Grand Jury and it would serve “we the people”. Councilman Gardner asked who would enforce it and Mr. Gibson said the Common Law of Grand Juries is empowered to deputize marshals and they have approximately 35,000 to enforce the judgements of the common law of grand juries that are currently functional. Mayor Hines said we will receive this as information.

MUTUAL AID AGREEMENT

Mr. Garland said we have had mutual aid agreements with the previous sheriffs so since we now have a new Sheriff, we need to establish a mutual aid agreement with Sheriff Chavis. Chief Watson said we’re already partners, we just want to have it in writing. Sheriff Chavis said the agreement just basically says we give out Police force permission to go into the County and assist them when needed. **Upon motion of Councilman Gardner, seconded by Councilman Segars, to establish a Mutual Aid Agreement with Sheriff Tony Chavis and the Darlington County Sheriff’s Department, which unanimously carried.**

BOARDS AND COMMISSIONS

Councilwoman Bruce nominated Mrs. Audrey Gore to serve on the Design Review Board. Councilwoman Bruce said she has spoken with Mrs. Gore and she is willing to serve on the board. Councilwoman Elaine Reed nominated Ms. Christy Williamson to serve on the Design Review Board. **Upon motion of Councilwoman Reed, seconded by Councilwoman Bruce to accept nominations of Mrs. Audrey Gore and Ms. Christy Williamson to the Design Review Board, which unanimously carried.**

MR. JIMMY WHITE – BEAUTIFICATION PROJECTS

Mr. White gave a PowerPoint presentation to show different entrance areas that need to be enhanced. He pointed out the entrance at the Verizon corner, the flag poles at Auddie Brown, the entrance at Washington Street entrance, S. Main Street, & the Bi-Lo – Pate School entrance. Mr. White showed pictures of what the areas look like now versus the proposed enhancements he would like to do. He said they would like to do a similar design to bring everything together. He said in the median at Sav-Way he wants to remove the dead bushes and fill in to create a solid triangle. He said volunteers can’t keep that area up at the Mitchell-Josey Funeral Home entrance. Mr. White urged Council to go out and take a look at the areas. He asked Council to

buy into this and go back to what the City had done for years (contracting to have someone come in and keep up the areas). He said initial bids should include installation of new weed barriers. Mr. White said they are asking that Council approve the concept and let them go forward with bidding the different plans/phases out. Mayor Hines thanked the Beautification Board for a job well done.

ADJOURNMENT

Upon motion of Councilman Bryant Gardner, seconded by Councilwoman Carolyn Bruce, the meeting adjourned at 8:46 PM.

Mayor

ATTEST:

Clerk & Treasurer