

**CITY OF DARLINGTON
REGULAR CITY COUNCIL MEETING
JANUARY 2, 2018 – 6:30 PM**

PRESENT AT MEETING:

Mayor Gloria Hines, City Manager, Mr. Howard Garland and Councilpersons: Elaine Reed, John Segars, Carolyn Bruce, Bryant Gardner, and newly elected Councilwoman Sheila Baccus. Also, present: Mrs. Lisa Rock, City Attorney Kevin Etheridge, Police Chief Danny Watson, Mr. Alex Gainey, Mr. Kinsaul, Fire Chief Pat Cavanaugh, Mr. Lee Andrews, Mr. Jimmy Davis, Mr. Roger & Mrs. Audrey Gore, Ms. Jannie Lathan, Ms. Harriett Hobbs, Mrs. Betty Jackson, Mr. Linwood Epps, Mrs. Joyce Thomas, Judge Chevron Scott, Judge Marvin Lawson, Senator Gerald Malloy, Representative Robert Williams, Mr. Roosevelt Scott, Mr. Curtis Boyd, Mr. Steve Abbott, and a room full of visitors.

NEWS REPORTERS

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

INVOCATION & PLEDGE OF ALLEGIANCE

Councilwoman Carolyn Bruce did the invocation which was followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

Upon motion of Councilwoman Elaine Reed, seconded by Councilwoman Carolyn Bruce, to approve the Minutes of December 5, 2017, which unanimously carried.

SWEARING IN OF COUNCIL WARDS 1, 2, & 3 – PROBATE JUDGE MARVIN LAWSON

Judge Marvin Lawson administered the Oath of Office to Councilwoman Elaine Reed, Councilman John Segars and newly elected Councilwoman Sheila Baccus.

ELECTION OF MAYOR PRO-TEM

Councilwoman Elaine Reed made a motion to elect Councilwoman Carolyn Bruce as Mayor Pro-Tem. The motion was seconded by Councilwoman Sheila Baccus. All voted in favor of the motion.

APPROVAL OF MEETING AGENDA

Upon motion of Councilwoman Elaine Reed, seconded by Councilman Bryant Gardner, to approve the meeting agenda, which unanimously carried.

REPORT OF STANDING COMMITTEES

A) DARLINGTON DOWNTOWN REVITALIZATION ASSOCIATION – MRS. LISA ROCK

Mrs. Rock announced the DDRA's executive officers for 2018: Mr. Kerry Tharp, the President of Darlington Raceway will serve as the Board Chair; Mr. Hunter Jordan, rector at St. Matthews Church and lead at the Purple Fish Coffee Company (which will be opening later this year) will serve as Vice-Chair; and Mr. David Vaughan, former executive director of the DDRA will serve as Treasurer. Mrs. Rock said the Board of Directors approved another \$5,000 for its Improvement Incentive Program. She said the DDRA provides up to 50% of the cost of installing a new sign or making repairs to the façade of the building up to \$1,000. She said to apply, people can get the application from buildupdarlington.org, the City website, her office or from the Codes Enforcement Office here at City Hall. Mrs. Rock said they will hold a Members' Breakfast at 8:00 AM Wednesday January 31st at Takis diner. She said the monthly meetings allow for businesses to network and learn about the DDRA Program and give feedback for future projects. She said the breakfast will be provided for member businesses at no charge. Nonmembers who would like to attend the meeting are welcome for a nominal donation of \$5.00 per person. The meetings are held the last Wednesday of each month at 8:00 AM from January through October. Mrs. Rock said anyone interested in helping to organize the 2018 season of "Bringing Downtown Alive" free concerts should call her office or come to the committee's first meeting of the year which will be held at Mamma Mia's Italian Kitchen at 5:30 PM on January 11, 2018. Councilwoman Bruce asked Mrs. Rock if the information she shares with them at the Council meeting is available on the City's website? Mrs. Rock said this particular report is not. Councilwoman Bruce asked, "For those that's interested in being a part of Bringing Downtown Darlington Alive, would they just get it out by word of mouth? Mrs. Rock said it's word of mouth and it's also on the DDRA website. Mayor Hines asked if it could be put on the City's website also? Mrs. Rock said, "Certainly".

B) GREATER DARLINGTON CHAMBER OF COMMERCE –MS. HARRIETT HOBBS

Ms. Hobbs said she is pleased to announce that they have a grand total of 12 new or reestablished Chamber members within the last two months. Ms. Hobbs said they are in the process of putting in state-of-the-art computer and phone system. She said coming into 2018 they are having a marketing company redesign system their log and website. She said they want their logo to be new and progressive. Ms. Hobbs said the new website will clearly and proudly indicate that our beloved town is where want to start their businesses, to raise their families and come visit the local events. She said if anyone has any suggestions, please call the Chamber and she will be glad to entertain any suggestions. Ms. Hobbs said the Drop in Open House held on December 7th was a huge success. The Annual Banquet is scheduled to be held February 1, 2018 at the Darlington Country Club. The social begins at 6:30 PM with dinner immediately following. Ms. Hobbs said the Chamber is taking nominations for awards until the end of next week (Friday at noon).

CITIZENS WISHING TO SPEAK BEFORE COUNCIL (5 MINUTES PER PERSON)

A) MR. LINWOOD EPPS. Mr. Epps said he wanted to thank Pat Cavanaugh for his help on the tree lighting project. He said he wanted to thank Chief Watson for his service to the City of Darlington and for his community service. Mr. Epps said he wanted to bring up that the City Manager’s contract is coming up in less than 10 months and they need to start thinking about that. He told Council not to wait until the last minute to do something about it, they need to start planning. Mr. Epps thanked Council for taking an option on the land last month instead of going ahead and purchasing it. Mr. Epps noted some things that he didn’t like, but Mrs. Bruce said in her prayer and Mrs. Bruce that was a nice prayer and it sounded like you meant it from your heart. It would be so nice if all of you all did what you just prayer for, and that was for you all to stop acting like school kids on a playground. Mr. Epps said, “You’re not up there for this, stop doing that”. He said, “you all want let each other speak before you interrupt”. He said the City of Darlington is in Darlington County; go to the Darlington County Council meetings and watch how they act at Council meetings. He said they let each other speak, they don’t care what you say; you can say what you want to, you have the floor, say what you want to they don’t interrupt you. Mr. Epps, said, “You all shouldn’t be interrupting each

other. He said stop acting like kids, you're all grown, act like it. Mr. Epps said, "You need to respect each other just because you don't agree with what "John" says, don't be ugly about it. Respect him to have that right to say that. Mr. Epps said he would like to see Council come together for the betterment of our City. Councilwoman Bruce said, "Just for the purpose of clarity and for recordkeeping, I wanted to make it be known that in my prayer I said that we work together as a team, not act like-I didn't say anything about school kids.

B) ATTORNEY CHEVRON SCOTT. Mr. Scott said almost directly after the last Council meeting he got a numbers of phone calls regarding a particular issue and something that was addressed in this Council. He said prior to him forming any kind of opinion he went back on Face Book and he was able to review some of the comments in order to get some clarity on what was said. He said one of the Council members said some things that inferred that Senator Malloy was not doing what he was supposed to be doing or not living up to some of the promises that he had. Mr. Scott said Senator Malloy has been a mentor of his since he was a young attorney. He said when he has been able to work with Senator Malloy on so many different things for this particular County/City he knows those inferences that he was not doing what he promised to do was not correct. Mr. Scott said he wanted to bring this to Council's attention in regards to being sure that in this new age of social media we've got to be very careful. He said if someone has an issue with Senator Malloy in any way, then the appropriate person to talk to would be Senator Malloy; particularly if you are going to make a blanket statement the way that that statement was made. Mr. Scott said he wanted to encourage all of the Council to please be courteous and civil to one another. He said he looked at the last Council meeting and he was very disturbed. He said he was disturbed about the decorum that Council had; he was disturbed about how one of the Councilmembers was saying something and one of the other Councilmembers was throwing their hands up. Mr. Scott said he wanted to encourage the Mayor as well as all Councilmembers to work together to share their vision. He said whatever your vision is, you can agree to be disagreeable with one another and still be courteous with one another. Mr. Scott said we have a racial divide in this City now because we do not love each other as God love's us. He said we pray at every Council meeting and as soon as the prayer is over, you all go back to doing the things that you were doing before. Mr. Scott asked Council to do what's in the best (not in their district) interest of the City collectively. Mr. Scott said prior to anyone making any statements,

particularly when it comes to an elected official, you need to make sure that you have your facts straight. You need to make sure that you can specifically say what that promise was. Mr. Scott said he knows Senator Malloy has done so much for this City. Mr. Scott thanked Council for allowing him to speak. He encouraged Council to do the things for the City that will make the City a better place for all of us.

C) REPRESENTATIVE ROBERT WILLIAMS. Representative Williams wished everyone a Happy New Year. Mr. Williams said his purpose is to talk about the unity of our City. He said it's very crucial and critical to all of us to unify ourselves. He said it's time out for games and if you're in to playing games, you need to go to the Olympics. Representative Williams said, "I urge all of you, including the Mayor, for each of you to walk worthy of your calling". "Not only walk worthy, but live worthy of your calling in which you have received, and that calling is to be elected officials and to be a public servant". He said as it has already been alluded to, you have a unique task and "we" expect no less than you to be who you say you are and respect one another and to live according to that. Representative Williams said as we start out this new year it's up to Council to set tempo for the City. He said if you're going to get up here and fuss and fight, then that's what the citizens will do. He said folks are watching you when you think they are not. Representative Williams said as elected officials it's very important that when you're in public, you need to act as if you're in public because you don't know who's watching, listening. He said his issue with the City is a lack of communication. He said as far as getting him information or getting the Senator information, he's not sure if it really happening the way that it should be. He told Council if they need something, don't wait until the last minute to come and ask. Representative Williams said the Senator has been working hard for the City and he has been working hard for the City and they will continue to do so with their support or without their support. He encouraged Council to work together and said it would be an honor to see them move the City forward.

D) SENATOR GERALD MALLOY. Senator Malloy wished everyone a Happy New Year. Senator Malloy said his father and mother celebrated 60 years of marriage this year and have four children. Likewise, he has four children. He said his wife of 28 years is present tonight. His son of 26 years of age was present as well. Senator Malloy said when you work so hard and you have comments that are made that are false, that's wrong. He said all he has is his daddy's name and that's why he's here to protect it. Senator

Malloy said criticism of him is fair, get the facts right. He said, “If you say that I’m too conservative, that’s fair”. “If you say that I’m too liberal, that’s fair”. Say other comments about me, that’s fair. Senator Malloy read from a transcript what was said at the last Council meeting – ‘The Senator has promised us on several occasions that he’s going to come up with some more money to finish up the projects to this date I don’t think he has come up with one dime’. Senator Malloy said, “Mr. Garland, you should be correcting things. Millions of dollars are here. He said Ronnie Ward would correct some things with projects that have gone on. Senator Malloy said the specific project that was mentioned the Mayor sent a letter. Senator Malloy read a copy of letter that was sent thanking him for his support in getting PARD funding for the Gandy Swimming Pool and Bathhouse. Senator Malloy said, “Members of Council we’re here to work with you. I make no promises to any of you. I don’t owe you any promises, the Oath that I took is enough. He said the Oath that the Council members took tonight is enough. Senator Malloy said his promise at being Senator in this State is to uphold the duties and responsibilities of this office and he hold them in trust for the people until they turn it back over to the people whenever the voters say so. Senator Malloy said, “I don’t promise projects to people, I don’t promise funding to people”. He said they don’t have that ability; it’s not their money, it’s the taxpayer’s money. He said politics is about prioritizing and putting first things first and second things, second. Senator Malloy said one of his mentors, John Spratt told him when he first for elected, you don’t go to local government meetings unless you are invited. He said the local government is supposed to control that and they are the ones that’s supposed to handle things that are local. Senator Malloy said the question is why is he here, was he invited and he said, “yes, my name has been invoked”. Senator Malloy said he wrote a letter to Council and he is sure they will publish it later on. He said there’s been a lot of failures around here. He said they’ve lost several million dollars on several projects in this county. He said, “They have projects that have been going on for years, Mr. Garland, you don’t have enough help. Senator Malloy said they have CDBG grants that’s been here. He said when Jay Cox was here he was telling him how many grants the police have gotten since they have been in office. Senator Malloy said Councilman Gardner is trying to work on a project now and Judge Milling is working on a project for several years that they have gotten money for. Senator Malloy said public responsibility is great, words matter and whenever you’re using words in the context that are here (Senator Malloy said words made in the Senate where he serves, they have rules that prevent it. You can’t talk about another member).

Senator Malloy implored everyone to adhere to the principal to be uniters as oppose to dividers. He said there was no reason for the Senator's name to be evoked into a project over here. He said whoever did it, it's wrong. He said, "I don't get a chance to vote on your projects, all I can do is support your projects-don't use my name". Senator Malloy said, "And don't us anybody else's name. He said the votes come from the people that are here. Don't shed responsibility to other people, you have a responsibility here and you need to take that responsibility. He said, Uniters, not dividers. We've got to build bridges instead of building walls. Senator Malloy said you're over here fighting for jobs and breaking things down on racial lines; lines that's territorial and geography, those years are past. Senator Malloy said there's a method for communication with them. He said he doesn't communicate with Council's on projects, he makes no promises to you. He said your Administrator will bring your projects to me after you all have voted on them. He said once you all have decided how you want to proceed they will go and try to see what help they are able to provide. He said sometimes they do it in advance and sometimes they do it after the fact. Senator Malloy said, "We've had a good relationship Mr. Garland, you need to tell them that". He said, "When somebody mention something in here and you know it's wrong, you need to speak up, my friend". He said when the prior Mayor was here he will attest to it that we have a good working relationship. Also, the current Mayor and the Police Chief have a good working relationship with him. He said as a political person we are subject to criticism sometimes, born sinners we deserve it, that's why we repent and try to rehabilitate, but you can't be subject to things that are wrong. He said his letter was saying to them and he hopes they will publish it and there are many wrong ways to do things right; but there's no right ways to do things wrong. We can always do better, it's our responsibility and our citizens deserve it. Senator Malloy said his son is here tonight because the comments that are made are permanent. They are into eternity. Senator Malloy said his son has seen the comments, his family has seen them, his grandchildren will see them. He said the people out here if they hear comments that says there's been no help, not even help with a dime, that's what they believe and they shouldn't have to believe that. Senator Malloy said he talked with the City Attorney today and he told him today is a good day because it gives us an opportunity to move forward. He said he's their elected leader and admonish them to do this to move forward. He said during difficult times two stories can happen; one bad, one good. He said strong people, strong will can make a difference if they are willing to do the work. If you continue to do good as John's Letter says to the Galatians and

don't get tired and don't give up, you'll reap a rich harvest. Senator Malloy said, "So when we start thinking of just about us and in our area and we want to end up putting it on somebody else, then that's not right". He said our responsibility is take this as a positive and move forward. If the right thing happens the mediums that are used to make comments will be the same mediums that are used to change them. Senator said, "It's fine to end up having a conversation with him, I'm fine, I will continue. "My children are not fine, my daddy is not fine, my wife is not fine, that's why she's here". Senator Malloy said, "So what do we need?" "We need people to be of good will. We need for people to take on the Oath of their responsibility that they have pledged to end up doing". Senator Malloy said, "As far as any promises again, I want to be really clear while I'm here". "Nobody makes promises to you on my behalf, only I speak for me". If you hear it from someone else, please discount it and if there's an issue that I need to address, please call me. He said almost all of Council has called him on his cellphone frequently. He said it's open and available, you don't have to guess. He said when you have the ability to go in and get material and you have the ability set things up (He said when he walked in the door tonight Mr. Andrews said, "We just finished that project that we had done). He said, "Talk to him about projects, there's a method for doing it". Senator Malloy said, "there needs to be grant writers here. Mr. Garland, you need some grant writers to help. You need to imitate from others. Senator Malloy said they PARD grants they were talking about that they use for the pool, they don't use them in Hartsville because they have the big park that's funded off a two cents sales tax. He said other cities that are poorer, need it and that's who gets it. He said there is a prioritization that's goes on that they need to know about. Senator Malloy said he's overstayed his time and thanked for their patience and indulgence and kindness. Senator Malloy said the comments that are being made, this is a serious issue for him. He said, "Whenever you make a comment that we know, we can say it's a mistake, we can say it's an error, we can say whatever; it's just my name, it's my daddy's name, my children's name, my wife's name". He said they don't deserve that. He said these broad shoulders can take it, but they don't deserve it. Mayor Hines thanked Senator Malloy for his appearance. Mayor Hines called on Councilman Segars to make a statement. Councilman Segars said he has a prepared statement that he'd like to make, but he started not to make this statement because so much has been made about this comment earlier. Councilman Segars said he did make some comments last month at the last Council meeting about certain funding from Senator Malloy's office being not completely accurate. Councilman Segars said he

was speaking about one project which was completed years ago. He said Senator Malloy in fact helped us with Phase 2 of the project when he did come up with \$40,000 to help us renovate those bathrooms he stated about and put security cameras at the Gandy Pool after we had the pool accident down there. He said the Senator has actually helped the City in numerous ways to fund projects that we might otherwise have not been able to complete and for this we are grateful. Councilman Segars said this is a statement to attempt to undo or correct comments that he made that were not meant to be slanderous or intentional incorrect. He said he was talking about one project years ago and he apologized for those comments. Senator Malloy said, "The only thing I will take exception to is I never made any promises for any projects". He said invoking of words that we promise to end of giving for project, is not my money. Senator Malloy said, "I appreciate what you said and I meant the comments that I made that it's time for us to end up moving forward". Senator Malloy said, "The apology in your own way is good and thank you". He said the premise was is that it should have never been mentioned. He said he was not in the discussion for the South project. He said he just want it to be known that he doesn't make promises for projects because it's not his money, it's the taxpayers money. Mayor Hines thanked everyone for their remarks. She said it's much needed and unity is what we need in Darlington. She said Darlington cannot grow if they don't work together.

UNFINISHED BUSINESS

A) TYNER WAREHOUSE PROPERTY UPDATE – MR. ALEX GAINEY

Mr. Gainey said last month a citizen came to the meeting last month and got on the Mayor and on him about the Tyner Building. Mr. Gainey said he went to court with James Tyner (one of the owners) on the 13th of December and the Judge wanted him to postpone it until the 10th of January to give them the opportunity to present us with a fully executed contract with a demolition contractor to tear the building down. He said they have until 12 noon on January 10th to give us a fully executed contract, if not we will be in court at 4:00 that same afternoon to forward with the case to determine how they will proceed with it.

NEW BUSINESS

FIRST READING ON ORDINANCE 2018-01 - DIGITAL SIGN ORDINANCE -MRS. LISA ROCK

Mrs. Rock said our sign ordinance is part of the zoning ordinance for the City and it currently has one sentence “Signs shall be located no closer than 300 feet to the nearest dwelling”. They can only be located in general commercial zoning districts. Mrs. Rock said this gives no leeway for new technology and it doesn’t address a number of issues. She said over the last two or three years they have had multiple board of zoning appeals because of digital signage. She said some were passed and some were denied. Mrs. Rock said we’ve had a lot of issues come up with signage. She said some of the signs were approved and then we’ve had citizens complain about the signs. Mrs. Rock said with that one sentence being all we have in the zoning ordinance there’s not a lot we can do to address it from the staff side without further rules. She said for the last six or eight months the Planning Commission has looked at ordinances from other towns to see what they are doing. Mrs. Rock said they’ve had two professional sign companies come in that do digital signage; (one local and one from California. They brought samples and they did a lot of legwork for this). Mrs. Rock told Council the proposed ordinance they have before them was unanimously approved by the Planning Commission. She said Section 5-14 would make an annual sign permit and inspection required for all digital signage. She said what they found is sometimes when the lights go out and half of the sign is lit and half is not, this does not look very good. Mrs. Rock said this is to make sure the signs are maintained on an annual basis. Mrs. Rock continued to go over the rules for all digital signage, permanent or temporary. She said digital billboards are not allowed. Signs need to be for the business on the property where it is placed. They must be repaired, removed, replaced or turned off if more than 25% of the face is not functioning. Signs must be located at least 300 feet from the nearest dwelling; they are not allowed in a historic district; they are allowed in General Commercial, Core Commercial and Industrial zoning districts; framing on signs must be a neutral color; signs may not display inappropriate words or images; owners must be able to adjust the brightness of the signs; signs may not display video; motion is not allowed, signs must remain static for a minimum of 10 seconds; signs must conform to the City of Darlington’s light ordinance; scrolling text messages are not allowed; an automatic photocell is required and brightness may not exceed 4,500 nits. Mrs. Rock said the signs shall be dimmed automatically from sunset to 10 PM. She said displays must be cut off or turned to 0% brightness between the hours of 10 PM and 6 AM. She said most of the businesses are not open during these hours. Mrs. Rock said once the ordinance is approved by Council they would mail a copy of this ordinance to every business. She said anybody that has a digital sign will have 12

months from the date of enactment to make sure that their sign fit these regulations. Mayor Hines asked Mrs. Rock if she feels the businesses that have the digital signs already have the photocell in it. Mrs. Rock said she is not sure that they do and she's pretty sure some of them don't. Councilman Gardner said if businesses are open after 10 PM and they are going to be required to cut their signs off, then it will look like they are closed. He said that would be a worry of his. Councilman Gardner said if a business is operating he thinks it would be fine to have their sign stay on until they close and then cut the sign off. He said he can understand not having on until 2 o'clock in the morning, but if we have a restaurant or gas station or other business that's open. Mrs. Rock said there are several businesses that are open 24-hours and the Commission did consider that but they felt that this was more for the residents than for traffic flow. Councilman Gardner said, "I can understand that going forward but we have businesses investing money in these things and if they have to cut their sign off at 10 PM and they're until 12, then I think that would be something that could really hurt their business. He said this would be the only amendment he would be interested in. Mayor Hines asked about Hudson's Gas Station on Highway 52. She said Hudson's closes after 10:00 and if they have the photocell in the sign they could cut it down and not cut it off because people would think they are closed. She said the digital sign would not be the businesses' primary sign. These said these signs are generally the secondary portion of the sign that gives messages such as "2 for \$1 hotdogs". Councilman Gardner asked if they could amend the ordinance to read "when the business closes". Mrs. Rock told him that's up to Council. Councilman Gardner asked City Attorney Kevin Etheridge if we have a new law the comes into effect, businesses that already have a digital sign, can we force them to change their sign?" City Attorney Etheridge said he would have to check on this. Mayor Hines said usually in the past and something came into law they usually grandfathered it in. Mayor Hines said digital signs are very, very expensive and she thinks we need to amend the ordinance in some way so that if businesses stay open after 10 PM they can leave sign on (she said if it has the photocell, maybe they can dim it a little). Councilwoman Bruce said we need to get information on the grandfather clause. Mayor Hines said maybe they need to table this tonight until they get more information before they have first reading. **Councilman Gardner made a motion to table this until they get more clarification on it. Councilwoman Bruce seconded the motion. All approved the motion.**

EXECUTIVE SESSION

Councilwoman Elaine Reed made a motion to go into Executive Session at 7:35 PM to discuss Recreation: Proposed Virgil Wells Stadium purchase, Proposed Old Florence Highway Recreation Site Purchase. The City of Darlington may or may not vote after closed Executive Session. Councilman Bryant Gardner seconded the motion. All approved.

REMINDERS

Monday, January 15, 2018 Dr. Martin Luther King, Jr. Holiday-All City Offices Closed;

Tuesday, February 6, 2018 at 6:30 PM - Regular Monthly City Council Meeting

EXECUTIVE SESSION

Upon motion of Councilman John Segars, seconded by Councilwoman Carolyn Bruce, Executive Session ended at 8:14 PM

Mayor Hines said they had discussion about the two ballfields proposed Virgil Wells Stadium purchase and Old Florence Highway Recreation site purchase. She said we are not going to make a purchase at this time because something else came up about the price. Mayor Hines said they instructed Mr. Lee Andrews to look a little further.

ADJOURNMENT

Upon motion of Councilwoman Carolyn Bruce, seconded by Councilman Gardner, the meeting adjourned at 8:16 PM.

Mayor

ATTEST:

Clerk & Treasurer