

CITY OF DARLINGTON
REGULAR CITY COUNCIL MEETING – 7:00 PM
July 12, 2016

The meeting of Darlington City Council was held on Tuesday, July 12, 2016, 7:00 PM in the Courtroom/Council Chambers with the following persons present:

PRESENT AT MEETING:

Mayor Gloria Hines, City Manager, Mr. Howard Garland and Councilpersons: John Segars, Coleman Cannon, Carolyn Bruce, Bryant Gardner, Ms. Elaine Reed and John Milling. Also present: Mrs. Lisa Rock, Fire Chief Pat Cavanaugh, Mr. Lee Andrews, Mr. Freddie Kinsaul, Ms. Jannie Lathan, Mr. Albert James, Mr. Norm Stedman, Chief Danny Watson, Mrs. Joyce Thomas, Mrs. Rosena James, Sheila Baccus, Mrs. Betty Jackson, Ms. Rhonda Brown, Ms. Andrea Knapp, Mr. George Knapp, Mrs. Dyan Cohen, Mr. Steve Abbott, Mr. Cleveland Jordan, Mr. Stewart Hucks, Mr. Ben Zeigler, Ms. Judy Alexander, Ms. Evelyn Jett, Mr. James Jett, Mr. Brenton Dana, Officer Jamey McCall, and a number of other guests.

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 Mr. Segars, seconded by Mr. Gardner, to approve the minutes of the regular City Council meeting on June 7, 2016 and minutes from a Special Meeting on June 23, 2016. Mayor Hines wanted it added to the minutes on page 11 under the discussion of the City Judge that she was approached by the City Manager, Mr. Howard Garland in January. **All approved the minutes with the change.**

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

Mrs. Rock thanked the City of Darlington, Darlington Lion's Club, the Police, Fire, Street and Recreation Departments for their assistance with DDRA's first Bringing Downtown Alive concert that was held on June 10, 2016 at Liberty Lane. Mrs. Rock also thanked Kilgo Law Firm, Dedicated Community Bank, Pepsi of Florence, Community Broadcasters, Cumulus Radio, Raceway Ford and Sherriff Wayne Byrd for sponsoring the event. She said this event brought people downtown and they received reports that every downtown restaurant was full that evening with customers. She said DDRA concert Committee will meet this Friday to determine a schedule of concerts probably starting in March and running through July, 2017. Mrs. Rock said the next event will be a special pre-race kickoff party on Friday August 26, 2016 at Liberty Lane. She said this will be a limited ticket event which will feature great food, beer, wine, music and race cars. In October, the DDRA will revive the Yam Jam on Friday October 7, 2016 the night before the Sweet Potato Festival and will be held at Palmetto Furniture on S. Main Street. Mayor Hines said the event was nice and nobody wanted to leave, so there should be another event already planned for next year and also make it a little longer by adding another hour.

GREATER DARLINGTON CHAMBER OF COMMERCE –MR. NORMAN STEADMAN

Mr. Steadman said "Freedom Fest" was a huge success with an estimated 25,000 people that attended. Mr. Steadman thanked each and every one for their support and contribution to the event. Mr. Steadman said the Chamber welcomed two new members: CNC Trucking, LLC out of Lamar and The Beef Jerky Outlet from Florence. The Chamber welcomed three new Board of Directors Members: Mr. Graham Segars from Sonoco in Hartsville, Mr. Frank Giannone from Duke Energy, and Mr. Kevin Lane, store manager at the new Wal-Mart here in Darlington. The Chamber will host a ribbon cutting for Genesis Healthcare's new Lamar office on August 4, 2016 at 10:00 AM. The Toast of Darlington is scheduled for October 6, 2016 from 6:30 PM – 9:00 PM.

ANYONE WISHING TO APPEAR

Mr. George Knapp – Supporting Darlington Mr. Knapp said as a voter, a citizen and business person here in Darlington he wanted to take a few moments to air a concern that he has regarding a lack of cohesiveness and team work and mutual respect among certain members of the City staff. Mr. Knapp said he was recently made aware and listened to an audio recording whereby by the Mayor stated in public that the City Manager and Chief of

Police, “they aren’t on my side”. He also heard on the same recording the Mayor said, “I’m trying to get a Sheriff in there that can help me out when there a situation”. Mr. Knapp said he’s very concerned that such public statements can be construed as being irresponsible and could undermine the very institutions that the Mayor and Council swore to support. He said he hope that we never have to face tragedies like we saw this weekend in Dallas and other cities across the country. He said if something like that were to occur in Darlington, the question would have to be asked, “are we a unit, are we a team, will be stick together or will be stab each other in the back. Mr. Knapp said that solidarity and that commitment to the community is very, very critical. He said there may come a time when the Mayor has to stand up with the Chief of Police or the City Manager to answer questions and deal with complex issues that crosses all kinds of boundaries. Mr. Knapp said if those people have a history of publicly acknowledging disrespect of not getting along and not working together, that could be a serious problem because the public needs to be able to rally behind the City in times of need. Mr. Knapp said he’s bringing up the subject in hope that the air can be cleared and that a mature professional relationship can be established between the leadership and the management team. Mr. Knapp told Mayor Hines the process has to start with her and he named 4 things he likes to see happen; 1) the Mayor publicly apologize to the City Manager and the Police Chief for making the statements that she did; 2) That you unconditionally affirm your support for them in their current post; 3) He would like an explanation of what she meant by “the Chief and City Manager not being on her side”; 4) I don’t understand or comprehend the need for a City Mayor to require a Sheriff that would help her out in a situation. Mr. Knapp asked for clarification on that statement as well. Mayor Hines came down from her post and said since she became the Mayor she’s tried very, very hard to make this City work. Mayor Hines said it’s not because of what she has not done and will not apologize at this time for saying what she said because she has reasons for that and maybe he doesn’t know. Mayor Hines said everything is not working the way it should work. She said it should be about right and wrong and not about color. Mr. Knapp said he agrees 100% and asked Mayor Hines if she was insinuating that someone is a racist in this conversation. Mayor Hines said this should be about right and wrong. Mr. Knapp said he is a business leader and he doesn’t trash his employees in front of others. Mayor Hines said Council will talk about this and she thanked Mr. Knapp for coming. Councilman Milling said normally if they are served with a document in a court proceeding, they have 10 days in which to respond because it’s hard sometimes when you just get information

that's presented to you to be prepared with a fully wording and thought out response. Councilman Milling told Mayor Hines that since this was directed more to her than anybody else she ought to have an opportunity to reflect upon how she wants to address this issue and how she wants to respond rather than trying to do something tonight. Mr. Knapp said he would also request whatever the time limit is up, that he get a response. Councilman Milling told Mr. Knapp that his criticism is directed at Mayor Hines so Council is not in a position where they can do anything. Mr. Knapp told Councilman Milling that the Council has come to Mayor Hines' defense. Councilman Milling said it's not a defense to give someone an opportunity to reflect upon what they should say. He told Mr. Knapp that he has reflected extensively upon how he wanted to address this so out of courtesy to Mayor Hines she should be given the same opportunity. Mr. Knapp then addressed Mayor Hines and asked her if she would respond to his four points at some time in the near future and she said, "Yes". Mr. Knapp then asked if she would do it in a public forum and Mayor Hines said she does not know if it will be public or not because he is the only one asking for it right now. Mr. Knapp then said he would suspect that within a very short period of time there will be more people than himself asking for this.

Ms. Judy Alexander – PDRTA

Ms. Judy Alexander said for the past three years she has served on the PDRTA Board. She said at the end of this month her term will expire and she asked that Council consider reappointing her to his Board to represent the citizens of Darlington.

Ms. Jamie Steen – Executive Director of Housing Authority

Ms. Steen said the Housing Authority will be hosting a "Back to School" event at Pine Village Apartments on Thursday, August 4, 2016 from 10:00 AM to 2:00 PM. Ms. Steen said they did it last year and previous years, but it was in-house. She said this year they have outreached to other sponsors and have gotten a lot of participation, so the event will be bigger than it has been in the past. She said the Police and Fire Departments will be participating.

USDA POLICE CAR GRANT ACCEPTANCE – STEWART HUCKS

Chief Watson said the City applied for this USDA Police Car Grant over a year ago. Chief Watson said this is a win-win for the City because it saves the City money. He said the City had to buy one vehicle and the grant will

furnish one vehicle. Chief Watson said the cost for the vehicle is well within his budget. Mr. Garland said the City also has an outstanding USDA grant application for a Cherry Picker, so we are looking to hear something on that any time now. Mr. Stewart Hucks went over the letter of conditions with Councilmembers. Mr. Hucks said this is a 55% grant with a 45% grant match. Mr. Hucks said the Code of Federal Regulations states in the agreement that if the City ever dispose of those vehicles, then the City is to pay back the federal government 55% of the proceeds from that sale.

Councilman Bryant Gardner made a motion to accept the USDA Police Car Grant. Councilwoman Bruce seconded the motion. All approved the motion.

FIRST READING ON ORDINANCE 2016-08 (WATER & SEWER RATE INCREASE)

Mayor Hines said this will be the First Reading on the \$2.00 increase on the water and sewer increase, but we still need have a Public Hearing on Tuesday August 2, 2016 and a public hearing on the rate increase. **Upon motion of Councilman Gardner, seconded by Councilwoman Bruce, First Reading on Water & Sewer rate increase, which unanimously carried.**

FIRST READING ON ORDINANCE 2016-10 (\$1,000,000 GENERAL OBLIGATION BOND) – MR. BEN ZEIGLER

Mr. Ben Zeigler said the last few times he's come to talk with council it has been with regards to revenue bonds which is secured by revenue from your water and sewer system. Mr. Zeigler said the first of the three ordinances they have tonight is an ordinance to authorize issuance of sale of a general obligation bond. He said the difference in this bond vs the revenue bonds that we have done in the past is the general obligation bond isn't payable from revenues based on the water & sewer system, it's payable from taxes (property taxes). Mr. Zeigler said what this ordinance provides for is that after investigation staff has determined that a need exists for the acquisition, construction, furnishing, equipping of roof repairs and other renovations, repairs and expansions at the City Admin Building, City Gymnasiums, City Street and Sanitation Building, City Hall and the Council on Aging building. Mr. Zeigler said this money will be borrowed by way of issuance of a general obligation bond and payable from taxes levied from the City taxes. Mr. Zeigler said the ordinance authorizes that this bond will be set in an amount established by the Mayor prior to the delivery of the bond and it will be paid over not more than 10 years with the Mayor and City Manager

determining the exact term of the bond, not to exceed 10 years. He said because of the size of the bond it does not have to be competitively sold, but if it were above \$1.5 million we would have to put a notice in the paper and sell it. Mr. Zeigler said this bond can be negotiated by way of sale and the buyer of this bond would normally be a bank. He said what they will do is send out letters to all the local and statewide banks that usually buy these types of bonds asking for a proposal; the proposals will be received and awarded to the lowest bidder. Mr. Milling asked if we saw a need that came greater than the needs mentioned in the ordinance, are we allowed to substitute. Mr. Zeigler said we would have to amend the ordinance to add anything additional. Mr. Garland asked Mr. Zeigler to explain the borrowing power that the City has. Mr. Zeigler said the State Constitution provides that political subdivisions in South Carolina can borrow by way of general obligation debt in an amount not exceeding 8% of their assessed value unless the debt is approved by the issuance of bonds approved by referendum. Mr. Zeigler said the City of Darlington has an assessed value of approximately \$15 million which gives us a general obligation debt limit of approximately \$1.3 million of which we will be borrowing \$1 million of the \$1.3 million leaving us \$300,000 available. Mr. Garland asked Mr. Zeigler to explain what happens if we had to go over that limit. Mr. Zeigler said to go over the \$1.3 million, you would have to go to the voters asking them to approve it which would exempt the City from the debt limit restriction. Mr. Mr. Garland asked Mr. Zeigler to explain the process to Council. Mr. Zeigler said if we have 1st reading tonight and 2nd reading in August, we would start waiting 60 days and probably wait until around the first of September and go ahead and take proposals for the bond. He said we would get the interest rates so we will know what the debt service will be. We will give this number to the Auditor so she can start putting together her levy and once the 60-day period expires we would then close the bond and the money would be deposited. Mr. Milling asked if we are able to earn interest on this money and Mr. Zeigler said, "Yes". **Councilwoman Elaine Reed made a motion for First Reading on Ordinance 2016-10 (\$1,000,000 General Obligation Bond), which was seconded by Councilman Bryant Gardner. All approved the motion.**

FIRST READING ON ORDINANCE 2016-11 (HOSPITALITY TAX BOND)

Mr. Zeigler said this bond is payable only from funds generated by Hospitality tax revenue. Mr. Zeigler said things changed since the City did a bond about 10 years ago. He said in the old days Cities had to do a lease

purchase and use the hospitality tax funds to pay the lease purchase. He said the law changed several years ago and now you can issue hospitality tax revenue bonds. Mr. Zeigler said if you go and borrow money, it has to be for a tourism related purpose and the sole source of revenue for the repayment of the bond is the hospitality tax revenue. Mr. Zeigler said in order set the City up to be able to issue this type of revenue bond is to first provide a general bond ordinance which establishes the broad parameters under which you can issue tax revenue bonds, it establishes the lien against your hospitality taxes, it provides for how the hospitality taxes flow and are segregated for the purposes of paying the bonds and use for other purposes. Mr. Zeigler said there are actually two ordinances, but they are connected. One, is the general bond ordinance that provides all of the parameters, the broad structure for issuing hospitality bonds and the second bond ordinance the a supplemental (Series Ordinance) that provides for the issuance of our first hospitality tax revenue bond. He told Council that one of the things they need to do as part of the ordinance, in order to say that the baseball/softball complex is a tourism related endeavor, we must be able to make some sort of finding or determination that it's going to bring people into the City of Darlington. Mr. Zeigler said tourism related means it's relates to tourist. Tourist is somebody that comes to one place from another for purposes of recreation, education. Mr. Zeigler said it's pretty easy for municipalities to be able to make that finding. Councilman Gardner asked if we were going to use these funds for a playground do we need to put that language in this ordinance. Mr. Zeigler asked Mr. Gardner if this was something if we should he was contemplating for this particular bond or bonds in the future and Mr. Gardner said, "Yes", this particular bond. Mr. Zeigler said in talking with Mr. Garland it was his understanding this bond is just for baseball and softball. Mr. Zeigler said Council can add that to the ordinance by amending the ordinance. He said the ordinance can be amended after bonds are issued. Mr. Gardner asked if they could do this on second reading and Mr. Zeigler said, "Yes". Mr. Zeigler said he will work Mr. Garland to get the language correct for second reading. Mr. Lee Andrews said the playground would be an amenity to the softball/baseball complex. Mr. Zeigler said as long as the focus of the complex is softball/baseball there should not be a problem. **Upon motion of Councilman Gardner, seconded by Councilman Segars, First Reading on Ordinance 2016-11 (Hospitality Tax Bond), which unanimously carried.**

BOARD AND COMMISSION NOMINATIONS – MRS. LISA ROCK

Mrs. Rock told Council that one of their tasks as Councilmembers is to appoint members to the various boards and commissions. She said Ms. Kay Pierson, who is on the Historic Landmarks Commission wishes to be appointed to the Board of Zoning Appeals. She said according to our City Codes one member from the Historic Commission is required to serve on Board of Zoning Appeals, so this would fulfill that requirement for us as well as keep the Zoning Board of Appeals full. Mrs. Rock said she also has three other nominations – Mrs. Ouida Page, Ms. Joan Alston and Mrs. Henrietta Pauley Nelson, wishes to be reappointed to the Planning Commission. She said their terms are expiring and they would like to continue on this commission. Mrs. Rock said there are two alternate seats open, so if Council has any nominees they can send them to her. Councilwoman Reed said she two people that have asked to serve on boards – Ms. Christy Williamson and Mrs. Beatrice Wilson. Mayor Hines asked Councilwoman Reed which board did they want to serve on. Councilwoman Reed said Ms. Christy Williamson can serve on the Board of Zoning Appeals and Mrs. Beatrice Wilson can serve on the Planning Commission. Councilwoman Bruce asked if this had to be completed tonight. Mrs. Rock said, “No”, this is an ongoing task for Council and she had the three ladies on the Planning Commission who wished to be reappointed to the board and the one person that asked to be placed on the Board of Zoning Appeals. Councilwoman Bruce asked if they have citizens that are interested at a later time can they bring the names to her. Mrs. Rock said, “Yes” and the application is on the website and it can be downloaded. Mrs. Rock said the only urgency tonight is to reappoint the three members so they will have a quorum at their meetings. **Upon motion of Mr. Milling, seconded by Councilwoman Bruce, to reappoint Ms. Joan Alston, Mrs. Henrietta Pauley Nelson and Ouida Page, to the Planning Commission so they will have a quorum. All approved the motion.**

FIRST READING ON ORDINANCE 2016-12 ANNEXATION KEITH EVANS CONSTRUCTION – MRS. LISA ROCK

(Mrs. Rock passed out copies of an aerial photograph of the property in question) Mrs. Rock said Mr. Keith Evans has purchased some property next to the City Limits and would like to annex into the City and build some houses. She said the property is on Barfield Road, a few blocks from the high school. Councilman Gardner wanted to know what kind of development it will be. Mr. Keith Evans said it will be rental houses that will be a step up from normal rental houses. Mr. Evans said he has two little house on D Avenue and he plans to do the same thing here. He said this is a

way for people to get into a new home. Councilwoman Bruce wanted to know if all of the houses would be rentals. Mr. Evans said that is what he's hoping for and this will be a stepping stone to get into houses, so he's doing smaller sizes. Mr. Milling asked how many square feet will be in the houses and Mr. Evans said around 800 square feet with 2 bedrooms, 1 ½ baths and the rent around \$750.00. Mr. Evans said Darlington is use to \$400 or \$500 a month and living on Second Avenue. He said people can pay this because they will be saving a lot on their light bill. He said the light bill on these houses run around \$50.00 a month. Mr. Garland asked Mr. Evans if he's planning to pave the road and give it to the City and Mr. Evans said, "Yes". Councilman Gardner asked about water & sewer. Mr. Evans said he has water & sewer on a portion of the land and all he has to do is tap in and run all those lines. Mayor Hines asked Mr. Evans if he was going to this and he said, "Yes". Mrs. Rock said the Planning Commission will vote on a zoning designation for this property next month so that in August & September we'll have a separate ordinance to zone the property. Councilman Milling wanted to know the size of the other homes in that neighborhood where he will be building his houses. Mr. Evans said the houses range in size from 800 square feet up to 1500 square feet. Mr. Milling asked if this would be consistent with the rest of the development that's already there. Mr. Evans said he broke away from the development part of it, so it's going to be a little bit different. He said he knows this will work really well for us though. Councilwoman Bruce asked if a lot of the people that live there now if they are homeowners or renters. Mrs. Rock and Mr. Evans said there is a mix of both. It was brought up how many houses will be built and Mr. Evans said around 30 houses. Ms. Jamie Steen with Housing Authority said she has 17 people on the streets now trying to find houses that Housing Authority will help them pay the rent on and they just can't find anything. She said Darlington is very much in need of rental property. **Upon motion of Mr. Cannon, seconded by Mr. Gardner, to annex property of Mr. Keith Evans located on Barfield, which was unanimously approved.**

WETLANDS REPORT ON POTENTIAL RECREATION SITE – MR. LEE ANDREWS

Mr. Lee Andrews passed out copies of the wetlands report that S&ME, Inc. did on the 100+ acres of property on Oleander Drive to be used for baseball/softball complex. Mr. Andrews said without crossing wetlands there's approximately 50+ acres that we can build on. Mr. Andrews said the great thing about recreation is we don't always have to build a structure to have a recreation area. He said you can do a lot with trails, grass areas and

green spaces. He said the report came back that the property was clean (no spills, no dumping, etc.) Mr. Andrews said the report also tells us a history of the property. Mr. Andrews said on 47 acres of the almost 100 acres at Byerly Park they have 8 combination softball/baseball fields, 6 tennis courts, 2 football fields, 1 regulation size track, 12 horseshoe pits, 3 storage building, 1 maintenance shop and 566 parking spaces. Mayor Hines asked Mr. Andrews about a waterslide at Byerly Park. Mr. Andrews said from his understanding they are planning to add a waterslide to the Splash Pad. Mr. Andrews said with the hospitality tax bond, we don't need think of it as just a baseball/softball complex, but we need to think of it as a recreational complex because everybody doesn't play baseball/softball. Mr. Andrews said we are in dire need of recreational facilities. He said our fields are the best in this area for playing surfaces, but the facilities around the fields come in last. Mr. Segars asked if we would have room to grow and Mr. Andrews said, "Yes".

FIRST READING ON ORDINANCE 2016-13 PROPERTY PURCHASE (100 ACRES OFF LAWSON ROAD)

Upon motion of Councilman Gardner seconded by Councilwoman Reed, First Reading on Ordinance 2016-13 to purchase 100 acres of property of Lawson Road at a cost of \$195,900, which unanimously carried.

MUNICIPAL ATTORNEY SEARCH – MAYOR HINES

Mayor Hines asked for a show of hands to get a committee together for the Attorney search. Councilman Bryant Gardner said he would like the whole Council's input on this. He said he doesn't think we will get too many applications. Councilman Segars agreed with Councilman Gardner. Mayor Hines said she will set up a meeting then.

CITY REPRESENTATIVE PDRTA APPOINTMENT

Upon motion of Councilman Cannon, seconded by Councilman Gardner, to reappoint Ms. Judy Alexander to the PDRTA Board, which unanimously carried.

Mayor Hines said there is a need to go into Executive Session to discuss a contractual matter concerning storm water and storm water consultant.

REMINDERS

Wednesday July 13, 2016 – Sunday July 17, 2016 MASC Annual Meeting, Charleston, SC
Monday, July 18, 2016 at 5:00 PM Deadline for Application Municipal Attorney.
Tuesday, August 2, 2016 at 7:00 PM – Regular City Council Meeting

EXECUTIVE SESSSION

Upon motion of Mr. Segars, seconded by Mr. Gardner, to go into Executive Session at 8:21 PM.

Upon motion of Councilman Cannon, seconded by Councilman Milling, the Executive Session ended at 9:40 PM.

After coming out of Executive Session Council made the following motion:

Upon motion of Councilman Milling, seconded by Councilman Cannon, all approved for Hanna Engineering to do the Storm Water Project, which unanimously carried.

ADJOURNMENT

Upon motion of Councilman Milling, seconded by Councilwoman Bruce, the meeting adjourned at 9:45 PM.

Mayor

ATTEST:

Clerk & Treasurer