

**CITY OF DARLINGTON
REGULAR CITY COUNCIL MEETING AT 6:30 PM
TUESDAY – JULY 2, 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, Mrs. Betty Jackson, Ms. Jannie Lathan, Mrs. Rosena James, Mr. Steve Abbott, Mr. Curtis Boyd, Mr. Linwood Epps, Mr. Lee Andrews. Mrs. Lisa Rock, Mr. Will Isgett, Mrs. Anna Dewitt, and other visitors.

NEWS REPORTERS

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

INVOCATION & PLEDGE OF ALLEGIANCE

Councilman Bryant Gardner did the invocation which was followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

Upon motion of Councilwoman Elaine Reed, Seconded by Councilman Bryant Gardner to approve the Budget Work Session *Minutes of May 28, 2019*. All approved the motion. Upon motion of Councilman Bryant Gardner, seconded by Councilwoman Carolyn Bruce to approve *the Minutes of the Regular Meeting on June 4, 2019*. All approved the motion. Upon motion of Councilwoman Carolyn Bruce, seconded by Councilman Bryant Gardner, to approve the *Minutes of the Public Hearing & Special Council Meeting on June 20, 2019*. All approved the motion.

APPROVAL OF MEETING AGENDA

Councilwoman Elaine Reed made a motion to approve the meeting agenda for July 2, 2019. The motion was seconded by Councilwoman Sheila Baccus. 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 last Thursday. The Series continues Thursday July 25th from 7:00 PM – 10:00 PM with the Rick Strickland Band performing, Darlington Cruisers Car show, vendors and more. Mrs. Rock said the evening is sponsored by Pepsi, Wilson Senior Care and Cumulus Broadcasting Radio Station. She said the band and stage have moved to the street and thanks to Pepsi they will be providing free Pepsi and water to those who attend. Food and beer will be available for purchase and they still have spots available for vendors and sponsors who make these events possible. She said these events will continue monthly through September. The next event is on August 30th the Friday of Race Week and the last event of the season will be on September 26th. Mrs. Rock said if anyone is interested in helping with any of these events, the concert committee will meet at 6:30 PM, Thursday July 18, 2018 at Joe’s Grill to discuss feedback from past events and work on future events. 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 info at 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. She said membership is \$150 per calendar year for most businesses; \$100 for civic groups, churches and nonprofits and \$50 for individuals. The application can be downloaded at buildupdarlington.org or just send her an email and she will get it to them or give her a call. Mrs. Rock said the next monthly Breakfast is at 8:00 AM, Wednesday, July 31, 2019 at Takis Diner. She said the breakfast is free for members and \$5.00 for others to go toward the meal.

B) GREATER DARLINGTON CHAMBER OF COMMERCE –

No one was present to represent the Chamber

ANYONE WISHING TO APPEAR

A) Mr. Curtis Boyd – Thank You – Mr. Boyd said he wanted to tell everyone thank you for getting it cleared up about when campaigns signs could be put out. He also thanked council for voting to give a donation to the Terrance Carraway Memorial. Mr. Boyd said the bikers came through and they donated \$1,000 to the memorial.

Mrs. Anna DeWitt – Ordinance Mrs. DeWitt said with the upcoming election it is important to learn as much as they can about the various candidates and one way of doing that is by checking their voting records which can be done by reviewing the minutes of past meetings. Mrs. DeWitt said she wants to ask council to start following our city ordinance Chapter 2, Article 3, section 2-80(c). This ordinance states that the vote on every question shall be by roll call and the vote by name shall be recorded in the council minutes by the clerk-treasurer. By doing this it will ensure that the citizens of our town get an accurate record in which to form an educated opinion of the candidates as well as leaving a factual record for future generations.

UNFINISHED BUSINESS

None

NEW BUSINESS

A) MR. STEPHEN EDWARDS – DARLINGTON FREE MEDICAL CLINIC - UPDATE

Mr. Edwards said he's a Darlington native that moved away about twenty-five years ago to pursue a career in higher education and he's glad to be back. He said he's been running the Free Medical Clinic since January. Mr. Edwards recognized Ms. Cathy Baxley who he said ran the clinic with compassion for fifteen or more years and has left the clinic in great financial shape. Mr. Edwards said in 1999 Dr. J. Matthews & Dr. Olin Whitener along with a group volunteers felt the need to help Darlington County uninsured residents that didn't have medical insurance. Mr. Edwards said they all came together and put this vision into action in 2000. In 2006 a satellite clinic was opened in Hartsville. He said about three weeks ago Dr. Alex Cohen who has been a volunteer for many, many years saw Darlington's 5,000th patient. Mr. Edwards said since being back, one of the questions he's heard many times is, "Well, with the Affordable Care Act why do we need a Free Clinic if everybody's got insurance"? Mr. Edwards said, "That's not the case". He said according to S.C. Department of Health & Environmental Control Darlington County's population of 67,000 in 2018 approximately 60% fall between the age group of those born in 1964. He said 15.6% of that population is uninsured. He said there are 6,200 adults in this County that are uninsured. Mr. Edwards said of that 6,200, 18.9% of the adult population delayed medical care in 2018 due to cost; 5,700 avoidable emergency room visits; 2,200 avoidable hospitalizations. He said these are people who can't pay. Mr. Edwards said this raises the medical costs of

those who do have insurance. Mr. Edwards said those are the ones who the Free Medical Clinic takes care of. He said they don't get any government funding; they do it based on grants, churches, individuals, businesses supporting the clinic. He said 12.9% of the babies born in Darlington are born prior to 37 weeks which significantly increases health concerns. He said 42% of the county's population is obese; 479 cancer instances per 100,000 population and the 10-year stroke mortality rate for Darlington County residents is 7.6% higher than the State average. Darlington County is 36 out of 46 counties in this State for health outcomes which measure length and quality of life. Mr. Edwards said according to the S.C. Best Chance Network Darlington County does have the lowest instance of breast cancer in the State. He said on the other side of that coin is, we also have the highest mortality rate of ladies diagnosed with breast cancer because they are not getting screened. Mr. Edwards said these are all things the Free Medical Clinic can help with. Mr. Edwards gave Council a copy of their services and products and eligibility. Mr. Edwards said, "We have now partnered with PDRTA because many of our patients have to be referred to a specialist in Florence and they don't have the transportation to get there so they can now get on a bus here with the pass we give them so they can get to any specialist at McLeod free of charge". He said effective July 31, 2019, if any of their patients need mental counseling, Pee Dee Mental Health will begin seeing their patients as well as their Darlington clients in their facility on Grove Street. He said they have also partnered with vocational rehab. He said in 2018 alone the clinics in Hartsville and Darlington provided 551 free primary care visits with a value of over \$68,000; 891 lab & x-ray referrals with a value of over \$134,000; provided 116 specialist referrals with a value of over \$26,000; and they provided over 3,100 free prescriptions with a value of over \$415,000. They had volunteer physicians, nurses, pharmacists, nutritionist that have provided hundreds of hours with a value of more than \$36,000. He said over the course of 18 years that the clinic has been in service that is more than \$12 million dollars' worth of free medical care to the residents of Darlington County. Mr. Edwards gave a success story involving a twenty-nine-year-old female (which being that age, didn't meet the criteria to qualify for a mammogram) that came in the clinic a couple of months ago complaining about soreness in her breast and Dr. Tom Dickerson Wilson scheduled the appropriate exams the next day. The Radiologist called them immediately after and said they need to get the lady back in. They met with the lady the next night and the next day they had her at the Oncology Office in Florence. Mr. Edwards said they got a call from the McLeod Foundation saying the lady wouldn't have to pay anything,

she's going through care right now. He said later this summer they will have a full-time provider that will be seeing patients close to 40 hours a week. Mr. Edwards thanked Council for their continued support and told them to be sure to tell folks about them.

B) PARK BENCHES EQUIPMENT – COUNCILMAN GARDNER

Councilman Gardner said there are a couple of things we need to add to the property to make sure we get all of the use we can out of it such as park benches and picnic tables at both parks-The Terrance Carraway Park and the Hampton Street Park. Councilwoman Baccus said if they are going to add benches at the two parks, they also need to add them at the pool. Mr. Lee Andrews passed out pictures of the park benches and tables. Mr. Andrews said Councilman Gardner got with him and he got some prices together that he asked for. Mr. Andrews said the estimate includes The Barn of All Trades which is the same people that's doing the benches for DDRA. He said they will also make the picnic tables for us so they will match. He said the benches and picnic tables will be metal. Mr. Andrews said the estimate he received does not include the pool. Mr. Andrews told Council all he's doing is giving them the prices of what they gave him. He said the custom benches are \$475.00 each. He said they plan to put the City seal on them. The picnic tables are 4x4 square with a 12x48 bench on each side. Mr. Andrews said the estimate of \$10,607.39 also includes the lumber to finish the fencing at both parks. Mr. Andrews told Council what they don't see on the estimate is a picnic area and that's because he's been approached by a men's group in the area that's interested in building that for them. Councilwoman Bruce said, "When we looked at the original plan of Carraway Park, I thought that was already included in that; the picnic area, the public area". Mr. Andrews said, "No ma'am, it's not included as far as pricing, no ma'am". Councilwoman Bruce said, "I thought I saw it on there". Mr. Andrews said that was the concept for the park. He said a price was never gotten for that. Councilwoman Bruce said, "I thought we talked about a public area". Mr., Andrews said, we talked about it, but there was no price". Councilwoman Bruce said, "I'm talking about the original plan and we voted on a covered area-a picnic area". Mr. Andrews said, "The original plan was for Virgil Wells Stadium and what we're talking about here is Carraway Park and the only thing we've voted on and passed for Carraway Park was the basketball court and the playground area". Councilwoman Reed said, "I know that the plan for Virgil Wells Complex (things changed when we wanted to name it Terrance Carraway); however, once we saw the play area, I thought it was understood that we would still

have fencing and seating”. Mr. Andrews said, “the only pricing we have gotten for the Terrance Carraway area is the playground and the basketball court”. Mr. Andrews said the benches, nor the picnic shelter has been priced. He said the concept has always been that we were going to put a walking area, the fence and a picnic area at Terrance Carraway Park. Councilwoman Reed said, “I was thinking we still had it in the plan, and these would be temporary because I know funding for the plan was going to be sort of stretched out but coming out there myself to both parks, we’ve got to get some place for people to sit”. Councilwoman Reed said, “Whatever we need to do to follow that, I’m all in favor”. Councilman Milling asked Mr. Andrews if the bid was for both the Carraway and the Hampton Street park? Mr. Andrews said, “Yes Sir”. Mayor Hines asked Mr. Andrews “What about the exercise equipment that was in the plan”? Mr. Andrews said, “The exercise equipment was crossed out when they added the musical equipment and the dog park”. Councilwoman Bruce said, “the dog park was already originally on there”. Mr. Andrews and Councilman Milling both said we pulled the exercise equipment. Mr. Andrews went on to say the equipment was pulled because of cost. Councilman Milling said he would give \$475 for one bench. Mr. Garland said Mr. Alex Gainey said he’ll pay for a bench in memory of his daughter. Mr. Garland said Ms. Lathan said she’ll buy a bench as well as Etheridge Law Firm. That will leave the City only having to buy six benches at \$475 and 5 picnic tables. **Councilman Bryant Gardner made a motion to approve the purchase of six (6) benches and five (5) picnic tables and accepting of the gifts from the four (4) honorable people in this room tonight. Councilwoman Carolyn Bruce seconded the motion.** Councilman Gardner said, “It was brought to our attention tonight that we had to vote by roll call as stated in our ordinance as pointed out by Mrs. Anna DeWitt. Councilman Gardner said, “When County Council votes they usually start the line and go down the line, but I don’t know how we want to go about doing this”. Mayor Hines said, “I’m just following protocol, they’ve been doing this for the 19 years since I’ve been on Council”. Councilman Gardner said, “And we all make mistakes sometime for 19 years, but I’ll just start by saying “Aye”. Councilwoman Baccus said, “I’ll say we’ll research the ordinance and then we’ll do that at the next meeting after we verify it”. **All approved the motion.**

COUNCIL COMMENTS

Mayor Hines said she’s been on Council for 19 years and since she’s been on Council that ordinance states that we put signs out thirty (30) days before

the election and have to take them back in seven days after the election. She said there was a discussion, but there was no vote on it. She said it was determined that somebody was told they could put the signs up. Mayor Hines asked Mr. Garland to discuss this and tell what it is. Mr. Garland deferred this to the City Attorney for a legal opinion. Mr. Etheridge said whoever is challenging the ordinance would have to prove that it's unconstitutional, so right now it does remain valid. Mr. Garland asked Mr. Etheridge about private property rights. Mr. Etheridge said as long as it's on someone's private property it would be very hard telling them what they could or could not do. He said the ordinance is all we have to go by right now. Mayor Hines said there is no challenge at the time. She said, "So what you're saying now is that signs can be put out in private citizen's yard"? Mr. Etheridge said, "The ordinance is in effect". Mayor Hines said the ordinance is in effect, it has not been changed and it states thirty (30) days before the election". Councilman Gardner said, "Just for clarity, nothing has been brought towards the State Supreme Court in relation to signs"? Mr. Etheridge said, the only thing we have to go by is the Attorney General ruling in other states. Councilman Gardner asked if anything has been brought related to this and Mr. Etheridge said, "No". Mr. Etheridge said, "Right now the law is valid. Councilman Gardner said, "But, the Attorney General stated specifically that if it was brought to the Supreme Court, it would probably be struck down plus we probably should address the issue". Councilwoman Bruce said, "If I'm not mistaken, this conversation came up because of a sign you (Mayor) had in somebody's yard. Mayor Hines said, "Yes". Councilwoman Bruce said, "Someone challenged that, and that sign was taken out of the person's yard". She said nobody talked about any personal or anything like that and now, all of a sudden, our ordinance might be infringing on somebody's first amendment rights. Mr. Etheridge said nobody brought this before us, so we only have the Attorney General that says if it was brought in front of us it might be unconstitutional. Councilwoman Bruce said, "My concern is our city ordinance said that signs don't go out until thirty (30) days before the election. She said when she ran four years ago that's what she was told, and nobody put their signs out until thirty days (30) before the election. Councilwoman Bruce said, "Now when somebody asked to put a sign in their personal yard, and it gets challenged; then someone goes and takes the sign out the person's yard and now all of a sudden somebody else can take their signs and put them all through the city. There's some inconsistency somewhere in all of this". Councilwoman Bruce said, "Now we're looking at somebody's First Amendment rights but that was never looked at before her (Mayor's) sign was told to be taken out

of someone's yard". Councilwoman Bruce said, "There seems to be some inconsistencies as we talk about this ordinance and infringing on somebody's First Amendment rights". She said, "It's almost like you're changing something to suit certain people". Councilwoman Reed said, "As Bryant just pointed out it has been brought to our attention about roll call as stated in our ordinance and if we are going to start going by the ordinance, then let's start". Councilwoman Reed said, "You can't pick and choose which one you want to do". She said, "If we are going to follow the rule on one, then follow the rule on the other". Councilwoman Reed said, "If you are going to follow this one, then follow the other. She said, "According to our ordinance it says thirty (30) days". Councilwoman Bruce said, "Four years ago, according to Kevin you infringed on my constitutional rights". Councilman Milling said, "Nobody challenged it, nobody made an issue out of it". Councilman Milling said, "If you know that it's going to likely be declared unconstitutional, just be aware that it's subject to be challenged and you're subject to having to spend city money in connection with that challenge. Councilwoman Bruce said, "I understand that; the thing is I have no problem with anybody signs being out now". She said, "What I'm saying, we need to be consistent across the board and not pick and choose-nitpick when it comes to somebody's signs". Councilwoman Bruce said, she is going to wait and put her signs out 30 days prior to the election. City Attorney Etheridge and Council continued to discuss the validity of the ordinance. Councilwoman Baccus said at this point and time we need to stick to our ordinance and enforce it. Councilwoman Baccus said the ordinance also says you can only put one sign per yard. She said there are places where there's 2 or 3 signs in a yard. Councilwoman Reed said every ordinance we have can be challenged. Councilwoman Baccus said, "It's amazing how ya'll bend the rules". Mayor called point of order. Mayor Hines said we will visit this at another time. Councilman Gardner said, "We have another ordinance that has been brought to his attention that we haven't been following. He said it's the ordinance with relation to writing new ordinances you're supposed to have the sponsor listed beside the ordinance that's presented. Councilman Gardner said he wanted to ask that when we're writing future ordinances, we follow the appropriate protocol.

REMINDERS

City-County Supper Monday July 29, 2019

Regional Advocacy Meeting in August 27th & August 28th. One meeting is in Lake City and the other is in Sumter.

Tuesday August 6, 2019 at 6:30 PM - Regular Monthly Meeting Darlington City Council

EXECUTIVE SESSION

Upon motion of Councilwoman Carolyn Bruce, seconded by Councilwoman Elaine Reed to go into Executive Session at 7:24 PM to discuss contract at Gandy Pool: The City of Darlington May or May not vote after Executive Session. All approved the motion.

(5 MINUTE BREAK)

EXECUTIVE SESSION ENDED

Councilman John Milling made a motion to go out of Executive Session at 8:08 PM, which was seconded by Councilman John Segars.

ADJOURNMENT

Upon motion of Councilwoman Elaine Reed, seconded by Councilwoman Sheila Baccus, the meeting adjourned at 8:09 PM.

Mayor

ATTEST:

Clerk & Treasurer