

**CITY OF DARLINGTON
PUBLIC HEARING &
REGULAR CITY COUNCIL MEETING
NOVEMBER 14, 2017 – 6:00 PM**

PRESENT AT MEETING:

Mayor Gloria Hines, City Manager, Mr. Howard Garland and Councilpersons: Elaine Reed, John Segars, Carolyn Bruce, Bryant Gardner, Coleman Cannon and John Milling. Also, present: Mrs. Lisa Rock, City Attorney Kevin Etheridge, Police Chief Danny Watson, Mr. Alex Gainey, Mr. Kinsaul, Fire Chief Pat Cavanaugh, Mrs. Betty Jackson, Mrs. Audrey Gore, Mrs. Dyan Cohen, Ms. Sheila Baccus, Mr. Renny Johnson, Mr. & Mrs. T.C. Sawyer, Ms. Evelyn Jett, Ms. Jannie Lathan, Ms. Rhonda Brown, Mr. Cecil Brommell, Ms. Harriett Hobbs, Mr. Tracy Blakney, Mr. Rujon Williams and other visitors.

Mayor Hines asked Mayor Pro-Tem Cannon to do the invocation but he said, “No, it’s not in his spirit to do the prayer tonight”. Mayor Hines asked Councilman Milling if he would do the invocation and he agreed.

Mayor Hines said the purpose of the Public Hearing is to hear discussion from Genesis Healthcare representatives and from the residents in the area of the health facility.

Mr. Paul Fulbright, COO of Genesis Healthcare appeared before Council to first of all tell a little about who they are. He said Genesis Healthcare is a community health center and they run community health centers in five locations with their corporate office being in Columbia. Mr. Fulbright said they are about promoting the health of their patients and the general health of the community, but they are also about promoting the community at large. He said they are a non-profit organization. He said all of the money that comes into Genesis Healthcare goes back out to the patients and back out to the community. Mr. Fulbright said they are run by a policy making Board of Directors and the day-to-day operations are administered by an administrative team. Mr. Fulbright said Genesis started as Pee Dee Healthcare in 1974 and went on until around 1991 and became a rural healthcare center which is a for profit rural healthcare center. He said in 2010 they became a community healthcare center which means they are now

non-profit. He said they had an economic impact study done two years ago and it showed that there was a \$9 million positive impact to the community based on the fact they were there. Mr. Fulbright said they are in a building that's was originally built in 1974 and has been added on to several times, but they are finally in a position and have the financial means to add on the building and renovate and bring it up to something they and the community can be proud of. (Mr. Nick Morgan, Construction Manager for Genesis talked to everyone about the building they want to build). Mr. Morgan did a screen presentation that everyone could see. He said they are trying to integrate some of the older historic details from downtown Darlington (the brick, some of the precast panels) and keep all of the textures neutral and similar to what we have in town. Mr. Fulbright said the building will be backed up 24/7 by a generator so if there's a catastrophe or crisis everybody will have access to come get the services they need. He said it will be a state of the art building that the entire community can be proud of. Dr. Hobbs asked Mr. Morgan if he intends to build the building on the sidewalk as Dr. Cohen did. Mr. Morgan said we have gotten to that part of the planning and he doesn't know what the status is of that part, but it will be built onto the existing building. Dr. Hobbs said that will be on sidewalk which is against our code, it should be eight feet back. Mr. Fulbright said commercial codes in town in the City of Darlington is up to the sidewalk which was verified on several occasions with the city department. A lady in the audience said, "It doesn't matter what the people here think, you're going to do what you want to do". Mr. Fulbright and Mr. Morgan both said, "No ma'am, not at all". Mr. Fulbright said the building they are currently in were permitted. He said all of the buildings in downtown Darlington are up to the sidewalks and that's the current code for the zoning in this area so they are following the local zoning practices. Mr. Hobbs said, "you're talking about commercial zoning, you're not in commercial zoning; you're in residential/commercial zoning which does have setbacks and does have requirements that are not on the Square. Mayor Hines asked everyone to please let Genesis finish their presentation and then they can ask questions. Mr. Fulbright said with this new building they will be able to add new jobs and bring more dollars into the community. They will be able to add additional services and increase the services that they currently give and make them available in a more efficient and proficient way to the customers they have and be able to extend services to new patients. He said overall, they have estimated that the economic impact on the community will probably double over the impact study they did two years ago. Mr. Fulbright said this is a community health center and it's not just about Genesis because they are non-profit. He said

they are not here to do anything that is going to cause difficulty; it is about bringing the community up and bringing in new services. Ms. Helen Carroll, Compliance Officer for Genesis showed area on the screen that they want to have rezoned. Ms. Carroll said they have one building but it's zoned two different zoning. She said the reason they need to have this done is for legal purposes. Ms. Carroll said it doesn't make sense to have two different zoning designations on one piece of property. She said there were a lot of concerns about this and things were put out in the community as to why they wanted to have the property rezoned. Ms. Carroll said they plan to have the addition done and the upper part will be administrative offices. She said right now there are no current plans for the Segars property, but since it's under one ownership they are going to have everything rezoned at this time. She said she doesn't think that having two different sets of codes to work with is something that anybody would want to work with. Ms. Carroll said the impact they would have with being able to have a smooth transition with this addition for the community itself is a great benefit that we need. Mr. Fulbright said they are trying to do something good for the community and whatever they can do to assuage any concern they will be happy to. He said the intent is not to cause discord or problems for anybody. He said they have been here since 1974 and they take the history and the heritage of Darlington seriously and they want to promote that. Mr. Fulbright said maybe they have different ways of doing that and maybe they see things differently, but he doesn't see any reason why they can't come together and make this happen for the good of all.

Mr. Dargan

Mr. Dargan thanked City Council for allowing him to speak. He said he owns the property just past Segars Court and that home has been there for 125 years. He said he can't help but think that this property being rezoned Core Commercial, if something were to happen to Genesis Healthcare, they could put a strip club on that property or an automobile garage. Mr. Dargan said it allows the owner of that property to go right up to the property line. He said there is no buffer between him and Genesis property. He said he has nothing against healthcare, but he has reservations about having it right next door to him. He said his property value will go down and nobody is going to want that next door to their home regardless of how good it looks. Mr. Dargan said he needs to make one announcement that the notification for this proposal was supposed to be 15 days before this meeting, but he and his wife went down Oak Street and there wasn't one notification sign out there.

He said there was only one notification sign and it was on the Segars Court property.

Mr. Walter Langley

Mr. Langley said he lives at 137 North Street about a half block from where all of this activity is. He said he enjoys living here. He said Darlington is a good place to live, raise a family and work. He said his desire is for it to continue to be just that. Mr. Langley said changing the designation to Core Commercial will allow wall-to-wall, street-to-street development in any manner or use. Mr. Langley said this goes with the property and not with the owner. Mr. Langley said in his opinion, any property given this designation, must be given careful review as to purpose and intended use prior to the designation. He said it should be given in something other than an oral presentation, it should be something they can read. Mr. Langley said in the case here the written request shows no tangible reason or purpose that it's given. He said in one instance given the reason given is part of the property is already in violation of codes and the only other reason given is that it will assist in parking. He said in his opinion, both reasons tell them nothing about the real reason or the use. Mr. Langley said, "In view of the fact that we have elected you to act for us in our best interest and not that of outside organizations, my plea to you is to deny these zoning changes".

Ms. Jannie Lathan

Ms. Lathan said she lives at 141 Oak Street which is a designated historical site and there is a number of historical homes on Oak Street. Ms. Lathan said she moved to Darlington almost ten years ago this month. She said she grew up in Hartsville and after deciding to move back to South Carolina before she made that decision she had an opportunity to look at neighborhoods in at least seven or eight states. She said when she decided on South Carolina she looked in her hometown of Hartsville, but there was no place in Hartsville like Oak Street. Ms. Lathan said she made a very conscious decision to plant her roots here in Darlington, SC and to be a strong and supportive resident. Ms. Lathan urged Councilman Segars to vote "no" on this zoning change because he has been a very strong and supportive councilman of all his constituents in his ward. She urged Councilman Cannon to vote "no" these zoning changes. Ms. Lathan asked Councilpersons Bruce and Gardner as representatives to all the citizens of Darlington to vote "no" on this zoning change. She told Councilman Milling she understands he has to abstain for specific reasons. She told Councilwoman Reed although she is not in her ward she asked for her

support of their entire community. Ms. Lathan said this really affects all of the citizens in this area. She told Council she understands they have a duty to look at corporate citizens, but this is one corporate citizen. She said their headquarters is not here and the majority of their employees do not live here. She said it's her understanding their cash flow is over \$20 million plus for non-profit. She said they have the financial resources to locate and grow in any area they choose whether it's in Darlington or outside Darlington. Ms. Lathan said she acknowledges they have done an impact study but she strongly urges that a "Needs Assessment" should be done. She said no one to her knowledge has polled the residents in the community; certainly no one has polled her. No one has inquired specifically of their needs in that community. Ms. Lathan said if there's any zoning change that should be done other than remaining the existing zoning change it should be to include Oak Street and surrounding areas in a historic district. She said when you look at the vast majority of residents there, that's what it represents. She said residents of this community who have been here for decades upon decades in terms of their family and generations before them it would be a travesty to rezone this as core commercial and open them to live around heaven knows what. Ms. Lathan beseeched them to make the proper decision and to take the proper vote to support your constituents who reside here in Darlington.

Mr. Barry Clark

Mr. Clark said he, his wife Janet and two daughters live at 210 Cashua Street. He said much like Ms. Lathan, they looked in a number of different communities looking for a house they could love and renovate. Mr. Clark said they came up with a plan and the building official graciously allowed them to execute that plan and work to preserve the house they currently live in. Mr. Clark said they have seen the property of Pee Dee Healthcare /Genesis Healthcare grow from a doctor's office with minimal traffic to a significant health care facility/corporate healthcare facility which has expanded far beyond its means. He said they have seen them go to a full healthcare facility and pharmacy. He said while he applauds their efforts for growth he is quite concerned about their current request to become core commercial. Mr. Clark said this zoning request would essentially destroy the concept of the current zoning which is out of transition of core commercial city Square to residential historic neighborhoods. He said by making this core commercial they erase the setbacks and restrictions (signing restrictions). Mr. Clark said he believes this has come before Council before regarding their signage and the distraction that a brightly lit

LED sign on Cashua Street would cause. He said with going core commercial they doubled the sign that Council had already voted down. Mr. Clark said as you have noticed there's no signage thus far that's appeared and he believes the effort for zoning change is an end run around our previous rule which would allow them to essentially perform any activity on this lot without setback or restrictions, to include a brightly lit sign. He said his larger concern is that their current business plan and model is trying to extract maximum profit with minimal input. He said he realize they state they are non-profit, but if you look at their financials, someone is making a lot of money. Mr. Clark said he is not opposed to making money, but he is opposed to using our community in such a way to do that; on a property that wasn't designed to do what they are trying to do. He said by opening up core commercial in this way it allows for a degradation and further erosion of the concept of residential communities and historic residential communities which is one of the beauties of Darlington. He said he is concerned about Mr. Renny Johnson because he basically gets cubby holed. Mr. Clark said they have made significant investments in their community and they've tried their best to preserve and insure the heritage that's so rich in Darlington. He implored Council not to allow this. He said their expansion plans go far outside of the current zoning regulations. Mr. Clark said as far as he knows none of those variances were discussed in terms of their plans for putting in a pharmacy and they did not adhere to the setbacks that are in the current zoning for residential/commercial district. Mr. Clark said if they got a variance for this he would like to see it, but there was no discussion of it. Mr. Clark asked Council to block this attempt and work with Genesis/Pee Dee Healthcare to find a suitable location. He said he believes the current location is neither acceptable nor suitable for the plans that they have.

Mr. Renny Johnson

Mr. Johnson said he can add nothing to what has already been said. He said he sees a win-win situation for everybody involved. He said if Pee Dee Healthcare would buy the building on the Square that belong to Carolina Bank and take that building and put it on the Square in Darlington. Mr. Johnson said there is ample parking behind the building and it would be an asset to the community and on the Public Square. Mr. Johnson said this would serve Genesis' purpose just as well on the Square as it would on Cashua Street and it would certainly please mot of the people in the room if they would do that. Mr. Johnson asked Council to deny the zoning request. He then asked everyone who was in the court room/council chambers as

well as those standing in the hallway to please stand if they opposed the zoning request and the majority in the room stood.

COUNCIL COMMENTS

Councilman Bryant Gardner said he questioned voting this down. Darlington's future vitality is at stake and these continued oppositions is something we can't continue to sustain. He said he got on Council to bring back the quality of life to this town that he sees disappearing, but he can't do that if we can't accept our City changing in some ways. He said the City's of the 1950's & 1980's that we grew up with and he grew up with is not here anymore. He said we have to figure out a vision for Darlington and what growth we want for our future. Councilman Gardner said we are very fortunate enough to get those investment opportunities and they need to learn how to cultivate those in a way they all can get along, understand and value. Councilman Gardner said voting down change after change that investors bring to us is not going to do that. He said this is going to stifle our investment opportunities in the future and future investors just aren't going to come to Darlington, they are going to go to other places. He said this isn't something we can continue to do. Councilman Gardner thanked Genesis for their continued investment in this community and he hopes that continues. He told them we have some credit opportunities that he would love to extend and work with them with. He told them there are some other buildings in the City that he thinks they can go forward with and hopefully they will be interested in. Councilman Gardner said he will have to vote against this because the community is not interested in this at this point in their neighborhood.

Councilwoman Carolyn Bruce thanked Genesis for the presentation and the information they received tonight. She thanked them for what they have already done in the community and what they are seeking to do. Councilwoman Bruce told the citizens she heard them tonight and she listened to them through the letters she received from them in the mail. She told them she feels their concern and understand their concern. She said Mr. Johnson said it best at the end, if we look at this, it could be a win-win for both us as a community and for Genesis. Councilwoman Bruce said if they go back and look at it as a Council, what can they do to offer Genesis from an incentive standpoint (tax break, etc.) to keep them here or find some other property to be able to build that beautiful building. She said she agrees with Mr. Johnson and would love to see that beautiful building on the Square.

Councilwoman Bruce said in light of the comments that were made tonight, the letters that were sent and the letters that were read by her she would have to stand in support of the citizens.

Councilman Coleman Cannon said he agrees with what both Councilman Gardner and Councilwoman Carolyn Bruce said. Councilman Cannon said he thinks they can find a way for them to have a place in the City of Darlington. He said we need to preserve our historical districts in the City. He said he would have to vote “No” along with Councilpersons Bruce and Gardner.

Councilwoman Elaine Reed said she appreciates what Genesis has done and she represents an area where they give them the utmost service. She said other than them coming to you, you come out to them. She said some of her constituents have indicated to her what Genesis mean to them and at this point she won’t ignore that because they voted for her. Councilwoman Reed said she is torn because one of her closet friends she committed to her, but she also committed to her family. She said she is not quite made a decision as to where this vote would go, but she wanted to be able to express what Genesis has done for the constituents of the ward she represents and she wants that to continue. Councilwoman Reed said it would be a win-win for her if Genesis would move their building into Ward 2. She asked them to consider that as well.

Councilman John Milling said he doesn’t have a vote on this and it’s obvious how the vote is going to be cast. He said he wants the citizens of Darlington to understand that Charleston would not be Charleston if it took the position that it opposed everything that took place in Charleston. Councilman Milling said it coexists with governmental buildings, commercial buildings all taking place in residential neighborhoods. He said they have learned to blend and work together. He said Columbia has done the same. Councilman Milling said the idea of telling a corporate entity to take your money and buy something on the Square, he thinks is short-sided. He said can you imagine what it would be if Genesis said, “Ok, we are going to close this facility and operate nothing out of it”, what would the City of Darlington then be facing if that was the position that was taken every time something came forward”? He said while he doesn’t vote on this, we know what the outcome is going to be, we need to understand that as the City moves forward it’s got to have some changes. He said you either move forward or you go backwards. He said if you try to tread water all your life,

you end up drowning. Councilman Milling said we need to understand the position that Darlington finds itself in, are we going to enhance the overall growth and economic well being of the citizens in this town or are we going to simply say, "I want what I want and nothing else". Councilman Milling said he understands where everybody is coming from, but he also understands that it's a delicate rope and line that is being walked by the citizens of Darlington and by Council as it tries to bring things to the community while at the same time trying to recognize concerns that others in the community. He said there may be a hundred people here tonight who are opposed to what's taking place, but there may be 500 or 1,000 people that are living in Ms. Reed's ward that would love to have an expansion whether it be in pediatric services or other things. Councilman Milling said just understand that there's always more than one way to look something and if this goes on it's going to continue to come up and at certain points and times...the way the City is originally constructed, it is difficult to allow businesses to expand without going somewhat into historic neighborhoods (Several people in the audience were talking out and someone from the crowd and someone yelled out, "No, put it by your house". Mayor Hines had to call order. Councilman Milling said he would be glad to have it by his house. Councilman Milling said he is not voting on this and he is not speaking exactly to this particular issue, but he is saying there is more than one side and more than one thing to consider as Council has to consider how it's going to proceed on issues that come forward. He said not to hurt anybody's feelings, but he wants everybody to understand that we've got to be taking global views as well as the view from particular interests.

Councilman John Segars said he doesn't know if he can add anything to what's already been said tonight. He said he came into the meeting thinking that we could possibly mitigate this thing by possibly giving them core commercial on the Oak Street to the end of their property and then leaving the parking lot and the rest of the property as office residential. Councilman Segars said he sees by the frowns and the expression on people's faces that may be that's not an option, so he rests his case.

Mayor Gloria Hines said she is torn and she respects both sides, but she wishes she could take all of the residents and push them back and that will leave Genesis by itself and that way they could expand, but she knows that's not possible. She said it's a crowded congested area and it's just not enough room. Mayor Hines said she respects the residents and if she was living there she would feel the same way. She said, "I live in another

neighborhood, but I respect your neighborhood”. She said she respects very much what Genesis has to offer and she wish they could take the Belk building and put a parking garage under it and build up five stories to accommodate it all, but that’s not in their plan. Mayor Hines said she would have to go with the citizens. She said Darlington needs to grow, but that’s not the right way for it to grow. Mayor Hines said she hope that Genesis would find another area to put that gorgeous building and not leave Darlington. She said what she has heard tonight from the citizens is that they are not against Genesis building the building, but it’s where they want to put it.

Upon motion of Councilman Milling, seconded by Councilwoman Elaine Reed, the Public Hearing ended at 6:47 PM. (There was a 5-minute break before the Regular Meeting began)

**CITY OF DARLINGTON
REGULAR CITY COUNCIL MEETING**

PRESENT AT MEETING:

Mayor Gloria Hines, City Manager, Mr. Howard Garland and Councilpersons: Elaine Reed, John Segars, Carolyn Bruce, Bryant Gardner, Coleman Cannon and John Milling. Also, present: Mrs. Lisa Rock, City Attorney Kevin Etheridge, Police Chief Danny Watson, Mr. Alex Gainey, Mr. Kinsaul, Fire Chief Pat Cavanaugh, Mrs. Betty Jackson, Mrs. Audrey Gore, Mrs. Dyan Cohen, Ms. Sheila Baccus, Mr. Renny Johnson, Mr. & Mrs. T.C. Sawyer, Ms. Evelyn Jett, Ms. Jannie Lathan, Ms. Rhonda Brown, Mr. Cecil Brommell, Ms. Harriett Hobbs, Mr. Tracy Blakney, Mr. Rujon Williams and other visitors.

NEWS REPORTERS

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

PRAYER

Mayor Pro-Tem Cannon did the invocation which was followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

Councilman Bryant Gardner made a motion to approve the minutes of the October 3, 2017. Councilman John Milling seconded the motion. All approved the motion.

APPROVAL OF MEETING AGENDA

Upon motion of Councilman Bryant Gardner, seconded by Councilman Coleman Cannon to approve the meeting agenda. All approved the motion.

REPORT OF STANDING COMMITTEES

A) DARLINGTON DOWNTOWN REVITALIZATION ASSOCIATION – MRS. LISA ROCK

Mrs. Rock said the DDRA had their Annual Business Costume contest for Halloween and the Jeweler's Bench won first place as characters from Little Red Riding Hood. She said Carolina Bank came in second place with a 1970's theme. She said the best individual costume award went to Kathy Lawhon of First Citizens Bank. Mrs. Rock said anyone interested in helping to organize their 2018 "Bringing Downtown Alive" free concerts should contact her office immediately. She said the concert committee will hold its first meeting soon because they need to start securing bands, selecting dates and approaching sponsors. Mrs. Rock said to mark your calendars for "Shop Small Downtown Open House" from 5:00 -8:00 PM Thursday, December 7th. Danny Lockemy will have music and games, Santa will talk with the children and Darlington Recreation will have the snow machine. Mrs. Rock said vendor spaces will be available as well on the Courthouse grounds. She said American Express donates 200 shop small tote bags to distribute at the event to encourage people to shop locally. She said businesses, churches and civic groups can submit flyers and brochures of any kind of promotional item, but they need to get them to her by Thanksgiving so she'll be able to put those in the totes. Mrs. Rock said the Market on Darlington Square Committee wrapped up its season in October, but they will be holding on Christmas Market on Saturday December 9, 2017 from 10:00 AM – 4:00 PM at Trinity United Methodist Church. She said there will be vendors, local performers and a coloring station for the kids. She said they are still accepting vendors and musicians for the event. Mrs. Rock said DDRA will hold its Shop Darlington Contest again this year. She said people will have a chance to win one of three \$100 fuel cards. She said all people have to do is submit five receipts dated between Thanksgiving and Christmas from

different Darlington businesses and they will be entered into drawing for a chance to win \$100.

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

Ms. Hobbs said they are continuing to take orders for I “red heart” Darlington banners. She said the banners are still being sold for \$70 each and they still have cozies for sale at the Chamber. Ms. Hobbs announced that she was now the new President of the Greater Darlington Chamber of Commerce. She said Ms. Elizabeth Gainey who was filling the interim Director slot is now the Director of Events. Ms. Hobbs said once Ms. Gainey graduates from Francis Marion in December, she will be coming full-time with the Chamber. On Thursday, December 7, 2017 during the Shop Small event on the Square the Chamber will be open and have hors d’oeuvres and wine punch for the adults and punch for the children. Ms. Hobbs said a mailbox will be inside the Chamber where children can come bring their letters to Santa. She said every letter that is put in the mailbox will get a return letter. Ms. Hobbs said the Lunch & Learn with the Chamber will start back in January, 2018. The Annual Banquet will be held February 1, 2018 at the Darlington Country Club. She said a new event they will have this year is called “Bowties & Pearls and will be held Saturday April 21, 2018 at South of Pearl. She said it’s going to be an oyster roast and pig picking. Freedom Fest will be Saturday June 30, 2018 at the Darlington Raceway. The Toast of Darlington will be held on Thursday October 4, 2018 and the biggest Tailgate date will be set once they get all of the high school football schedules.

UNFINISHED BUSINESS

A) NORTH MAIN STREET BRIDGE REPLACEMENT UPDATE – MR. HOWARD GARLAND

Mr. Garland said SCDOT has asked us to write a letter stating that we don’t have our portion of the utility replacement so we won’t have to pay our portion of the costs. Mr. Garland said SCDOT would contribute \$65,000 to the utility relocation and the City’s portion would be the remaining \$57,800. He asked Council vote tonight because we don’t have this money in our budget and we will be asking SCDOT to take on this responsibility to pay that. Mr. Garland told Council if they give him the authority, he will write that letter to them. Councilman Segars made a motion for Mr. Garland to

write a letter to SCDOT stating we don't have the money in our budget to pay for the utility replacement. Councilman Gardner seconded the motion. All approved the motion.

NEW BUSINESS

A) APPROVAL 2018 COUNCIL MEETING SCHEDULE

Upon motion of Councilman Coleman Cannon, seconded by Councilwoman Carolyn Bruce, to approve the 2018 Council Meeting Schedule, which unanimously carried.

B) UPPER ROOM HOLY GHOST MISSION – ELDER WARREN D. SPEARMAN

Mr. Spearman said he started a work at 109 Pearl Street by having Bible Study and ministering to a lot of people on the streets. He said as they started to grow he hung a sign up. Mr. Spearman said this is a non-profit organization because he does not collect an offering from anyone that comes in to hear him teach or preach. He said he has begun to reach people on the streets since he's been doing this. Mr. Spearman said Jesus' ministry was in Capernaum and while he was there, there were people that was sick and He healed them and now they can see and become productive citizens. Mr. Spearman said a burden has been put on his heart to reach for these people no matter what they look like or smell like, they still need help. He said he received a letter from the City saying he was breaking an ordinance, which he didn't know at the time. He said he spent eight years in the Marine Corp, received four "Good Conduct" medals and received an Honorable Discharge so it's not his consent to do anything wrong. Mr. Spearman said he was made aware that the law was passed 10 years ago that no church should be in a zoning area that's supposed to be used for business purposes. Mr. Spearman said he wants to be a part of Darlington City and he knows that laws are not made to be broken, but they can be revised. He said if he can reach one person that's on alcohol or drugs, that's one person that the City of Darlington doesn't have to incarcerate. Mr. Spearman asked Council to consider giving him a chance through Christ to associate everybody into this gathering that we have. Mayor Hines asked Mr. Spearman if we wanted to change the name of his mission and he said, "Yes". Mayor Hines said Mr. Spearman indicated he wanted to change the name and asked him what he wanted to change it to and Councilwoman Reed said he wants to have an outreach center. Councilwoman Reed asked Mr. Spearman if he was given a trespassing charge and Mr. Spearman said he was given a letter to evacuate the premises. Councilman Milling asked Mr. Spearman if he was asking for

a revision of an ordinance or asking for a zoning change. Mr. Spearman said he is asking for a revision of the ordinance that was given for ministries that are in “store front” churches. Councilwoman Reed asked Mr. Spearman where is he located and he said 109 Pearl Street. Councilman Gardner asked Mr. Spearman if his mission is outreach and if he will be having Sunday worship services and he said, “Yes, his mission is outreach and they have Thursday and Sunday service”. Councilman Gardner told Mr. Spearman he applauds his efforts on outreach and he’s very interested in helping him facilitate, but we are having an issue in our City of zoning and where we build out. Councilman Gardner said our Square, he thinks this law was put in place because of a previous church and we wanted to maintain the appeals and businesses that we put on our Square. Councilman Gardner said he don’t have much of an interest for a church on our Square, but an outreach program, a non-profit that goes after outreach people on our Square is something he can get behind and advocate to Council to do the same. Councilman Gardner said he doesn’t know how we go about defining what is what. Councilman Milling asked if they could refer this to the Mr. Garland as our City Manager so he can get with our City Attorney, Mr. Kevin Etheridge and perhaps gives us some guidance on this because he thinks everybody who is sitting here is not really sure what his issue is and the best way to address it. Councilman Milling suggested that Council accept this as information and refer it to the City Administrator. City Attorney, Kevin Etheridge said he talked with Mr. Garland about this and he referred him to the zoning ordinance about where this organization, but he thinks there’s a way to try and work this out. He said there might be a way to work this out under a different guise. Mr. Garland told Mr. Spearman to come see him tomorrow or one day later in the week.

C) TRESPASSING ORDINANCE SUGGESTED CHANGE – POLICE CHIEF DANNY WATSON & MS. JAMIE STEEN

Chief Watson said he was approached by the Housing Authority in reference to a proposed change to our “trespass after warning” statute. He said the State statute does not give a specific amount of time that a person has to be notified again, but our statute states you have to do it every six months. Chief Watson said because there is no actual date or time in the State statute he would like to use the State statute as a model for ours. Chief Watson said another issue that came up, which is supported in the Attorney General’s opinion, is that Ms. Steen as a representative of the Housing Authority would have the authority, even if she’s not the property owner, to say, “You cannot come back to this property”. He said the reason they are looking to

do this is if there were individuals that were at the Housing Authority and were causing trouble (especially in areas where you have elderly folks and small children), and those folks did not belong in that area they would have the ability to tell them they can't come back to the property and that would carry weight. Councilman Milling said the State statute mentions a fine of not more than \$200 and wanted to know if we have a "catch all" statute that would deal with what the penalties are for the violation or do we need to also add State language to our City ordinance. Chief Watson said the actual trespass statute already has a fine attached to it. Ms. Jamie Steen said they have a way of notifying people when they evict them and if they submit a "no trespassing" order, it's because it's regarding drugs or a violent crime. Ms. Steen said they don't want them back on the property if they are putting them off of the property or out of the unit for drugs or a violent crime. She said a situation like this came up a month ago. She said a year ago they put a family out that were arrested for drugs. They came back on their property and while there they were shot at by a car passing by on the street. Ms. Steen said they were on their property after they had asked them not to be there and then she found out because it had been more than six months since she notified them, she couldn't do anything about it. Ms. Steen said this adds a "little more teeth" to them being able to keep people off of the property and to keep the residents safe. Chief Watson said the particular area Ms. Steen is referring to is Bowens Manor which is almost 100% occupied by elderly residents. Mayor Hines said, "So if you have a "no limit" that means...before she finished Ms. Steen said, "Until I lift it, until I give them written notice that I lift them coming on the property. **Councilman Milling made a motion to amend our trespassing laws to provide that there is not time limitation on it and that we pattern it after the State Statute 16-11-620. Councilwoman Elaine Reed seconded the motion. All approved the motion.**

D) SECOND READING ON ORDINANCE 2017-28 (201 CASHUA STREET) ZONING CHANGE FROM OFFICE/RESIDENTIAL TO CORE COMMERCIAL

Councilman Bryant Gardner made a motion for Second Reading on Ordinance 2017-28 (201 Cashua Street) zoning change from Office/Residential to Core Commercial. Councilwoman Carolyn Bruce seconded the motion. After a show of hands, all councilpersons voted against the motion. Councilman Milling abstained because of a potential conflict of interest. Motion fails.

E) SECOND READING ON ORDINANCE 2017-29 (2 SEGARS COURT) ZONING CHANGE FROM OFFICE/RESIDENTIAL TO CORE COMMERCIAL

Councilman Bryant Gardner made a motion for Second Reading on Ordinance 2017-29 (2 Segars Court) Zoning change from Office/Residential to Core Commercial. Councilwoman Carolyn Bruce seconded the motion. By a show of hands, all voted against the motion. Motion fails.

F) WASHINGTON SQUARE APARTMENTS BILLING ADJUSTMENT – MR. RUJON WILLIAMS

Mr. Williams said he is the Property Manager at Washington Square Apartments which is also known as Darlington Elderly Housing. Mr. Williams said a few months ago they noticed a discrepancy in their water bill. He said the sanitation was billed at a rate of \$200 per meter because they have six meters on site when in fact it should have been \$200 for a six-yard dumpster. He said he contacted his corporate office and they saw they had been billed that way for the past six years. Mr. Williams said he talked to the previous Manager and this issue came up in March, 2011 and they contacted the Water Department and inform them of the error and they said they would take care of it, but they never did. Mr. Williams said all of the bills are sent to corporate and it just so happened they sent a bill to them this time and he saw it. (Mr. Williams had a copy of his bill). He said they have a total of six meters and they were over billed \$993.50 for a period of 79 months which amounts to an overpayment of \$78,486.50. Mr. Williams said he approached the City about getting a refund of this money, but according to ordinance the City can only refund an overcharge for six months which amounts to \$5,961.00. He said given the fact they have been overcharged 79 months and they are giving them six months back, that leaves a balance of \$72,525.50. Mr. Williams wanted to know if that ordinance can be waived in this case because the City was notified back in 2011 and nothing was done about it. He said they are willing to work with the City to get this matter taken care of. Mr. Garland told Council if they make the motion and approve it, we will work out some type of arrangement with them. He said it's just that their hands are tied right now with the six-month rule. Councilman Segars asked if we waive this, would it set a precedent in the future. Mr. Garland said he guess that is correct, but this is so egregious and it should be righted. Mayor Hines said they contacted the City in 2011 and nothing was done. **Councilwoman Segars made a motion to waive the six-month rule so we can go further back and make right with**

Washington Square Apartments. Councilwoman Reed seconded the motion. Councilman Milling asked what will this do to the water and sewer budget and Mr. Garland said this is not water and sewer, this is street and sanitation. Councilman Milling asked what will this do for the street and sanitation budget. Mr. Garland said he doesn't know that he will have to figure that out. Councilman Milling said he trying to determine if we can immediately make an adjustment or whether we need to wait six months until we get out tax revenue in. Mr. Garland said from a cash flow standpoint we will work out something where by Spring this will be right. He said we don't have the cash right now, but when the property tax money comes in we will work out some type of arrangement with Mr. Williams and his company. Mayor Hines said, "We wouldn't give them any money back, we'll just let them not pay, right"? Mr. Garland said there will be some type of credit involved, but he's got to look back and see what type of volume of debris they have taken off because some are charged more and some months it may be less. Mayor Hines said Mr. Williams and Mr. Garland will work something out. **All approved the motion.**

G) SCTFC COMMUNITY PARTNERSHIP GRANT SUPPORT LETTER – MAYOR HINES

Mayor Hines said she was approached at a Crime Watch meeting about writing a letter to stop all smoking in the City of Darlington and in the County. She said she told them she couldn't do it at that time because that would have to bring this before Council. Mayor Hines said it's the South Carolina Tobacco Free Collaborative. She said we have certain restaurants that have "no smoking", but she doesn't think we can do that for the whole County. Mr. Garland said some communities have done this where they make their municipals buildings and outside municipal buildings smoke free, but it's a choice each town has to make on their own. (There was no comment or discussion).

H) SUSPENSION OF BLUE LAW FOR HOLIDAY SHOPPING

Mayor Hines said the dates will be from Thanksgiving November 23, 2017 to December 25, 2017. **Councilman Coleman Cannon made a motion to suspend the Blue Law for holiday shopping. Councilman Bryant Gardner seconded the motion. All approved the motion.**

I) BOARD/COMMISSION APPOINTMENTS – MRS. LISA ROCK

Mrs. Rock said the Board of Zoning Appeals has two seats available. Mrs. Rock said Mr. Ryan White is willing to serve on the Board and because of a

recent resignation by another Board member prompts the urgency of this nomination. Upon motion of Councilman Milling, seconded by Councilwoman Reed, to appoint Mr. Ryan White to the Board of Zoning Appeals. Mrs. Rock this leaves one seat open on this Board and an alternate seat available on the Historic Landmarks Commission.

COUNCIL COMMENTS

Councilman Milling said he understand the Department of Transportation is responsible for the improvements in the sidewalks on Cashua Street and the curbing that is taking place, but now the paved portion on which cars travel is in bad shape. He said there's a difference between the edge of the pavement and dropping down to where they put that in. Councilman Milling said he didn't know if we had any communication with the highway department about what they were doing. Mr. Garland said what we've been told is they plan to mill down Cashua Street 4 inches and repave. Councilman Milling asked if they will coordinate with us so we can protect our storm drainage there. Mr. Garland said he hopes so.

REMINDERS

Tuesday, November 21, 2017 Run off Election Ward 1 from 7:00 AM – 7:00 PM;

Wednesday, November 22, 2017 City Holiday Luncheon 12 noon – 1:30 PM at Baldwin Gym;

Thursday & Friday November 23rd & 24th Thanksgiving Holidays-All City Offices Closed;

Tuesday, December 5, 2017 at 6:30 PM - Regular Monthly City Council Meeting

EXECUTIVE SESSION

Upon motion of Councilman Bryant Gardner, seconded by Councilman Coleman Cannon to go into Executive Session at 7:47 PM to discuss possible property purchase for playground 164-15-02-055; 164-15-02-056; 164-15-02-60 for \$80,500 located at 207 Siskron Street. The City of Darlington may or may not vote after executive session.

Upon motion of Councilman Milling, seconded by Councilwoman Reed, the Executive Session ended at 8:17 PM.

Mayor Hines said in Executive Session they discussed possible purchase of property for a playground on Siskron Street. **Councilman Milling made a**

motion to purchase property for a playground bearing tax map numbers 164-15-02-055; 164-15-02-056 and 164-15-02-060 located at 207 Siskron Street running from Siskron to Hampton Street for the price of \$80,500 with the condition that the owner of that property be able to convey fee simple titles without any encumbrances. Councilman Gardner seconded the motion. Councilman Cannon does this take away from Virgil Wells Complex. Councilman Gardner said the funds that are for Virgil Wells Complex are the same funds but it does not take away from the funds estimated for the baseball complex. He said he has no interest in taking away from baseball fields or any of that stuff. He said these things can be done congruently at the same time or however we choose.

Councilwoman Reed said you do understand that the concept of Virgil Wells Complex is more than the ballfields and the reason for us acquiring all that land was to make sure that we had a playground, the tennis courts, incorporate the gym and pools, we have a design more than ballfields.

Councilman Gardner said the funds that you are asking us to use are still the same. He said when we were doing the budgeting for the baseball fields it included all those extracurricular activities. He said those things aren't separate, they are included in the funding estimates. Councilman Gardner said he has no interest in taking money away from the baseball complex.

All approved the motion. Mayor Hines said she would hope that in doing this Virgil Wells Stadium is not left out and that we will be abreast on the survey. She said she will talk to Dr. Boyd about this. Mayor Hines said we can use more than one park in Darlington. Councilwoman Reed said she left the meeting on Friday with the school board saying there's no questions about giving us the land; the question was the parameters, where the parking was, not to limit the school and there coming and going. She said there was no issue about them awarding us the land, but they needed to be specific about the lines and that was the reason for the second survey. Mayor Hines said she has something at home that says when the School Board had their June meeting they gave us the land and that is what had her confused. She said it was also said at the Supper and this had her confused. She told Mr. Garland she will bring him the letter so he can see it. Councilman Gardner said it sound likes Darlington County needs to work on communication and working together.

JOURNMENT

Upon motion of Councilman Bryant Gardner, seconded by Councilwoman Carolyn Bruce, the meeting adjourned at 8:26 PM.

Mayor

ATTEST:

Clerk & Treasurer