**CITY OF DARLINGTON**
**REGULAR CITY COUNCIL MEETING**
**APRIL 7, 2020 AT 6:30 PM (DIGITAL MEETING – ZOOM)**

## PRESENT AT MEETING:

Mayor Curtis Boyd, City Manager, and Councilpersons: Elaine Reed, John Segars, Howard Nettles, Bryant Gardner, Sheila Baccus and John Milling. Also, present: City Manager, Mr. Howard Garland, Mrs. Lisa Rock, City Attorney Kevin Etheridge, Mr. Alex Gainey, Chief Kelvin Washington,

Councilman Milling suggested that a roll call be done, and Mayor Boyd did roll call of all the council members.

## CONDITIONS OF MEETING – MAYOR CURTIS BOYD

Mayor Boyd read the conditions for the Zoom digital meeting. He provided a phone number and meeting ID# for citizens wanting to listen in. All comments were to be communicated via Facebook messenger or chat to be read by City staff during the meeting. Votes of council members will be done in a roll call fashion. Mrs. Lisa Rock will read out any comments or questions that have been mailed or emailed prior to the meeting. The recording of this meeting will be posted on the City's website

## INVOCATION & PLEDGE OF ALLEGIANCE

Kevin Cauley did the invocation which was followed by the Pledge of Allegiance.

## APPROVAL OF MINUTES

**Councilman Bryant Gardner made a motion to approve the minutes for council meeting held on March 2, 2020 and March 3, 2020. Councilwoman Elaine Reed seconded the motion. Councilpersons: Segars, Baccus, Milling, Nettles, Reed, Gardner and Mayor Boyd approved the motion.**

## APPROVAL OF MEETING AGENDA

**Upon motion of Councilwoman Elaine Reed, seconded by Councilman Howard Nettles, to approve the meeting agenda for the April 7, 2020**

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**meeting which unanimously carried. Councilpersons Segars, Baccus, Milling, Nettles, Reed, Gardner and Mayor Boyd approved the motion.**

## ***REPORT OF STANDING COMMITTEES***

## A) DARLINGTON DOWNTOWN REVITALIZATION ASSOCIATION – MRS. LISA ROCK

### *Darlington Downtown Revitalization Association*

Joey Saleeby took home the Championship Belt as the People's Choice Award winner at the first **Joe's Grill and DDRA Chili Championship in March,** which will become an annual event to raise funds for the fire department. Chris Gainey from Bill's Grill in Patrick took home the Owner's Choice Award from the 10 participating cook teams. We hope to get more local businesses involved next year. Car show winners were Reese Tadlock in 1st, Calvin Kelly in 2nd, and Eddie McCoy in 3rd.

Our monthly **Member Breakfasts** have been suspended until further notice based on the social distancing guidelines set forth by Governor McMaster's executive orders.

We plan to reschedule the DDRA's annual **Taste of Darlington –** originally set for Thursday, April 23, at Darlington Raceway. Show off your cooking skills and show off your business at Darlington's top social event of the spring. We will be looking for cook teams and sponsors once we can get a new date set.

Our **Annual DDRA Golf Tournament** has been rescheduled for **Wednesday, May 20,** at Darlington Country Club. Four-person Captain's Choice teams play 18 on the beautifully remodeled course after a delicious buffet lunch. Teams and hole sponsorships are still available. The winning team will take home tickets to the Southern 500! Thanks to Carolina Bank, Darlington Raceway, Fitness World Gyms, and Nationwide Insurance for helping us present this event again this year!

The DDRA plans to continue Bringing Downtown Alive! with its first event of the spring, a **Community Karaoke Party,** from 7 to 10 p.m. Thursday, May 7, at Liberty Lane & Pearl Street. Should the COVID-19 outbreak continue to limit gatherings, we will reschedule this event for two weeks out from the previous date as needed.

Other events to look forward to:

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- **Race Week Party** – 7 to 10 p.m. Friday, Sept. 4, at Liberty Lane & Pearl Street
- **Bringing Downtown Alive! Free Concert** – 7 to 10 p.m. Thursday, Oct. 22 at Liberty Lane & Pearl Street

## B) GREATER DARLINGTON CHAMBER OF COMMERCE –CITY MANAGER MR. HOWARD GARLAND

Mr. Garland read the report for the Greater Darlington Chamber of Commerce. He said they are in the planning stages of Freedom Fest which will be held July 11, 2020 at Darlington Raceway. The stage is ordered, the bank is booked, the rides are being reserved and vendors are reserving spots. The new fireworks company has the date on their calendar. The Chamber of Commerce has two backup contingency plans for Freedom Fest in case we're continuing to practice social distancing. He said the Greater Darlington Chamber of Commerce would like to request sponsorship from the City of Darlington for Freedom Fest, 2020 in the amount of $15,000. This historically has been the amount the City of Darlington has done. In years past the City has been one their best sponsors for this event. Freedom Fest is the Greater Darlington Chamber of Commerce Annual Independence Day Celebration family event at Darlington Raceway. This is a large-scale event that brings thousands of people to our community each year with many coming from outside of our County and outside our State. This event places Darlington in the spotlight and contributes highly to the local economy but also to the growth of tourism. Through the support of the City this event has continued to grow exponentially in size so much that they are bringing in a marketing company (I- Heart Media) to assist in marketing the event throughout South Carolina. The Chamber is also doing a recovery plan for the City of Darlington and our businesses as part of a grand Reopening" of Darlington. The Chamber, and hopefully in partnership with the City of Darlington plans to do a "Giant Ribbon Cutting" for Darlington once the crises has passed. They hope we can all come together around the Public Square. The Chamber is planning to invite all the citizens, and businesses to the Square to cut the ribbon to reopen our city for future business. They will invite restaurants to participate and offer food and beverages for people in attendance. Prior to the "Ribbon Cutting" they will have a parade with a lineup of cars, golf carts and bands that will come through town.

## CITIZENS WISHING TO MAKE COMMENTS

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Mrs. Lisa Rock said she did not receive comments by email, mail or on Facebook that were not general questions that could be answered. Councilman Bryant Gardner said, "let's just make sure next time seven days before we have the meeting if we could just daily put out how the people can put in questions that way, we could have a clear line of communication". Mrs. Rock said, "I don't think we knew at the time seven days ago how we were going to do this". Mayor Boyd said, "We apologize if somebody didn't get anything in. This was all thrown together quickly so we could go ahead and continue this, and we'll do that for sure next time if we have to continue this way".

***UNFINISHED BUSINESS***

**A) PUBLIC HEARING ON ORDINANCE 2020-01 PROPERTY PURCHASE 1755 HARRY BYRD HIGHWAY OLIN KIRVEN (126-00-02-063) 116 ACRES $600,000 FOR BALLFIELDS**

Mrs. Rock said she hasn't received any comments about it, written or otherwise. Councilwoman Reed asked if they were at a point where they could set the public hearing especially with the Coronavirus"? Mrs. Rock said the meeting has been posted in the newspaper of record for the County prior to the meeting, roughly 31 days before so people did have the opportunity to write in their comments. **Councilwoman Elaine Reed made a motion to have a Public Hearing on Ordinance 2020-01 Property Purchase 1755 Harry Byrd Highway Olin Kirven (126-00-02-063) 116 acres at $600,000 for ballfields. Councilman Bryant Gardner seconded the motion. Councilpersons Segars, Baccus, Gardner, Nettles, Milling, Reed and Mayor Boyd all voted in favor of the motion.**

**B) SECOND READING ON ORDINANCE 2020-01 – PROPERTY PURCHASE 1755 HARRY BYRD HIGHWAY, OLIN KIRVEN (126-00-02-063) 116 ACRES $600,000 FOR BALLFIELDS**

Councilman John Milling asked, "On part A for number 7 it appears that Ms. Reed was making a motion that we have a public hearing. I'm trying to understand whether we just had a public hearing since notice has been given or was she making a motion to have a public hearing at some point in the future"? Mayor Boyd said, "The public hearing is already been had, but Elaine what was your motion"? Councilman Milling said, "What we had in 7A was a public hearing at which there was no input so what we're really having now is motion to pass the ordinance following a public hearing". Councilwoman Reed said, "I clarified it once she made me understand that the notice, it had been 31 days". Councilman Milling said, "I just wanted

everyone to understand you made a motion to have a public hearing but in reality, we were having a public hearing at that time and Lisa Rock was indicating that no one had provided any comment in connection with that public hearing. And so now we are moving to the question of whether or not we are going to approve the second reading of the ordinance". Councilwoman Reed said, "Well John that's what I was saying, I corrected myself and said we are approving the public hearing ordinance". Councilwoman Reed said, "So I'm taking it as it's a done deal". Councilwoman Baccus said, "So on this property, if we purchase this property and it remains in the county, how are we going to police this property"? Chief Kelvin Washington said, "I don't believe that we will have jurisdiction out there unless that property is within the City Limits of Darlington, the city police will not have any jurisdiction which also raises an issue about the fire response as well". He said maybe Chief Cavanaugh to chime in as it relates to the fire response. Councilman Bryant Gardner said, "When it comes to the police response, we have the mutual aid agreement with the sheriff's department, could we assume that they would help"? "Then it come to if we have police presence at our ball games would our city officers still be allowed to be out there for the police presence and if something were to come up, could they call the sheriff's office to have some official"…. Chief Washington said, "The mutual aid agreement is such that because it's the sheriff's office responsibility, then we would have to assist them because that is in their jurisdiction, not ours". Chief Washington said he could not call them to assist him in their jurisdiction. Mrs. Rock said, "This is like any other piece of city property that we own that is not in the corporate limits such as the sewer treatment plant but I'm sure our officers have gone out there and checked it and fire as well, so I don't actually understand what the question is Ms. Baccus". Chief Washington said, "If I may Mayor Boyd, I'd like to respond to Ms. Rock's response. Chief Washington said there is a difference between going and checking on a property and having arrest powers within that jurisdiction. Those are two totally different things. If we just ride by a piece of property is one thing, but to be able to police a piece of property and have arrest powers for the people that are in that particular jurisdiction, those are two totally separate things and so I don't want to mix apples and oranges here" Mrs. Rock said, I'm not sure what Ms. Baccus' question was then". Councilwoman Baccus said, "If there is an event at the baseball field, (at the complex) and there are some games going on there should always be police at the games. The question is who has the authority to police the property during event"? Chief Washington said, "At this present point, as the Police Chief, I would

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say that the Sherriff's Office would have that authority". Councilwoman Reed said, "So a lot of this is contingent on the fact that we can annex the property. Is that still on the table? Does that seem like viable options for us in purchasing this"? Mayor Boyd said, "We were told by Charles Stewart that if the Race Track was not able to be annexed in, we would still get the hospitality funds if we put a property out there". The question was if we were to put a restaurant out there would we be able to retain hospitality funds from the restaurant and Charles Stewart confirmed that to us. Councilwoman Baccus said, "So this is on the council that they have at the county now, but in the event the council may change at the next election….Mayor Boyd said, "It would be in writing". Councilwoman Baccus said, "I don't think it bounds the next Council, does it Mr. Garland"? Mrs. Lisa Rock said, "If County Council were going to change that agreement they would have to pass a similar ordinance or resolution whatever way they passed it to enter into an agreement to reverse such an agreement". Councilwoman Baccus said, "The point I'm making is the next Council that comes up is not bound by that agreement". Mrs. Rock said, "They would have to take affirmative action to undo it". Councilwoman Baccus said, "Like I just said, I'm just making a point, but the next Council does have an option of not sticking to the agreement". Mr. Garland said, "If you get an agreement signed by the County, I feel like they would honor it if it's something that they signed where they said they would pay the hospitality tax back for a certain number of years. We have standing agreements with the school district for Blue Street and we had a standing agreement with the school district for Virgil Wells Stadium before we bought that, and we have a standing agreement with the school district for the tennis courts where we share the cost with them (half & half). Mr. Garland said this is slightly different, but we've had a good reception from the county administrator. He's talked individually with the county council members and those that are currently on board have no objection to that. We don't have anything right now in writing, but we do feel good about them giving us the hospitality funds that we would collect inside the concessions. Mr. Garland said the accommodations tax is a little different because that goes to the State of South Carolina through the tax commission and would have to come back to the county and they would in turn give the City their share of the funds if we were able to build a hotel/motel on that site. Mayor Boyd said, "I'm assuming that you got the letter from Pee Dee Electric saying they will give us a loan (we aren't looking to try and get a loan right now) but they are willing to give a $325,000 grant. They told me and Howard Nettles both that they had additional money that they were prepared

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to give us the following year, but they would be willing to start out with a $325,000 grant. **Councilwoman Elaine Reed made a motion to approve Second Reading on Ordinance 2020-01 property purchase at 1755 Harry Byrd Highway, Olin Kirven (126-00-02-063) 116 acres at a cost of $600,000 for ballfields. Councilman Bryant Gardner seconded the motion. Councilpersons: Reed, Baccus, Gardner, Milling, Nettles, Segars and Mayor Boyd all voted in favor of the motion.**

Mr. Garland said there was supposed to be a motion to come out of that to sponsor the $15,000 for Freedom Fest. Mr. Garland said the note said the Chamber board wanted it to be brought up tonight. Councilman Nettles said he's on the Chamber Board and Anna Dewitt sent him an email and they were supposed to discuss this, but they skipped past it. Councilman Gardner said it's not an item on the list and they can't vote on that without giving the public prior notice. They will just receive this as information tonight.

***NEW BUSINESS***

**A) USDA GRANT AWARD ACCEPTANCE – POLICE CARS**

Police Chief Kelvin Washington said we have already applied for the grant and we have been approved for the grant. Tonight, we need to vote to accept the grant. The total amount of the project is $115,000, the federal government is going to give us $50,000 towards the project. It is through the USDA Community Facilities Grant and they will be purchasing 3 patrol cars for the City of Darlington. **Councilman Bryant Gardner made a motion to approve the USDA Grant Award Acceptance for the police cars. Councilwoman Sheila Baccus seconded the motion. Councilpersons: Segars, Milling, Baccus, Nettles, Gardner, Reed, and Mayor Boyd all voted in favor of the motion.** Mr. Garland said Mr. Stewart Hucks with USDA is online and he needs to explain some of the requirements of the grant. It's something that's required at every public meeting before we accept the USDA grant. Mr. Hucks said Chief Washington did a good job explaining where we are. Mr. Hucks said we have made application and is at the point now in the process where we are ready to fund the request in the amount of $50,000 grant. Mr. Hucks asked if everyone received a copy of the forms that he sent. Mr. Hucks said there are 10 forms that goes along with the Letter of Conditions that will need to be signed and attested and retuned to him so that they can commit the funds for that project. Mr. Garland said he just got those today, so he has not sent those to council yet. Mr. Hucks said one of those is the grant resolution which they need to record tonight's vote on it and once signed and attested they can be scanned and

emailed back to him. Mr. Hucks said there are some additional things that he will send out tomorrow such as an update list of council members names, they need to understand they will have 6 months to complete the project; he will need copies of the bids for the vehicles (he's assuming they are going through state purchasing for these vehicles). Chief Washington said, "Yes Sir, that's correct". Mr. Hucks said, "So the procurement procedures have been met because the State takes care of all the bidding requirements for us. Mr. Hucks said he will need a copy of the invoice or quote based on whatever type vehicle they are getting. He told them to send it to him so he can approve those upfront prior to them disbursing the money. He said he will send them a form that they need to record the race & gender of council members and employees so that he can do their compliance review. Mr. Hucks said there will be some forms that they will need to complete once they close the grant and disburse the money, but that will be closer to the time that they take delivery of the vehicles. Mr. Garland said this is the seventh grant that the City of Darlington has received since 2008. We have used it to refurbish the courtroom, purchase new police cars several times and for numerous pieces of equipment for the Street & Sanitation Department. Mr. Garland thanked Mr. Hucks and his staff in Florence for all of the work they have done for City of Darlington over the years.

**B) RESOLUTION ADOPTION 2018 INTERNATIONAL BUILDING CODE – MR. ALEX GAINEY**

Mr. Alex Gainey said a few months ago the State adopted the new 2018 Codes. He said they came to them a couple years ago about adopting the 2015 Codes which they now need to adopt the 2018 Codes. He said they are also looking to adopt Chapter 1 – the Administrative portion.

**Councilwoman Sheila Baccus made a motion to adopt the Resolution Adoption of the 2018 International Building Code. Councilman John Milling seconded the motion. Councilpersons: Segars, Gardner, Nettles, Reed, and Mayor Boyd all voted in favor of the motion.**

**C) HOLT BROTHERS – ECONOMIC DEVELOPMENT INCENTIVES – MRS. LISA ROCK**

Mrs. Lisa Rock said the old Huddle House is being transformed into Holt Brothers Bar-B-Que Express. She said in 2017 Council approved Economic Development Incentive packages which would have require each person to individually come before you to be approved and this is one of those packages. She told Council the incentive agreement is included in their packets. Mrs. Rock read the following highlights of the ordinance: The

development will locate at 1503 S. Main Street, Darlington; the development began construction in February 2020 and plans to be fully operational by summer, 2020. Mrs. Rock said this application was made prior to COVID-19 and she's not certain that this will affect it. The developments plan to exist at this location through January 2030; the development intends to invest $150,000 in capital expenses; they intend to hire as many as 25 full-time employees; the development intends to hire with a preference for those living in Darlington County; and the combined investment of the development, including a credit of $50,000 per job created, exceeds $1 million. Mrs. Rock said in return of this investment, The development is requesting the City of Darlington provide the following: Reimbursement of 100% of building permit fees during the initial construction phase; reimbursement of business license taxes in the following manner: 100% for the first taxable year of operation or any portion thereof; 66% for the second taxable year of operation; and 33% for the third taxable year of operation; Reimbursement of local hospitality taxes at a rate of 50% for a period of 12 months. Mrs. Rock said based upon any acquisition costs for the subject property along with good-faith estimates for the costs of physical improvements and the number of jobs created, the development will meet or exceed the minimum investment requirements of subsection 22-105(a) (4); Anticipated business license fees of $629.80; Additional property tax revenue of $1,120.90 annually; Utilities revenue of $701.65 annually and Job investment credit of $1,250,000 based on 25 employees. The development will improve the entrance to the City by rehabilitating a derelict building. Mrs. Rock said the developer will have to submit a request for incentive repayment. She said they will pay their hospitality tax each month and on July 31st of each year they will submit the form to request those funds back based on the incentives. Mayor Boyd asked, "If we approve this would we automatically write them back, for example, a check for the business license"? Mrs. Rock said, "They will pay upfront for every one of the fees". She said on July 31st of next year they can apply to get their building permits fees back, their business license tax back and their hospitality tax back at a rate of 50%. She said they have to show that they have those employees and that investment was made before we write them a check. Mrs. Rock said if they don't happen to open or something happens, they aren't going to get any money. Mrs. Rock said this comes to about $7,000 of incentive money. Mrs. Rock said they won't get any of their property tax money back. **Councilwoman Elaine Reed made a motion to approve Holt Brother Economic Development Incentives Ordinance Number 2020-03. Councilman Howard Nettles seconded the motion.**

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**Councilpersons: Segars, Baccus, Gardner, Milling, and Mayor Boyd all voted in favor of the motion.**

**D) RESOLUTION: PROJECT PEACH – GRANTING CONSENT TO THE INCLUSION OF CERTAIN PROPERTY WITHIN THE JOINT COUNTY INDUSTRIAL PARK OF DARLINGTON AND LEE COUNTIES**

Mr. Garland said this is the thing they have all been waiting for. He said there is $142 million expansion by Georgia Pacific. Mr. Garland said the County had their Third Reading on the Industrial Park last night which mostly includes the GA Pacific property at the corner of Avenue D & Old Florence Highway in the inclusion of the joint county industrial park of Darlington and Lee Counties. Mr. Garland said all we're doing is adopting what the County passed last night. He said once we get past this and we get away from the nondisclosure agreement which we signed with GA Pacific, we can talk about it in executive session what it means financially for the City of Darlington. Mr. Garland said staff recommendation is to pass this resolution**. Councilman Bryant Gardner made a motion that they approve Resolution: Project Peach granting consent to the inclusion of certain property within the joint county industrial park of Darlington and Lee Counties. Councilwoman Sheila Baccus seconded the motion. Councilpersons: Segars, Gardner, Milling, Nettles, Reed, and Mayor Boyd all voted in favor of the motion.**

**RECEIVE AS INFORMATION**
**DEPARTMENT HEAD REPORTS**

Mayor Boyd asked Chief Washington is it possible to enlighten everybody with the "Stay at Home Order". Chief Washington said, "The Governor's order lacks some clarity as it relates to the "Stay at Home Order". He said he's saying stay home, but he's offering a couple of different instances where it would be ok for people to be out. Chief Washington said his folk have been told to encourage people to go home. He said if they are out doing something legitimate as it relates to the Governor's order, then obviously they don't have any jurisdiction as it relates there. Chief Washington said they are encouraging people to stay home as much as possible. He said they have been discouraging police and fire employees from having too much personal contact with the public. He said they have been encouraging them to practice social distancing as much as possible. He said if a call can be handled over the phone, then they do that. He said N95 masks have been disbursed to all full-time personnel. In instances where

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they are transporting people, they are required to wear those N95 masks because of the close confined space of the vehicle. Councilman Gardner told Chief Washington he appreciates seeing the officers in the neighborhood. Councilwoman Baccus asked, "So Chief we're not having any major problems, and everybody is kind of cooperating with the parks, right"? Chief Washington said, "Yes ma'am, so far". He said Mr. Garland and I spoke last week about some other concerns that I have with what's going on with people and not working. Chief Washington said they will discuss that, hopefully in executive session at our next meeting or maybe he will try to make the rounds over the next week or so and talk with each one individually and express some concerns that he has.

Mayor Boyd said, "Just to reiterate, please do what the Governor has asked". He said we all have to work together and hopefully this will all end soon.

## COUNCIL COMMENTS

Councilman Bryant Gardner thanked City Administration for all they are doing. Mayor Boyd thanked everybody on council for working together on all the projects that they are doing.
City Attorney Kevin Etheridge asked, "The 1755 Harry Byrd Highway Ordinance still has the annexation language in it, correct"? Mayor Boyd asked, "Do we have to take that out or do we leave it in"? Mr. Etheridge said, "I guess that was my question". Mayor Boyd said, "My understanding is we passed it with the understanding that the County has agreed to it. We are still going to pursue that strongly. The only thing holding us back from the annexation is the race track". Mayor Boyd said, "They already expressed interest that they would be more than willing to talk with us and work with us, but with the virus going on they have other issues going on".

## REMINDERS

Monday April 13, 2020 at 6:00 PM City Council Work Session
Tuesday, May 5, 2020 at 6:30 PM - Regular Monthly City Council Meeting

## ADJOURNMENT

***Upon motion of Councilman John Segars, seconded by Councilwoman Elaine Reed, the Zoom meeting adjourned at 7:38 PM.***

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Mayor

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ATTEST:

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Clerk & Treasurer

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