CITY OF DARLINGTON
REGULAR CITY COUNCIL MEETING
JUNE 2, 2020 AT 6:30 PM (ZOOM DIGITAL MEETING)

The City of Darlington Regular City Council Meeting was held June 2, 2020 6:30 PM via Zoom.

Present: Mayor Curtis Boyd, Councilmembers Howard Nettles, Elaine Reed, Sheila Baccus, Bryant Gardner, John Milling, and John Segars. Also present was City Manager Howard Garland, Mrs. Lisa Rock, Mr. Lee Andrews, Mr. Kinsaul, Fire Chief Pat Cavanaugh, Police Chief Kelvin Washington, Mr. Alex Gainey, Ms. Sheila Jones, Mr. Michael Williamson with Davis & Brown, Mrs. Nancy Matthews, Ms. Kay Pierson, Ms. Ronda Brown and City Attorney Kevin Etheridge.

Mayor Boyd called the meeting to order.

Prayer was by Councilman John Milling followed by Pledge of Allegiance.

APPROVAL OF MINUTES CITY COUNCIL MEETING ON MAY 5, 2020 AND WORK SESSIONS ON MAY 18TH, 19TH & 20TH, 2020

Councilwoman Elaine Reed made a motion to approve the minutes of May 5, 2020 council meeting which was seconded by Councilman Howard Nettles. Councilpersons Baccus, Reed , Nettles, Gardner, Milling, Segars and Mayor Boyd all voted in favor of the motion. Councilwoman Elaine Reed made a motion to approve the minutes of the budget work sessions of May 18, 2020, May 19, 2020 and May 20, 2020. Councilman Howard Nettles seconded the motion. Councilpersons Baccus, Reed, Nettles, Gardner, Milling, Segars and Mayor Boyd all voted in favor of the motion.

APPROVAL OF MEETING AGENDA

Councilman John Milling made a motion to approve the meeting agenda for June 2, 2020. Councilman Bryant Gardner seconded the motion. Councilpersons Baccus, Reed, Nettles, Gardner, Milling, Segars and Mayor Boyd all voted in favor of the motion.

REPORT OF STANDING COMMITTEES

Darlington Downtown Revitalization Association

Due to the Governor's executive orders regarding COVID-19 and social distancing requirements, the DDRA has postponed the annual **Taste of Darlington,** our monthly **Member Breakfasts,** and the **Community Karaoke Party**.

Our **Annual DDRA Golf Tournament** has been rescheduled to **Wednesday, June 24,** in hopes the social distancing rules will be relieved. We will continue to reschedule it each month until those rules are lifted.

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We are working with our radio partners and NASCAR to see if we can reschedule Darlington Family Fest.

The Board has suspended all improvement grants until such time that we can resume our fundraising efforts.

In the meantime, we continue to promote Darlington and its businesses on Social Media and through our News Alert System each week. In April, we printed a half-page ad in the Morning News notifying customers of businesses that were still operating, and we continually update our Web page, www.BuildUpDarlington.org/covid19, as businesses adapt to this new normal.

Since we are unable to have our concert events downtown, we are working on a promotion and summer contest to encourage shoppers to keep their dollars in Darlington. This effort to **Save Our Restaurants & Eat Local** will give patrons a chance to win $250 in June, $250 in July, and $250 in August just for eating at locally owned restaurants in town. Simply eat local, get your brochure stamped by the business when you pay, collect 20 stamps, and mail in your brochure to be entered into the drawing. At the end of each month, we will draw for $250. You can enter as many times as you like, and entries will roll over from one month to the next.

The brochures will be available to print out from Facebook and from BuildUpDarlington.org as well as participating restaurants.

B) GREATER DARLINGTON CHAMBER OF COMMERCE - NANCY MATTHEWS

Mrs. Matthews said Freedom Fest which was scheduled for July 11th has been postponed to September 19th due to the regulations revolving around the coronavirus. They have verified that day with vendors, pyrotechnics and the track and unless something happens that we don't anticipate, that will be our date. The Darlington County take-out and delivery page on Facebook continues to be very active even as we open restaurants and start going about our regular lives. They will be opening the Chamber building one day a week initially and they will gradually get back to more days. However, the director is available by phone and computer from her home. Mrs. Matthews thanked the City for their support of Freedom Fest, and they are pleased with the way that it's going. They are submitting the expenses as they come up. If they end up having an abbreviated Freedom Fest perhaps the expenses will not be as great.

CITIZENS WISHING TO APPEAR BEFORE COUNCIL (5 Minutes Per Person)

Mrs. Lisa Rock said she has three comments that were emailed in. She said she would also like to mention that the Public Hearing on the budget and any fee increases will be held at 6:00 PM on Thursday, June 25, 2020 at the Harmon Baldwin Recreation Center, 300 Sanders Street. She said they will have temperatures taken and there will be masks available, but they will have it set up so citizens can appear before Council. (Lisa Rock read the comments submitted. They are included as written)

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Comments to Council

Email received May 5, 2020, from Gracie D Lyde

My mother's name is Gracie D. Lyde and she is 84 years who lives on a fixed income from SSI benefits. The mere fact that the county is proposing to increase the water & sewer rates $9.95, the sanitation fees to $6 is not fair to the seniors citizens that are relying on that income.

My mom lives at 206 B Avenue since 1991, which at one time was a nice and quiet area. Now she has that sewer in front of the house that smells awful every time it rains, in which she has made several complaints, but you want to go up on the sewer fees. 1st and B Ave has pots holes from the constant traveling through from dixies 18 wheelers. She not comfortable nor safe sitting on her porch during the days due to the activities that goes on every day and night.

There is a Pandemic going on and all the city can think of is increasing rates and fees. So what residential areas is the city looking out for? It's definitely not the lower and fixed income. Who's looking out for the senior citizens?

Let's get through this pandemic first before your start raising rates and fees.

Email received May 20, 2020, from Gladys Jules

My open council questions below is directly for council member John Milling. If this is the wrong email address for questions and speaking before council, please let me know. Hope you are well. Thank you,

Will you allow a company other than Davis and Brown and its affiliates, to perform all work on the Joe Louis Blvd Lift Station?

The comments submitted by Ms. Gladys Jules was directly for councilmember John Milling. Councilman Milling said, Lisa you responded to that on behalf of all of council and explain the bid process to her, so I appreciate your undertaking to do that. Councilman Bryant Gardner said, “I don’t know if we can point out certain council members during council sessions, can we? Or can we as long as they aren’t discouraging comments”? Mrs. Rock said they can ask specific questions, but the citizen comments are just taken as information and it’s up to council if they want to respond or not. Mrs. Rock said her response to Ms. Jules was that the Joe Louis Boulevard lift station work will be bid out per federal regulations once the engineering component is completed to provide contractors with plans to submit bids. The engineering component was bid out several months ago with Council awarding the engineering portion to Davis & Brown after a panel of staff and council members scored the submissions in February. Councilman Milling said he wanted to point out that he was not a part of Council who was involved in that scoring.

Email received Today, June 2, 2020, from Jannie Lathan

To: Mayor Boyd and City Council

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Comments/questions to be submitted to the City of Darlington's Mayor and City Council during the June 2, 2020 City Council Meeting,

1. Before the Mayor and Council takes any additional actions to increase the fees for Water, Sewer and Storm Water, please answer the following questions/concerns:
    a. The City of Darlington, along with the world, is going through a devastating pandemic, with over 40 million Americans losing their jobs, including many residents in Darlington. Through the CARES Act Relief Bill, Congress has approved $1.8 trillion in relief for suffering Americans. In addition, numerous corporations and banks are providing debt and payment relief for our citizens: Yet in these dire times, the City of Darlington is suggesting to add new and additional fees in three categories of water, sewer, and storm water services (at approximately $20/month for our citizens). This begs following the questions:
        - Why?
        - What is driving this Mayor and Council to impose this additional hardship on all its citizens now?'
        - Why does this have to happen now?
        - Why can't this wait until its citizen's recovery from the pandemic and are at a place of more economic stability?

    Based on the current economic crisis, I am requesting that our Mayor and Council strongly consider withdrawing or substantially delaying current efforts to increase fees in water/sewer/and storm water services. Please have a heart and understand the struggles of so many of the citizens that voted you in to represent them. This is my dire and humble ask. This would impose a serious hardship on the people you serve and would not sit well with the community.
    Let's review the numbers...
    Poverty is an issue for Darlington constituents, especially in the AA community.
        - The poverty rate for the city of Darlington is 21.89%.
        - Darlington citizens consists of approximately 3,389 African Americans (AA), whose poverty rate of 32.02%.
        - Darlington citizens consists of approximately 2,382 Whites, whose poverty rate of 7.64% (over 4 times lower than the rate in the AA community that makes up the majority of the population).

    Darlington citizens represent a large elderly community.
        - The Old Age Dependency ratio is 42.6 and the Age Dependency ratio is 77.8. Darlington has been significantly affected by COVID-19 compared to other cities in the County.
        - The number of COVID-19 active cases in Darlington County is 80 (as of yesterday)
        - 51 of the 80 or 64% of the County's COVID-19 cases are in the City of Darlington.

    It is very apparent; this pandemic has affected Darlington disproportionally. This further support why pushing to raise fees on our citizens in the mist of this

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global and deadly public health emergency that affects the poor, elderly, and sick would not be wise, prudent, or fair.

In summary, we must know who we are, and who elected us to represent us. For the Mayor and the At-Large Council members, please remember you represent all of us, and not just citizens in your Ward. The vast majority of the citizens of Darlington is the elderly, living on a fixed income or are living below the poverty level. This is why so many of us are standing up and saying now is not the time to raise these fees. If the City is in such dire financial straits; request every Department Head to go back and reduce their budget by 10%: Instead of approving yet another increase to the budget. This action alone will produce more dollars than would be gain from increasing our water/sewer /storm water fees on the backs of our already compromised citizens. My request is that you do this and look at other options to increasing these fees, as well.

a. How many times has the City raised the water and sewer fees in the last 10 years?
b. How many times has the City raised the water and sewer fees in the last 15 years?
c. What is the City's current cash flow? Do the Mayor and each of our Council members know the balance in each of the City's bank accounts? Do you know how much money is currently in the Capital Budget? Does the City have a Capital Budget Plan? If so, what is in our Capital Budget Plan? What is the current balance in our water and sewer account? Does the City have a water and sewer Maintenance and Management Plan? If so, what is in this plan? Does this Plan anticipate and plan for the numerous water and sewer line breaks/sump holes we have seen recently? If not, why not?
d. What storm water projects are most critical and urgent? What are the repercussions of waiting? Have we priorities the needs within the three categories? For example, aren't the sanitary sewer issues a higher priority than creating and funding a storm water department now?

2. There are so many other questions we should ask and should answer that focus on the qualifications of the persons managing our Public Works Department, the effectiveness of their management, and the efficiency of their systems and processes. However, my time is limited.

Please know that I greatly appreciate your consideration of my comments, questions, and requests. Hence, I am respectfully requesting a written answer to these questions; and that my comments are entered as part of this Meeting Minutes (as well as the forthcoming answers). Thank you.

Submitted June 2, 2020 By: Jannie Lathan/Resident and Business Owner, City of Darlington

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Ms. Jannie Lathan said she is expecting a written answer to these questions and that her comments are entered as part of this meeting's minutes as well as the forthcoming answers.

UNFINISHED BUSINESS

A) PUBLIC HEARING ORDINANCE 2020-04; 106 BLUE STREET ZONING CHANGE GENERAL COMMERCIAL (GC) to LOW-DENSITY RESIDENTIAL (R-10)

Mrs. Rock showed a parcel of land on the screen where the landowner wants to put townhouses. Mrs. Rock said that the Planning Commission recommends it be changed to R-10. Mrs. Rock said we have not received any public comment on this rezoning other than from the property owner on the corner and she did not have an issue with it, she just wanted it to stay residential, she did not want it to be commercial. Mayor Boyd asked if we had to have a motion to approve the public hearing and Mrs. Rock said you don't have to. Councilman Gardner asked, "Isn't there a certain amount of time that we have to stay on the subject matter"? Mrs. Rock said there is not a time limit specifically it's just depending on how many people or how many members of the public come with comments.

B) SECOND READING ORDINANCE 2020-04, 106 BLUE STREET ZONING CHANGE GENERAL COMMERCIAL (GC) TO LOW-DENSITY RESIDENTIAL (R-10)

Councilman Bryant Gardner made a motion to approve Second Reading on Ordinance 2020-04, 106 Blue St. Zoning from General Commercial GC to Low Density Residential R-10. Councilman Howard Nettles seconded the motion. Councilpersons Milling, Gardner, Nettles, Baccus, Reed, Segars and Mayor Boyd all approved the motion.

C) GARDEN WEEK PROCLAMATION

Mr. Garland read the proclamation proclaiming June 7 - 13th, 2020 as National Garden Week.

NEW BUSINESS

A) FIRST READING ORDINANCE 2020-05 BUSINESS LICENSE COLLECTION

Mr. Garland said there is nothing as far as increasing fees this is just a continuation ordinance letting us continue to collect business license collections. **Councilwoman Elaine Reed made a motion that we approve First Reading on Ordinance 2020-05 Business License Collection. Councilman Milling seconded the motion. Councilpersons Milling, Gardner, Nettles, Baccus, Reed, Segars and Mayor Boyd all approved the motion.**

B) FIRST READING ORDINANCE 2020-06 TAX ANTICIPATION NOTE

Mr. Garland said this is just giving him (City Manager) and the Clerk/Treasurer authority to seek funding when we run low on cash. This would give us the authority to go out as needed to local financial institutions and seek bids for tax anticipation notes which we would repay with property tax money when it comes in in February and March. **Councilman John Milling made a motion to approve First Reading on ordinance 2020-06 Tax Anticipation Note. Councilman Bryant Gardner seconded the motion. Councilpersons Milling, Reed, Baccus, Gardner, Nettles, and Mayor Boyd all approved the motion.**

C) FIRST READING ORDINANCE 2020-07 MILLAGE RATE

Mr. Garland said this has not changed and the millage rate will remain at 128.41.

Councilwoman Elaine Reed made a motion to approve First Reading on Ordinance 2020-07 Millage Rate. Councilman Gardner seconded the motion. Councilpersons Segars, Milling, Nettles, Reed, Gardner, Baccus and Mayor Boyd all voted to approve First Reading on Ordinance 2020-07.

D) FIRST READING ON ORDINANCE 2020-08 WATER/SEWER RATE INCREASE

Mr. Garland said this would increase water rates by 40% and sewer rates by 60% an average of $9.55 per month for residential and commercial customers. The increase will take effect August 1, 2020. Councilwoman Reed asked, "Is this the one that we just got the email from Sheila saying that we couldn't do that... we were out of order? And doing the First Reading that we needed to have the public hearing before"? City Attorney Kevin Etheridge said his understanding is that it would need to happen after the First Reading. There needs to be a public hearing and it would have to happen within 15 days and have to be in the paper of record. Councilwoman Reed asked, "So, we are in compliance"? Kevin Etheridge said, "Yes ma'am". Councilwoman Baccus asked City Attorney Kevin Etheridge to email that information to her. Councilwoman Baccus said the research she did and the ordinance she looked up said we had to have the public hearing before the First Reading. Councilwoman Baccus told Kevin Etheridge she sent him an email of it as well as to the other councilmembers. Councilwoman Baccus said she read it and she sent it out to every councilmember and the Mayor. Councilman Bryant Gardner said, "If you all don't mind, right before a meeting if we email anything please send him a text to let him know". Councilwoman Baccus said, "Go to B which reads: Upon its introduction each ordinance shall be put upon its first reading whereupon the presiding officer shall first open it up for discussion from the public and thereafter for discussion by the council. Mrs. Lisa Rock said, "Ma'am what code of ordinances are you reading from"? Councilwoman Baccus said she pulled it from the Municipal Association. Councilwoman Baccus said she researched it and she sent it out to every councilmember. She said she tried to send it to Mr. Garland, but it kept bouncing back from his email. Councilman Gardner said, "I don't know if this is right, but if you go up to the top of the email and click on section 22-22 it takes you to Nebraska. Councilman Gardner said, "I don't know if Google is seeing something and making it a link or if it was part of the article, I'm not sure". Councilwoman Baccus said, "I don't know that's why I'm asking questions". She said that's why she sent it out to everybody, and why she was asking questions. Mrs. Rock said, "Traditionally, we have had First Reading so the information is passed and approved as First Reading so that it can be put on the table for discussion. Then a Public Hearing has to be held before a final vote. When there is a fee increase you have to have notification in the paper 15 days before in the paper of record which will appear in the News & Press then you will have second and final reading when it's a municipality". Mrs. Rock said, "This is the procedure we've followed for every budget and every fee increase that I've seen in the 6 or 7 years I've been with the City". Councilwoman Baccus said, "I'm not saying it's right or wrong, I'm just asking a question. Are we doing it right"? City Attorney Kevin Etheridge said he's never seen this before that which was sent to him, but he's trying to look it up. Kevin Etheridge repeated everything that Lisa Rock said about the

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procedures. Councilwoman Sheila Baccus said, "If that's what it is, then let's proceed on, no problem". **Councilman John Milling made a motion to approve First Reading on Ordinance 2020-08 Water/Sewer rate increase. Councilman Howard Nettles seconded the motion. Councilpersons Segars, Gardner, Nettles, Milling voted in favor of the motion. Councilwoman Baccus voted nay. Councilwoman Reed said, "I have received so many calls asking me not to support it. Just in view, I know it's needed, I want to support it, but in view of this I am going to vote nay". Mayor Boyd said, "We never want to raise anything, but to get things done Mayor Boyd votes yes.** Motion passed 5 yeas; 2 nays. Councilman Milling asked, "Between now and when we have the public hearing that if city administration can get us together some figures on how things might be affected if we postpone the rate increase from August 1st to January 1st or if we implement it in stages so that we implement only half of it in August and the other half in January to see how it would work. Councilman Milling said, "Unfortunately we are elected members of council at a point in time where everything is wearing out and nobody is trying to take advantage of anybody, but in order to provide those services that we have got to take a look at how we are going to fund them and if we can delay it or delay it and do it in stages so that we do one at one point and time and one at the other, I would appreciate that information". Councilman Gardner said, "I would second that; I completely agree". Councilman Gardner said, "I don't know if we can because we are in a tough situation right now, but if there's any way we can stage this and give the community six months or three months or anything…...if it's financially feasible I want to see if it's possible".

E) FIRST READING ORDINANCE 2020-09 SANITATION FEE INCREASE

Mr. Garland said this is to increase the sanitation fee from $22.50 per month to $28.50 $6.00 per household or business . It will take effect August 1, 2020.

Councilwoman Reed made a motion to approve First Reading on Ordinance 2020-09 Sanitation Fee increase. Councilman Bryant Gardner seconded the motion. Councilpersons Segars, Gardner, Milling, Reed, Nettles and Mayor Boyd voted in favor of the motion. Councilwoman Sheila Baccus voted "no".

Kevin Etheridge said he thinks he found the pertinent ordinance, it says after the introduction of the ordinance any member of the council or any citizen of the City interested therein may request a public hearing which may be held at any time designated by the council prior to final adoption.

F) FIRST READING ORDINANCE 2020-10 STORMWATER FEE INCREASE

Mr. Garland said we propose to increase the stormwater fee $2.50 per month for residential customers and commercial storm water rates would be based on square feet of impervious surface with a minimum of $25 per business. Mr. Garland said the fee will take effect August 1, 2020. Mr. Garland said a building that has a large parking lot would get charged more than a small building that doesn't have much of a sidewalk or parking. Councilman Gardner asked if it's based on the parking lot as the impervious surface or do they include the building as an impervious surface as well"? Mr. Gainey said it should include the building and the parking lot. Councilman Gardner asked how much would his rate be for 1000 square-foot property? Mr. Gainey said the minimum rate is for 2500 ft.^{2} which would be one unit, so Councilman Gardner

said let's do 5,000 then. Councilman Gardner said, "I just want to know what you're multiplying by per square foot". Mr. Gainey said he didn't have the numbers right in front of him, but it would be $25 plus $3.50 per every 1,000 hereafter. Mayor Boyd said that doesn't sound right . He said Walmart is a 125,000 square-foot facility. Mr. Gainey said, their rate is going to be expensive". Mayor Boyd said theirs would be $437,500. Mr. Gainey said, "No, it's not that much". Mr. Gainey said that he doesn't have the numbers in front of him, but if they want that he can get it to them". Mr. Gainey said, "What I am being told is Walmart will be $906.41 a month and that's with Sheila getting it off the spreadsheet that they did". Councilman Howard Nettles said, "Alex we definitely need to get those numbers for sure because that math is not working on my calculator". Mr. Gainey told the council he could get them the entire spreadsheet and they will be able to see what each business will be in the city. **Councilman Bryant Gardner made a motion to approve First Reading on Ordinance 2020-10 Stormwater Fee Increase. Councilman John Segars seconded the motion. Councilpersons Segars, Gardner, Nettles, Milling, Reed, and Mayor Boyd all voted in favor of the motion. Councilwoman Sheila Baccus voted, "No".** Councilman Bryant Gardner asked, "The anticipated revenues that we are going to have from this total fee what we had previously in the increase, how much reserve or how much revenue will we have left over once you subtract out our bond and other expenses"? Mr. Gainey said, "We will have roughly $52,000 a year to put into the stormwater reserve". Councilman Gardner asked, "And that's after all of our expenses, employees, bonds and all that"? Mr. Gainey said, "Yes sir".

G) FIRST READING ORDINANCE 2020-11 (2020-2021 BUDGET APPROVAL)

Mayor Boyd said Councilwoman Elaine Reed would have to be removed from anything to do with PDRTA and he would have to be removed from anything to do with the budget for Fitness World Gyms. Mr. Garland suggested that everyone vote on the 2020-2021 budget minus Fitness World Gyms and minus PDRTA. Mr. Garland said, "So everyone can vote on that and then depending on how you want to go, then you would vote on PDRTA first with Councilwoman Reed abstaining and then vote on Fitness World with Mayor Boyd abstaining. Councilwoman Baccus said, "So, if we are going to vote on Fitness World Gyms, are we going to vote on whether we're going to put it out for bids and then everybody bid and go from there"? Mr. Garland said, "Why don't we take the 2020-2021 motion with everything else first, then PDRTA and then you can bring up about Fitness World". **Councilman Gardner made a motion to approve First Reading on Ordinance 2020-11 (2020-2021 Budget Approval) minus the Fitness World employee gym membership contract and minus the PDRTA funding. Councilwoman Elaine Reed seconded the motion. Councilpersons Milling, Gardner voted "aye" with the stipulation that Mr. Garland gets them that information that Councilman John Milling requested earlier. Segars, Baccus, Nettles, Reed and Mayor Boyd all voted in favor of the motion. Councilman Gardner made a motion to approve First Reading on the 2020-2021 budget approval for the PDRTA funding. Councilman John Segars seconded the motion. Councilpersons Segars, Gardner, Milling, Baccus, Nettles, and Mayor Boyd voted in favor of the motion.** Councilwoman Sheila Baccus said, "My question is, should we put this out for bid"? She said she is not saying that Curtis does not have a right to bid but she just thinks it should go out for bid and see what we get back and see where we stand". Mr. Garland said if you all want to do that, we will do it. Councilwoman Elaine

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Reed said, “My question is that according to the ethics thing…I just assume that members of council could not enter into any financial contract”. Mr. Kevin Etheridge said, “The ordinance on that Ms. Elaine is 5-21-30 and since we are under 30,000 residents there can be a process where you put it out for public bids and if at that point Curtis’ bid was still the bid that won he would have to get unanimous consent of council. Councilwoman Elaine Reed said, “So this ethics thing is just based on the population”? Mr. Etheridge said if it’s over 30,000 people it’s a different process but if it’s under 30,000 people, which we are, that’s the process. Councilwoman Reed said, “It was a blanket thing to me when I was in there, I came up thinking as a member of council I could not enter into any kind of contract where it was a financial benefit to me”. Mr. Etheridge said it’s often frowned upon but there are two things here: It was entered into prior to Curtis becoming Mayor and it is this process by which an individual can have contracts with the City even if he’s on Council or the Mayor as long as it goes through this process of putting out public bids and if at that point is still the lowest bid that wins, it has to get unanimous consent of city Council. Councilwoman Baccus said, “Based on the law Mr. Garland has to put it out for public bids”. Councilman Bryant Gardner asked, “Kevin, is it my understanding that if the contract is in place before he actually is a public official with the City of Darlington then we have the option to honor it”? Mr. Kevin Etheridge said, “You can do that, but you can also put it out for public bids if you would like”. Councilman Milling asked if this would be a contract to provide gym availability to City employees? He asked if the only other option would be the YMCA? He also asked if there is anybody else that would have a gym that would be large enough to handle City employees? Mr. Garland said not in Darlington. Councilman Bryant Gardner asked, if we know the prices between the two bids and what year that bid was taken? Mr. Garland said it was either 2008 or 2009 when Ms. Hines was Councilwoman, she pushed to have that done. He said Curtis was the low bidder by $50,000 or more. Councilman Gardner asked Mayor Boyd how much his bid was. Mayor Boyd said that the City pays him $4900. Mr. Garland said he’s been told that there’s another health club in Darlington (Darlington Health Club) run by Mike Gainey so we can solicit a bid from him also. Councilman Gardner asked, “Do we know how much his contract was”? Mr. Garland said the original contract was $4000 and it was increased by $950 when a request was made to include retirees and their families several years ago. Councilman Gardner asked how many employees do we have? Mr. Garland said right now we have 89 full-time employees, but it also included part time employees, crossing guards and their families, children, spouses etc. So probably anywhere from 150 to 200 employees that it would benefit. Councilwoman Baccus asked, “How many actually use it”? Mr. Garland said we would have to get a run down for that, I don’t know that. Councilman Bryant Gardner said, “I don’t care either route the contract was entered in before he was publicly announcing his run for mayor it looks like by about six or so years, so I’ve got no problem continuing this contract if he honors the rate. I assume if the rate would go up maybe then we would need to bid it out in fairness to the public, but as of right now it seems to be a low rate per person; but if council’s interest is to bid it out, I’ll support whatever the majority interest is. Councilman John Milling said for informational purposes I think John Segars uses the YMCA as well and I just got my own membership as a single individual and it is either $36 or $38 a month for that single membership. Councilman Segars said family membership now is about $57 a month. Councilman Howard Nettles said, “You also have to consider capacity”. He asked what other gym in town could have capacity even if there’s 50% of those employees that

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want to go with their families or whatever"? He said, "No one else has capacity to accommodate that". Councilman Milling said if we are looking at prices it sounds like its $14 less expensive than what I'm paying. **Councilman John Milling made a motion to enter into a contract with Fitness World Gyms to provide gym memberships for the employees of the City of Darlington. Councilman Bryant Gardner seconded the motion.** Councilwoman Baccus said, "If I understand correctly, based on what the lawyer just said, in order for this to be approved and accepted it takes a unanimous vote"? Councilman Bryant Gardner said that's after a bid, and I don't think we've done a bid. Councilwoman Sheila Bacchus asked Kevin Etheridge if we vote on this now does it take a unanimous vote to pass it"? Mr. Etheridge said, "If you put it out for public bids it does take a unanimous vote, if not you were just extending a contract and it would not require that. Councilwoman Baccus said, I think with our procurement laws, I think we're supposed to put everything out for bid; we are not just supposed to continuously give businesses privileges constantly without giving other businesses the opportunity to bid. Councilwoman Baccus said, "Our ordinance and our procurement require us to put contracts out for bid, not just give them to people because". Councilman Gardner said, "Correct me if I'm wrong Howard Garland, but if a contract is less than $5000 don't you have the authority to spend $5000 or less but anything over $5000 you then have to get our authority"? Mr. Garland said, "Yes, the ordinance says that". Councilman Gardner said, "Anything over $5000 you also have to get a bid but anything under $5000 you do not have to get a bid for, is that correct"? Mr. Garland said, "It depends, with this being a new situation here I'm not sure about the legality of it". Councilwoman Baccus said, I want to put this on record that you guys are saying that you prefer not to put it out for bids to allow other businesses in Darlington to have an opportunity to bid on this, is that what you're saying"? Councilman Milling said, "I'm saying that under the circumstances with there being nobody other than Mr. Boyd and YMCA and we know that based upon rates I pay and the rates that Mr. Boyd charges that his rates are less, so I am comfortable with continuing the contract that he has". Councilman Milling said, "Not because he's the Mayor of the City of Darlington but because he is able to provide the service at a lesser price for the employees of the City of Darlington and thus the city gets the better deal". Councilwoman Sheila Baccus said, "Didn't Howard just say there was another gym in Darlington as well"? So, we are assuming that we know what the YMCA is going to say, and we are assuming that we know what the other gym is going to say". Councilman Milling asked Councilwoman Baccus what other gyms she is proposing. Councilwoman Baccus said, "I'm not proposing any other gym, I'm just asking". Councilman Milling asked her what other gyms are there that she feels like are not having an opportunity? Councilwoman Baccus said, "Mr. Garland said there is another gym in Darlington". Mr. Garland said Mike Gainey has a gym, Darlington Health Club, but it's located in the county, it's not within the city limits. Councilman Gardner said, "I just had a of couple members of the club who said it's not big enough to take care of all of the employees". He said he doesn't know if that's true, he's never been there but he trusts this person. Councilwoman Baccus said, "I don't think all of the employees will be going to the gym at the same time". Councilman Milling said, "Mr. Segars, as Mayor Pro-Tem for the presiding officer and I call for a vote". **Councilpersons Milling, Gardner, Nettles, Segars all voted in favor of the motion. Councilwomen Sheila Baccus and Elaine Reed voted against motion.**

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H) FIRST READING ORDINANCE 2020-12 BULKY REFUSE FINE

Mr. Garland said the Bulky Refuse Section 70-2 would read as follows: The City will not pick up appliances such as but not limited to refrigerators, ranges, water heaters, freezers, dishwashers, trash compactors, washers, dryers, air conditioners and commercial large appliances. The City will not pick up furniture or any household items all of which must be disposed of by the owner, occupant, contractor or vendor. In addition to section 70-10 the Building Inspector is authorized to write citations for those violating this ordinance. Each offense will be punishable with a $100 fine. **Councilman Bryant Gardner made a motion to approve the First Reading on Ordinance 2020-12 Bulky Refuse Fine. Councilman John Segars seconded the motion. Councilpersons Segars, Milling, Reed, Nettles, Gardner, Baccus and Mayor Boyd all voted in favor of the motion.**

I) FIRST READING ORDINANCE 2020-13 COVID-19 EMERGENCY ORDINANCE

Mr. Garland said this gives council the authority to hold the zoom meetings over the Internet for another 60 days. Mr. Garland said given the amount of cases we've had in our zip code, staff recommends that we approve this in case we need it. **Councilwoman Elaine Reed made a motion to approve First Reading on Ordinance 2020-13 COVID-19 Emergency Ordinance. Councilman John Milling seconded the motion. Councilpersons Gardner, Segars, Nettles, Reed, Baccus, Milling and Mayor Boyd all voted in favor of the motion.**

J) FARMING AGREEMENT FRANKLIN GLEASON BALLFIELDS PROPERTY

Councilman Bryant Gardner made a motion to approve the Farming Agreement with Franklin Gleason for the ballfield property. Councilwoman Elaine Reed seconded the motion. Councilpersons Gardner, Segars, Reed, Milling, Nettles, Baccus and Mayor Boyd all voted in favor of the motion. Mr. Garland said for the record let's show that any monies received from Mr. Gleason will go into the hospitality tax collection account. Mayor Boyd said the price that he gave us is for a year but he's only getting it for the last half of the year. Councilman Milling said we have been previously advised that he had been renting the farmland from Mr. Kirven prior to the City purchasing it.

K) PORTABLE STAGE PURCHASE - MAYOR CURTIS BOYD

Mayor Boyd said Donnie and Dwayne Weatherford have a portable stage that they presented. He said it opens up like the one we have been renting from the City of Hartsville. It's a little bit older, but everything works well on it. Mayor Boyd said it can be made into a nice-looking stage for the city to be able to use. He said he wanted to bring that forth if we are interested in using that just to save money from having to rent one another year. Also, being able to rent it out if you wanted to take it and rent it out to make additional money on it. Mayor Boyd said they are asking $20,000 for it. Mayor Boyd said he brought it to the table for discussion. Councilman John Milling asked, "Where will the $20,000 come from"? Mr. Garland said it would have to come from the hospitality tax collections account. Mayor Boyd asked Lisa Rock what do we normally pay for the rental and how many times a year do we normally use it? Lisa said it typically cost us, including insurance, around $1100-$1500 for one event. She said if you use it longer it costs more. Councilman Bryant Gardner asked, "How many times do we use it on average in a good year"? Ms. Rock said, "We have not used the one in Hartsville as much as

we would like because of the cost". She said at the Sweet Potato Festival they can use it, but the Pilot Club has a stage and they have been using that for the concerts downtown and some other things, but it's certainly not the same kind or size as the stage that you are discussing. Councilman Howard Nettles said, "I don't want to come across as harsh, but I don't think and I know it's a different bucket of money and everything, but right now when we were talking about increasing fees and charging different rates, I'm really not comfortable purchasing that". He said if we use it over time I understand, but maybe we can try to look for some private funding or something like that for it. Councilman Nettles said, "And I would be happy to spearhead some of that, but I just can't go for spending that kind of money right now when we are in the situation that we are in". Councilman John Milling asked, "If we could check with the Weatherford's while we are considering what's going on and see what their cost would be to let us lease it as we need it"? Mayor Boyd said, "Sure". Councilman Bryant Gardner asked if we could also get the cost of a new one. Mrs. Lisa Rock said the cost of a new one, (and we've investigated this) was something like $80,000 or $90,000. Councilman John Milling said, "I don't know how many events we can host this year, but I'm a little bit like Howard Nettles, spending the money when we don't know that we can use it". Mayor Boyd said, " I agree Councilman Milling and Councilman Nettles and the only reason I brought it up is because I looked for them a number of times and it is rare and far and few between to find one of this size that opens up that way and functions the same way that the one in Hartsville does". Mayor Boyd said, "I agree that we have a lot of things going on, but why I was here I wanted to present it". Councilman Gardner said, "Maybe we can ask him if he would give us 90 days or 180 days and tell him to store it for us". Councilwoman Elaine Reed said, I think we just need to table this one".

L) OUTSIDE DINING PUBLIC SQUARE - COUNCILMAN BRYANT GARDNER

Councilman Bryant Gardner turned it over to Ronda Brown to discuss. Ms. Brown said she is here tonight to talk about parklets and an opportunity to place them downtown. Ms. Brown said, "A parklet typically takes up two parking spaces and allows additional seating that can be used by restaurant folks and if they are doing takeout, being able to sit outside and still keep a 3 to 4-foot walkway between the restaurant and where the parklet is". Ms. Brown said a parklet is a raised platform that is in the street. It's a temporary structure so they can be moved to a different area if you like. Ms. Brown said she presented a 2-sheet information page, but she doesn't know if they received it. Councilman Gardner asked Mrs. Lisa Rock if she could pull it up on the screen? Mrs. Rock said she doesn't have that available at the moment. Councilman Gardner told council he believes he emailed or text message them pictures of what Ms. Brown described. Councilman Gardner said, "The email she sent has essentially the same diagram. He said this is just to give us some more outdoor seating and with the COVID stuff going on people want to get out and they also may be fearful of going in the restaurants". He said this is another option to bring people out. Councilman Gardner said, "This is something that might increase foot traffic and it's a beautiful thing for our downtown Square". Councilwoman Reed asked, "So, it's like a portable set up, a portable what, I mean and it's on the sidewalks"? Ms. Brown said, "No, it's in there where the parking space is". She said if you were to take two parking spaces and build a little deck, the deck would be at the same level as the sidewalk and on that little portable deck you would be able to put tables and chairs and potted plants to act as a barrier between the road traffic and the folks that would be sitting in this area. Ms. Brown said

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in other cities around the nation that have done this they have found that they've had a 30% increase in people using those areas and sidewalks. Surrounding businesses have seen up to a 20% increase in people coming into the shops and being in that area. Ms. Brown said rather than closing down an entire street at this time as Mr. Gardner had mentioned, it makes more sense to try it out and see how it works and see if this is effective for future renovations to the downtown area. Councilman Gardner said It's literally just a mini stage that's portable that makes the trip hazard walking off the sidewalk into the parking space disappear. Mayor Boyd asked, "Councilman Gardner are you proposing that the city buy these to put out there and they would just be out there for a week or two weeks and move to another location or stay at that location"? Councilman Gardner said, "My initial thought was we do a joint investment, but funding is very tight for everyone right now". He said with this being something that's on our Public Square I think it's something that the City should invest in. Councilman Gardner said he feels we should invest in these ourselves and allow it to be open to the public and restaurants. He said if we put a parklet in front of the restaurants, they should agree to keep it clean if the patrons are using it, but if we owned it ourselves, we maintain the look of it and that will allow it to be uniform throughout the whole community. He said, "I don't think they should be temporary unless they are just not used". Councilman Gardner said, "I think this is something we keep long term and if we have another event, maybe we will want to move it at that point". Councilman Gardner said, "It is theoretically possible to put one around Fahrenheit, one at the Mexican restaurant, one at Jin Jin and the restaurant beside that". Mayor Boyd asked, "If we put three around the Square, that's 6 parking spots; would it cause an issue with losing those spots"? Councilman Gardner said, "And I agree you are going to sacrifice a couple of parking places for each of these if we install one at two different locations on the Square, so you will lose those parking spaces and it would be permanent". He said, "That's another reason we can work on our relationship with the county and ask for them to ask their employees to not park around the square and save many more parking spaces than what we are going to take up". Mayor Boyd asked Councilman Gardner what's the cost for the parklet. Councilman Gardner said he doesn't have a company cost but he suggested we get three or four bids. He said what he saw was an estimated cost of $8000 per Parklet. Councilman Howard Nettles asked Councilman Gardner how this works with the water? Ms. Rhonda Brown said the water flows under it. Mayor Boyd asked if the $8000 includes the tables or just the deck. Councilman Gardner said, I'm not sure, but I assume the $8000 figure does not include the table, so you would have to purchase tables and flowers and etc. Councilman Gardner asked the council for their opinion. Councilwoman Reed said she likes it. Mayor Boyd asked if it was like a deck. Councilman Gardner said he assumes it is like a deck. Mayor Boyd said we could have someone professional build it in that spot but still be able to pick it up and move it if we needed to. Councilman Gardner said, "I'm sure any carpenter could do it but there just might be a liability that they would absorb making it themselves". Councilman John Milling said, "Perhaps we can take a look because we have departments in the City that do various types of maintenance and construction and see what it would cost for this to be done by some of our city department people and see whether they feel capable in doing it and what they think it would cost to get a couple of these things built". Councilman Milling said, "People like Alex Gainey have seen the drawings so as a contractor and former codes enforcement officer he may have some opinions". Councilman Nettles asked Bryant Gardner if there are any places close by

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within driving distance that has some of these that they can look at and if so, he would like to take a drive and see how they look because he likes the idea. Councilman Gardner said, "I believe I sent you all an email with Charlotte North Carolina and what they have done". Mayor Boyd told councilman Gardner to resend it to them. Mayor Boyd said he thinks a carpenter could build it out of composite wood with planters. Councilman Gardner said, "I would be fine with a carpenter building the floor and I might would want to ask that we purchase cement planters or something more substantial so that if a car was to jump the first barrier once they hit the actual planters it's a little bit more substantial to maybe absorb it as a secondary measure". Ms. Brown said you may want to look at the existing planters that we already have on the Square that are acting as protection to the sidewalk from cars coming up. She said those may be able to be moved out onto this platform area as well. Mayor Boyd said it's a good idea and we will go ahead and take a look at that. Councilman Gardner suggested that we empower Alex Gainey to see if he can build it. Mr. Gainey said he's never seen one, but he would be more than happy to look at it. He said with over 20 years-experience we can figure out a way to build it.

RECEIVE AS INFORMATION
DEPARTMENT HEAD REPORTS
None

COUNCIL COMMENTS
Councilman Gardner said we have the park on Chalmers Street and the grass is getting really high over there. He asked if we could get someone from the recreation or street department to get that grass cut. Mr. Gainey said he will get with Howard and see if he wants his department to cut it or Parks and Recreation to do it.

Councilwoman Reed asked Mr. Gainey if there's any way the city can move the old trailer on Chalmers Street? Mr. Gainey said, "Yes ma'am we will get it out of there".

Mayor Boyd said Pee Dee Junk is going out for him to remove a good bit of stuff from some of the streets that has been left out such as mattresses and etc. He said he appreciates their help for going out and doing that for us at no charge.

REMINDERS
Thursday June 25, 2020, 6:00 PM Public Hearing on 2020-2021 Budget at Baldwin Gym;
Monday June 29, 2020, 6:00 PM, Special City Council Meeting,
Tuesday July 7, 2020, 6:30 PM Monthly Meeting City Council

ADJOURN
Councilman Bryant Gardner made a motion to adjourn the meeting at 8:18 PM. Councilman Howard Nettles seconded the motion. Councilpersons Milling, Nettles, Reed, Baccus, Gardner, Segars and Mayor Boyd all voted to adjourn the meeting.

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Mayor

ATTEST:

Clerk & Treasurer

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