CITY OF DARLINGTON
REGULAR COUNCIL MEETING HELD AT BALDWIN GYM 300 SANDERS STREET, DARLINGTON, SC
SEPTEMBER 1, 2020 at 6:30 PM

Present: Mayor Curtis Boyd, City Manager Howard Garland, Councilpersons Bryant Gardner, Howard Nettles, Elaine Reed, John Milling and John Segars. (Councilwoman Sheila Baccus was absent because she was in the hospital) Also present was Mrs. Lisa Rock, Mr. Alex Gainey, W&S Superintendent Mr. Kinsaul, Ms. Sheila Jones, Fire Chief Pat Cavanagh, City Attorney Kevin Etheridge, Police Chief Kelvin Washington, Mrs. Nancy Matthews, Mr. Steve Abbott, Mr. Lee Andrews, Mr. Brantley Jett, Mr. Dee Pilgrim, Mr. Linwood Epps, other visitors and Mr. Bobby Bryant with the News and Press and Reporter from TV13.

PRAYER

Pastor Lon Howle did the invocation which was followed by the Pledge of Allegiance.

APPROVAL OF MINUTES CITY COUNCIL MEETING AUGUST 11, 2020

Councilman Bryant Gardner made a motion to approve the minutes of our Regular City Council Meeting on August 11, 2020. Councilwoman Elaine Reed seconded the motion. Councilpersons Gardner, Nettles, Milling, Segars, Reed, and Mayor Boyd all approved the motion.

APPROVAL OF MEETING AGENDA

Councilwoman Elaine Reed made a motion to approve the meeting agenda for today's meeting September 1, 2020. Councilman John Segars seconded the motion. Councilpersons Gardner, Nettles, Milling, Segars, Reed, and Mayor Boyd all approved the motion.

REPORT OF STANDING COMMITTEES

Darlington Downtown Revitalization Association

Report for Council – September 1, 2020

Due to the Governor's executive orders regarding COVID-19 and social distancing requirements, the DDRA has been forced to cancel several events for 2020: The **Taste of Darlington,** the **Bringing Downtown Alive! Concerts, Scare on the Square**, and the **Shop Small Downtown Open House**. The Board has suspended all improvement grants until such time that we can resume our fundraising efforts. However, we have resumed our monthly **Member Breakfasts at 8 a.m. on the last Thursday of the month at Taki's Diner**. Businesses meet, network, and provide feedback on potential projects and events. Free for DDRA members and $5 for others to go toward the meal. The DDRA held a summer promotion and contest to encourage shoppers to keep their dollars in Darlington. This effort to **Save Our Restaurants & Eat Local** gave patrons a chance to win one of three $250 cash prizes just for

eating at locally owned restaurants in town. Thank you to everyone who participated! Let's keep it up and keep our dollars flowing in our local economy.

In the meantime, we continue to promote Darlington and its businesses on Social Media and through our News Alert System each week. We continually update our Web page, www.BuildUpDarlington.org, where individuals can submit information or sign up to receive these alerts. And finally, later this year, we plan to hold our annual **#ShopDarlington** contest between Thanksgiving and Christmas, which gives folks a chance to win one of three $100 cash prizes for shopping locally for the holidays. You can see more information on the contest at www.BuildUpDarlington.org/shopdarlington.

GREATER DARLINGTON CHAMBER OF COMMERCE - MRS. NANCY MATTHEWS

Mrs. Matthews said they will have a Ribbon Cutting for M&M Alterations on September 17th. Sha said they do have approval from the Department of Commerce to hold the Fright Fest in downtown Darlington on Saturday October 31st. She said that is a difference in our usual plan; because we usually have Freedom Fest which obviously, we cannot hold that. Mrs. Matthews said the Chamber never had the intention of usurping Scare on the Square; it's just what happened this year.

CITIZENS WISHING TO APPEAR BEFORE COUNCIL (5 MINUTES PER PERSON)

Police Chief Kelvin Washington

Chief Washington said on October 9th through the 11th, they will have The National Faith and Blue Weekend. Chief Washington said on Saturday October 10th at 10:00 am they will have The National Faith & Blue March. This is a print of what was either mailed out or handed out: "Communities are stronger and safer when residents and law enforcement professionals can come together as ordinary people with shared values, hopes, and dreams. We believe we can find ways to work together around our many commonalities instead of being divided by our relatively few differences. On October 9th through October 11th, local law enforcement agencies across our country will be partnering with houses of worship and faith leaders from their communities in a sign of partnership and togetherness. This initiative called The Faith and Blue Weekend, is designed to bring together community members and law enforcement officers. We are excited to announce that the Darlington Police Department along with local faith leaders and local houses of worship are organizing a faith walk on Saturday, October 10th at 10am beginning at the corner of Main and Broad Streets and concluding with prayer at the County Courthouse. Please join us as we celebrate a day of unity in our community. Anyone interested in participating or needing additional information can contact me or Captain Kimberly Nelson at our office at 843-398-4026."

Mr. Linwood Epps said, “I have two things - #1 - is the railroad track on South Main Street. Mr. Epps said, “Whoever did those, I don’t know if it was the Department of Transportation or whether it was the railroad company, but they did one sorry job. Not bad, but sorry”. He said somebody needs to tell them they need to come back and fix this job”. Mr. Epps said, “If you go across the railroad tracks at 10 mph your car is shaking. Why would they leave something like that? Why would anyone leave a job in that condition, just plain sorry”? #2 - Has the city heard from the Ethics Committee or the Governor's office concerning Mrs. Baccus? If you have, can you share that with us and if you haven’t when do you anticipate hearing from them? Did we just do it and let it drop or are they saying they are going to get back to you or what is the status at this time”?

Mr. Dee Pilgrim

Dee Pilgrim said it is way past time to do something with the old Davis gift shop building. He said nobody wants to move into your town or ward if it looks worn down.

Mayor Boyd said as far as the railroad track, we are fighting DOT over and over because they make us look bad. We didn’t do the railroad track and whoever did the railroad track did more than a poor job. Mayor Boyd said whoever inspect the railroad track did more than a poor job along with Wells Street, Orange Street, Washington Street and others and if I lose my job as Mayor so be it, but they need to lose their job because they’re up putting people’s lives in danger over and over and over. Mayor Boyd said, “Dee, these buildings will stay empty until you get people like Charlie, Todd Hardee, Timmy Huntley, Curtis Boyd and many others that are willing to sacrifice all the money that they’ve got to make this town better. So, when everybody else steps up to the plate with us and try to make it work then we can go build something. He said Holt Brothers came in town and took a building that needed to be torn down and made a beautiful place out of it. Mayor Boyd said we get criticized for things that we do, and we get criticized for things that we don’t do. He said everybody on this council is working hard to try and make the town better. Mr. Garland addressed the railroad track issue. He said the company that did the railroad track is an offshoot of Genesee and Wyoming which had a crew to come in and do the work. Mr. Garland said they work in Florence and Darlington counties and they said they were going to keep working until they finish those grounds and we’ve called them four times and gotten no response. Mr. Alex Gainey said the last time he spoke with someone was about two weeks ago, and they were supposed to be coming back to fix the railroad track and that’s the last we’ve heard anything. Mr. Garland said just so you know that’s the answer we get about the railroad track.

Councilwoman Elaine Reed said, “Please make a response to the email that Ms. Jannie Lathan sent”. Councilman Gardner said Ms. Lathan has asked a couple of times as to why we are raising the storm water fee. (Couldn’t hear the rest of what councilman Gardner said). Mr. Garland told Councilman Gardner we could better understand him if he took his mask off because it’s hard to hear him. Councilwoman Reed said she was asking because Ms. Lathan's

email said she wanted it to be a part of the public speaking time because she has not received a response from the council. Councilwoman Reed said the email was not read and it wasn't a part of agenda items. Councilwoman Reed said, "She sent it to Lisa to do it so that's why I just want to make sure we are continuing to follow the policies. It was emailed which is what has been done in the past. Councilwoman Reed said we read the emails at the request of our citizens and that is what Ms. Lathan asked us to do. Councilman Gardner asked, "Policy wise Ms. Lisa, when do we have to have the comments sent to us because I believe she sent hers this afternoon, is that right"? Mrs. Rock said, "I have them here to read if you would like me to, however I was not recognized by the chair, so I was not going to speak out of turn". Mayor Boyd told Ms. Rock she could read the email. Mrs. Rock read the email from Ms. Lathan dated September 1, 2020. The email is as follows: Good morning Mayor Boyd I submitted the attached comments three months ago June 2, 2020 requesting my comments to be entered into the councils public meeting minutes and requested a written response to my comments and concerns prior to moving forward with an increase in our water sewer and storm water fees. As of today September 1, 2020, not only have I not received a written response I have not received any response from you, Council or the city manager. However, I received notice in my utility bill from the City that all three fees will become effective August 1, 2020. Again, I'm respectively requesting a response to my June 2020 comments and that this correspondence, in addition to my attached comments, be read tonight as my public comments are in the council's public comment agenda item section. Mayor Boyd asked Mrs. Rock, "What is Ms. Lathan asking"? He asked, "Does she want to know why we raised the water bill"? Mrs. Rock said, "She has a quite lengthy letter which I have read". Mr. Garland said, "It's the same letter we have read two out of the last three months". Mr. Garland said staff mailed her a response today, so staff has answered her email from three months ago.

UNFINISHED BUSINESS

A) PROPOSED BULKY REFUSE FINE PLACEMENT ON WATER BILL

City Attorney Kevin Etheridge said he thanks Sheila in Codes because she helped him tremendously with this situation. Mr. Etheridge said, "And addressing this issue, we said things like refrigerators, freezers, dish washers, water heaters, washers, trash compactors, washers and dryers, air conditioners, commercial or large appliance; Mr. Etheridge said, "What we have come up with, because right now it is a tremendous burden on our city court especially since the pandemic has slowed things down greatly. Also, being a court of equity, they are not sure how they would feel about enforcing any kind of punishment that they would deem appropriate". Mr. Etheridge said the best way they figure it can be handled would be doing a property tax assessment at the end of the year. He said, "Of course some people will find it unfair, but what they have done there is they have allowed them plenty of notice. Codes Enforcement would come on board and call the property owner and require correctness to be made within 10 days of notification and if correction is not made or no action is made then they can hire a third-party contractor to handle the situation. Not only will they pay for the third-party contractor's payment, but there will also be a 15% fee and no less than a $100 administrative fee added to it". Mr. Etheridge said by this process you are giving them plenty of time to rectify the situation. He said if we try to go through an already burdened court system, I don't think you would get the results that you were looking for which is basically to hold people's feet to the fire and make sure they

are accountable on this. Mr. Etheridge said, “I think putting it on the property tax at the end of the year, assessing them the fine, giving them the notice, giving them 10 days, giving them an opportunity to try to correct this situation, you’re giving them the opportunity to fix it and then the onus is on them whether to take action or not, but you’re giving them an opportunity to fix it and it’s not a penalty they can’t address. So, I think that the best way to go about it is at the end of the year assessing the property taxes of the owner that’s not in compliance and it doesn’t burden our court system. Mayor Boyd said, “Again, they are given 10 working days plus the weekend so you’re actually giving them 14 days and Mr. Etheridge said, “Yes Sir”. Mr. Etheridge said, “In a real-world situation I’m sure if somebody called and there was a situation where there was something they couldn’t deal with and something that could take longer I’m sure that Codes would be sympathetic with that”. He said you’re giving them plenty of opportunity to address the situation. You’re not unduly burdening somebody that’s out of town and you are ultimately getting what everybody here wants done which is getting the junk off the street. Mr. Etheridge said he thinks that is a resolution that makes a lot of sense and again it gives everybody an opportunity to have their voice heard and a process by which they can rectify and ultimately again getting what we want done which is getting the mess off the street. Councilman Milling asked Mr. Etheridge, “Can we do something because last Friday, I was taking a walk with Jill and we went down to Tee Circle and the gentleman that lives in that house was one of the unfortunates who was caught by COVID and they cut his pay and he was like, “I can’t live on this pay”. The man marketed his house and it has been sold. His house has been emptied by the moving man except for his sofa and some other things. Councilman Milling said he has moved completely out of the area and he has a closing on his house sometime in September. Councilman Milling said, “I don’t think it would be fair to make the new owners responsible for somebody who moves on those type of circumstances, so we need to have something in it that doesn’t penalize the new purchaser when the old purchaser has moved completely away”. Councilman Milling said, “We can do things without getting the court system involved but at least one of the things that the court system is there to issue the fine and it doesn’t go away”. Councilman Milling said to consider that we need something for those people who move not just down the street or around the corner, but somebody who physically moves to another community and did not understand or did not care, but they were not to leave that stuff on the street”. Mr. Etheridge said they will put something in it that if there are some extreme circumstances that are out of the property owners’ control, they will have an opportunity to talk with them and it won’t be any one size fit all kind of ordinance. Ms. Sheila Jones said they also wanted to change the language in Section 70-10 – Failure to Comply. She said it has in there third-party contractor but it also doesn’t allow the City of Darlington department and employees to get it up because there are sometimes when the street department will get it up for us and they’ll send an invoice with a fee and then we’ll add 15% or $100 depending which is more to the invoice that we sent to the property owner”. Ms. Jones also said, “We also want to change Section 70.2 to include not only failure to comply but also 15% for the first noncompliant violation and then 15% for every non-compliant valuation after that not to exceed 100% to try to get property owners to stop putting stuff out instead of using us as their junk collectors, but to entice them to take it to the dump/landfill themselves”. City Attorney Kevin Etheridge said he will rewrite the ordinance with the suggested changes and bring it back to Council.

B) PARKING SPOT SEATING

Mr. Garland said he had a conversation with SCDOT about placing seating in front of Tenampa on the Square and also Fahrenheit 225 on the Square. He said it's currently submitted but it's not approved because they are worried about the liability. Mr. Garland said, "I think DOT would feel much better about it if we took the liability on in case something happens in those spots". He said they also want to see some type of design as to what the seating will look like. Mr. Garland said that's sort of where we left it. Mr. Garland said the Darlington office will not be the ones to approve this, but the Florence office. Mayor Boyd said, "We will work on getting the design for it and see if council wants to take the liability on it". Councilwoman Elaine Reed said, I don't quite understand it, but as soon as we get some approved designs from DOT is when we will take action, is that what you're saying"? Mayor Boyd asked, "Once we get the design, we would have to take liability correct"? Councilman Milling said he would like to see how our General Liability policy through the State, whether it covers it or not. He said we just need to find out and be sure we've got coverage on it.

C) PUBLIC HEARING ON ORDINANCE 2020-13 - 201 E. BROAD STREET ZONING CHANGE FROM GENERAL COMMERCIAL (GC) TO OFFICE RESIDENTIAL (OR)

Mayor Boyd had a conflict of interest so Mayor Pro-Tem John Segars carried this portion of the meeting. Councilman Segars opened the floor at 7:10 PM for comment concerning the zoning change. There was no public comment so Councilman Segars closed the public hearing.

D) SECOND READING ON ORDINANCE 2020-13 – 201 E. BROAD STREET ZONING CHANGE FROM GENERAL COMMERCIAL (GC) TO OFFICE RESIDENTIAL (OR)

Councilman John Milling made a motion to approve Second reading on ordinance 2020-13 (201 E. Broad Street) zoning change from GC to OR. Councilman Bryant Gardner seconded the motion. Mayor Boyd abstained from discussions or vote because of conflict. Councilpersons Reed, Gardner, Milling, Nettles, and Segars all voted in favor of the motion.

E) PUBLIC HEARING ON ORDINANCE 2020-14 – 115 SISKRON STREET ZONING CHANGE FROM GC (GENERAL COMMERCIAL) TO OR (OFFICE RESIDENTIAL)

Mayor Boyd opened the floor for public comment. Councilwoman Reed asked if proper notification was given for each of the public hearings we have listed. Mrs. Rock said signs were posted on the properties with the date and time of the meeting and it was also published in the News & Press which is the town's paper of record. Councilwoman Reed said she just doesn't remember us ever having a public hearing during our council meeting. Mrs. Rock said, "I believe previous councils have put the public hearing as a separate meeting before the meeting and that's just a choice of the Mayor and Council of how they organize the agenda". Mrs. Rock said sometimes we do have public hearings on separate days like we did for the fee increases, but it depends on how many people will probably show up.

F) SECOND READING ON ORDINANCE 2020-14 – 115 SISKRON STREET ZONING CHANGE FROM GENERAL COMMERCIAL (GC) TO OFFICE RESIDENTIAL (OR)

Councilman John Milling made a motion to approve second reading on ordinance 2020-14 (115 Siskron Street) from General commercial (GC) to Office Residential (OR) office residential. Councilman Howard Nettles seconded the motion. Councilpersons Reed, Gardner, Nettles, Segars, Milling and Mayor Boyd all voted in favor of the motion.

G) PUBLIC HEARING ON ORDINANCE 2020-15 – ZONING CHANGE FEE REQUEST $150

Public Hearing 2020-15 Zoning change fee request $150. Mayor Boyd opened floor for the public. There was no comment, so the public hearing was closed.

H) SECOND READING ON ORDINANCE 2020-15 ZONING CHANGE FEE REQUEST $150

Councilman John Milling made a motion to approve Second Reading on ordinance 2020-15 changing the zoning fee charge from the current amount to $150. Councilman Bryant Gardner seconded the motion. Councilpersons Reed, Gardner, Nettles, Segars, Milling and Mayor Boyd all voted in favor of the motion.

I) SECOND READING ON ORDINANCE 2020-16 – 2020 WATER/SEWER BOND ORDINANCE

Councilman John Milling made a motion to approve Second Reading on Ordinance 2020-16 Water/Sewer Bond Ordinance. Councilman John Segars seconded the motion. Councilpersons Reed, Gardner, Nettles, Segars, Milling and Mayor Boyd all voted in favor of the motion.

J) SECOND READING ON ORDINANCE 2020-17 – 2020 DARLINGTON COUNTRY CLUB ECONOMIC DEVELOPMENT INCENTIVES

Councilman John milling to approve second reading on ordinance 2020-17 Country Club Economic Development Incentives available by ordinance for the Darlington Country Club and any others meeting those qualifications. Councilman John Segars seconded the motion. Councilpersons Reed, Gardner, Nettles, Segars, Milling and Mayor Boyd all voted in favor of the motion.

K) ADVERTISING ON CITY VEHICLES

Mayor Boyd said they were discussing putting advertisement on the city vehicles and City Attorney Kevin Etheridge or Mrs. Lisa Rock was trying to find out how we could charge for that. Mr. Etheridge said Lisa did most of the work on this. Mrs. Rock said there was some discussion that there were other municipalities that did this such as Sumter, Dillon and Lamar. She said she called all of those municipalities and they all did not know what she was talking about. Mrs. Rock said it may be that bus systems do it, similar to PDRTA which sells advertising on their vehicles, but we couldn't find a municipality that does it. City Attorney Kevin Etheridge said he doesn't think it will be a problem legally if that's something they want to do. Mayor Boyd asked Council if they want to proceed with this? Councilman Gardner asked if they could get an update on how much they are going to charge for the different size signs and bring it back to Council? Mayor Boyd said, "We can, but if we keep putting it off …..what I would like to see tonight or if you are willing to go forward with it, is if we charge $30 the city will make money, if you charge $3000 the City will make money. Mayor Boyd said he would suggest that we go

ahead and work and pack it up and we can go ahead and start working on getting the people to put it on the trucks and bring that back to Council for approval with a schedule and see what Council thinks we should charge before actually charging it. Mayor Boyd said, "I would like to see us stepping forward to it because every month that goes by that's $2000-$3000 we are losing that we could be using for something". Councilman John Milling said, "The only thing he would like to add as a part of this is, I know that 5 or 6 Councilmembers have reasons that they could advertise or entities that they are associated with that could advertise on these vehicles and I want selection process to be one that it doesn't look like I've got first dibs, and Howard Nettles has got 2nd dibs and you've got 3rd dibs so it doesn't look like we are shutting out other entities that may have some desire to advertise. Councilman Milling said, "I don't know who will or won't, but I just don't want it to be said that the City of Darlington rig the advertising and John Milling got all of the advertising". Councilman Howard Nettles said, "That's pretty easy to correct if you have a deadline for the submission for your ads and what you were going to submit that sort of thing, correct"? Councilman Nettles asked, "Would that solve that issue"? Councilman Bryant Gardner said you can also exempt council from the contract. Councilwoman Elaine Reed asked, "So what's the issue"? Mayor Boyd said, "They just don't want it to look like Council is doing all of the advertising". He said some of the workers said they may want to advertise something. Councilman Nettles said, I think it should be a first come first serve whoever submits proper documentation, paperwork, logo or whatever". Councilwoman Reed asked, "So the price has been settled and Mayor Boyd said, "We haven't gotten a price yet we are just trying to decide whether or not it's ok to say H&S Floors comes and says I want my truck rolled, is that fair or is that not fair". Mayor Boyd said, "To me, I think anybody that wants to advertise should be able to advertise as long as they are paying". Mayor Boyd said the fee should be decided not because of what I am saying, but it should be decided amongst us. Mayor Boyd said Councilman Gardner asked for a fee charge so when we come back, I'll bring a fee charge. Councilwoman Reed asked, "So no council member can advertise"? Mayor Boyd and Councilman Nettles said, "That's what we just said, that was the purpose of that conversation". Councilwoman Reed said she couldn't hear that well. Mayor Boyd said there are city employees that have already asked about advertising. Councilman Gardner said, "I don't have a problem with city employees advertising if they want to advertise because like we said first come first serve; we will just make it no council and it's settled". Mr. Garland said why not give staff instruction to develop a rate sheet and when we come back, we'll show that. Mayor Boyd said next month we will come back with a rate sheet. Mayor Boyd asked Lisa Rock to work on the rate sheet for council.

NEW BUSINESS

A) CONTRACT APPROVAL PAVING CITY OWNED STREET

Mr. Alex Gainey told council last month it was decided that they wanted him to go through and get 16 to 18 streets that we want to get pricing on for resurfacing. Mr. Gainey said, "I went through and found 18 streets; some of them are complete streets and some are areas that are bad that need to be fixed and we will try to work on doing those ourselves in-house". Mr. Gainey said he received three bids, one bid came in at $405,061.40. He said if we do all of the streets at one time, we can deduct 20,253.07 bringing the total to $384,808.33. He said we had a second bid to come in for the same streets at 447,700 and a third bid came in at

$700,350. Mr. Gainey said he's asking Council to approve the low bid of $384,808.33. Councilman John Milling said, "We talked at the last meeting about Lochend Road was no longer owned by the city and until it gets re-conveyed to the city I don't think we have legally the authority to pave that street so we will probably have to take that one off until we can get it back to the City". Mr. Gainey said, "I put that one on the list to have it priced out so we will know how much it will cost to resurface it". Mr. Garland said he sent a request over to Patriot Chevrolet and they are getting a letter to us for that property to come back to us. They did not want the road. He said Auddie Brown originally got the road and he sold it and they don't want to keep up the road. Councilman Milling said, "Just let Kevin Etheridge know to be sure to be involved in the paperwork so that the conveying entity is the proper entity". Councilman Milling said whether they bought out Auddie Brown or how but if we deeded it to Auddie Brown then we've got to have a deed from Auddie Brown back to us. We can't just take it from Patriot Chevrolet, Auddie Brown would have to sign something conveying his interest in it". Councilman Nettles asked, "If we do that, could we make that a later switch, so it doesn't Interfere with the pricing"? Mr. Gainey said, "Yes". Mr. Gainey said he has not talked to the contractor to see how long it would take to complete the list of streets but if he had to guess it would take several months, at least two months". Mr. Gainey said we can put Lochend Drive at the tail end and if we're still not quite ready for it by the time they get to that point then as soon as we got it back in our possession... Councilman Milling said he would approve granting it to the lowest bid to do the work with the caveat that we're sure before we put asphalt on Lochend that we own Lochend. Councilman Gardner said that he's under the understanding that we have $10-$20,000 left over from the bond, and $100,000 and some change left over in the road fund. Mr. Garland said we have $15,000 left from the bond and the line item for paving city owned streets is around $115,000-$120,000. Councilman Gardner said he's fine with passing this list tonight and he would like to ask council (he talked with Alex, John Segars, and Curtis) about getting us a trailer to pull behind our street department truck to fix temporary road patches. He said it's a 2-ton…...He said they should have some demos coming up in the next month or so and they can actually see how it works. Councilman Gardner asked that council keeps this in mind. **Councilman Bryant Gardner made a motion to approve the contract to pave city owned streets with low bid from Industrial Paving in the amount of 384,808.33. Councilman Howard Nettles seconded at the motion. Councilpersons Reed, Gardner, Nettles, Segars, Milling and Mayor Boyd all voted in favor of the motion.**

B) FIRST READING ORDINANCE 2020-18 GENERAL OBLIGATION BOND ($400,000)

Councilman Bryant Gardner made a motion to approve First Reading on ordinance 2020-18 General Obligation Bond for $400,000. Councilman John Segars seconded the motion. Councilpersons Reed, Gardner, Nettles, Segars, Milling and Mayor Boyd all voted in favor of the motion.

C) FIRST READING ORDINANCE 2020-19 (2020 MASK ORDINANCE (EMERGENCY ORDINANCE)

Councilman John Milling said he asked for a mask ordinance to be put on the agenda for consideration of council at this time. Councilman Milling said, "It is titled new business but it's also what has been presented to council is not a first reading because it is an emergency

ordinance and it provides that (unless I didn't get something) is one that will take effect upon approval of 2/3 of individuals present that would go into effect for a period of 60 days and that would be subject to renewal each period after that". Councilman Milling said, "I think the idea of a mask ordinance for the City of Darlington would be helpful; while I was first considering asking for it, our numbers were going up considerably at a rapid pace. Fortunately, since that point and time, we have had days where the numbers have been 13 and then other days three, four or five. He said when you compare today's readings with previous readings, we must be having some of the cases fall off because the active period is over with, but we still ended up having an increase in the active number of cases, so the matter is not going away. Councilman said Lisa did the research for them and it shows that those jurisdictions that have a mask ordinance have seen a decrease in active cases between 40 and 45%. Those without it have seen an increase of 1.2% or somewhere between 1 and 2%. Councilman Milling said his original thought had been to have First Reading tonight on a typical city ordinance that would have provided many of the things that this emergency ordinance provides for, but we would have had first reading on it and would have given us a chance to look at how our numbers are going over the next 30 days. He said he knows it's still a concern otherwise the school district wouldn't be going through all of the safety measures they have gone through and starting school online to try and keep the spread from going forward. Councilman Milling said he would still like to have such an ordinance considered by council. Councilman Milling said he talked with City Attorney Etheridge and he indicated that he could create such an ordinance and his thought is we would have one that will last six months which if it passed sometime in October it would get us to March unless sooner repealed by City Council and hopefully between now and that point and time we not only have an effective vaccine for COVID-19, but we also have sufficient supplies where people could get vaccinated if they chose to do so. He said the ordinance in the council packets is not exactly what he was looking for, but Lisa may be able to correct him on some stuff. Mrs. Rock said, "There are actually two ordinances in your packets. The first is an ordinance as Councilman Milling described which would require a first reading and there's also an emergency ordinance that will take affect for the 60 days. Mrs. Rock said she did not have good direction from the council as to which way they wanted it to go so she included both in the packets. Mrs. Rock said the Ordinance that says 2020-19 is the one that is the First Reading and it would take effect 7:00 am Friday, October 9th if that was the way you wanted to go. Councilman Milling apologized for the oversight. Councilman Milling asked, "Would this also be a 60-day ordinance"? and Mrs. Rock said, "No". Mrs. Rock said, "The 2020-19 ordinance, if you were going to go through the process of doing First Reading tonight and Second reading in October, this ordinance states that the mask requirement is hinged on the governor's state of emergency so when the governor says that we are no longer in a state of emergency due to COVID-19, then the mask ordinance will automatically end. Councilwoman Reed said, "I have no opposition to that". Mayor Boyd said, "I have opposition to it. He said the numbers have gone down from 163 down to 34 and I think the numbers look good. Mayor Boyd said we can't control all the ordinances we've got right now. ….Forcing someone to wear a mask when we can't enforce it. He said we can't enforce all of the ordinances that we have right now. Councilwoman Reed said, "It's just showing that we as a governing body of this city that we are in compliance with what the governor has put in place. Councilwoman Reed said just being in compliance with the wearing of mask is about helping your fellow person not so much yourself

and looking out for others. Councilwoman Reed said, “And school is going to start even though the numbers are down but there’s no guarantee they are going to stay down with all of the different activities that are happening with the opening of schools. She said you see what’s happening with the colleges and you see what’s happening in some of the schools that have already opened. Councilwoman Reed said, “All I’m asking is for an emergency ordinance which would show that we are looking out for the citizens of Darlington”. Councilwoman Reed said it’s not about enforcement because we are required to wear them here”. Mayor Boyd said if there’s a fine, that’s enforcement”. Councilwoman Reed said, “Just like you said, we’ve got fines going on here”. Councilwoman Reed said it’s an emergency ordinance, it’s not permanent and it doesn’t seem like it would be harmful or hurt anyone to do it just for 30, 60 or however many days and if the governor lifts it, then it’s gone. Councilman Nettles said, “I have some issues with that. First of all, I don’t want to tell an individual that he or she has to wear a mask in certain places, at their own home, or out on the street or wherever unless they are in a group of people. If you were in a restaurant or a business that requires a mask, then by all means and I will wear one but I’m not comfortable telling people that voted for me that they have to wear a mask. He said he’s already started getting calls today and with what the News & Press put out there, people are very unhappy with that. Councilman Nettles said, “Yes, and I understand you’re trying to do the right thing to protect people, but at some point, common sense steps in and you should know when you should or shouldn’t have to wear a mask. Councilman Nettles said in this state I’m not going to support it. Councilwoman Reed said, “It’s not just us it’s all across the nation and people right here in Darlington have had people to die from it and even though our numbers are less people are still dying from it. Councilwoman Reed said, “Asking our voters to comply with every ordinance that we’ve got but we’re not enforcing a lot of them. Councilwoman Reed said, “But this affects the health of our city that’s why I am so adamant about following what the health authorities across the country has said that will help deter the rise of the virus, wearing a mask, washing your hands, social distancing”...Councilman Nettles said, “And I understand that and maybe if it had other caveats in it, but in this form I’m not going to agree with that”. Councilman Gardner asked Councilman Nettles what caveat would he be interested in? Councilman Nettles said, “There should be noted where you should and should not be required to wear a mask. Councilman Segars said he would be in favor if the wording were such that we “recommend” that people wear the masks”. Councilman Nettles said he is fine with Councilman Segars’ suggestion to change the wording to “recommend” rather than “require”. Councilman Gardner said, “Right now we are at an impasse and something is better than nothing. He said he hates that medical advice has become political. Councilman Gardner said it’s not our responsibility to be passing these ordinances that’s the governor's job and that’s our president's job. Councilman Gardner said he’s sorry they are forced to be debating this right now and act like we have the medical knowledge, but we need to do something. We need to be proactive. He said the grand majority of our population is elderly, the grand majority with issues that surround this COVID-19 and it would affect a grand majority of our population if they catch it. Our school district has already postponed two weeks, and they are going virtual and many people around here need to have their kids in school, so we all need to be a community together and do what’s better for the community. Councilman Gardner said nobody is going to force anybody to do anything even if it passes tonight”. He said changing it maybe to “request” is something we might want to do, and we can revisit this next month if something changes.

Councilman Milling said the "request" language would suit him. He said if we could get an ordinance with the language of "request" he would be satisfied with that. Councilman Gardner went over the different sections of the ordinance that needed the word "required" changed to "request". Councilman Milling said we also need to recognize that if the governor has issued an ordinance or a mandate that is stronger than the one we are issuing the state issue is going to apply regardless of our ordinance. If under certain circumstances the governor has already said you've got to wear a face mask, then this doesn't let any business, or any entity operate According to ours as opposed to the governors. **Councilman John Milling made a motion that with the amendments we approve First Reading of ordinance 2020–19. Councilman Bryant Gardner seconded the motion.** Mayor Boyd asked councilman Gardner to clarify the changes. Councilman Gardner went over the sections again where the word ***"required"*** would be replaced by the word ***"request"***. Councilman Gardner told Mrs. Rock to delete sections 4-9 of the ordinance and keep sections 10 and 11. Mr. Garland said, "I believe for an emergency ordinance you have to have a super majority of the council to vote. Councilman Milling said, "We are going to have to amend section 12 as well because if we are going to do it as an emergency ordinance, which section 12 says it is, it takes effect on September 12th. Mrs. Rock said we are looking at different copies. Mrs. Rock asked, "Do you guys want it to take it effect as an emergency ordinance or as a regular ordinance"? Councilman Milling told Mrs. Rock he didn't know what he had versus what she has so he needs it to hand it to her so she can take a look at it. Mrs. Rock asked Councilman Milling if he wants it to be an emergency ordinance or the regular ordinance? Mrs. Rock told council she will get them a new copy with all of the changes. Councilman Milling said, "I think we had a motion and a second and then there was some clarification, so we're still in the discussion stage". Councilman Milling said call the question**. Councilpersons Reed, Gardner, Nettles, Milling and Segars all voted in favor of the motion. Mayor Boyd voted against the motion.**

D) FIRST READING ON ORDINANCE 2020-20 ANNEXATION OF 325 NORTH MAIN STREET

Councilman John Segars made a motion to approve First Reading on ordinance 2020–20 annexation 325 N. Main Street. Councilman John Milling seconded the motion. Councilpersons Reed, Gardner, Nettles, Milling and Segars and Mayor Boyd all voted in favor of the motion.

E) FIRE DEPARTMENT LADDER TRUCK PURCHASE

Fire Chief Cavanagh said as you know our town is growing, we've got expansion coming on one side of town, a possible courthouse, historic commission, local business is building up. He said if you realize a month ago there were a couple of big issues here in town. The first one was the fire on S. Main Street at Pinky Howle's business where we had to assist a local fire department and the second was the fire at the Veneer Mill. He said both of these incidents required them to call in a large piece of equipment from a neighboring community. He said when he met with the City Manager about that, they tried to think of ways to beef ourselves up and make this more self-reliant and a little stronger. Chief Cavanagh said the City Manager gave him permission to go out and find a large piece of equipment. He said currently we have a 1991 70-foot ladder

truck and it's a pretty good piece of equipment, but with the town growing in the way that is it is we will soon outgrow that. Chief Cavanaugh said they went and found a 95 Predator Platform. He said the difference between a platform and a ladder truck has one single stick with one fireman on the top and one nozzle. The platform is 95 feet ours is only 70 feet. He said it's a box that you put two firemen in, and they are safely contained, and it also has two nozzles which flows twice the water. Chief Cavanaugh said they flew to Vermont the first of the month to look at the truck. He said it's in great shape. They were asking $165,000 for the truck but they talked them down to $135,000 plus they will give them $5,000-$6,000 worth of equipment to help us out. He said if we had to buy this piece of equipment brand new decked out like it is, we would be looking at $1.92 million dollars.

Chief Cavanaugh told council he included three different copies One is a 2009 model $600 thousand dollars and the other is 2001 model for $190,000 is the same truck with more miles and less equipment. The next page shows a 2000 model for $200,000 which is a year older. He said he went out and looked at some loans. He said they went to Pee Dee Coop and they had a 50-50 loan with 0%. They went and talked with Carolina Bank and they agreed to finance this truck for 2.5%. The loan at Carolina Bank has a four year pay back of $35,773.28 and our first payment will not be due until July 2022. Chief Cavanaugh said they talked to Darlington County and they have agreed to purchase it for $45,000. He said that money would go toward the first payment. Fire Chief Cavanaugh asked Council if they would help the fire department with the purchase of this piece of equipment. Councilman Milling asked Chief Cavanaugh if he had a chance while he was up there to look at the undercarriage because of the vehicle because when he heard it was Vermont, he was wondering about the winter weather up there. Chief Cavanaugh said he had video conferences with a mechanic at gearheads.com the whole time**. Councilman Bryant Gardner made a motion to approve the fire department fire truck purchase. Councilman Nettles seconded the motion. Councilpersons Reed, Gardner, Nettles, Milling and Segars and Mayor Boyd all voted in favor of the motion.** Councilman Milling asked Chief Cavanaugh if he would have the money in 2022. Chief Cavanaugh said, "We believe so".

Councilman Milling asked Mr. Garland if he would sign it on behalf of the city. And if so, do they need to authorize for him to sign this on behalf of the city. Mr. Garland said, "Yes". Councilman Milling said he would make that part of his motion. He said there's a letter of intent here between us and the fire department and Vermont. Councilman Milling said, "And I didn't know whether you were going to sign that, and Mr. Garland said, "Yes Sir".

F) FINANCING FIRE DEPARTMENT LADDER TRUCK PURCHASE

Councilman Milling made a motion that we finance the ladder truck costing $135,000 through a loan with Carolina Bank at 2 1/2% interest rate with a four-year payback with the first payment coming due July 2022. Each payment $35,773.28 and we are authorized Mr. Garland to sign that note on behalf of the City. Councilman Bryant Gardner seconded the motion. Councilpersons Reed, Gardner, Nettles, Milling and Segars and Mayor Boyd all voted in favor of the motion.

G) SALE OF OLD LADDER TRUCK TO DARLINGTON COUNTY FIRE DISTRICT

Councilman Bryant Gardner made a motion that we sell the old ladder truck to Darlington County Fire Department for $45,000. Councilwoman Reed seconded the motion. Councilpersons Reed, Gardner, Nettles, Milling and Segars and Mayor Boyd all voted in favor of the motion.

DEPARTMENT HEAD REPORTS

Mayor Boyd asked Mr. Kinsaul if there was any update on the fire hydrants because he knows he ordered two. Mr. Kinsaul said they haven't come in yet.

COUNCIL COMMENTS

Councilman Milling said he had one individual send him an email indicating that they preferred us doing a zoom meeting because it was difficult for them to understand and keep up with us being separated. He said the mics may have helped, I don't know. He said, "I know we used this setting to give more people an opportunity to appear and as I look around, I see maybe three people who are here without real compelling reasons to be here and the other people are those who provide information to the community". Councilman Milling said, "I did not know if those that are here think it's easier to have the meeting here or whether it's easier on ya'll to have the meeting on zoom". Councilman Milling asked Mr. Lynwood Epps what his feelings were, and Mr. Epps said, "I prefer coming here". Councilman Gardner said he would like to request that someone reach out to the school district and talk to them about their microphones. Councilwoman Reed said she had several people that said they couldn't identify who was saying what at certain times and they definitely couldn't hear. Councilwoman Reed said, "I prefer zoom". Mr. Garland said, "How about if we go back to the council chambers and limit it just to staff, council and mayor because the acoustics are better". Councilman Gardner said, "I would disagree because I like to be able to see everybody and look everybody in their eyes". Councilman Gardner said this has got to be better than the council chambers. Mayor Boyd said, "So we will work on the mics to see if we can get them working better for the next time".

Mayor Boyd said he and Lee Andrews met with the architect for the drawings for the ballfield and I think everybody will be well pleased. Mayor Boyd said he would like to invite everybody on September 10th and September 11th at the Darlington Fitness World Gym parking lot. He said they will have the spotlights that they will be shining in honor of those that died in the 911 attack. Mayor Boyd said they will have a speaker on September 10th who was present during the attack.

Mayor Boyd thanked Fire Chief Pat Cavanaugh, Police Chief Washington and all of the first responders for all that they do.

EXECUTIVE SESSION

Councilman Gardner made a motion to go into Executive Session at 8:14 PM to discuss Economic Development – Carnegie Library, Fountain, Hewitt Streets, Project Peach FILOT (The City of Darlington may or may not vote after Executive Session) after a five-

minute recess. Councilman Nettles seconded the motion. Councilpersons Reed, Gardner, Nettles, Milling and Segars and Mayor Boyd all voted in favor of the motion.

Councilman John Segars made a motion to end executive session at 9:04 PM. Councilwoman Elaine Reed seconded the motion. Councilpersons Reed, Gardner, Nettles, Milling and Segars and Mayor Boyd all voted in favor of the motion.

REMINDERS

Monday September 7, 2020 Labor Day – All City Offices Closed
Tuesday October 6, 2020, at 6:30 PM – Monthly City Council Meeting

ADJOURN

Upon motion of Councilman Bryant Gardner, seconded by Councilman John Milling, the meeting adjourned at 9:05 PM.

_____
Clerk & Treasurer

ATTEST:

_____
Mayor