CITY OF DARLINGTON
REGULAR CITY COUNCIL MEETING HELD IN THE COURTROOM/COUNCIL CHAMBERS LOCATED AT
400 PEARL STREET, DARLINGTON, SC
OCTOBER 5, 2021 AT 6:30 PM

Present: Mayor Curtis Boyd, City Manager John Payne, Councilpersons Howard Nettles, Sheila Baccus, John Segars, Bryant Gardner, John Milling and Elaine Reed. Also present was Mrs. Lisa Rock, City Attorney Kevin Etheridge, Mr. Lee Andrews, Police Chief Kelvin Washington, Fire Chief Pat Cavanaugh, W&S Superintendent Charles Shugart, Building & Codes Official Sheila Jones, Street & Sanitation Supt. Mr. Alex Gainey, Officer Kawon Martin, Lavonda Green, Officer Kim Nelson, James Jett, Keith Cauthen, Maci Shafer, Dee Pilgrim, Mrs. Anna DeWitt, Bobby Arnold, Ernest Boston, Carla Elvington and other visitors.

INVOCATION & PLEDGE OF ALLEGIANCE

Prayer by Councilwoman Elaine Reed which was followed by the Pledge of Allegiance.

APPROVAL OF MINUTES CITY COUNCIL MEETING SEPTEMBER 7, 2021

Councilman John Milling made a motion to approve the minutes of the September 7, 2021 council meeting. Councilman Howard Nettles seconded the motion. Councilpersons Baccus, Gardner, Reed, Segars, and Mayor Boyd approved the motion.

APPROVAL OF MEETING AGENDA

Mayor Boyd said before council approves the meeting agenda tonight he needs to make a motion to amend the meeting to add First Reading of the City of Darlington's ordinance Chapter 10-2 Alcoholic Beverages. Mayor Boyd said this will be under new business Item H.

Councilman Bryant Gardner made a motion to amend the agenda to add Item H – First Reading of City of Darlington ordinance for alcoholic beverages. Councilwoman Elaine Reed seconded the motion to amend the agenda. Councilpersons Nettles, Baccus, Milling, Segars and Mayor Boyd approved the motion.

REPORT OF STANDING COMMITTEES

Mrs. Rock said thank you to ATG that set us up with new microphones so everybody should be able to hear us online and on the video. She said you just need to speak into the microphones as close as you can without touching them.

Darlington Downtown Revitalization Association

Report for Council – October 5, 2021

Next week, head to the Track Too Tough to Tame for the **Taste of Darlington on Thursday, October 14**, from 7 to 9 p.m. at the infield garage of Darlington Raceway. Businesses, civic groups, and others interested in promoting their cause will share their cooking skills. Come hungry! We will have a wide variety of meats, desserts, and more. This is an adults-only event,

age 21 and older only please. So, get a sitter and enjoy a great night at the track. Tickets are $30 in advance and $35 at the gate.

Thanks to the DDRA's partnership with Darlington Recreation, **Scare on the Square** returns Thursday, Oct. 28, from 4:30 p.m. to 6:30 p.m. downtown to provide a safe environment for trick-or-treating and an opportunity for families to visit our local shops. Businesses not located on the Square can register and set up a table on the courthouse grounds.

Mrs. Rock said she has had a question from several folks in the community about trick or treating if the City was going to have Trick or Treating on the 31st which this year is on a Sunday. She said whenever they publicize Scare on The Square people always ask us are they doing trick or treating on the 31st since it is a Sunday or are they doing it on Saturday or not doing it at all. Councilwoman Reed said, "I wouldn't see why we would do both". Councilman Milling said, "I prefer to do it on Saturday simply because Sunday is a religious holiday and trick-or-treating is not necessarily the same". Mrs. Rock said, "You all just let me know and I will get the information out there with the time and day". She said, "Typically we have done 6 PM to 8 PM on October 31st previously. Councilman Howard Nettles asked, "Have we ever done it not on Halloween"? Mrs. Rock said, "We just need to let people know what day it is and to expect costumed children knocking on their doors". Councilman Nettles said, "I personally prefer Saturday versus Sunday". He asked, "Does it mess up anything if we do it that way"? Councilwoman Reed said, "I thought that whenever our Halloween activity is it was coincided, and we didn't do it twice". Councilwoman Reed asked, "What are you asking? If the city is condoning people going out even in the community"? Mrs. Rock said, "Yes, I get that question about the scare on the square and I can't make that determination. That's for council to decide whether or not to allow trick-or-treating in the neighborhoods or just that one event. Mayor Boyd said, 'I don't think we'll be able to regulate it. If somebody comes out trick or treating on the 31st and knocks on somebody's door-officers you're not going to stop them are you"? Mrs. Rock said, "Typically the cities will announce when they will have trick-or-treating. Councilwoman Baccus said, "Didn't we do both last year"? Rock said, "The year before last because of COVID". Councilwoman Baccus said, "I don't understand"…. Mrs. Rock said I was just asking if you wanted me to publicize it as Saturday or Sunday. Mayor Boyd said, "I will make a suggestion that they do trick-or-treating on Saturday from 6 PM to 8 PM". Council agreed and Mrs. Rock said she will let everyone know.

THANK YOU SO MUCH for your support of our program that allowed us to hold the Saturdays on the Square Concert Series! In speaking with new residents of the city they expressed that events and community made them feel at home. No better marketing than that! The next concert will feature **The Saxxy Keyz** performing Jazz and Soul music Saturday, November 6, from 7 to 10 p.m. downtown! Then, **on Dec. 31, Level 10 Band & Show** will be back in town to ring in the New Year! We are working on some special touches to this event, so, if your business would like to get involved, please call my office.

The DDRA concludes our monthly **Member Breakfasts at 8 a.m. on Thursday, October 28 30, at Taki's Diner, 609 Pearl St**. These meals are at no charge for members and a small $5

fee towards the meal for all others. The events allow our businesses to build connections and strengthen 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.** Our alerts reach more than 2,700 people! We continually update our Web page, **www.BuildUpDarlington.org**, where individuals can submit information or sign up to receive these alerts.

DDRA Membership is open to Businesses, Individuals, Civic groups, and Churches. Members can give us a **call, 843-992-1561, or send us an email, info@buildupdarlington.org**, and we will feature their news, employee recognitions, sales, new products, special hours, and events with people interested in Darlington as well as TV stations, radio stations, and newspapers through our text and email News Alerts.

GREATER DARLINGTON CHAMBER OF COMMERCE

Ms. Brook Sylvester gave an update on various Chamber events. The Greater Darlington Chamber of Commerce is interested in hosting a Restaurant Crawl, that will be starting up in October. This event will benefit local restaurants who choose to participate. If you own a restaurant, be on the lookout for a visit from one of our board members. For more information you can email the Chamber at information@darlingtonchamber.com. The Pilot Club of Darlington will be hosting the Sweet Potato Festival on Saturday, October 9th from 9am-4pm in the Darlington Square. There will be raffles, children's games, food, crafts, and sweet potato pies. On October 9th they will have Small Business Saturday at Chianti's Wings & Things. Visit the Fall Pop Up Vendors at 124 Cashua Street. Covered in Cotton will be hosting their Fall Pop Up Event on Saturday October 9th from 10am-2pm. There will be door prizes, local pumpkins, launch of a new collection of products and more-2080 Society Hill Road, Darlington, SC. The DDRA will be hosting the Taste of Darlington on Thursday October 14, 2021 from 7-9pm at the Darlington Raceway Garage Arena. The Darlington Country Club will be hosting the First Annual Chili Cook Off on Sunday October 17, 2021 at 3pm. Contestants must pre-register in order to enter the contest. A $50 entry fee is required per team. On Wednesday October 20 – Thursday October 21, the U.S. Chamber will host the Big Week for Small Business. This is a virtual conference including workshops, discussions, and participants can gain access to new marketing, hiring, and scaling strategies. Visit events.uschamber.com to register. The Darlington Kiwanis Club will be hosting a pancake breakfast on Thursday, October 22nd at Trinity United Methodist Church from 5pm-8pm. Tickets are $7.00. Eat in or take out. The Darlington County Sheriff's Office & Darlington Police Department will be sponsoring a free event (Women's Health Fair Luncheon) on Saturday October 23rd from 10am-1:00pm at the Grand Old Post Office. On Saturday October 23rd from 2pm-5pm at 103 Saleeby Loop, "A Perfect Start Childcare" will have their Fall Festival. Admission is free with raffle proceeds going towards the Pee Dee Coalition. Pig Pickin' in the Park will be held on Saturday October 23rd from 6pm-10pm at Williamson Park. Tickets are $25.00. Central Baptist Church of Darlington (512 Spring Street) will have Homecoming on Sunday October 24th starting at 10:30am. Then, Sunday October 31st they will have their Fall Festival from 5pm-6:30pm. Scare on the Square will be October 28th from 4:30 -6:30 pm. On Saturday October 30th, Darlington Country Club will host their Halloween Carnival at 1pm. The Auxiliary of Carolina Pines presents the Fourth

Annual Lights of Love. The tree lighting ceremony will be on Sunday November 21st at 4:30pm. Lights are available for $10 in honor or memory of a loved one. To purchase light, call 843-339-4590.Food Network will be in our area this coming fall with their hit TV show, Restaurant: Impossible. They are casting right now to find a restaurant. With $10,000 and two days, Chef Irvine revamps your restaurant. If interested: https://www.foodnetwork.com/shows/restaurant-impossible or www.restaurantimpossiblecasting.com. The Chamber has been working with a chamber software program to come up with a new membership directory, online dues payments, an app for our members, an events page for members, member-to-member discounts and more! The Chamber also created a new Tiered Dues Structure, so dues will be different this year. Dancing with The Stars of Darlington County is back! This event will be held January 27, 2022 at Hartsville Center Theater. If interested, please email darlingtoncountydwts2gmail.com. Councilman Milling suggested to Brooke that if she is reading from something, if she could prepare that ahead of time and hand it out to us it would make it a whole lot easier for us to keep up with what's going on and be sure we've got the right events and the right locations. He said DDRA does that for us and hands it out to us and it helps us keep up with stuff. Ms. Brooks said OK.

PUBLIC COMMENT (5 MINUTES PER PERSON MAXIMUM)

*Speakers may not ask questions of Council Members
*Council Members may engage speakers in discussion
*Disruptive behavior is not permitted

Chief Kelvin Washington said in this current culture and environment it is very, very rare these days that we hear about the good things that police officers do throughout the country. Every day these brave men and women put their lives on the line to serve and protect the citizens of our communities all over this country. Chief Washington said, "So tonight we want to take this opportunity to recognize one of our own police officers Sergeant Keith Cauthen. Not only does Keith go out every day and serve and protect and protect the lives of the children at Darlington high school, but on this particular occasion he actually saved one of the young people's lives". On Thursday, September 2nd at the end of class change the principal at the school witnessed that a student had fallen down on the sidewalk. Once she got to the young lady she realized that she was choking. She immediately called Sergeant Cauthen over to the young lady and he did the Heimlich maneuver to help her dislodge the item that she was choking on. The young lady had already passed out and was unconscious. Because of Sergeant Cauthen's heroic action and quick response and most importantly his bravery the young lady's life was saved. Chief Washington said there was another incident not long after that where a young man passed out at the school. Sergeant Cauthen was able to get there and provide medical care to him and also get him revived and saved his life as well. Chief Washington said, "It's my honor and pleasure to recognize Sergeant Cauthen tonight and thank him for his dedication to the City. Chief Washington presented Sergeant Cauthen with a plaque. Chief Washington said the plaque says Corporal Keith Cauthen but also I have been calling him Sergeant because you have been promoted to sergeant as well. Chief Washington said, ``Not because of those incidents, but those incidents just confirmed we are making the right decision to make you a

Sergeant". A picture was taken of Sergeant Cauthen along with Mayor Boyd and Chief Washington.

NEW BUSINESS

a)2021 USDA PATROL VEHICLE GRANT – POLICE CHIEF KELVIN WASHINGTON

Chief Washington said earlier this year we gave you all a grant proposal through the United States department of agriculture through their community facilities block grant to be able to purchase three patrol cars. They will award us a $50,000 grant. He said there are a few other documents that he has to get to them so they can go ahead and give us final approval. He said tonight Basically he wants to get approval from the City Council to go ahead and give the city manager the authority to move forward on behalf of the city to go ahead and make these purchases because with us purchasing patrol vehicles and also the upfitting of those vehicles it's going to go over the $5000 threshold. Chief Washington said I wanted you all if you want to go ahead and give the city manager permission and that way he won't have to come back every time they've got to make a purchase. He said as it relates to the procurement process all of these vehicles have been purchased through the state purchasing contract process so there's no need to bid them out because the state has already done the bidding. **Councilman Gardner made a motion to approve the 2021 USDA Patrol Vehicle Grant. Councilwoman Reed seconded the motion. Councilpersons Nettles, Baccus, Milling, Segars and Mayor Boyd approved the motion.**

b)SCDPS BODY WORN CAMERA GRANT – POLICE CHIEF KELVIN WASHINGTON

Chief Washington said we wrote an additional grant to add to the current body worn cameras that we have he said the South Carolina Department of Public Safety awarded us $19,044.46. He say there may be some purchases that may go over $5000 and he would also like to get authority for the city manager to go ahead and move forward with those purchases as well so we won't have to come back to council. **Councilwoman Elaine Reed made a motion that we approve for the City Manager to have authority to be able to go forward with the SCDPS Body Worn Camera Grant. Councilman Howard Nettles seconded the motion. Councilpersons Milling, Baccus, Gardner, Segars and Mayor Boyd voted in favor of the motion.**

c)FIREFIGHTER PROTECTION GEAR PURCHASE – FIRE CHIEF PAT CAVANAUGH

Chief Cavanaugh said, "I am basically here for the same reason". We have budgetary replacement items this year and I have to replace some turnout gear and it will be over the $5000 mark". He said he bid it out to three different vendors, and they awarded the contract to the one that had the lowest price. He said, "I have already bought two sets which were under $5000, but I need to get the last three sets before the price increases in October. So, I'm asking for permission for the City Manager to have authority to approve some of these items if you go ahead and blanket approve it, so we don't have to keep coming back to Council. **Councilman Howard Nettles made a motion to allow the City Manager to go over the $5000 spending limit for the firefighter protection gear purchase . Councilwoman Baccus seconded the motion. Councilpersons Segars, Milling, Reed, Gardner and Mayor Boyd approved the motion.**

d)CDBG RESOLUTION FOR SEWER IMPROVEMENTS – JOHN PAYNE, CITY MANAGER

Mr. Payne said, "On April 13th you all approved a resolution for a CDBG Grant totaling $1,028,250". He said Section 2 needs to be amended per the request of the Department of Commerce. Mr. Payne said Section 2 that council originally approved said that the City of Darlington's share provide a local match of not less than 10% of the total CDBG cost and it will be used for construction cost and engineering fees associated with the above noted project. The new Section 2 says that the City of Darlington shall provide a local match of not less than 10% of the total CDBG costs plus any overages needed to complete the project. Mr. Payne said, "the wording ***"plus any overages"*** is the difference". They have asked that the council approve this resolution so that our application can continue to go forward. Councilman Milling said, "The 10% of the grant is the full ride on the overages or is it 10% of the overages". Mr. Payne said 10% is the normal match and then the overages. Councilman Nettles asked, "Is there an anticipated number for the overages"? Mr. Payne asked Mr. Shugart if he could answer this. Mr. Shugart said, "There is not. He said they are experiencing anywhere from 10% to 20% more in materials, but they have continuously built it into the project, and they don't expect any overages right now". Councilwoman Reed said, "So what was the reason for the change"? Mr. Payne said the Department of Commerce requires it. **Councilman Gardner made a motion to approve the CDBG Resolution for Sewer Improvements. Councilwoman Reed seconded the motion. Councilpersons Nettles, Milling, Baccus, Segars and Mayor Boyd approved the motion.**

e)ADVERTISING RULES AND RATES FOR CITY VEHICLES – LISA ROCK, CITY PLANNER

Mrs. Rock told council she has included in their packet that was sent to them and then printed out a new copy and put it at the desk for tonight that shows proposed rules for advertising on City vehicles. She said you already have a vendor that you have approved for the actual installation of the graphics and designs for a period of three years. She said This would be specifically rules as far as what we would allow and not allow to go on our city vehicles. Mrs. Rock read proposed rules for advertising. Ads must include 1a) Business name or logo b) phone number c) physical location or mailing address. 2) Advertisers must hold a city business license throughout the term of the advertisement; 3) listing of vehicles available to use for advertising. 4) The city reserves the right to deny any advertisement that, in the opinion of staff, may be perceived as discriminating against any ethnic group, race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), national origin, age (40 or older), or disability. 5) Payment should be made to the City of Darlington. 50% of the total is due prior to installation of 4-foot ads. The remaining 50% is due within 30 days. 100% is due for vehicle magnets. A non-sufficient funds (NSF) fee of $40 will be charged for each returned transaction. 6) If vehicles remain out of service for more than five working days for that specific vehicle, the business will receive a credit of one month towards future advertisement or contract extension. refunds will not be given. Councilman Nettles asked if that period Included inclement weather since we have no control over that. Mrs. Rock said we could put that in as a caveat although typically during hurricane season and there is a storm, we end up running. Councilwoman Baccus asked, "So if a citizen rents that service and they decide a month or two later because the truck is down or something and they decide they don't want to use that service again will

they lose their money that they paid for that service"? Ms. Rock said, "If a person buys an ad for let's say a six-month period (January to June) let's say the truck is down for the entire month of January; so instead of your ad running until June it would run until the end of July". She said we will just add on another month or every time that it's down for more than five working days. Mrs. Rock said, "Obviously if it's being repaired during the time that it normally doesn't run that won't count against the city because it normally wouldn't be on the street". Councilman Gardner said, "I'm not really comfortable with five business days turning into a full extra month". Mayor Boyd said it does seem like a long time. Mrs. Rock said, "Some of the trucks only run approximately eight days a month, so we were figuring something that runs only eight times in a month and if it's out five of those days then that's half the month". Council discussed the number of days that should be allowed. Mrs. Rock said, "You can change or add whatever wording you like". Councilman Gardner said, "Just take out more than five working days…… Mrs. Rock said, remember none of these trucks are running 30 days out of a month. They are either running eight days or 20 days". Mayor Boyd said, "You can change D, E & F and if it's out 10 days or 15 days then they get a full month. Mayor Boyd said if it's out of service 10 working days out of the 20 days then give them a whole month". Mrs. Rock said she will adjust that wording and re-present it to them as well as add the inclement weather caveat. Councilman Gardner said a lot of the advertisements are really tight. He said a lot of times the more stuff you put on there the less you can actually read it, so in section 1C I don't see any reason why we would have a physical location and mailing address. Mrs. Rock said, "We can take that off. She said these are proposals so that the council can have something to work with". Councilman Gardner said, "In item B, I would say phone number or website". Councilwoman Baccus said, "I don't know whether it should say "must include", but I think you need to give the citizen who is paying for it an option to pick what they want to put on the ad". Mrs. Rock asked, "So you want to say business name or logo, phone number or website"? Councilwoman Baccus said, "I think all of them need to stay but give them an option of what they want to put on there. We shouldn't limit them" ….Mrs. Rock said, "We are certainly not limiting them; they can have more than that. Councilman Milling said, "Must include business name and that way if they wanted to add more….There's some things that's got so much on a sign that you can't read any of it because you're trying to read all of it". Mrs. Rock said we can take that entire item out if you want. Councilman Gardner said, "I like that idea". Mrs. Rock said ok. 7) Changing the advertisement information anytime during the term will incur an additional charge of $750 per side changed due at the time of ad approval. Mrs. Rock said having an ad for 12 months is more revenue for the city as far as helping fund those trucks. She said every time you change something on that advertisement there is a charge from the vendor to come out and put new vinyl lettering on it . 8) Generally speaking the regulations prohibit: statements that promote unlawful activity; statements that are false or untrue; statements that are inconsistent with approved product labels; false or misleading statements that are disparaging of a competitors' product; Health related statements that are false or misleading; and misleading guarantees (moneyback guarantees are not prohibited). 9) Other things to avoid - nude or suggestive figures; campaign materials- local, state, or national, candidate, party, or specific referendums. 10) Ms. Rock listed items which should be allowed or not allowed such as smoking, vaping, alcohol, businesses outside the city, businesses outside the county, and businesses outside the state. Councilman Nettles said, "Now you begin censoring when you do that sort of thing. He said I

agree with what you're saying. I'm just making sure we're all on the same page with that". Councilman Gardner said, "Smoking, vaping, and alcohol I don't have a problem with, but the business outside the city, county, and state…..keep it in the city and county I think that should be allowed". Councilman Gardner said, "I don't have a problem with businesses outside the city county or state advertising". Mayor Boyd said, "I don't either, but the only problem I do have….I'd circle that I would allow them, but then if somebody in Florence County wants to advertise here then you're saying they have to have a business license. Mrs. Rock said, "Yes they would have to obtain a business license". Councilwoman Reed said, "Ok, the whole point about this was to raise money, right"? Mrs. Rock said, "Yes". Councilwoman Reed asked, "So what difference does it make"? Mayor Boyd asked, "If a business doesn't produce business inside the city limits then they would have to buy a business license and pay a basic fee"? Mrs. Rock said, "Whatever the minimum fee for that particular rate class would be". Councilman Milling asked, "How does that fit in with that new business licensing act that we've got to comply with"? Mrs. Rock said, "The state is requiring all municipalities to use the same system and the same dates and that's all they are adjusting". Councilwoman Reed asked, "Don't we presently have several businesses that's not in Darlington that have business licenses to do business"? Mrs. Rock said, "Yes many". Councilwoman Reed said, "I'm trying to see why this would be an issue". Councilman Milling said, "As long as they've got a business license then I think the issue resolves itself". Mayor Boyd said, "They aren't conducting business in Darlington". Mrs. Rock said, "If you're advertising you are conducting business". Councilman Milling said, "And they are in essence becoming citizens of the city when they pay a business license". Councilman Nettles said if it's a revenue stream and it doesn't break any rules then I'm all for it. Councilman Nettles asked Mrs. Rock about the number of days and asked if maybe we should use a percentage rather than a number of days. Councilman Gardner asked Mr. Nettles what percentage does he want to go with? Mrs. Rock Suggested 50%. Councilman Nettles said, "I didn't say 50% but, whatever percentage the council agrees on". Councilman Nettles said for instance, in three months if we are in a position citywide that those number of runs for those trucks could change and we now have to go back and reformulate and change all the verbiage not with the percentages there". Mrs. Rock said, "Ok I will update that". Mrs. Rock said the next page she included a price scheme and the last page is a price scheme based on covering 50% of the auto expenses. Mrs. Rock said there are two other sets of proposed prices that cover significantly less of that fuel cost, but it's up to the council which direction they want to go. She said it may be that we bring this back another time. Councilman Nettles said, "Personally I would like to run some numbers". Councilman Gardner asked Councilman Nettles if they rent billboards and if so does he know the cost. Councilman Nettles said most of the billboards he rents are anywhere from $380 in a rural area to about $600 a month and that does not include the creative and the vinyl and that adds into the cost as well. Councilman Nettles said to keep in mind that billboards are stationary, and we've got vehicles that are moving around. So, for traffic people to see those will be different than traffic passing. Mrs. Rock said, "If you'd like for me to come up with numbers to cover 100% of that cost I certainly can". Mayor Boyd said, I think the three that you've got here is pretty much max and about as much as you are going to possibly get, and we're limited on how many we can actually do. Councilman Gardner said, "So, we are deleting section 1 and we are going to put 50% in section 6 and Mrs. Rock said and

add something about inclement weather". Mrs. Rock said, on #10 did you all say not allow A, B & C and then allow D, E & F. Council said, "Yes".

f)BOARD AND COMMISSION APPOINTMENTS – LISA ROCK CITY PLANNER

Mrs. Rock said Ms. Rhonda Duke Brown has resigned from all of her City board positions because her health has not been doing well. She has been so helpful to the community, to the Beautification Board, to the City as a whole and we are very grateful that she came and chose Darlington to live and retire in. Councilman Nettles said she's done a wonderful job and she has been very helpful. Councilman Milling said we need to do something special for Rhonda and at least recognize her and give her a "Key to the City" and have some presentation at the next council meeting. Mayor Boyd and Council agreed that this would be an excellent idea. Mrs. Rock said Mr. Chip Paugh has applied to serve on the Historical Landmark Commission. **Councilman Nettles made a motion that Mr. Chip Paugh be placed on the Historical Landmark Commission. Councilman Bryant Gardner seconded the motion. Councilpersons Milling, Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion**. Mrs. Rock said Mrs. Vivian Jackson would like to serve on the Beautification Board. **Councilman Gardner made a motion to approve Ms. Vivian Jackson to serve on the Beautification Board. Councilwoman Elaine Reed seconded the motion. Councilpersons Nettles, Milling, Baccus, Segars and Mayor Boyd voted in favor of the motion.** Mrs. Rock said the third person that has shown an interest is Mrs. Bridgette Lawson. Mrs. Rock said she has applied to serve on the Williamson Park Committee, but there are no more seats open. Mrs. Rock said Mrs. Lawson suggested that she has an interest in gardening and the outdoors and she recommends that she also serve on the Beautification Board. Councilman Milling asked Mrs. Rock if she discussed this…Councilwoman Reed interrupted and asked if this was something that she agreed to… Mrs. Rock said she has left her several messages, but she has not received anything back. Councilwoman Reed said, "So she does not know that we are recommending her for the Beautification Board"? Councilman Nettles said, "You may want to check with her first. I'm ok with it, we just don't want to go through the motion and she's not aware yet".

g)PUMP STATION AND WASTEWATER TREATMMENT FACILITY CHARLES SHUGART, DIRECTOR WATER & SEWER DEPARTMENT

Mr. Shugart told council he's coming before them tonight to ask for the purchase of two pumps. The first pump is used at our wastewater treatment plant to carry disinfectant and to carry sulfur dioxide. He said we take part of our processed water and carry chlorine to the end of the chlorine contact chamber where it disinfects the wastewater before it enters Black Creek. He said we also inject sulfur dioxide at the other end of the chlorine contact chamber to remove the chlorine before it goes into Black Creek. Mr. Shugart said we've had a pump out there for about eight years running 24 hours a day 365 days a year and it's finally worn out. He said it was the Flygt Pump and he received a price of $10,815.24. He said they asked for an alternative and or equal and they received a price of $6,485 and he would like Council to approve that. Mr. Shugart said while this pump is out they are purchasing water from Darlington County Water and Sewer Authority at a cost of about $2000 per month so we need this pump pretty quick. Councilman Milling asked, "Out of curiosity, how long will it take to get the pump"? Mr. Shugart

said that was one thing that he asked. He said they are so hard to get now and he wanted to make sure these were on the shelf where we can get them in 30 days or less. Mr. Shugart said the second pump goes in our collection system over at Wood Creek pump station. He said its proprietary and they have to get something that fits the rails, the controls, and all that stuff. Mr. Shugart said the price for this pump is $6,033. **Councilman Gardner made a motion to approve the Clearwater bid for $6,033. Councilman Nettles seconded the motion. Councilpersons Milling, Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion. Councilman Nettles made a motion to approve the purchase of Tsurumi pumps from Tencarva Municipal for $6,485. Councilpersons Milling, Baccus, Gardner, Segars and Mayor Boyd voted in favor of the motion.**

h)ALCOHOL BEVERAGES FOR THE CITY OF DARLINGTON ORDINANCE – JOHN PAYNE, CITY MANAGER

Mr. Payne said this is the First Reading just in name only. Mr. Payne said in speaking with the Police Chief recently and with all the activities that have been going on in the City crime and whatnot, he feels that it is important that we have an ordinance that limits the amount of time during an evening that an establishment (a bar) or any type institute like that that can sell alcohol. Currently the State has, depending on when it is you have to close your business at 1 or 2 AM, this would require that you close at 11PM Monday through Saturday nights. Councilman Nettles asked if that's specific to bars or eateries? Mr. Payne said any establishment or bar that serves alcohol for consumption on the premises. He said this does not affect convenience stores. Councilman Gardner said, "This wouldn't affect private clubs either I would assume, would it"? Mr. Payne said, "That would be up to you all". Councilman Nettles asked, "And currently, it's what time"? Mr. Payne said, "I would say it does include… I would ask to include clubs because all an establishment would have to do is sell a membership for $1.00 and they are a private club and they can circumvent your ordinance". Councilman Milling asked, "What's that time period again"? Mr. Payne said, "It's 2am. He said our ordinance can require that it close earlier, we just can't require that it close later". Councilwoman Baccus asked, "So we're asking them to stop selling alcohol at 11:00 PM"? Mr. Payne said, "Yes, at 11 o'clock". Councilman Milling said, "What about places that have already paid XYZ for a ticket and alcohol and food are included in that ticket price and you plan to have a band and you may have people who plan to stay there until 12 o'clock, 12:30, or 1 o'clock. Mr. Payne said they would be allowed to stay, but the establishment would have to stop selling alcohol. Councilman Milling said, "They have sold it in the ticket; is it going to be, stop selling or stop selling and serving"? Mr. Payne said, "That would be serving". Councilman Milling said, "So, are they going to stop serving at 11"? Mr. Payne said, "Yes sir". Councilman Nettles asked, "The examples that the Chief gave, has the crime and those things that have happened lately been bar related after midnight"? Mr. Payne said, "Not specifically". He said this is an item that he has been watching for a while and they had an in-depth discussion about it, and he feels very firmly about it that we need to have this ordinance. Councilman Nettles said, "While I am sure that you are relaying the information exactly as you discussed it, I think we need to have an in-depth conversation". Mr. Payne said, "We do, and that's why this is just the First Reading". Councilman Nettles said, "I am not willing to do that with this information". Councilwoman Reed said, "This still isn't the time because we don't have that ordinance". Councilman Gardner said,

"We've got the ordinance. We can always do like we did previously, pass the First Reading and augment it over the next month if we wanted to". Mr. Payne said, "And that's what we're wanting you to do, pass First Reading in name only tonight". Councilwoman Baccus said, "I don't see the purpose in telling a business that at 11:00 PM….if that's the case I could buy 10 beers or drinks before 11 o'clock and that still didn't stop me from drinking between 11 and 2". Mr. Payne said, "It's not the drinking, it's the sale of". Chief Washington said, "Currently there's no business in town that have on premise alcohol licenses and right now none of them stay open past 11 PM anyway". Councilwoman Baccus asked, "Then why do we need the ordinance"? Councilman Milling asked, "Does the Elks Club have events that last past 11 pm"? Councilwoman Reed said, "Yes". Chief Washington said depending on what you all decide to do with the ordinance, if a business that's already established such as the Elks, or Country Club, all you have to do is grandfather them in. Councilwoman Baccus said, "Then if we do that then that won't be fair to the new businesses coming into Darlington because I wouldn't come. She said if you're telling me I can open the business, but this business over here can stay open until 2 AM and sell all the alcohol they want, but I have to close at 11, why would I come"? Councilman Milling asked, "Would it work with a permitting process if there was going to be a special event where alcohol would not be a question after 11 o'clock"? Mr. Payne said there is a provision in the ordinance for special events. Councilwoman Reed said, "We need to talk about this a little more. She said most of the incidents that she's hearing about are not about alcohol, it was about the crime. She said it was never determined that people were drunk or intoxicated". Councilman Nettles asked Chief Washington to explain to them what has precipitated this and is now making them look at considering this ordinance. Chief Washington said that is an issue that would probably be more appropriate to be handled in executive session. Councilwoman Baccus said, "Then we need to table this until we have a discussion and executive session'. Mr. Payne said, "The request for this evening, it takes two readings and we were just requesting the First Reading tonight just in…. Mr. Payne said over the next 30 days we can have that discussion to where if it needs to be amended as you see fit, we can do that. Mayor Boyd said, "As the Chief said, "Right now we don't have a bar or club that stays open in the middle of town past 11:00 or 12 o'clock. If you have one that's potentially coming into town that's going to do that and you don't have problems of crime at this moment from alcohol and then all of a sudden you've got a bar in the middle of your town that's serving alcohol until 2 o'clock in the morning, then you're opening the opportunity. Mayor Boyd said, I will clearly make my opinion; I don't drink alcohol and I don't believe in alcohol so I think it should be no alcohol. He said I stand above and in front of my Lord Jesus Christ and Savior that alcohol is nothing but a crime and causes nothing but crime eventually. Councilwoman Reed asked, "So right now in the City of Darlington we do not have an establishment that would serve alcohol after 11 o'clock". Chief Washington said, "There are two kinds of licenses. There are on premise licenses where you can drink on the premises and then there is the off-premises license like convenient stores and Walmart would have where you buy and go. Chief Washington said we currently have establishments that do have on premise beer licenses but none of them stay open past 11 or 11:30 PM. He said depending on how you all write the ordinance you all can grandfather the folks that are already in business and it won't have any effect on them. He said what we are trying to do is put something in place for the future. If we have someone that wants to come into town and open a lounge or a nightclub there is some

language in an ordinance to at least protect the safety of the citizens. He said we're not saying you can't come into town and do business or run that sort of business, but at 11 o'clock or whatever time you all put in the ordinance. Chief Washington said that's a decision you all make as a council. He said my job is to do the very best that I can to make sure that the City is safe from things that are currently happening and things that I may see in the future that may happen. So, I just make those recommendations to you all as best I can. Ultimately it's going to be your decision, but my conscience is going to be clear that I brought this to you all. So whatever decision you all make, it's up to you. Chief Washington said, "If you all say they can stay open until 7 am the next morning, that's fine. We will do the very best we can to enforce the laws, but, it will be unfair to me and my staff if I brought this to you all and then we have an establishment that opens like that then there's chaos and confusion all over the city and then you all push me out in the middle of the road, I mean that's unfair". Councilwoman Reed said, "Here's my concern: it's not unordinary to have a lounge within the city limits and things of that sort. She said all I'm hearing right now, my personal feelings just like the Mayor, but again as an elected official for the City I'm looking at we need. We are concerned all the time with economic development and lounges, clubs and social establishments is one of those areas that generate a lot of entertainment. However, so in that vein I would like that's why I'm saying before I even consider this right here because it puts a limit as to what this particular business could do I would like to know how you got to this and if you're saying this is not the forum which way do I don't want to vote on nothing without me having the information that I'm asking for. I want to know what it is that's got you so passionate about presenting this". Chief Washington said that's why I made that recommendation earlier that it might be best for us to discuss some of these things in executive session as opposed to discussing those things out in the open. Mr. Payne said, "You've got to have two readings and they've got to be at least 30 days apart. We're just asking for First Reading tonight and after discussions if you decide you either want to amend it, we amend it or you don't want to go forward with it we just don't have second reading". He said tonight does not force you to pass this in the future if you decide not to do it. Councilwoman Baccus said, "So, what's the rush on having the First Reading? Why can't it be after we have the executive session and get a clearer understanding"? What is the rush on the First Reading? Mr. Payne said, "We can do that this evening". Councilman Gardner said, "We've passed things all the time on first reading and then have it killed on the second reading". Councilman Gardner said, "11pm, I don't know. Other communities have like a 2am on Friday and a 12 am on Saturday. I don't know if our town is ready for 2 AM, but midnight I would be fine with it". Councilman Nettles said, he would also be fine with midnight. Councilman Gardner asked Council if they want to change it to midnight and pass it for one reading and then we can discuss it in executive session next month? Councilwoman Reed said, "I don't see why we can't have a discussion before that". Councilman Segars said, "We're going to have an executive session tonight anyway, let's discuss it then". Mayor Boyd said, "We can't discuss it tonight because we don't have it listed in the executive session". Councilman Milling said, "In order to have a first reading we have to have somebody make a motion and second it and if that goes forward we will have a vote on it. **Councilman Gardner said, "I would like to make one change. I would like to change 11pm to midnight and make a motion to approve the First Reading on the City Ordinance for Alcoholic Beverages". Councilman Nettles seconded the motion. Councilpersons Milling, Segars, and Mayor Boyd voted in favor of the**

motion. Councilwoman Baccus voted nay and councilwoman Reed voted nay. Motion passes. Chief Washington said this is a sinking security issue so we can discuss this in executive session tonight.

RECEIVE AS INFORMATION
DEPARTMENT HEAD REPORTS
None

COUNCIL COMMENTS
Councilman Gardner asked Mrs. Rock if she would publicize all events on Facebook and other websites in order to get the word out because we have a lot of great events going on.

EXECUTIVE SESSION
For discussion of personnel matter, attorney consultation, and American Rescue Plan Funding. **Councilman Milling made a motion to go into executive session at 7:55 PM to discuss a personnel matter, attorney consultation and American Rescue Plan Funding. Councilman Gardner seconded the motion. Councilpersons Nettles, Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion.**

Councilman Segars made a motion to end executive session at 10:15 PM which was seconded by Councilwoman Reed. Councilpersons Nettles, Baccus, Gardner, Milling and Mayor Boyd all voted in favor of the motion.

After coming out of executive session Mr. Payne said, "I received comments as to why we went into executive session to discuss the ordinance that was held at first reading today and I just wanted to reiterate to the council and to the public per the Police Chief's concern (this was a public safety matter) and we needed to discuss it in executive session, so that's why we did that.

Councilman Milling said, "I've got a motion that needs to be made coming into open session to try and clear up some confusion about some tap fees". He said pursuant to a previous agreement by the City with respect to the building of four houses on Windham & Young Streets, the City agreed that if the developers would pay for the sewer infrastructure and the construction costs related to that including installing taps as a part of that construction; and would then turn the infrastructure over to the City that the City would agree to waive any fees beyond the cost incurred by the developer for the construction of that sewer system. And the City would agree to accept and maintain the sewer system and there would be no further separate tap fees as those had already been included as a part of the construction costs. **Councilman John Milling said, "So I would make the motion that we accept and agree to maintain that sewerage system and that there be no additional tap fees charged in connection with the four houses that were constructed there on Windham Street & Young Street". Councilman Bryant Gardner seconded the motion. Councilpersons Nettles, Baccus, Reed, Segars, and Mayor Boyd all voted in favor of the motion.**

REMINDER

Tuesday November 9, 2021 - Monthly Meeting Darlington City Council - 6:30 PM

ADJOURN

Upon motion of Councilman John Milling, seconded by Councilman Howard Nettles, the meeting adjourned at 10:20 PM. All approved the motion.

_____

Mayor

ATTEST:

_____

Clerk & Treasurer