CITY OF DARLINGTON
REGULAR CITY COUNCIL MEETING HELD IN THE COURTROOM/COUNCIL CHAMBERS LOCATED AT
400 PEARL STREET, DARLINGTON, SC
JANUARY 4, 2022, AT 6:30 PM

Present: Mayor Curtis Boyd, City Manager John Payne, Councilpersons Howard Nettles, Sheila Baccus, Bryant Gardner, John Segars, and Elaine Reed. Councilman John Milling was in attendance by phone. Also present was Mrs. Lisa Bailey, City Attorney Kevin Etheridge, Mr. Lee Andrews, Fire Chief Pat Cavanaugh, W&S Superintendent Charles Shugart, Building & Codes Official Sheila Jones, Street & Sanitation Supt. Mr. Alex Gainey, Ms. Macie Shafer, Ms. Gloria Hines, Mrs. Evelyn J. Coe, Ms. Jannie Lathan, Ms. Carla Elvington, Mrs. Linda Byrd Spearman, Mr. Jonathan Boatwright, Police Chief Kelvin Washington, and other visitors.

Mayor Pro-Tem John Segars said Mayor Curtis Boyd had a brief County Council meeting tonight so he will be conducting the meeting until he arrives.

INVOCATION & PLEDGE OF ALLEGIANCE

Prayer was led by Councilman John Segars followed by the pledge of allegiance.

Mr. Payne said Judge Milling had to stay at home tonight so he will be in attendance by phone.

Councilwoman Baccus said, "Point of order-Question, myself, Elaine and Mr. Segars' term was up December 31st so I'm questioning whether we can actually sit on this council without being sworn in for the new year. Legally we have to be sworn in. She said I don't see nobody swearing us in so I don't see how you can preside or how we can sit on this council. Mr. Payne said, "Mr. Segars, I checked with Mr. Hardee who has sworn in council members before and since we don't have everyone here tonight and the Mayor is going to be running a little late, I advised him that we would wait until February, and he said there was no problem with that". Councilwoman Baccus said, "I don't think that's legal. We have to be sworn in before we can actually sit back in these seats because our term expired in December". She said she contacted the Ethics Commission today and asked them about that, so I don't know if we're legal or not". Mayor Pro-Tem Segars said, "Point taken". Next on the agenda is approval of our minutes for the Regular City Council meeting on December 7, 2021.

APPROVAL OF MINUTES OF REGULAR CITY COUNCIL MEETING DECEMBER 7, 2021 & DECEMBER 13, 2021

Councilman Gardner made a motion to approve the minutes of the regular council meeting on December 7, 2021. Councilman Nettles seconded the motion. Councilwoman Baccus said, I am going to abstain because I am not legal so I'm not going to do that". Councilpersons Elaine Reed, Councilman John Milling by phone and Councilman John Segars voted in favor of the motion. Motion carries. Councilwoman Elaine Reed made a

motion to approve the minutes of the Special Meeting on December 13, 2021. Councilman Bryant Gardner seconded the motion. Councilpersons John Segars and John Milling by phone voted in favor of the motion. Councilwoman Sheila Baccus abstained. Motion carries.

APPROVAL OF MEETING AGENDA

Councilman Segars said, "We need to amend the agenda for tonight because the mayor has a presentation he wants to make later tonight. He said they will have that presentation after item #8". Councilwoman Reed said, "In view of what Councilwoman Baccus has brought up, do we think for clarity for everybody that's here, do we think we can at least have our City Attorney address that just so that we can move on?. She said, "Or you think you have approached it"? Mr. Payne said, "Yes ma'am, I approached that issue today and I was told that we could defer until February". Councilwoman Baccus asked, "Who told you that". Mr. Payne said, "I spoke with people in Columbia, and I spoke with Mr. Hardee who has sworn in people on this council". Councilwoman Baccus said, "Todd Hardee ain't no judge, ain't no lawyer, ok". Councilman Nettles asked, "Has Mr. Milling said anything about it"? Mr. Payne said, "Mr. Milling, there is a question by Ms. Baccus because tonight the people who were elected in November are going to be sworn in in February. Do you have a problem, or do you foresee a problem with this current council as it is constituted moving forward this evening and having the swearing in in February"? Councilman Milling said, "I have taken a look at whether or not there is a legal problem. I'm looking at the agenda now". Councilman Milling asked, "We would need to approve only what tonight"? Mr. Payne said, "There are three items of new business. One is the delineation of land at the sports complex; one is a USDA grant for the police department and appointments to the boards and commissions by Lisa Bailey. Councilman Milling asked, "How many people are yet to be sworn in"? Mr. Payne said three, so that will leave us four. Mr. Payne said, "Well when the Mayor arrives there will be four". Councilman Milling said, "I suggest that we not discuss the new business". Councilman Milling asked, "Are we going to need to have another meeting"? Mr. Payne said, "Yes Sir. We are going to have another meeting this month". Mr. Payne said, "If you would prefer, if it would make you more comfortable, I could hold… we can table this new business until that meeting". Councilman Milling said, "I think that would make the question go away". Councilman Nettles asked, "So do we then need to amend the agenda to remove those items"? Councilman Milling said, "Also I have a question. We have traditionally had people sworn into office who were members of the judiciary, but I'm not so sure a notary would not be able to administer the Oath of Office. If the form is there and you have the oath, and a notary is there I'm not so sure those three people can't be sworn in". Mr. Payne said, "Judge Milling, I'm a notary. If you would prefer I could do the swearing in, and the issue would go away". Mr. Payne said Mrs. Bailey went to her office to get the oath now so I will administer the oath. He said we will pause for a moment until she returns. Mayor Pro-Tem Segars said, "Since this question has arisen we need to amend our agenda to have the swearing in tonight and City Manager John Payne will do the swearing in briefly". **Councilman Bryant Gardner made a motion to that we amend the agenda to approve the swearing in of ward council seats as Item #3B. Councilman Nettles seconded the motion.** (Mayor Boyd & City Attorney Kevin Etheridge arrived and was filled in as to what was going on). **Councilpersons Elaine Reed,**

John Segars, John Milling by phone and Mayor Boyd voted in favor of the motion. Councilwoman Baccus abstained.
Mr. Payne said our legal counsel has affirmed that as a notary I can administer the oath.

OATH OF OFFICE
City Manager John Payne administered the Oath of Office to Councilpersons Elaine Reed, Sheila Baccus and John Segars.

REPORT OF STANDING COMMITTEES
DDRA - LISA BAILEY

Darlington Downtown Revitalization Association

Report for Council – January 4, 2022
We had a fabulous **New Year's Eve Block Party** Friday night with a great crowd and lots of vendors, and it showed the power music has to bring a community together. Thank you again to City Council for sponsoring our Bringing Downtown Alive! Concert Series in 2021!

The DDRA will present three individuals with $100 cash in our annual holiday **#ShopDarlington contest** this week. We had more than 100 shoppers submit entries. The contest encourages folks to shop at five (5) DIFFERENT businesses between Thanksgiving and Christmas. We plan to present the prizes at the end of the week.

The DDRA will begin our monthly **Member Breakfasts at 8 a.m. on Thursday, January 27, 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.

The Board of Directors welcomed two new members this month, **Terasa Lott of Clemson Extension and Dee Kehl Assistant Vice President of Dedicated Community Bank**. Both represent downtown businesses and bring fresh ideas and energy to the Board.

The DDRA Board has approved $5,000 for façade grants for 2022! The DDRA Improvement Incentive Grant Program helps businesses and property owners to make repairs, install signage, and paint. Since its inception, the program has been in direct connection with more than $177,000 worth of upgrades. The grant deadline is the 24th of each month until funds are exhausted.

Mark your calendars for our Annual Golf Tournament will be held Wednesday, April 13, at Darlington Country Club. We are developing plans for the Taste of Darlington in April, another concert series, Scare on the Square for Halloween, and another New Year's Eve Block Party. Anyone with ideas or contacts for musicians should send them to my office.

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.

GREATER DARLINGTON CHAMBER OF COMMERCE UPDATE

Ms. Brook Sylvester said Carolina Pines will be having a job fair on January 13 from 2 to 8 PM at the TB Thomas sports Center at Byerly Park. Dancing with the stars will be January 27, 2022, at the Center Theatre in Hartsville South Carolina every Thursday night's game night at Chianti's and every Friday night is karaoke night at Chianti's. Darlington Country Club will be having a golf tournament January 22 starting at 10 AM. Tomorrow January 5th, the Grand Old Post Office will be having their barbecue feast. The event is free, donations are welcome. On January 15th at 7:00 PM at the Grand Old Post Office, Keith Howle will be performing as Neil Diamond. dinner will be at 6:00 PM. On February 24th from 6:00 PM to 8:00 PM will be the Chamber Annual Membership Banquet at the Grand Old Post Office. The Chamber is also working on the Freedom Fest for 2022.

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

Ernestine Wingate said, I'm here on behalf of Cross Street a letter was sent out saying they are proposing to close it from BA Gary to the end of…. She said she has a family house on Cross Street, and I think it would be a real inconvenience to have just one access to get into Cross Street. She said that's her personal opinion that she wanted to give.

Kenneth Cain said he owns a business at 109 Pearl St., and he's been trying to get a business license he said he spoke with City Manager Mr. Payne. he said before I talked to him, which I've never dealt with a city manager before because I never I guess once you get into the liquor you've got to talk to a manager or something. I went to him, and he told me that in his opinion I wouldn't be able to get a liquor license so he couldn't issue me a business license. Mr. Cain said through the steps of me opening this business which I purchased around August of last year, I've been talking with the ABL they were telling me everything I needed to do. I thought I was following all the steps. I even called the sled agent that said they would come and do the measuring to see if I was 300' away. They were telling me they go door to door. Mr. Payne said as far as he knows from the law book, it says they go from property line to property line. Mr. Cain said, "Like I said, the sled agent said they go from entrance to entrance, and I was just wondering about my business license side of it. How can I be stopped from getting a business license"? Councilwoman Reed asked, where is this? Mr. Cain said 109 Pearl Street. Mrs. Linda Spearman said it's her former building. Councilwoman Reed asked Mr. Cain what type of business it is going to be. Mr. Cain said a bar and grill. He said it's actually a member only bar and grill. It's not like a club or anything like that. Councilwoman Reed asked John what's stopping him from getting a business license? We're not in the business of issuing liquor licenses, that's something else so what's the barrier here? Mr. Payne said there's a state law that says distinctly that if there is a church school or a playground within 300 feet of an establishment that sells on premise alcohol they have to get permission from that Institution or that school or that playground operator in order to get the license. He said the ABL is interpreting the law one way, but the law distinctly says from property line to property line. Mr. Payne said I personally went out and measured it and it's about 201 feet from his door to the

corner of Trinity United Methodist Church. I instructed Mr. Cain that if he would go talk to the church there is also an exception that if the religious institution gives permission (the governing body, not the Minister) if they say that it's OK then it's OK in the law. Mr. Payne said I advised Mr. Cain to go speak with the minister there and speak with whoever the governing board is but I don't know if he has done that yet. Councilwoman Reed said, "The only reason I'm asking is that across the street in front of all that is the Grand Old Post Office, and they serve alcohol. Mr. Payne said they got permission from the church. Councilwoman Reed said, "So you're saying he needs to get permission before we issue him a business license"? Mr. Payne said, "As a business that sells alcohol it doesn't matter if it's a private club. That doesn't matter". Councilwoman Reed said, "I want you to understand why I am asking. I don't want us to do the job of the ABC people, I just want to see what our part, the City, in issuing a business license". Councilwoman Reed said, "For him to get a business license for the City of Darlington because he has said it's a bar and he wants to serve it even though he doesn't do it yet, he needs to get permission from those in the area for us, for the city to issue, not us, but I don't want to do ABC job now". Mr. Payne said, "No and I don't either. And I don't know if he's spoken with the Board of Deacons or whoever the governing body is, but as far as the other establishment you mentioned, he got permission from that church". Mr. Payne said this is not the first business that we've had this issue with. We've had another". Councilwoman Baccus said, "So let me understand what you're saying. So, what you are saying is, this young man needs to go to the church to get permission to get a business license"? Mr. Payne said, "No". Councilwoman Baccus said, "Then I don't understand why he's not being issued a business license. Councilwoman Baccus said the liquor part of it has nothing to do with you, with the city, with us. We don't determine whether he gets a liquor license or not, that's not our concern. Our concern for the city is whether we can issue this young man a business license and legally I can't see how we can say we can't give him a business license, trying to determine what the liquor license board is going to do. That's not our job". Mr. Payne said, "It's not my job, however the law is very clear when it says if the establishment is within 300 feet of the religious institution and it's from property line to property line. That's what the law says that he can't get the license so I have not issued the business license because under the law he can't get the alcohol license". Mr. Payne said if he were a restaurant it would have been issued weeks ago, but he's trying to become a bar and the law is distinct. Councilwoman Baccus asked Mr. Cain if he went and spoke with the Minister at the church and Mr. Cain said he did and the Minister at the church said he didn't know me. Councilwoman Baccus asked, "What did he mean that he didn't know you? Mr. Cain said the Minister told him he would take it into consideration". Mr. Cain said, "I'm kind of confused here because like I said I've been talking to the ABL which I thought were the top people who issue the licenses. They've been telling me the whole time what I needed to do. They said you're in Darlington County so it would be SLED that will come out and actually do the measuring so you will need to talk to them because they can do it a few different ways. He said he called Darlington County SLED ad he talked to the person that said they are the ones who come out and do it. They said you are right there so we would actually be coming from around the corner because there's no entrance there. Mr. Cain said he was measuring from the door so even from the door he's more than 300 feet, but he's saying the property. He said ABL, which is the people that give the liquor license is saying it's the entrance. The people that come and actually measure is saying they would go all the way to the stop light, then turn, and then

measure from over there but if they go around the corner I'm about 500' feet from there. Mr. Cain said, "I did talk with the preacher and explained the whole situation to him, and the preacher was like, I don't get it and I hate to be in the middle of this, but I just don't know you". Councilwoman Baccus said, "So the city is going to determine whether you get a license or not based on whether a Minister like the color of your skin or not. That's what it's boiling down to. He knows Todd Hardee and he gave him a license but now he doesn't like your color, so you don't get a license". Mr. Payne said, "No, no, that's unfair. Councilwoman Baccus said, "That's exactly what it is". Mr. Payne said, "This is not a racial matter; this is a matter of law and I'll be glad to share the law". Mr. Payne said, "In a certified letter that I sent to Mr. Cain I gave him a copy of the law". Councilwoman Baccus said, "No it's not". Councilwoman Baccus said, "We're not ABC, we don't decide who gets a liquor license and who don't". Mayor Boyd said, "Mr. Cain, If you will see me tomorrow we will see what we can do and make sure that you're in the right direction. Mr. Cain asked Mayor Boyd what he needed to do, and Mayor Boyd said just give him a call. Councilwoman Baccus told Mr. Cain she would be calling him.

Nathaniel Fox said, I have a house on Cross Street, and I can understand if they are going to work on the railroad track, but my concern is once they finish the railroad track could they reopen Cross Street because in case of a fire it could cost a life if the road is not open. Councilman Nettles said, "I have a problem with it access wise as well especially for emergency vehicles, so I want to make sure we're all on the same page.

Mr. Payne said a representative from the railroad will be at the February meeting and it will be discussed.

Mr. John Lewis said the last time he was here they had discussion about road repair, and they talked about Oak Street specifically. He said he want to thank them because the very next morning that repair was made. He said still at North Street and Main Street near the library we've got potholes there that are deep enough it's going to do damage to people's vehicles. He said if you get a motorcycle rider come through there at night and hit that hole you're gonna have somebody get seriously hurt. He said I don't understand why this city takes so long to make sure these road repairs are made in a timely manner. Mr. Lewis said that street still has steel plates across it. He said it does not take that long to do this. Mr. Lewis said, "I hate to bring up Russell Street. I don't know if Russell Street is DOT or County or State, but honestly, I don't care. What I do care about is the fact that it got paved so quickly and it makes me wonder who put the pressure to get that done". So, we need to get that pressure applied in other areas and get it taken care of. He said he spoke about speeding the last time and it's still somewhat of a problem on North Street and through the school zone when the yellow lights are on. Mr. Lewis said, I still have concerns about the agenda; first off, approval of minutes of meetings. Who has seen the minutes of meetings? I don't think we have or that the minutes of the meeting have ever been discussed, so we don't know what's getting approved and what's not getting approved". He said you still have on this sheet that "We"; the people of Darlington cannot ask questions of council members, but you can turn around and ask questions of us. Where is the two-way street of dialogue coming from? If we are going to have a City Council meeting people must be allowed to speak". Councilwoman Baccus said, "And I agree with you,

that should not be on this agenda". Mr. Lewis said "Disruptive behavior" I don't know what you mean by that because I think last time you said that I was being disruptive, and I wasn't. I was simply asking questions which I wasn't supposed to do". Mr. Lewis said, I love Darlington and I like living here. He said I'm from Miami so it's a big change for me but if we're going to do these things, we do them right. Mr. Lewis asked the repair is on Oak Street is that city or…. Mayor Boyd said I don't believe that street is a city street. Mr. Lewis said I know there's a contractor out there and honest to God if I hired a contractor like that did that repair he'd never worked for me again, so it makes me wonder if we inspect the work before they get paid. North Street and Main Street there at the library is just unacceptable. Somebody's going to get seriously hurt one of these days and when they do they are gonna turn around and sue the city of Darlington because the City of Darlington is well aware of that hazard. He said I would hope that someone would take the initiative and make sure that gets repaired like they did Oak Street.

Councilwoman Sheila Baccus said, "With that said, there's also two other hazards that's been reported to this City over and over and over and both of them are on Third Street. One is a big hole in Third Street where the water department repaired a busted waterline, and the trucks are coming through taking the dirt and rocks out. She said, "I know it's been reported ten times to the Street and Sanitation Department and that's a hazard". Councilwoman Baccus said, "If somebody hits that with their car and it knocks their car out of line the city is responsible and I advise anybody if that happens to you, file a claim against the city and make them fix your car because the city knows it's there and the city did it". As well as that storm drain that's really a hazard and needs to be repaired. She said the city is aware of these things.

Mayor Boyd said, "We can discuss this all night, but we are not in a sue happy world, but I will stand up for the City of Darlington. I will stand up for the workers here. I posted a while back about road repairs and a number of places people commented on and said what needed to be repaired to try to help us get it done really quick they jumped on it of course nobody ever seems to move as fast as we want them to do. He said I would like for them to move faster also". Mayor Boyd said, "I would like to have a road crew that came out every day, but again Mr. Lewis, we'll look into that". I've got it written down and will make sure that it's taken care of. Mayor Boyd said I have a list of others also that I'm asking to make sure they are taken care of. He said as far as contractors coming in and tearing things up I agree with you that….. A lot of times AT&T and places like that, Spectrum, and different places like that will come in and tear roads up and mess things up and their own DOT Roads they didn't get permission from us to come in but once they tear up a city road and we go out we make sure they go back and get it fixed. As far as Russell Street, it's a DOT road and it was already on the docket to be paved. He said as much as I would love to say I got it paved, we didn't get it paved, it was already on the dock to be paved. Mr. Lewis said once you brought those two properties at the corner of Russell and Broad Street, it was amazing how quick those roads got paved. Mayor Boyd said, that's your assumption. That's your assumption sir. Everybody likes to assume things. Mayor Boyd said, I promise you to the Good Lord above it wasn't because of me as much as I would love to take approval for that. I will take approval for Wells Street because I got on TV and fussed about it, and I asked them, and they finally came after five years. Mayor Boyd said

Russell Street was not paved because of Curtis Boyd please make sure you make note of that, I wish it was though. I wish I did have that kind of power. He said his number is 206-4389, please Call me anytime that you see a place, or a spot and I will report it and try to get it done as quickly as possible.

Mrs. Carla Elvington said she couldn't think of a better time than today after the press release and celebration of our acquisition of funds to be able to renovate or purchase the water main pump, and the pipes and all of the work that's happening in southeast Darlington to try to remedy the accounts that already exist there. She said thank you to all who were involved in that from Senator Malloy to you guys. She said it caused me to consider what I believe is the real bottleneck between our ability to grow and expand towards 52 and coming into our city and that is one particular stretch of S. Main Street that I believe is or has been and maybe is the elephant in the room. She said there are a lot of properties along there that are in disrepair and that alone I think deters people from developing in our city. Ms. Elvington said, "We can't make things beautiful at the end of S. Main Street. and then have it crash in the middle before you arrive at our town square". So, there's properties along there. I'm not blaming anyone. There are a lot of folks I think who would like to improve on their properties, but they don't have the funding, they don't have the know-how, perhaps they are elderly and just need some assistance. she said I think that before we start considering how we can expand and grow, we've got to fix what we already have and those properties along there are, pardon me for saying, they are an eyesore. She said they make the surrounding properties look bad and they make the main entrance into our town look bad. Ms. Elvington said not to throw shade or make anyone feel bad because there are resources available. She said there are grants, there are loans, there's a plethora of things that you can do to try to generate and initiate the funding and the materials and the labor, the know-how and the manpower to improve on the facade and your properties. Ms. Elvington said not to criticize anyone but to let you know that I for one (I'm not a representative of the City) I'm just a citizen myself, but I established an effective Chamber of Commerce for the Pee Dee area and by doing so I've learned a lot in the last eight months. She said a lot of what she has learned has specifically to do with developing businesses and commercial properties. She said she wanted to remind everyone of Ms. Denise Stanley who is here tonight, and her hope is to reopen Lindbergh's restaurant on S. Main Street. Ms. Elvington said Ms. Stanley has done a ton of work at her business and they have been corresponding and dealing with each other for several months now since she last appeared before a council imploring everyone to assist her in what needed to be done to get her business open. She said they have gotten through inspections and they're at the point now with her property that it's not going to take very much to get it open the problem is in that general area of where some folks are making an effort to bring a lot of their properties we have folks who are not bringing alive their properties for one reason or another. They are being neglected, abandoned, no work is being done; it looks like a junkyard coming down S. Main Street and that's not fair to anybody. It's not fair to the surrounding citizens or businesses. She said, "And again, I'm not blaming anyone I am offering assistance. She said she will be more than happy to share her phone number and some other phone numbers for members of the PD Chamber of Commerce who can assist and advise you on the resources that are available to get your properties fixed up . Ms. Elvington said her phone number is (843) 307-0012.

Ms. Denise Stanley said she's at the point right now of getting inspections done. She has the equipment for her stove, and she has the vent system completed. She says she's in the process of trying to correct everything in there she said this is an old building so she's running into problems with plumbing and there's some carpentry work that needs to be done. That's been her problem right now of trying to get these things done. Ms. Stanley said she finally got her business license, so her next step is to try and get her city license. She said she is trying to get the landscape done to make the outside more beautiful but it's a little more than she can deal with right now. She said she is coming along good with the inside. She said she is hoping that in the future she will be able to get some funding to be able to make this area a beautiful place. Ms. Stanley said her brother was really proud of that place and he did a beautiful job with it. Mayor Boyd told Ms. Stanley if she contacts the DDRA they have a grant up to $1,000. He said if you spend $2000 they will give you $1000 but just save your receipts and turn it into Lisa of the DDRA.

Melvin Fox said, "I thought about Cross Street, and you look toward Raceway Ford. It's paved and then a section back to the railroad we've got potholes and it seems like they are going backwards instead of getting better". He said you may not have been down there over the years, I've been there probably about thirty years, but I still live here in Darlington in the city. He said, "That Street has a lot of potholes". Mr. Fox said my interest was when they said about the railroad in my thoughts about them closing it, the city line is not going to move. Sanitation, water, and all those are my concerns. Mr. Fox said I would like to see that area improve because it's being taken for granted. He said it seems as if the area is going down instead of getting better. Mr. Fox said I don't know if y'all have been down there lately. He said, but anyway that's my concern. I understand from your there's a proposal, but you all haven't made a decision and I hope and pray that you all don't close that street off.

NEW BUSINESS

DELINEATION OF LAND AT SPORTS COMPLEX - MR. LEE ANDREWS

Mr. Andrews told council what they have in front of them is something that they have to do. Moving forward to get the plans ready for the sports complex the land has to be delineated. He said he has a proposal from the Brigman Company. Lee said he also reached out to SM&E which is another company that does delineations. He said he didn't find out about this until December 17th, so it was right before the holidays, so this is the only one I've gotten back so far. Mr. Andrew's said I have reached out to two different companies, but this is the only one that responded in time to get it to you tonight. He said we can either look at doing this quote here and go ahead and get it delineated or wait another month and I'll bring you in two more quotes if they send the quotes. Mr. Payne said, "The question for the councilman is we've reached out to three entities; we've only received one bid. Do you want to wait another month and potentially get two more bids, or do you want to move tonight? Mr. Andrew's said the quote was $6,245. Councilman Nettles asked, was there a deadline attached to the bid? Mr. Andrew's said, like I said it was right before the holidays. It was like December 17th when I sent it out. Lee said I wanted to get it done because Derrick is ready to move, and I know we are itching to do something: and that's why I went ahead and brought it, but I have no problem. Mayor Boyd

asked if this is what Nesbitt is doing already? Mr. Lee Andrews said, “No Nesbitt is doing the topography survey and they’re counting the hardwood trees that are over ten inches. Councilwoman Reed said, “Since there has been an issue with the council, let's just wait and do it and if you don’t get any then we’ll move forward with it. Lee said I knew that was an issue with council, but I also knew that the fact that we hadn’t moved too much on it was an issue too so that’s why I wanted to bring it to you tonight. Mayor Boyd said, “I would say wait and if they haven’t contacted you back by next time then we’ll move forward”. Mr. Payne told Mayor Boyd he would need to table this action until next month. Mayor Boyd said, “So, we’ll agree to table this until February for the delineation”.

USDA GRANT - POLICE CHIEF KELVIN WASHINGTON

Chief Washington said, “I’ve already been before you all about this grant; we’ve already applied for the grant; we’ve been approved, but under each administration they change the rules slightly”. Under the new administration they require us to come back and get approval from council to receive the monies. Chief Washington said he just needs an affirmative from council tonight to receive the $50,000 grant from USDA. **Councilman Gardner made a motion that we approve the reception of $50,000 from the USDA Grant Foundation. Councilman Nettles seconded the motion. Councilpersons Baccus, Reed, Segars, Milling by phone and Mayor Boyd voted in favor of the motion.**

BOARDS AND COMMISSION APPOINTMENTS- MRS. LISA BAILEY – PLANNING DIRECTOR

Mrs. Lisa Bailey told council the board and commission appointments were in their packets and mailed out to them prior to the meeting. She said they will vote on them one at a time. Mrs. Bailey said, “For the Board of Zoning appeals Mr. Chip Paugh, who is on the Historic Landmarks Commission, would like to be the representative on the Board of Zoning Appeals from the Historic Landmarks Commission which is a requirement in our city ordinance”. Mr. Payne asked Mrs. Bailey to explain the requirement part of the ordinance that someone from that committee is required to be on the Board of Zoning Appeals. Mrs. Bailey said according to the City of Darlington Ordinance, as far as the makeup of the Board of Zoning Appeals, one member is supposed to also serve on the Historic Landmarks Commission. **Councilman Segars made a motion to approve Mr. Paugh for the Board of Zoning Appeals**. Councilwoman Reed asked, “So we have two people for that board”? Mrs. Bailey said, “Yes”. If for some reason you did not prefer Mr. Paugh, Ms. Rose Pruitt also said she would be willing to serve. Councilwoman Reed said, but both have submitted their application to serve, and Lisa said, yes ma’am. Councilwoman Baccus asked, “But you can only accept one, right”? Lisa said, “Yes ma’am”. Mayor Boyd asked, “So do we have a choice”? Mrs. Lisa Bailey said, “It’s up to you all”. **Councilwoman Reed said she would make a motion that we approve Ms. Rose Pruitt for it. Councilman Gardner seconded the motion. Councilpersons Nettles, Baccus, Segars, Milling by phone and Mayor Boyd voted in favor of accepting the candidacy of Ms. Rose Pruitt to the Board of Zoning Appeals.**

Mrs. Lisa Bailey said, “The next seat to fill is on the Tree Board. She said Ms. Ronda Brown stepped down as she has some health issues and Ms. Joy Goodsell would like to join the Tree

Board". **Councilman Gardner made a motion to approve Ms. Joy Goodsell to serve on the Tree Board. Councilman Nettles seconded the motion. Councilpersons Baccus, Reed, Segars, Milling by phone and Mayor Boyd voted in favor of the motion.**

Mrs. Lisa Bailey said the last one was one that was previously submitted, which was Mrs. Bridgette Lawson for Williamson Park. She said, "When I brought it to you before there wasn't an opening, but one of the individuals on the Williamson Park committee has since moved out of town. She said Bridgette Lawson is still interested in serving. **Councilman Nettles made a motion to approve Bridgette Lawson to the Williamson Park Committee. Councilman Gardner seconded the motion. Councilpersons Baccus, Reed, Milling by phone, Segars and Mayor Boyd voted in favor of the motion.**

RECEIVE AS INFORMATION

Department Head Reports – None

COUNCIL COMMENTS

Councilwoman Baccus said, "I have been kind of watching the water bills that our citizens are receiving monthly and the fees they are being charged monthly". Councilwoman Baccus said, "Just for information for the public, I didn't get the monthly, the normal water bill monthly report that we normally get. It was not in the packet this month for some reason or another". She said, "from January to November, and I will be adding December to it because we just got it, but from January to November last year alone we charged our citizens $147,300.12 in fees and penalties". She said that's a lot of money for fees and penalties. She said, "We've already raised the water bill a lot and with these fees, with the nonpayment, and the penalties obviously the citizens are having problems paying their water bills". She said I know we can't change the water bill, that's obvious, but we need to revisit these fees and these penalties because in eleven months we've charged them $147,300 in fees and penalties. That's a lot. Councilwoman Baccus said, "And I think this council needs to go back and revisit the structure of those fees and penalties for the citizens and relieve some of the pressure that we're putting on the citizens of Darlington. So that needs to be considered". Councilman Nettles said, "Ms. Baccus I have a question. When we all voted to change the bills I think too we need to revisit just the billing itself because we all talked about in our discussions about the flat rate fees and not like the usage fees and that sort of thing which we knew would escalate the bills even higher". Councilman Nettles said, "you said that we couldn't change that. Why can we not go back and revisit that"? We did it at that time because….. I still think that we need to have just done a flat rate versus a usage. Councilwoman Baccus said, "I agree with you. We can go back and make an adjustment or whatever and revisit it to relieve some of the pressure on our citizens, I'm in agreement either way. I just think we need to do something". Councilman Nettles said, "It's been a year now and I think we need to look at that. He said, I actually mentioned that to someone that if we could do that, that might alleviate some of the issues that we're having with people not being able to pay the bills and then also eliminate those penalties. So maybe that's something we should discuss. Councilwoman Reed said, "That was also something that was addressed to our new Director of the Water Department and to our City Manager. She said what I'm being told is that the penalty, the policies we have set up for

penalties and fees have nothing to do with the rate. I mean with the increase in the water thing". that the penalties, that those policies are the same as always and that is what I wanted to see if we could get relief since we voted to increase the water". Councilman Nettles said, "And that's my point Ms. Reed is that if we changed it that would eliminate that". Councilwoman Baccus said, "And with that said, by adding the month of December we are now at $168,038. In December alone the citizens paid 17,806.82 in penalties. In fees they paid $2,931.59 in the month of December. So, we've charged them $160,038 last year in fees and penalties and that's ridiculous to me. That's just highway robbery and it needs to be addressed. Councilwoman Baccus said, "The last thing I want to say is executive session; legally there's only five reasons you can go into executive session. Like on our agenda tonight it says we're going into executive session for contractual matters. Under the freedom of information act it has to be explained in more detail as to why we are going into executive session. We can't just say contractual matters. That's not legal based on the Municipal Association and Freedom of Information Act; it's not legal. Councilwoman Baccus said, "Last council meeting we went into executive session and there were three things; one of them should have been an executive session but the other two should not have been in executive session. Moving a fire hydrant is not a reason to go into executive session; it's wasting my time and we're here long enough as it is. The second thing - to give work to Davis & Brown is not a reason to go into executive session. At the last council meeting you all know I said we need to have three bids. We went into executive session to move a fire hydrant. We had two bids and it became an argument because they didn't want to have three bids. Councilwoman Baccus said Davis & Brown had one bid. Those two reasons should never have been in executive session. Only one thing we went into executive session for legally, should have been there. Tonight, again on this agenda it says contractual matters. Under the Freedom of Information Act, you have a right to know what we are going in there for and not to hide from the public; do nothing secretly behind your back. It's not legal".

MAYOR BOYD – PRESENTATION / RECOGNITION

Mayor Boyd said, "My goal this year is to try to recognize a lot of different people throughout the city that work, some that do a great job, and encourage others to do a better job and for us all to work together to make the City of Darlington beautiful". Mayor Boyd said, "I want to present something to someone that they don't know anything about. He said this person wears many hats and a lot of times they are not given the recognition they deserve for all that they know to do. He said as a dedicated, hardworking, and loyal leader this person has displayed tenacious commitment to move the City of Darlington toward a more prosperous future. With the gratitude for their willingness to juggle many responsibilities and wear multiple hats and service to the community and to work hard with the DDRA. Mayor Boyd said the DDRA has been established for a good while and if you think back they have eight events. He said The Sweet Potato Festival has one event and that makes nine events throughout town. The eight events that the DDRA has, brings lots of people into our town. Mayor Boyd said, "Some people say the City of Darlington held the event last weekend on the Square (the block party). He said we didn't hold that event, we sponsored it. He said, "This employee works with the DDRA and with us and I just want to tell them thank you because a lot of times their gratitude is not recognized". He said we have a lot of our employees the same way that he would like to recognize throughout the

year, but tonight he will recognize Mrs. Lisa Bailey. Mayor Boyd said, “She does well, provides and works; she does all of the events downtown, the Scare on the Square, the Taste of Darlington. He said if you want to see somebody there that’s working from beginning to end, you will find Lisa Bailey”. Mayor Boyd presented Lisa Bailey with a plaque and a picture was taken.

REMINDER

Tuesday February 8, 2022 at 6:30 pm – Monthly Meeting Darlington City Council

Mayor Boyd said he would like to set a date for a workshop to look at the water bills and also additional funding for different things. Mr. Payne said we were going to set up a workshop to deal with American Rescue Plan money. Mr. Payne said we will set a date in the next week or two and I will reach out to all of the council members, and we’ll arrange it. Mr. Payne said, “It will have to be a special meeting because you will have to act”.

Mayor Boyd said we need a motion to go into executive session for discussion of contractual, legal, and personnel matters. He said council may or may not vote after executive session.

EXECUTIVE SESSION

Councilwoman Reed made a motion to go into executive session at 7:54 pm for discussion of contractual, legal and personnel matters. Councilman Nettles seconded the motion. Councilpersons Baccus, Gardner, Segars, Milling by phone and Mayor Boyd voted for the motion.

5 Minute Break

Councilman Segars made a motion to end the executive session at 8:24 pm. Councilman Nettles seconded the motion. **Councilpersons Baccus, Reed, Gardner. Milling by phone and Mayor Boyd voted in favor of the motion**.

Once out of executive session Mayor Boyd said there will be no vote.

ADJOURN

Councilman Nettles made a motion to adjourn the meeting at 8:24 PM. Councilman Gardner seconded the motion. Councilpersons Baccus, Reed. Segars, Milling by phone and Mayor Boyd voted in favor to adjourn the meeting.

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Mayor

ATTEST:

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Clerk & Treasurer