**CITY OF DARLINGTON**
**REGULAR CITY COUNCIL MEETING HELD IN THE COURTROOM/COUNCIL CHAMBERS LOCATED AT**
**400 PEARL STREET, DARLINGTON, SC**
**TUESDAY SEPTEMBER 6, 2022 - AT 6:00 PM**

Present: Mayor Curtis Boyd, City Manager John Payne, Councilpersons Sheila Baccus, John Segars, Bryant Gardner, John Milling, Howard Nettles, and Elaine Reed. Also present was Mrs. Lisa Bailey, Police Chief Kelvin Washington, Codes Enforcement Officer Ms. Sheila Jones, W&S Superintendent Charles Shugart, Vondell Brockington, Ms. Anna DeWitt, Ms. Ernestine Lyde, Ms. Gloria Hines, Mrs. McDowell, Ms. Jannie Lathan, Dr. William McCall, Mr. Linwood Epps, Ms. Staci Richey, Mr. John Lewis, Ms. Brook Sylvester, Mr. Ernest Boston, Ms. Susan Rogers, Ms. Nova Harkless, Mrs. Katrina Ham, Ms. Angela Johnson, Mr. Anthony Hall, Ms. Jackie L. Jernigan, Mr. Kyle Owens, and other visitors.

**INVOCATION & PLEDGE OF ALLEGIANCE**
Prayer by Mayor Boyd followed by the Pledge of Allegiance

**APPROVAL OF MINUTES FROM REGULAR MEETING ON AUGUST 2, 2022**
**Councilman John Milling made a motion to approve the minutes from the regular meeting on August 2, 2022. Councilwoman Elaine Reed seconded the motion. councilpersons Nettles, Gardner, Baccus, Segars, and Mayor Boyd voted in favor of the motion**.

**APPROVAL OF MINUTES FROM SPECIAL MEETING ON AUGUST 17, 2022**
**Councilwoman Elaine Reed made a motion to approve the minutes of the special meeting on August 17, 2022. Councilman John Milling seconded the motion. Councilpersons Nettles, Gardner, Baccus, Segars and Mayor Boyd voted in favor of the motion.**

**APPROVAL OF MEETING AGENDA**
**Councilwoman Reed made a motion to approve the meeting agenda for tonight's meeting. Councilman Howard Nettles seconded the motion. Councilpersons Gardner, Milling, Segars and Mayor Boyd voted in favor of the motion**.

**REPORT OF STANDING COMMITTEES**
**a)DARLINGTON DOWNTOWN REVITALIZATION ASSOCIATION – LISA BAILEY**
**Report for Council – August 2, 2022**
*Darlington Downtown Revitalization Association*
Report for Council – September 6, 2022
The DDRA continues the Bringing Downtown Alive! free summer concert series **Saturdays on the Square** presented by The City of Darlington this Saturday with **chart-topping songwriter John King** from **7 to 10 p.m. Sept. 10** on the Public Square. Enjoy live music, classic cars, food trucks, and vendors. The featured musician has had a steady climb toward the top of the country music mainstream. He's become a No. 1 songwriter, penning Randy Houser's chart-

topping “We Went” (which earned him a 2016 ASCAP Songwriter Award) and writing Hootie and The Blowfish’s “Rollin” (the band’s first song to be released since 2005). He's become a road warrior, too, playing an average of 150 shows annually while building his audience one gig at a time. Most importantly, King has begun telling his own story through music, launching his solo career with “Tonight Tonight” — a Top 40 hit whose anthemic chorus was heard everywhere from country radio to the weekly NFL recaps on CBS — and releasing his first full-length album with 2021’s Always Gonna Be You. He says: “Country music is really exciting right now, because artists are blurring the lines. You don’t have to fit into one category. When I step back and listen to these songs, I hear southern rock, country, and pop. I hear me. I don’t know what else to call it. It’s just me.” A variety of food trucks and other vendors will have food, drinks, and goods available for purchase including Carolina Donut Diva, Dave’s Barnyard BBQ, Diggie Dawgz, George’s Funnel Cakes, S.C. House of Wings, and Woos & Keems from Cheraw that offers collard green egg rolls. The Darlington Cruisers, and any other car aficionados, are welcome to display their rides along Cashua Street. There aren’t any trophies, but it’s a great way to interact with the community and show off your prized possession. Other sponsors include Fiber Industries, Wilson Senior Care, Belk Funeral Home, and Pepsi of Florence. Thank you to the community for supporting our efforts!

**b)GREATER DARLINGTON CHAMBER OF COMMERCE**

Ms. Brook Sylvester said they held a ribbon cutting for new chamber member Rush Fit Nutrition, 413 Pearl Street on August 12, 2022. Upcoming events at the Grand Old Post Office: Yoga with Parker Howle – September 10th at 9:00 am – 10:00 pm. There will be a Buddy Johnson Tribute Band September 24th at 6:00 pm. Down by the Creek Boutique, which is an online children’s boutique, will be opening on October 1st with a ribbon cutting at 10:00 am. They are located at 48 Public Square. Ms. Sylvester said their next business After Hours will be September 29th at Pee Dee Treasurers located at 119 E. Broad Street from 5:30pm – 7pm. Public Square will be getting a new business-Darington Mercantile & Confectionary. They will be located at 46 Public Square. The grand opening will be September 15th. A time has not been discussed yet. Ms. Sylvester said starting on September 16th they will open at 6:30.

**CITIZENS WISHING TO APPEAR BEFORE COUNCIL (5 MINUTES PER PERSON 30 TOTAL MINUTES MAXIMUM)**

*Disruptive behavior is not permitted

**Ms. Susan Rogers** said the first thing she wants to discuss is the city water and sewer. She said she has county water and city sewer. She said the county has no trouble reading the meter whether they use satellite or what they use but I got a bill from the city, and I used zero water for one month. I only used 1200 gallons the next month and then you hit me up for almost 21,000 gallons which would have filled my camper up which you all know I live in. My subject from there is if we’re going to charge people these fees and this 3% increase give an honest system of reading meters. Ms. Rogers said I’m on a set income, I have everything drafted out one account. I don’t worry about it but most people do. And when you get a $178 sewerage bill drafted out of your account where you knew you were going to have $35 for your medicine this month, that makes a difference. Ms. Rogers said, “And I’m not denying that I didn’t use the 20,000 gallons of water in a sixty-day period, but I didn’t use it in twenty-four days. Ms. Rogers

said, “that is my subject there. I just ask you to find some way, find someone to read these meters accurately. She said they said they are not read on the same day, I understand that, but why can’t they just go off the county’s report. It’s accurate, it’s never wrong. Ms. Rogers said, “I used 80 gallons from one day to the next by the reading that you all read, and the county system read. She said that’s an average, I don’t deny it. I’m going to water my flowers and do what I have to do. I’m going to use my water, but I want an accurate monthly statement. Ms. Rogers said you all have an agreement with some company to lease these apartments on the Square. She said from what I was told that was set up when the apartments were refurbished but you have an agreement to pick up the trash per apartment. Do you all have an agreement with some company at lease these apartments on the Square from what I was told that was set up in the apartment or refurbished but you have an agreement to pick up the trash per apartment. Why doesn’t the company that you are leasing to have to supply some form of trash containers for these people. I’m not going to tell you every color intimate project there is in the parking lot in the back, but between the homeless and the people buying furniture, leaving furniture piling it all in the parking lot when they move out that’s….the City streets might look good but take a back road and see what the parking lot. We advertise it’s a public parking lot. We send our customers back to look at it just for that purpose she says you need to go check it out. And it doesn’t just stop at the property line. You might say that’s part of the church’s parking lot; that doesn’t relieve your responsibility. If the city is going to collect trash and sanitation from these apartments then that needs to be kept up. She said you were even charging now we keep our vans in a separate container at the jewelry store Fahrenheit HMES, the apartment buildings use their curby curbies too but they’re paying you a business rate to have them and yet these people that are renting are putting their personal supplies. She said I know you can’t judge.. but it is a problem. I’ve already had Alex meet me there one day …. I don’t even remember who else met me there. This was months ago. It’s still the same. We have homeless sleeping in the wooden bins while people are living in apartments. she said Pam kicked one the other day. She thought it was a dead body, but it moved. She said the city has got to do something about this backstreet problem that we have because we have to go through it. We park back there.

**Mr. Patel** said his property is at 120 S. Main Street. He said he had been getting high water bills but in December they changed his water meter. Mr. Patel said after changing his water meter his use for a month was 3,000-4,000 gallons. He said for the last two month they charged him $100 a month storm fee. Mayor Boyd said that is being corrected. Mr. Patel said he went to the water department, and he asked them, and they said if he has more than one…that’s they are going up. Mayor Boyd told Mr. Patel he will contact him tomorrow.

**Nova Harkless said she is there** to speak about her mother’s property at 308 Washington Street. She said the fence from the cement place is growing over in my mother’s yard and it looks like a forest. Ms. Harkless said she can’t look down the street because when she comes out the grass is all over the fence. She said that’s not our grass that’s growing over there. He said the people at the cement place needs to come put that down. She said I have been fighting for this a long time. If I’m not fighting for the land I’m fighting for the grass to be cut. Ms.

Harkless said I'm not going to talk any longer because you know where it's located at and I hope you can get it cut.

**Ernestine Lyde** said she lives at 108 Flynn Circle. She said my problem is still the water bill. every month the water bill is increasing and increasing. The value and everything is going up and the storm fee went up another $3.50 now it's $10. Now my garbage went up to $35. It doesn't make any sense. Ms. Lyde said everything is going higher and higher every month. When there was four people living in my house before the pandemic my water bills were less than this and I was using around the same amount, but here it is now in 2022 ever since you went up on the water bill and you keep going up on this water bill and I don't understand it. Ms. Lyde said my problem is if you can give somebody a $30,000 raise and then you gonna keep going up on the water bill… If we got that kind of money to give somebody that kind of raise why can't we take that money and put it toward the water bill. Ms. Lyde said, "Senior citizen…my mother is a senior citizen. Her water bill, one person; she eighty-eight years old. Her water bill is close to mine-$100". Are you kidding me? Something is not right with this. I don't care how you look at it I come up here every month and it's the same thing; the water bill, it keeps going up. It's just like what happened? You guys don't care about us or something. Come on now. It can't be that much more about what's going on than what's going on with the citizens. We're still here. We're citizens. We matter. We count. This isn't like something has to be done about that because if you can give that much money away I'm quite sure that we don't have to pay these high-water bills like this over and over again.

**Jannie Lathan** said my concerns are three-fold this evening with my comments. First, I support the council's approval of the second reading of the ordinance 2022-09 for the rezoning request of 203 Orange Street. The Board of Directors of this center are requesting their ability to utilize their property to ensure the center continue to be thriving as an institution. Specifically, to have the ability to bring online a pediatric speech development program or other such related businesses on their property of the existing facility they own. Ms. Lathan said, "I use the word institution very deliberately because under the leadership of former Darlington County Councilwoman Wilhelmina Johnson, this center has provided programs for several decades that have greatly enriched our city and the lives of our residents many of whom are here this evening". Ms. Lathan said, "In my assessment, this request meets the requirement of the city's zoning for residential commercial". Ms. Lathan said, "I took a few minutes this afternoon and drove down Orange Street between Main & Pearl Street and here's what I found. I found there is an existing mix of residential commercial businesses on this same street, on Orange Street. In addition to residential there's a commercial investment business, there's an AT&T commercial business, there's a large commercial hotel, there's a large commercial bank and Roses, a very large commercial business whose property also align on Oranges Street". Therefore, it should be very clear that the center's request to utilize their small space for the noted commercial business is within the approved zoning residential commercial. Secondly, has this council read the most recent police report filed against the city manager? If so, what actions are being taken? If not, why not? Ms. Lathan said she is requesting a written response to these questions as well as what actions the city council has taken to investigate an alleged involvement of the city manager in the early release from jail of his friend. Lastly, this council

with exception of councilwoman Sheila Baccus and Councilman Howard Nettles voted to increase the water bill of the citizens of Darlington again. Mrs. Lathan said there was no public hearing on raising these water bills again. Instead, there was an agenda item that read "public hearing" on a council meeting agenda. An agenda item does not constitute a public hearing. There was no agenda provided for the public hearing. There was no sign in sheet for residents to sign up to speak and to express their concerns about this potential increase. Ms. Lathan said, "We were not informed of existing water rates or the proposed new rates". Ms.Lathan said, "Mayor, I am requesting that you and council please take a look into this". She said and I'm also requesting that you have the city manager put the new rates on our water bill because they are not. She said they are not on there like all of our other utility bills and I think they should be. In fact, I think this is a legal requirement. Ms. Lathan said, "We were told that only residents who use 5,000 gallons per month would see this increase and that this would only be 20% of the residents of Darlington. She asked, "Where did this 5,000-gallon threshold come from? Did any of you question this? Ms. Lathan's time ran out and she asked if someone defer a minute for her. A gentleman deferred his time. Ms. Lathan asked, "Where did this 5,000 gallon threshold come from? Did any of you ask this question? Were you presented with any data that showed that only 20% of our residents would be affected? I think not, because this fake public hearing lasted less than a minute because there was no opportunity for this information to be presented to you Mayor. There was no opportunity for the citizens to ask any questions. She asked did you know the average American family uses 30 gallons of water per day at their homes? The average family size for the nation, for the state of South Carolina, for the city of Darlington is 2.5 so let's do the math. That equals 9,000 gallons per month so where did this 5,000-gallon threshold come from? Here's a water bill of a one-person, single person household that's over 5,000 in the last month. She said in fact, it's 5,779 gallons. Ms. Lathan said, "Since this, almost everybody can do a mathematical assessment and realize more than 20% of the residence of the City of Darlington are being assessed at a higher rate for using more than 5,000 gallons per month. She said Councilwoman Baccus has been requesting of our city manager for months now to tell us whether our water department is making or losing money and he refuse to give this answer. In fact, he exasperates everything by saying he can't come out with an answer until we get our annual audit. She said this is simple math. Ms. Lathan said all you have to do is take the amount of money that we are paying.. that you've got coming in and subtract out how much expenses you have, then we'll know whether we're making or losing money in the water department. Ms. Lathan said, "Mayor, I know you said you want to be transparent, but did you guys know you approved a $30,000 one-time $30,000 increase for the director of public works?. Councilman Gardner said, "I'm kind of curious how you have that information. Ms. Lathan said, "It's called under the Freedom of Information Act, and you know why we're going to continue to ask under the Freedom of Information Act because this Councilwoman who represents me and my ward when I ask her questions she don't know she comes to the city manager, and he refuses to answer her so that's how we got the information. She said, "In fact Mayor, that information should be published on our website like it is in most municipalities because this is public funds". Councilman Gardner asked, "It is or it isn't"? Ms. Lathan said, "Go to many municipalities in this state"….Councilman Gardner said, "I understand that. I thought you said it was published though". Ms. Lathan said, "It's not, but it should be". Ms. Lathan said, "Other municipalities Councilman, publish this information. This is our money".

Councilman Gardner said, “I’m just curious”. Ms. Lathan said, “I hope I’m allowing time since…. Councilman Gardner said, “You’re at eight minutes right now, but….Mr. Payne said, “You’ve got ten minutes left in public discussion”. Ms. Lathan said, “I’m trying to answer your question”. Councilman Gardner said, “It’s not really a question….Ms. Lathan said I don’t think you should take this time away from us because I’m responding to a Councilman’s question. Councilman Gardner asked, “Chief Washington could you please come in here Sir”. Chief Washington said, “That’s the Mayor’s decision Sir”. Councilman Gardner said, “Well, I need to ask a question of you that you can answer and that’s not trying to”….Chief Washington said, “I understand”. Councilman Gardner said, “We had a situation that she referenced earlier about our city manager, and it came up at a previous meeting. It’s my understanding that he recused himself from the situation and that you were actually in charge of that situation. Is that true”? Chief Washington asked, “Which situation are you referring to”? Councilman Gardner asked Ms. Lathan if she would want to clarify the situation. Ms. Lathan said, “No, because I think this is the inappropriate forum”. Councilman Gardner said, “It’s not ma’am because y’all...here’s the problem”. Ms. Lathan said, “I think if we need to settle discourse….I think I have asked for a written response if you want to take this in executive council because I just don’t think this is. Mayor Boyd said, “Chief Washington the question is, with the incident that involved the arrest where his name was brought up and all that, did he recuse himself from all that”? Mayor Boyd asked Chief Washington if he could clarify on that. Chief Washington said, “Because this involves personnel it’s more appropriate for this to be handled in executive session. Chief Washington said this should not be handled out in the public. It should be handled in executive session”. Councilman Gardner said, “The only thing we’re asking is, there’s been a couple of accusations that our city manager has acted in an inappropriate manner and the very simple question is, we don’t need anything else about the situation besides did he recuse himself or not”. Chief Washington said, “And again, I’m going to repeat myself. That is something that needs to be handled in executive session because it deals with personnel. Personnel that respond to you all and you’re asking me in public about something to do with my boss…. Councilman Gardner said, “I’ll answer the question for the public. Whenever the situation happened, our city manager recused himself from the situation. Our Chief took over that situation and the city manager had nothing to do with it”. Councilwoman Baccus said, “You don’t even know what you’re talking about. You weren’t there. (Councilwoman Baccus, Councilman Gardner both talking at the same time). Councilwoman Reed said, “We are disrespecting Ms. Lathan. She had not finished. Please let her finish. Ms. Lathan said, “On my bill we’re billed three times for capital. There’s a capital on our water bill and then there’s a second capital for street capital and those of us that have sprinkler systems we get billed a third time for capital. Can you at the next meeting let us know why we’re being billed three times.

**Mr. John Lewis** said, the reason I’m here is our street and road repairs again on Oak Street. The repair that the new construction made out on the road was excellent. The one that we did where they cut the road across, once again, it started to crumble. It’s hazardous to the vehicles and if you take a look at it you can tell the work that was done was extremely poor. Mr. Lewis said, “North Street at 52 where we’ve got all of the construction work, that drop if you’re coming down North Street towards Main, if someone hits that hole with their vehicle they are going to get hurt, they ‘re going to do damage to their vehicles or if somebody is riding a bike or a

motorcycle could get seriously injured. Mr. Lewis said the other road repairs are horrible. If you go through this town we've got streets that are in dire need of repair but yet we can spend tons of money on new trees and everything for the City Square. Mr. Lewis said, "And I'm all for making the city look good. You do. You go way and beyond because I've seen you out there working on the streets cleaning up and things like that. Mr. Lewis said, "That's great but that's not addressing the problem with our streets and our road. Mr. Lewis said, "Our sidewalks-one of my neighbors tripped on the sidewalk on Spring Street and tore her….We don't do anything to repair those, but we can give money to different organizations that want to do things out here, but we don't take money to repair the sidewalks or the roads. He said I know some of the roads belong to DOT, I know some belong to the county and to be quite honestly I don't care. You represent the people of this city. It's your responsibility to make sure that these roads and these sidewalks are safe for the public. Mr. Lewis said, "so if that means you have to sue the county or sue DOT, whatever you have to do, you do it. Otherwise, someone is going to get seriously hurt and this city is going to pay for it. Mr. Lewis said, "the other concern I have, and I've missed quite a few meetings. But at the last meeting the Mayor Pro-Tem got up and spoke about civility. He said I'm all for civility. In talking about civility between the city council members, I want to hear the city council meetings discussing things if they're concerned about it. I don't go for the name calling, but I sure want the city council members to be able to speak between themselves and express their concerns or say things to the people sitting out here so we can understand what's going on. He said, and I want to remind everybody this is our city council, you represent the citizens of the City of Darlington and that's exactly what you need to do is represent the people that have put you in the positions you are in right now. Mr. Lewis said, I've been in the ward that I've never received any notification whatsoever of any ward meetings, any concerns and I couldn't even tell you who my ward member is, up until tonight because someone told me. Mr. Lewis said he's sitting in this room right now and we've never heard from him, but member who belongs to Ms. Baccus ward, she notifies her members. She sends them emails, notices. Mr. Lewis said, "I've lived in my ward for eighteen years and I've never gotten the first piece of information and I can guarantee you that at the next election the ward member that represents me will not get my vote".

**Gloria Hines** said on behalf of the local branch of the NAACP, I am not the president, but I was called to speak. Ms. Hines passed out copies of a paper. Mayor Boyd said, "Mr. Payne we're not supposed to discuss….Mr. Payne said, we're not Mr. Mayor. Mayor Boyd said, "Mrs. Hines, as they just said a while ago we're not supposed to discuss personnel issues. Ms. Hines said, "I get up here and you're going to drop me". Mayor Boyd said, we were just told we're not supposed to discuss personnel issues unless it's in executive session. Ms. Hines said, "Well this is about the 30% raise. Councilwoman Baccus asked, "Is this personnel or is it budget?" Ms. Hines said this was in the budget meeting. Councilwoman Baccus said we're talking about the budget. Mayor Boyd said you're pulling a person's name up, so we need to discuss this in executive session. Ms. Hines asked, when are you all going to have an executive session so I can talk. Mayor Boyd said the executive session will have to be after the council meeting at the next meeting.

Mr. Payne said the 30-minute time is up. Mayor Boyd said, we've got two more if you all can make it really quick I'll let you speak.

**Katrina Ham** said I'm here to address my street which is Jefferson Street and a few more streets, Washington and W. Broad from my end. Ms. Ham said I think they came last week and cut the things down. I don't know who this property belongs to but it's steady growing up higher. Ms. Ham said when I saw this the other day, that really got me. She said we don't have enough manpower; we can't get nobody to do it. Clean it up…why don't we do it? Why should we do it. She said they have people at the detention center, they're not doing anything, why not pull them out and let them clean it. Ms. Ham said there's always some excuse about it and when I saw this it was very upsetting to me. Mayor Boyd asked, what street is that. Ms. Ham said, I think it's W. Broad. Councilwoman Reed said, "Once you cross Tallulah between Tallulah and Jefferson there's this spot that they've been dumping it but this time it is horrendous. Ms. Ham said, and we pay taxes for that. I feel like something needs to be done right away. Councilman Milling asked Councilwoman Reed if this is going down Broad Street past Tallulah going towards the highway department? Councilwoman Reed said when you get to the fork just keep straight across to the right and then just one block. Councilwoman Reed said there are abandoned houses on both sides. Ms. Ham said and all the lots on Jefferson Street, all the stuff is growing up on Washington Street. She said we are living in a jungle over here on the west end. Ms. Harkless asked, don't we have a city councilperson on that side? Councilwoman Reed said, "That's me and I will address it because last Thursday the City came, and they cut the part that's growing up that is the city's part. She said we cannot cut those things growing up on private property otherwise I would want them to cut mine. Councilwoman Reed said but the city did come Friday and from Washington Street to Milling Street, the part that you're talking about the city came and cut back the city part. Councilwoman Reed said I made them aware on Wednesday. She said this trash that you're talking about I walk my dog and it wasn't there, so it's been since that part but each time, our area, that area is being used as a dump site. And yes, the city can't keep up with what the residents in those areas are doing. Councilwoman Reed said, it may not be our residents. It may be all folk coming along because if you go there this afternoon you're going to see it. She said we try to do the best, but I have asked those in the area, please we have to have…I tried to organize cleanup days, but I haven't gotten a response from any of those. Councilwoman Reed said, but it is folk in the area that's doing this, and I call each time that I see it. She said, and I promise you they have responded very well to me because that part that you're talking about that you're saying growing up, they were there last Thursday morning and cut that down. Ms. Ham asked, we'll, who's supposed to clean it up? Councilwoman Reed said, the city when they can. They are coming but if they…..I don't know how to tell you that if a group comes down this afternoon and we go down on the west end and it's all grown up and their scheduled time is to pick up on Thursday or pick up on Monday that they can keep coming back every time that we have our residents littering up like that. Ms. Ham said, the people that own the property, all these lots on my street are all grown up. You can't cite these people. You can't go on private property. Something's got to be done. Ms. Ham said you're supposed to get in touch with them, send out a paper and let them know…give them ten days' notice or something. If they don't cut it themselves, you can't go on the property, but somebody had to cut it. Ms. Ham said, charge them or we just got to keep looking like that….(Councilwoman Reed is talking at the same time Ms. Ham is speaking). Councilwoman Reed said, "Sheila has sent the letters out for each of those lots". Councilwoman Reed said,

“they send the letter over and over and all they can do the way it is right behind where you were talking about now we have an ordinance when it gets back to the natural state that we don’t do it. If we do it we’re just going to add on to the taxes. Councilwoman Reed said I do know that Sheila has sent numbers to each one of those people on there. Mayor Boyd told Ms. Ham to contact him also when she sees stuff like that.

**Ernest Boston** lives at 121 Allen Street. He said his frustration is 12 times a year once a month at the corner of Allen Street and Main Street right behind the white house with the fence; once a month household trash garbage people have been cleaning up houses and they are taking their trash and dumping it there. Mr. Boston said we would like to suggest to the city council that they approve the city manager and the street department to buy deer cameras and put them in the areas where people are using for dump sites. Mr. Boston said we need to do something. He said he’s getting frustrated. The street is clean, no trash on the street but then when you come out you see that. He said I want to keep our neighborhood looking good. Mr. Boston said when people don’t want to do right we need to put something in place so that when we catch them doing wrong, we fine them and make them pick up trash and clean up. Mr. Boston asked the council to consider this.

Mayor Boyd said as an overview for everybody we’re trying hard, but I know sometimes it may not look like it. He said I know sometimes people want to criticize me for being out there with the weed eater but at least I’m trying. they won’t give me a key to the backhoe, and they won’t give me the key to the dump truck or the trash truck, they won’t give me a police car or a ticket book so I’m limited on what I can or can’t do. It’s the same with the rest of the council, but again a lot of these issues we’re approaching trying to fix. He said why people want to trash our town and throw mattresses out and we’re in a predicament you’re not paying the city to pick up your mattress or your furniture. That’s not even part of the trash and sanitation and then they still go out and they pick it up and they really should be given a fine. We are trying to deal with all of these issues, with all the lots that are grown up. Mayor Boyd said we want it cleaned up; we want it tidied up. We ask for your help. when you see trash out and things like that let us know. We are trying hard and will continue to try hard and thank you for your comments.

**UNFINISHED BUSINESS**

**a)PUBLIC HEARING ORDINANCE 2022-09 REZONING REQUEST 203 ORANGE STREET**

**Ms. Angela Johnson** said she is a proud citizen of Darlington but she’s living in Columbia now, but she and her mom are privileged to come back and check on our properties here every other weekend or so. Ms. Johnson said Darlington County cultural realism complex has put forth this request (this is their second time) to rezone the parts of the property on Pearl Street campus that are zoned as residential. I’m aware there are concerns that the residents of the historic District have not only shared with their council members but also in this venue last year and the only thing I can say is that we have put forth the effort to talk one on one with them as councilman Milling recommended we do at the last meeting. We have had one on one zoom sessions set up so that we could speak with them, and we even had an in-person opportunity where my sister and her five-year-old went walking through canvassing the neighborhood giving them the flyer so that we could set aside an hour when we were going to be there so that we

could talk one on one. As Mr. Segars said, civil conversation. Ms. Johnson said we had one resident take advantage of that. Ms. Johnson thanked the city council for availing themselves to her and her fellow board members. She said they had the opportunity to speak with Mr. Nettles, Ms. Baccus, Mr. Gardner, and Ms. Reed. She said she had an opportunity to meet one on one with Mayor Boyd. She said she believes her sister had an opportunity to speak with Councilman Milling. She thanked the council for giving them an opportunity to completely communicate to you our goal for keeping CRC alive and progressive within the community. Ms. Johnson said and then also for sharing with us your concerns and your support for your constituents. And to that I just want to say I think there is a constituent that you are forgetting about- CRC. She said CRC is a constituent CRC is a 50-year constituent. She said January 1, 2023, will be 50 years that CRC has been in the Darlington community. Miss Johnson said to the residence and to the City Council I say the best predictor of future behavior is past behavior so then where is the concern coming from?" Is the concern dealing with the fact you have an entity that has given hundreds of girls opportunities to present they are performing arts and local state and national competitions is that concerned that the CRC ran the summer food program partnered with DHEC in the late 70s and early 80s employing over 400 part-time workers during the summer and ensuring that children were fed when school was closed. Is the concern that this entity wants to ensure that there is a community that's going to be able to take advantage of what else may be out there performing arts, visual arts, historical preservation. Year after year the Martin Luther King program that the CRC sponsored to bring the community together. She said there is nothing different about that goal that this current board is pursuing. We have identified a need in Darlington County that hasn't been filled yet. A pediatric speech clinic: clinics like that are being erected in cities up and down the East Coast. We have got interested parties, educators my sister included, that are interested in fulfilling that need using the property at 203 Orange St. a property zoned as residential. She said I don't know how many of you had a chance to see the property but there is a physical structure on that property and in the front of that physical structure there is a pretty big space within a fence. She said they have it boarded off right now to protect Darlington County cultural realism complex from any issues that may subject us to liability so right now we don't have it open to the public because we're not there daily yet. But how are we going to get to a point where we utilize that facility step one city council please approve our request to rezone that property that's misclassified as residential; rezone it as office/residential please.

**Anthony Hall** said he's the community program organizer for the democracy center in Florence. Mr. Hall said since he's been here I can't think about how many times people have told me the stories of how the CRC and Mrs. Johnson impacted their lives. He said we're living in a time now where kids are being lost and the reason that they are lost is because they don't have those grounds and roots and nurturing places to go like they used to. He said when you walk into the CRC it's like walking into a history book of Darlington-Black Darlington mostly. Mr. Hall said if you look around you don't really see a whole lot of things that represent that but if you want to know what can be and what has been, we'll she's got it. She's probably got more stuff in the CRC, more history than people can even imagine. Mr. Hall said, it's my understanding it used to be a hospital right if it used to be a hospital they couldn't have been a residence so I don't know how they got that misconstrued, but I would hope that you would see the value that

the CRC plays in this community. He said not only that property but the Coker Street property. Mr. Hall said you have to hold onto those type of things it's not something that you get away from you need to invest and bring it back up because in a day and a time such as this right here kids need something, some place that they can go where they know they're going to find people there to nurture them and help them get on the right path. So, I would hope that you really and truly approve this ordinance.

**David Longacre** said he is a board member with the CRC and also an advisor to the board. He said we've had A number of conversations on this property and I've had some concerns with this over a period of time he said Wilhelmina Johnson was an insurance client of his and that's how he got to know her and she decided that I was going to be one of her kids so she adopted me, brought me in and told me the CRC is yours, you'd better take care of it so we're following Wilhelmina's instructions. Over the period of time this entity has been around almost 50 years and has provided numerous programs and avenues for the community and not just the city but also the county and a much larger area that she has run on a continuous basis. The property section in question on Orange Street was in use for a retail thrift store and a number of other things she had run out of that building. He said up until the pandemic closed everything down that was all well and fine because it was grandfathered and able to be used up until that. But because it was not running longer than a 90 day Everything stopped there, that's when the grandfathering no longer was held accountable. Mr. Longacre said that comes to the problem of this zoning of this property the way it's chocked up. It was not correct because a section of the property is actually zoned residential. The other section of it is zoned general commercial so the argument though that we don't want to change this portion of the property to office residential, which makes a lot more sense, we can do pretty much whatever we want on the other portion of the property because it's already general commercial and it's right there. So why would you not change it? Why would you keep it residential when it does not match what has always been there. He said that building and property…. the hospital goes back to the 1940s and that building was added on Orange Street 40-50 years old at least it was on commercial property. It was the hospital property. It does not make sense for it to be considered residential. It needs to be corrected in the way that it should be. He said with that, we absolutely understand the concern being a historic district. He said we're not looking to change the building structure. we're not looking to put up apartment complexes. we're not looking to build ugly eyesores; we just want this corrected on that section of the property so we can continue to operate with programs from the CRC the way it's been done for almost 50 years. That's what we're asking.

**Dr. William McCall** said I use to be principal at all the high schools in Darlington County. I coached at Mayo. Assistant principal at Darlington High School, Hartsville High School, Lamar High School and was Principal of Timmonsville High School. Mr. McCall said during that time we had conflict resolution here in Darlington County. He said he did his dissertation on conflict resolution. Mr. McCall said when you opened up this afternoon you opened with a prayer then you opened up with the pledge. During my time in school, we started with a pledge, and we started with a prayer. He said when you look at our town today and we talk about the CRC Center which I was a part of since 1985. The CRC Center is a much-needed place in this

community. It has demonstrated success and it helped a lot of people including me. He said Mrs. Johnson was his Home Economics teacher. Mr. McCall said Mrs. Johnson taught me more than just come to class to see the girls, she told me I needed an education. Mr. McCall said I used to be embarrassed to tell people I didn't graduate from high school with a high school diploma Mrs. Johnson is the reason I'm standing before you today. The only thing she told me when I didn't get my high school diploma. she said follow your dreams. I want it to be a soldier and during that time the military was accepting students without a high school diploma. He said when I went in I was a good soldier and I thought I was going to get promoted. Everybody got promoted except me. I was a sharp soldier, but I didn't get promoted and I cried like a baby. He said he cried so hard his friend took him and enrolled him in school-I only needed one unit. Mr. McCall said he got his one unit. He said he realized education was not as hard as I made it, but when I reinvented myself I made it easy because it was something I knew I needed. He said Mrs. Johnson had a need for Darlington County and she opened up the doors for a whole bunch of people. She helped a whole lot of people. Mr. McCall said I was born at Wilson hospital. It was a commercial place then. Why would we make it residential? How did it become residential? He said I heard a whole bunch of issues talked about but two issues I didn't hear about were the killing of our young people and the drug overdose. He said he used to run his office out of the CRC center, but the building needs some work. I think that somehow some money should come somewhere to help revitalize Wilson Hospital which is now the CRC Center. We get money for everything else. Mr. McCall said Mrs. Johnson fought long and hard for help to get that building up today. Mr. McCall said he wants to come out of retirement and something for these young folks, especially these young men, from 16-29. He said I want to deal with all of them. I want to show them that they don't have to do the things that they are doing, and I believe I can do that with my conflict resolution program.

**Jackie Lynn Jernigan** said I live on Sycamore Street which is right across from the cultural realism building. Ms. Jernigan said I love Mrs. Johnson. I've always loved Mrs. Johnson. I was in high school when she was there teaching. I'm all for the center being built up and having programs there in the part of the building that is already commercialized. She said as for as Ms. Iris coming out and speaking to people she did come to my door. I didn't get to it in time before she left but she did video my father which I did not appreciate because she never told him that she was videoing. Ms. Jernigan said so me and Iris did have a discussion and I told her to take the video down because my father was sharing a lot of private information that did not need to be on Facebook she was kind and she did take the video down and I appreciate that but I think when you were telling somebody to get out into the neighborhood and talk to people nobody wants a video camera in their face. That's not really getting to know people and talking to them one on one so that's probably why a lot of people did not speak with her. Ms. Jernigan said, "As far as the property that is across the street from me, there was a house on that property on that lot. This is a little bit about what I'm concerned about. They keep saying it was never residential. Yes, it was". Are we talking about all of that being rezoned or just that one little building. She said that's what I'm a little bit confused about. Ms. Jernigan said I went back to school and got my real estate license and that's what I'm doing now. So therefore, my concern within the historical district is how it causes the value of the residences that are in the historical district and also right across the street, the value of our homes if it changes to commercial. She said it's not

about not wanting to help young people. It's not about not being in support of the cultural realism center. I'm all for that if they want to start putting programs back in that building I'll do what I can to help but as far as rezoning that area, no I don't wish for it to be rezoned. I hope that you all will think about the other residents. She says she's concerned about all of the residents. What is that doing for us, the ones that are concerned about our property and the value of our properties. Ms. Jernigan said another thing she is concerned about is that if you do rezone that then are you going to….what if my mother and father say they want to change theirs are you going to do it for them? Are you going to do it for everybody else if they want to do it? She said I'm not against helping young people. That's not what this is about, this is about the part that used to have a house on it and it is considered historical residential.
Mr. David Longacre said May I ask a question or two. He asked on the portion that you are speaking of Where at one time there was probably a house prior to the hospital being built. in the 40s There was a house. the doctor that actually had the hospital built that was his house where he actually worked out of. Ms. Jernigan said, can I sit down, and you just address….. Mr. Longacre said, "And I also have a question for you. He asked Ms. Jernigan when did she move to her property? Mrs. Jernigan said 208 Orange St. which is right across from there is my mother and father's house and I've lived there since third grade. She said my son is 23 and I bought my house when he was four. Ms. Jernigan said and also when I wanted to put a nail sign in my yard because I wanted to do nails out of that house they told me "No", I couldn't put a sign in my yard. Mr. Longacres said, "So you grew up in that neighborhood; so, the time since 1973 when Wilhelmina Johnson started her program and was in that location you were able to see if she was using that full property including Orange Street where that building has been". Ms. Jernigan said, "No. I saw that she had some programs and the building, I am not so familiar with anything that she was doing on that property. I know she put picnic tables out there at one time. As far as utilizing it and seeing a lot of things happening out there, no I didn't". Mr. Longacre said it's been almost 50 years. I am questioning— nothing has changed in the usage other than COVID shutting things down and putting a lock down. The property isn't changing. Ms. Jernigan said I'm glad you brought that up because that's my other point I forgot to mention. Once it changes to commercial then if they sell it, then we don't know what's going to happen with it you're saying you won't change the structure, but if somebody else buys it, then we're not guaranteed that either. Mr. Longacre said, "We're not saying commercial, we're saying office residential so we can get back in that building to use it as it has been used before.
Councilwoman Reed said, "You're concerned about the effect that it would have on the value of your home if it's changed, so from what I'm understanding then I think Ms. Lathan pointed it out and I heard the number of businesses and offices that's already in the historic district. I'm trying to see if all of this exists now". Are those businesses zoned residential? Councilwoman Reed asked Ms. Jernigan what she thinks will happen if this property is zoned office residential. Ms. Jernigan said, "I've already stated that up there ma'am". Councilwoman Reed said, "I didn't get a clear understanding there because you were saying it may affect your value and I was saying what is going to change because we've got businesses already in this area in the historical district". Ms. Jernigan said, "The one that sits down at the end, if I had known about that one I would have gone to those meetings and asked for that not to be changed". Councilwoman Reed said, "But it is there now. Did it affect the value of your house"? Councilwoman Reed said, "I truly want to get clear as to why this opposition to what's already there". A lady in the

audience said when you see a sign….When you are going down Spring Street you see a sign that says entering the historical district. Where is the sign that says I'm leaving the historical district. She said it has to end somewhere. She said that's a pointed question. You can't tell me that Roses is in the historical district. She said there's a starting point and stopping point. Can somebody explain that before you get into too much discussion about what's historical. (Several people are talking at the same time) Mayor Boyd told everybody to keep it one at a time. Councilwoman Baccus said, if I understand correctly, half of the building is zoned residential and the other half of the building is zoned office commercial. Ms. Angela Johnson said the 304 building there is a part of that building that is residential. Mr. Longacre said the very tail end of 304 building is where the line is supposedly residential. The rest of the building is general commercial. He said how they ran a line through part of a hospital building and called that residential it was never consistent when it was zoned to start with. Councilwoman Baccus said, so it should have never been zoned that from the start. Councilwoman Baccus said, it's not like she's changing anything; she just wants to fix the line. Mr. Longacre said, the 203 Orange Street building because when we were using that building it was grandfathered in, so we had the ability to use it, but that 90-day period ran out during the Covid lockdown so that's when it reverted back to residential now you can't even operate out of there the way we've been for almost 50 years. Councilwoman Baccus said, "And so, if we zone it back, we're not going to change anything because the building is already being used for 50 years and nothing changed. Ms. Angela Johnson said Lisa has explained to us the non-impervious space prevents us from being able to change that space that's within the fence. Mrs. Lisa Bailey said according to the zoning ordinance depending on what zoning district you're in depends on how much impervious surface (pavement) you can have. Take Walmart for example, they have a lot of pavement because it general commercial. You have to have a certain number of parking spaces based on what your use is. Mrs. Bailey said because of the size of this building, there's only so much of this property that could even be developed if they were to develop it. She said also this section (referring to a map) which would be office/residential would serve as a buffer because in office and residential you can't build something bigger than 5,000 square feet. She said even if they tore down that little metal building and built a bigger building for their pediatric services for an office, there's only so big it could get. Councilman Nettles asked if they could build multiple 5,000 square feet buildings? Mrs. Bailey said, "Just 5,000 square feet. That's it". She said this parcel has already got part of the hospital on it to count towards that 5,000 square feet. She said that is the maximum size in office residential that is why it keeps it as a buffer between commercial and residential because it limits how much building you can do. Mr. Longacres said, Ms. Lisa correct me if I'm wrong, with the structures that are already there, if it would be changed to the office/residential where what we call the green space (grass) that's fenced in because of the size of the buildings that are already there, we wouldn't be able to build anything over there because of how much buildings are already being…..Mrs. Bailey said how much space is already being taken up by the building. Mr. Longacres said, "So it doesn't allow us to go in have it rezoned build a structure there". Councilman Gardner said, "So if you can't build anything on it then why are we rezoning it"? Mr. Longacres said, "So we can use the building that's already there because it's in residential use which does not allow us to run programs and things that we have been doing there. Councilman Nettles said, I'm confused I thought you were doing that so you guys could sell the property for the…Mrs. Bailey said, "Well both really".

Councilman Nettles asked, “so which is it”. Mr. Longacres said they have looked at the possibility of leasing that building and utilizing it. Councilman Gardner said, “Be specific when you say, “That building”. Mr. Longacres said, “the 203 Orange Street”. Councilman Gardner said, “The aluminum shed”. Mr. Longacres said, “Yes”. Ms. Angela Johnson said, “No, it is not a shed. It has never been utilized as such”. Councilman Nettles asked, “So that can be renovated and utilized as something”. Mr. Longacres said, “Yes. It has had gas heat, running water, bathroom facility in that building has always been in there. Councilman Nettles said, “It looks pretty derelict. Mr. Longacres said from the outside it does look…but inside its water tight. There’s no rot, leaks or things like that. Councilman Milling asked if that was the old laundry building or am I thinking about….Councilman Gardner asked, “Judge aren’t you recused”. Councilman Milling said, “I recused myself on the first vote. I have not had any conversation with these people in a couple of years and so I don’t know that I’m going to recuse myself on this vote or not. I’m trying to get information to help and understand because I have not talked with Ms. Johnson. He said principally she was my client and of course you can’t with Ms. Johnson without talking a little bit about CRC so I had recused myself the first time around. I have not decided whether I’ll recuse myself this time around or not. Councilman Gardner said, “So you recuse yourself on one vote and then vote on the next one”? Councilman Milling said, “I have a chance and an opportunity to rethink just as you voted the first time to approve it and you have a right to vote the second time to not approve it”. Councilman Gardner said, “I just didn’t know if we legally could recuse ourselves”. Councilman Milling said, “So back to the question, was this the old laundry or was this a different building that you are talking about is water-tight”? Mr. Longacres said, “I believe it was at one time what was considered the laundry building for the hospital”.

**Kyle Owens**…I live at Sycamore & Orange Street as Jackie Lynn referenced earlier I did recently purchase my home in May. He said with that being said, I was not a part of the prior rezoning request so I’m just coming in on this office/residential zoning request. Mr. Owens said I moved here 12 years ago and I.ve always wanted a historic home so when this one became available that’s when I purchased that property. Mr. Owens said, “I’m not in favor of changing the zoning because it would change the zoning for the entire property. He said he was able to attend the city planning meeting and was able to meet with Dr. Arnold. That day we had two hours of discussions, and we suggested many different options that may be able to correct the zoning issue for the building that’s in question. We were told every time that the way to do it was rezoning the entire property. He said also during that time Ms. Arnold did pass out a flyer which in that flyer it states they plan to sell the building and the plat to an entity that provides related health care services. He said, our concern as residents was that property being sold is going to change hands. She said it was going to be sold to another nonprofit and so that plot has to be split up. Mr. Owens said our concern is If that happens, you’ve got one plot of land that the building is on and then the other plot of land, what happens to later down the road. Ms. Johnson asked if Kyle could read that full paragraph. (Mr. Kyle read the full paragraph) Ms. Johnson said I wanted you to read it in its entirety because not only did we show in there that we had other options prior to ultimately selling it, but it very clearly conveyed to the community who we would consider transferring it to if we did. She said you don’t want to glaze over that because the short statement that you read would justify peoples concern of who they are going to pass it to. Mr. Owens said, “Our concern is what happens in two years down the road”. Ms.

Johnson asked, “What happened when you bought your house. The people around you, were they concerned about you buying your house. Mr. Owens said when you change it to office residential that opens up the option for doctors’ offices, banks, apartments, duplexes, triplexes, quadruplexes etc. Our concern is if that happens, and the property does change hands again then what happens to the landscape of the historic district on Orange Street. Councilwoman Baccus said, I don’t think it’s big enough for duplexes and quadruplexes and all of that”. Councilwoman Reed said, “I’m not sure where your home is but the businesses that’s been there like the bank and the and the phone are they near your home. You don’t wonder what they might do in two years”. Councilwoman Reed said, “All I’m trying to get at….it appears to be..right now these folk want to be able to get it correct and the zoning the people that did it did them an injustice. She said all of the opposition that I’m hearing is simply it’s still like they don’t want to correct this but it’s just all personal when the same situation exists. She said when you purchased your home offices were there….are there and that’s all they are zoning it to just cover how it is now. Why is that a problem”? Councilman Gardner said, “Offices….this isn’t a discussion this is a public hearing. You’re not required to debate with us, you are here to speak a comment to make your will be heard and you’re not here to go back and forth if you don’t want to”. Councilman Gardner said, “So, we’re talking about commercial properties are already here. Already here is being defined as right beside this property but if you go on every side of this property….Councilwoman Reed said, “That statement is wrong”. Councilman Gardner said, “Your statement was wrong too but I didn’t interrupt you. Mayor Boyd told Councilwoman Reed to let him finish but she kept talking. Mayor Boyd had to hit the gavel. He told Councilwoman Reed to let Councilman Gardner finish talking and then she can speak. Councilman Gardner said, “If you look at (Councilwoman Reed started talking again) Councilwoman Reed said, “ I cannot understand if you’re comfortable with the offices already there, what is your fear”? Mr. Owens said, “This property is right beside my house, right across the street”. He said my concern is once it’s been cut and sold….the concern is there’s an opportunity for other businesses. He said it changes the historical landscape of the St. John’s Historic District. Councilwoman Reed said, “From what I’m looking at those businesses are in the historic district. Mr. Owens said, “And I wasn’t here whenever those got changed”. Councilwoman Reed said, “But you brought your home in this because you wanted the historical home inside a historical district that have businesses. She said that’s all I’m saying. She said in two years we don’t know what the landscape is going to be. Councilwoman Reed said, “You purchased it knowing businesses were there in this historical district because that’s what you wanted. She said you can’t even perceive that no businesses will not come. She said somebody else may buy a home and do business out of theirs. Mr. Owens said they would have to rezone it. Councilwoman Reed said and that’s what would happen so why is it such…. Mr. Owens said I would be here too if another home was trying to be rezoned. He said the historic district needs to stay the historic district as a single-family residential. Councilwoman Reed said, “But you know it’s not that because it’s not that now”. Mr. Owens said we’re trying to prevent all of the homes in the historical district from changing to that if you change this then in the future you open up opportunities for a home around the corner in the historic district to come and have it rezoned and then have an office residential or that type of change to different types of uses for the property. Councilwoman Reed said, “In that area there are going to be changes and I promise you it is going to happen within these two years whether you support this or not there

are going to be changes because it's downtown Darlington". Councilwoman Reed said, "It may stay historical, but it's not going to stay like it is now". Councilman Gardner said, "When you turn off the Square there are commercial properties. When you get down to the property in question you are in a plainly historic district". Councilman Gardner said, "I have been reached out to from people off of Orange Street, off of St. John's, everyone in the historic district". He said, we're not talking about the CRC being able to not operate. That's not our interest. Our interest is protecting our historic district just like we did on Oak Street when Ms. Jannie Lathan came up a few months back and asked us to rezone and put some …..into historic districts to protect those from the encroachment of Genesis. Councilman Gardner said, "And that's what happened in one historic district because the town cares about their historic districts. He said if we're going to go and chop up our historic districts with zoning. Councilman Gardner said, "The CRC building has a slither on the back of it and it's residential, but the rest of that building is commercial as it should be. He said they can go in there and operate tomorrow and nobody from the city is stopping them. The question is whether we should rezone the piece of property so that they can have the ability to sell it for a future use that we are unsure about. He said at the end of the day we don't know the future use the potential uses but we don't know any of the future use, so the question is whether the city wants to rezone a property under the assumption that the future use is going to be this or this. He said the fear in my mind is that we start cutting up the historic districts and then what's the point of them. He said I have no issue with us going and looking at a variance for a business that you potentially want to run, and we can approve with no problem for the back area, but to go and rezone the property from my perspective is blatant disregard for historic district and what we're trying to build in our town in the historic area. Mr. Owens said, "You were asking about variances we did talk about that type of situation in the planning meeting that lasted almost 2 hours and had those discussions with Dr. Arnold and the city planning commission, but we were told that that type of thing won't happen. He said they even suggested variances and that sort of thing. Councilwoman Baccus said, "So Lisa, before Covid kicked in, that portion of the building was grandfathered in as office commercial. Was it grandfathered in"? Mrs. Bailey said, "The use, that business, and this building was all grandfathered in because it was continuously operating. She said Covid stopped all of that". She said now while we say a small sliver the majority of this property is residential 10 (low density residential). Mrs. Bailey said, "This big portion (looking at the map) is the portion we're talking about. The front portion is commercial. She said the hospital is divided in half. The hospital was there when the zoning was done and clearly not done correctly". Mrs. Bailey said, "A couple of blocks over not too long-ago Ms. Jones handed out some maps that show a block or two over where we just rezoned a whole section where right now there's Sassy Girl Vintique which is where the Park Florist was located, that block, to commercial use because that's what it is". Councilwoman Baccus said, "So technically, at the end of the day, all they are asking us to do is fix a problem that Covid created. Councilwoman Baccus said they had it office commercial for the last whatever years". Mrs. Bailey said it probably should not have been zoned R-10 to start with. Councilwoman Baccus said, "And they didn't do anything crazy with it in the last 50 years before Covid and if covid would have never happened they would still be operating the same as office commercial, so I don't understand what the issue is and I don't understand what the residents' issue is". She said, simply because I don't want you to do it. It makes no sense". Councilwoman Baccus said, "If they wanted to, they could put up a 50-foot

fluorescent light on that half of the building. Mrs. Bailey said they can put whatever is allowed in general commercial on that part of the building. She said, for example on Oak Street, the building of Genesis, there is a portion that is built all the way to the sidewalk. Councilwoman Baccus said, "And if you open the door you will kill somebody". Mrs. Bailey said, "Now that section of the building is zoned core commercial and that is why that is allowed there, and you can tell exactly where further down Oak Street it stops being core commercial because the building is setback. Mrs. Bailey said, "Why are we going to make them go through two vastly different residential 10 and general commercial when they're using it for office residential. Mrs. Bailey said, "If they have to build, for the front half of the building use one set of rules and for the back half of the building use a different set of rules". Councilman Gardner said, "Just to be clear, you're saying back half. You're saying half of the building….the previous picture that you showed us…..Mrs. Bailey showed Councilman Gardner the area on the map. Councilman Gardner said, "When you gave this to us last year (he referred to the map saying somewhere around this mark) that was left out of core commercial. He asked where is that picture? It showed the actual zoning. Mrs. Bailey showed him on the map. Councilman Gardner said, "I'm not trying to divide what half and half is I'm just…Mrs. Bailey said, "It's not exactly half, but it's a considerable portion of the property". Councilman Gardner asked, "How can we change the zoning on this back half and be different on this front half"? He said why can't we change the zoning from this point of view (looking on the map). Mrs. Bailey said because that is not a separate parcel. Councilman Gardner said, "This isn't a separate parcel either, correct? So how are we going to change the zoning"….Mrs. Bailey said, "They can't get a plat done and approved without having it separated and they can't separate it as R-10 into that small of a section. She said in R-10 you can separate it, but it has to be 100 feet width and it's got to be so large". Councilman Gardner said, "I'm not asking to put it in R-10. He said you're splitting up the property from GC to office residential in the back, right"? Mrs. Bailey said, "Yes. That's what it would be, but it's currently R-10". Councilman Gardner said, "If we pass this tonight the back half would be office residential and the front half would be commercial". Mrs. Bailey said, "Correct". Councilman Gardner said, "So then I don't understand why we could not do office residential down the sideline to go directly in line with this like you mentioned with the Dairy Bar (a perpendicular line ) and then they will be able to operate their business just like they want, and everybody is happy". Mrs. Bailey said, "If they are potentially going to sell the property do you want to have this argument again because if you don't do the whole thing as office and residential they'll just come here in two years when they have established a business in that property and say I need this split because I'm trying to sell this piece of property. Councilman Gardner said, I don't like the idea of rezoning for the potential use anyway, obviously I've said that already but if you're telling me I'm splitting the property on one access from GC and office residential I'm just curious why I couldn't split on another access. Mrs. Bailey said we're saying that we don't want to split….Councilman Gardner said, you're already doing it. Mrs. Bailey said, yeah, we're already doing it and that was a mistake. That's what we're saying. It doesn't need to be split". Councilman Gardner said, That's two mistakes though. The first mistake and then you'll want to do it again. Councilwoman Baccus said, we're trying to fix what Covid created. Mrs. Bailey said this is not removing the historic nature of the property. This is not eliminating their requirements to meet the Secretary of the Interior standard for historic district. It is still classified as a historic district. Mrs. Bailey said we have five historic districts in this town. One

of those is an Industrial Historic District. The zoning is a separate issue from the historic nature of the property. She said there are historic properties that are industrial, there are historic properties that are commercial and there are historic properties that are residential. Councilman Gardner said, “Well explain this one to me, why are we arguing? Why is the city's perspective, has you in that position arguing from a different perspective than you were on Oak Street? What’s the difference because I see these as the same”. Mrs. Bailey said, “Last year they asked, they petitioned, and the Planning Commission approved and recommended you change the whole parcel to general commercial”. Councilman Gardner asked, “On Oak Street”? Mrs. Bailey said, “No on this piece of property right here". Councilman Gardner said, “I asked you about Oak Street”. Mrs. Bailey said I wanted that whole parcel to be the same thing too. She said they asked to be all general commercial and the planning commission approved that recommendation. Mrs. Bailey said, “This council shot it down and suggested a compromise. This is the compromise. There is no other option for them to do it”. Councilman Gardner said, “No offense, but this has nothing to do with my question I asked you. I asked you very specifically whenever you came before us about the Oak Street area and expanding the historic district, the city's perspective was one way. It's my opinion that it’s different in this situation. Help me understand what the difference is. Mrs. Bailey said, “Here is the difference: a historic district has nothing to do with zoning; these are completely different books; they have nothing to do with each other”. Councilman Gardner asked why we protected one and we want to…Councilwoman Baccus said, “I don’t think we’re protecting nothing because that’s a humongous building going on Oak Street. Genesis is building; they are building in the middle of a historic district”. Mrs. Bailey said the property that was protected is the houses that are along Oak Street where Ms. Lathan lives at North Street and those houses on the right side between Oak Street and Genesis. That is what was protected”. Councilman Gardner asked, “From what”? Mrs. Bailey said, to become in the historic district so that those residents have access to tax credits for when they want to improve their homes and maintain that historic character that we all love. Councilwoman Reed said, “It was my understanding that it was the historical district situation on Oak Street, but Orange Street is codes. Councilwoman Reed said, “It is not about historic she said you didn’t understand her answer. She was answering you that her position for Oak Street was about the historical district. Her position now is about zoning. that’s the difference. Mayor Boyd asked, “Is the piece of property they’re asking at the back of Orange Street classified as historic”? Mrs. Bailey said it is. She said it’s in the historic district and they will have to meet with codes and have those…Whatever they decide to build or add on, or change will have to meet the Secretary of Interior’s standards just like the house across the street. Mayor Boyd said, “I do ask this of everybody sitting in the room; we as a council have to make a decision and we are trying to make the best decision so I’m going to ask everybody to please pull your emotions out of it and let’s make the right decision. He said that’s what I’m trying to do”. Mayor Boyd said my question is, so that is historical. Is the front building also historical? Is the whole block historical? Mrs. Bailey said, “No Sir. It follows that line right here (she showed him on a map). Mrs. Bailey said the residential part is historic. The general commercial part is not. Mayor Boyd said, “Like on Oak Street for those homes to get into the historical park somebody had to agree on or disagree on….did they automatically get put into a historical park”? Mrs. Bailey said that is a completely different situation. She said those property owners came to a historic landmark commission meeting and asked to be in the historic district.

Mrs. Bailey said, “And here we have the CRC property owners asking”. Boyd asked if the property owners of the CRC asked to be in the historic district”? Mrs. Bailey said, “No. The historic district was created in the late 80s”. Mayor Boyd said, “So if the house beside it or around it asked to be put into it how did the CRC building”….. Mrs. Bailey said the city created it. Mayor Boyd said, “So they just put it in the historical park”. Mrs. Bailey said, “But that doesn’t affect the use. Zoning affects the use; the historic district is talking about how it looks”. Mayor Boyd, Mrs. Bailey and Sheila Jones continued to discuss zoning and the property in question. Councilman Segars said, “I’d like to question the gentleman here. He just brought the piece of property on Sycamore Street. Councilman Segars asked would he have bought that piece of property knowing the property in question is going to be rezoned to something other than residential which leads to the people across Orange Street next to the Dana property and those houses along there”. He asked Mr. Owens would they have moved there and bought that piece of property knowing that this green space may change into a somewhat commercial type of application. Mr. Owens said, “I probably wouldn’t have brought the house thinking it was in a residential street which is what those properties are (referencing the map). Council continued to discuss the issue. Councilman Gardner said, “If Covid is the issue and loss of the previous use is the issue I don’t know where she’s getting her legal advice from, but I always thought we could make variances. And if Covid caused that business to close and you’ve lost your use ability, I don’t understand why we couldn’t give a variance for that business to still run there. He said that would be my suggestion. Councilman Gardner said, “And I think it could be easily done. It may take us a month and we can have our lawyer work out the paperwork and we could have it done probably without even council’s vote.

**Ms. Jannie Lathan** said, Mayor I think you are absolutely correct when you say we should really take the emotions out of this because when we look at our existing zoning, codes, and requirements for this rezoning classification if clearly meets that. She said I sympathize with the residence about being concerned about property value but the center for all directors has been so forthcoming with their intentions that it’s only going to increase property value because what they are proposing is going to look much better than what some thought was a shed. Ms. Lathan said, “I think doing the right thing, correcting errors that the city has made on the one hand and following the existing requirements for zoning the City has and taking emotions out of this it’s the proper way for us to proceed”. Mayor Boyd asked Ms. Sheila Jones if they were to tear down the building in front on general commercial, nothing changed tonight and they built a funeral home, bank, whatever. Sheila Jones said, “If they tore the front down, that’s general commercial and there's a list of things they can do on the front”. Mayor Boyd said, “Let’s say they tore that down and they built a building across the front with a drive-through out to the front and the back was all paved and when I drive by it still could look like it’s all one unit, but it still would be R-10 but it would just be a parking lot. Would they be allowed to have that as….Mayor Boyd said, “They’re not asking for that I’m just saying….Ms. Jones said, “I understand what you’re saying, but what I’m saying is if you look on here parking lots are not permitted in R-10; they are permitted in OR (office residential). Councilman Gardner asked, “Could a psychiatrist operate an office out of a residence. Sheila Jones said, yes. It’s called a home occupation and they would have to live within the parameters of home occupation which means it could never look from the exterior that there is a business on the inside”. Councilman Gardner said, “So a speech therapist could run their business out of there”. Ms. Jones said we have a speech

therapist that's running out of a home at this time. Ms. Johnson said just to make sure that I'm clear, we don't have any plans of pursuing a home occupation because we don't have any plans of anyone ever residing at 203 Orange Street. Mayor Boyd asked council if they want to make a suggestion to table it and work on it until next month or do you want to make a vote. Mr. Payne said if you're going to move on you need to close the public hearing first. **Councilman Gardner made a motion to close the public hearing at 8:10 pm. Councilman Nettles seconded the motion. Councilpersons Milling, Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion.**

**b)SECOND READING – ORDINACNE 2022-09 – REZONING REQUEST 203 ORANGE STREET, LISA BAILEY. PLANNING DIRECTOR**

**Councilman Gardner made a motion to table second reading on ordinance 2022-09 Rezoning Request 203 Orange Street until our next council meeting. Councilman Nettles seconded the motion. Councilpersons Milling, Segars and Mayor Boyd voted in favor to table second reading until next month. Councilwomen Baccus and Reed voted against the motion to table.**

**NEW BUSINESS**

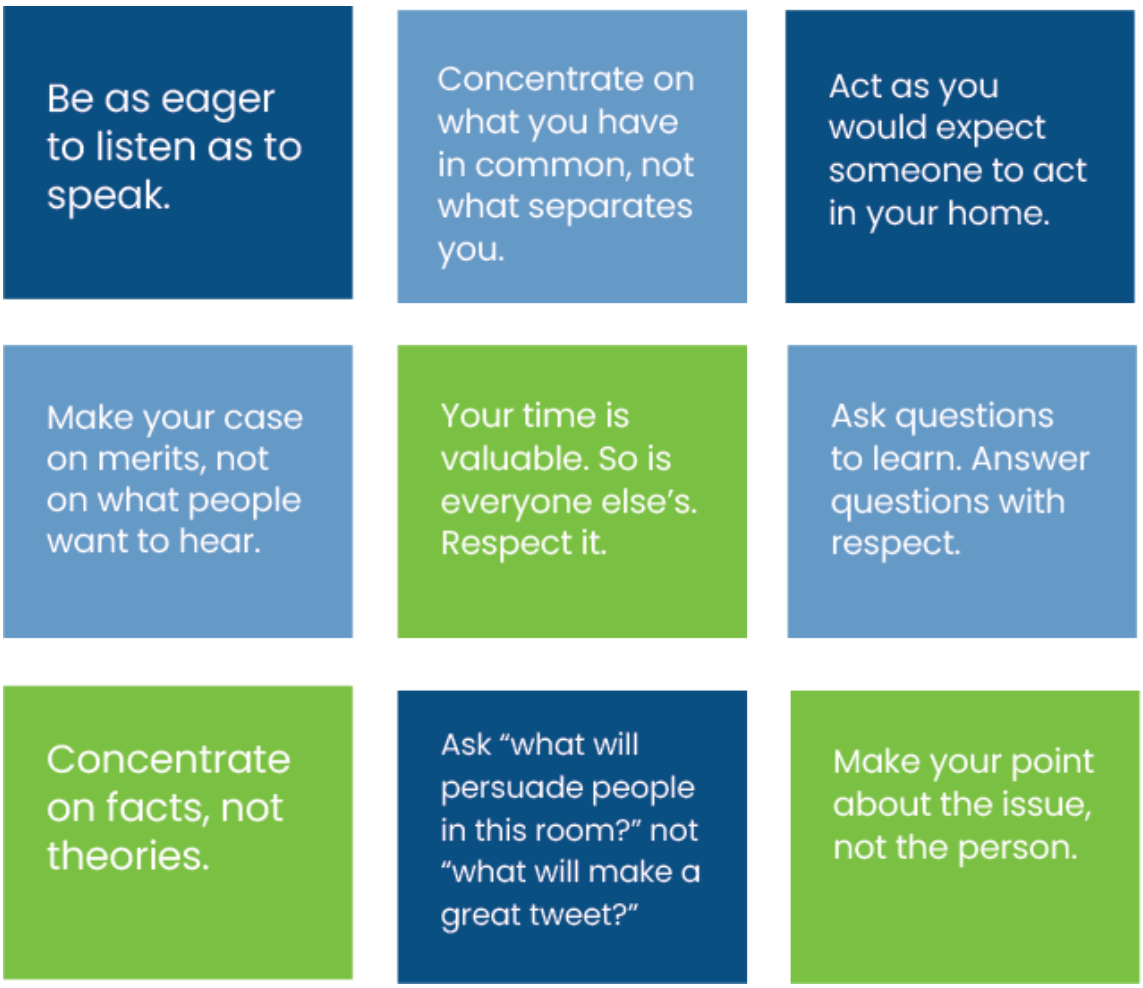
**a)SE DARLINGTON ARCHITECTURAL SURVEY FINAL REPORT- STACI RICHEY**

Ms. Richey thanked the council for hiring her to do this project for the City of Darlington. She said this is the southeast Darlington historic resource survey. Ms. Richey said she is an architectural historian and historic preservationist. She said there are several components to this project. There is the historic context statement in the beginning where I research the development of Darlington particularly the southeast section to help explain why the buildings that are there, are there. The second component was the survey itself, so there are 317 resources that I survey in this section. Ms. Richey said out of the southeast section of Darlington there are three main components. There's a historic avenues district which has A through H avenues, and it also has First through Third Streets. Ms. Richey said there's an industrial section on the Northeast corner and on the south section down at Joe Lewis Boulevard from H Ave. She said this has historically been an African American residential / industrial area. She said in looking at the southeast section of Darlington there's clearly some rhyme and reason to that Avenue section in the first street. There was a group of white investors who created the Darlington Land Improvement company in 1888 and they had this area platted in 1890 to open this section up to residential development and to make money. They sold properties in some areas and became rental properties, and it became African American residential. I don't know if they specifically marketed to that demographic or if it's because Edmond Deas came in 1890 and he was an African American and he kind of established that it would be that. Ms. Richey said originally as you can see on the cover that's the plat of the north half of this area. It was supposed to go all the way to Seventh Street, but the railroad that came in 1911 slashed through Fourth Street so that disrupted the concept of this whole residential area going all the way to Seventh Street. She said it grew very slowly. When Darlington Veneer company came in 1918 it probably helped with growth. When Dixie Cup came in the 1930s that helped with residential growth. Ms. Richey said she made a recommendation for a National Registry District of the Avenues area which is the grid pattern you see on the cover for its association with land

planning and private development in the 1890s which is kind of a popular trend at that time and also for association with African American history in Darlington. She said the State Preservation office has concurred with that recommendation so that doesn't list anything on the register it's just a recommendation. If someone down the road wanted to make a district then they have that foundation. She said nothing has changed for anyone's property, there's no new rules for anyone's property, it's just a recommendation. Ms. Richey said at least now you have a record of what's in this section of town, why it is there and what may be historically important. Mrs. Bailey said, we started this project given the major investment by Dixie Cup and for working with the county and economic development looking at that area and the amount of vacant properties and knowing that because of that investment more investment is likely to come so we wanted to survey this area to gather as much information and as much history as we could because development will wipe out stuff. Mrs. Bailey said we wanted to capture that history before it's gone. Councilman Milling asked where would you anticipate that additional commercial growth or industrial growth would occur somewhere within this district because of what Dixie Cup has done? Mrs. Bailey said with Dixie cup investing $145 million that's going to make people take notice she said this property that's available that has access to the railroad…that property being available is obviously property that we would be pitching to different industries and commercial uses. Councilman Milling asked, "do we have a block of property that is where people would like to sell it if we could get an industry…. Mrs. Bailey said this is to start that process. She said working with the county they developed a plan for the area (the starts of a plan) which was presented to council several years ago when Mr. Frank Willis was still alive. Ms. Richey said the proposed boundary, if there were to be a historic district, stops on Third Street and the railroad is essentially on Fourth Street.

**b)SCMA CIVILITY RESOLUTION - JOHN PAYNE, CITY MANAGER**

Mr. Payne said he wanted to follow up on Councilman Segars comments from last month in September. All of us except for Ms. Elaine went to the SCMA Conference in Charleston and their theme was Civility in Government. It doesn't matter if it's Darlington or the Pee dee or South Carolina, it's just a national issue. He said that they have asked Municipalities and towns to pass a civility resolution if you will and that's what I'm going to present to you. Mr. Payne said, "From their website they've got nine pillars of civility and I'll read them to you quickly:




Mr. Payne said that he gave them a copy of the resolution. He said he would read it very briefly assuming that you will pass it, there is a signature section for each one of you at the bottom.

**A RESOLUTION**

**PLEDGING TO PRACTICE AND PROMOTE CIVILITY IN THE CITY OF DARLINGTON**

**WHEREAS** a recent national survey found that 93% of Americans believe that incivility is a problem, with 68% considering it a "major" problem and 74% believing that incivility is increasing in America;

**WHEREAS,** the City Council of the City of Darlington (the "Council"), the governing body of the City of Darlington, South Carolina {the "Municipality"), recognizes that robust debate and the right to self-expression, as protected by the First Amendment to the United Stat s Constitution, are fundamental rights and essential components of democratic self-governance.

**WHEREAS,** the Council further recognizes that the public exchange of diverse ideas and viewpoints is necessary to the health of the community and the quality of governance in the Municipality;

**WHEREAS,** the Members of Council, as elected representatives of the community and stewards of the public trust, recognize their special role in modeling open, free and vigorous debate while maintaining the highest standards of civility, honesty and mutual respect; and

**WHEREAS,** in order to publicly declare its commitment to civil discourse and to express its concern for the common good and well- being of all of its residents, the Council has determined to adopt this resolution,

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

The City of Darlington pledges to practice and promote civility within the governing body.

The elected officials of the Council enact this civility pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others, and their viewpoints, and finding solutions for the betterment of the City of Darlington.

This pledge ensures all communication - both spoken and written - to be open, honest and transparent as this is vital for cultivating trust and relationships.

This pledge ensures mutual respect to achieve municipal goals, recognizing that patience, tolerance and civility are imperative to success.

This pledge ensures opportunities for finding common ground and engaging in civil discussion to seek solutions while actively listening and thoughtfully participating.

**ADOPTED IN REGULAR MEETING** this 6th day of September 2022.

## Civility Makes the Difference

Councilman Gardner made a motion to approve the Civility Resolution to practice and promote stability in the City of Darlington. Councilman Nettles seconded the motion. Councilpersons Milling, Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion. Mr. Payne said after the meeting he will ask each of them to sign the resolution.

## c)UPDATE OF THE PAST YEAR - JOHN PAYNE, CITY MANAGER

- Mr. Payne said Mr. Mayor it has kind of flown by. I have been here a little over a year and I remember when I interviewed I knew I was coming into a town that needed some special attention and I felt that I am proud to stand here today and give you this information. Now this is not everything that we have done. These are what I call the ten-thousand-foot level items. Mr. Payne said that he just wants to go over it. I will tell you what I have done. This is the list:
- Personnel policies on sexual harassment, Covid, random alcohol and drug testing and creation of an employee grievance committee.
- H-Tax -- **$23,000** from two businesses that had not paid in over 2 years - random audits and now have Enforcement

- New monthly H-Tax form with verification requirement ST- 3 form
- Business license income verification requirement with tax return or income statement
- Recouped nearly **$19,000** from one big-box retailer that had never paid a business license
- State Treasurer LGIP investment of $3.9M has in one month brought in over $7,000 vs previous $4,200/year (paying 2.24% now) ~$85,000/year in interest income.
- GP conveying parking lot for stormwater drainage; working with railroad for easement
- Rewired City Hall and installing new telephone system
- Creation of Grants Committee to streamline process
- Mavis Tire, Mod Wash, Convenience Store - GP, Genesis, Courthouse, Historic Museum expansions, 47 new apartments. Three new stores around the Public Square - hairdresser, ice cream/confectionary, children's clothing stores. New physical therapy business is coming to the old KFC in October and the Southern Charm restaurant opened.
  About to apply for ~$8M in grants to address water/sewer/stormwater.
  Terrance Carraway Police Memorial is almost finished

**Repairing W/S infrastructure - 9,208 work orders, 5662 sewer pump station daily checks 24/7/365; repaired/replaced 266 items at the City's 14 pump stations; completed 188 sewer service line cleanouts - do not flush "disposable wipes." Repaired 345 water line leaks.**

**d)GRANTS COMMITTEE UPDATE – JOHN PAYNE,CITY MANAGER**

Mr. Payne said you created a grants committee several months ago. They met for the first time on August 15th. Applications have been posted on the website and in the paper. Applications are due by 5 o'clock on September 23rd. The committee will meet on September 29, 2022, to interview the applicants and make their funding decisions. Mr. Payne said the committee will make the recommendations to you at the October 4th meeting. Mr. Payne said what I'm requesting is they are going to need to know a dollar amount that you are willing to take out of H-tax to disperse to these entities. Councilman Gardner said, "We might have to cancel that because Council requested to get an update as far as what we spent last year so we can have an idea"…Mr. Payne read the names of the entities that the city gave money to last year. Councilman Gardner said, "I don't care. Names are irrelevant; we need a dollar amount". Mr. Payne said $77,000. Councilman Gardner said, "In my opinion DDRA and downtown Alive should not be incorporated in this community fund because that's something the city does. Mr. Payne said if you would like to theoretically remove it, that's fine. Mr. Payne said if you want to take out DDRA that's $29,500. Councilman Nettles said don't we have an outstanding request for something. Mr. Payne said the Pilot Club and the Southern 500. He said they are going to make an application. Mr. Payne said without DDRA, it's $30,000. Mr. Payne said to keep in mind there's no requirement that you give a penny of this. You could use it all to fund your own projects. Mayor Boyd asked if we are going to pull ….Councilman Gardner said, we all know we

have to fund a recreation complex next in the next coming calendar year and you all are taking from that fund, which right now has $266,000 a year in it. He said we only have $266,000 right now and you all are wanting to potentially take out $75,000 and do it as community relations for nonprofits? Councilman Gardner said, "I have no problem with nonprofits. I support nonprofits, but it's not the government's job. The government's job is to give resources to the community that we collect taxes from". He said the resource that we're supposed to give out of that hospitality fund is tourism related stuff; it's not community related. It's supposed to be for stuff that comes and brings tourism money into the city. Councilman Gardner said $266,000 minus $75,000, I don't know how we're going to pay for ballfields in a couple of months. Councilwoman Reed said, "We're not going to be able to pay for football fields with that 200 and something thousand anyway. Councilwoman Reed said, "The thought that you have how come you haven't used it in the past". Councilwoman Reed said, "All we're saying is what we have done in the past and we have voted to do these things and it's going to be expected that we continue. She said we have set up a grants committee so these folks can come and request. Councilwoman Reed said, all we're saying now is that we will cap it. Do you want to lower it? Councilman Gardner said, "Yes". Councilwoman Reed said, "We are going to do it. We cannot not do it because of what we have put out there and its public knowledge. Let's just cap this, give us an amount that the committee can work with and move on". Councilwoman Reed said, "I'm just saying because we have spent $77,000 I do not see giving anything less". Councilman Gardner said, "First off, we didn't spend $77,000 we spent $54,000. He said second of all, just because we've done something in the past is not a good enough reason to do it in future. Right now, we have to be conservative with our dollars". Councilman Gardner said, "Y'all tore us up and down for raising the water and stormwater fee and the sewer and you want to spend all the money in the hospitality fund and then wonder why we can't buy a ballfield"? (Councilman Gardner, Councilwoman Baccus & Reed are talking at the same time). Mayor Boyd said if we pull out $25,000 for DDRA to fund the events downtown; and you can pull out the Pilot Club and the Chamber which are the main three that pull our events. He said that totals all together about $47,000. Mayor Boyd made a suggestion of $60,000. **Councilman Milling made a motion to set aside $60,000 out of the hospitality tax fund that we give the grants committee $35,000 to operate with and that out of the $60,000 that we set aside, we earmark $25,000 of it to go to DDRA. Councilman Gardner seconded the motion. Councilpersons Nettles, Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion.**

**e)CARNEGIE LIBRARY LEASE TO COUNTY - JOHN PAYNE, CITY MANAGER**

Mr. Payne said, "The County Administrator approached me, and they are asking the city to allow them to enter a lease with us for the Carnegie library for a term of up to five years for the sole purpose of storing artifacts and documents from the historical museum. Councilman Gardner said, "I'm fine with that as long as we take out in section #3 where it says "automatically renew for up to two successive sixty-month periods. Councilman Gardner asked when the county takes over the lease are we still in charge of the maintenance? Mr. Payne said, "Yes. We will take care of our normal maintenance". Councilman Gardner asked how much we are charging. Mr. Payne said, "five dollars". Councilman Gardner said, "If we are in charge of the maintenance and with their wear and tear is five dollars appropriate"? Mayor Boyd said there is no wear and

tear. He said as the owner of the building the only thing we're responsible for is the outside structure of it and the roof. Mr. Payne asked Lisa to remind him for the streetscape grant what did the county do for us for the library. Mrs. Bailey said the county is paving the parking lot as part of their bigger project and they're giving us that money to match the grant to do the awnings and paint the back of the building. Mrs. Bailey said when we discussed previously changing using the Carnegie Library as the museum before they got their $4 million grant, that was one of the original plans. She said it does need to have a new HVAC system to be temperature and moisture controlled if they are going to put the museum quality items in it. Mayor Boyd said that could be hundreds of thousands of dollars. He said I wouldn't think they are expecting us to drop hundreds of thousands of dollars. Councilman Nettles said, "Can you ask that question"? Councilman Gardner said, "I guess we could ask them if we have to replace the A/C if they will meet us 50-50 on the cost of it". Mr. Payne said, "I can ask". Councilman Milling said in item #4 he has concerns about the language because it indicates that we've got something we've got to take care of. He said under item 5-B ii it says the premises will be used exclusively by lessee, so we don't actually have any right to use the premises with them as this lease is written at this time. If they are using a portion and we want to use a portion, there is nothing in here that guarantees that we have access to the building because they are getting exclusive. Mr. Payne said he can present any changes they may have. Mayor Boyd said, "I wouldn't think that the city would want to have any access to all of that stuff. Mayor Boyd said my suggestion would be to take that out because we don't want access to it". Councilman Milling said, "Item #7 talks about repairs and it says we've got no duty to make any repairs. And it says we have no duty to make any repairs or improvements to the premises except structural repairs necessary for safety and tenantability purposes and such other repairs as are specifically provided for herein. Councilman Milling said, "And I just don't know whether or not there are any structural repairs that they think are necessary for safety and tenantability. Mr. Payne said, I don't think that they know. They haven't indicated anything to me. Councilman Milling said I want us to know whether we're going to have some structural, what they consider to be necessary , for us to repair before they take possession. Councilman Milling said if they're not thinking there are any, then if they can let us take that out, it will be nice to take it out. Councilman Milling said, "In item #7 take out the language where it starts at "*except structural repairs necessary for safety and tenantability purposes and such other repairs as are specifically provided for herein*". Mayor Boyd said the county would maintain the a/c at the current capacity. Councilman Milling said on Item #16 where its talking about our rights. He said I'm just wondering sometime entities put mediation and/or arbitration provisions in case disputes arise instead of going into court. I don't know whether those would be desirable or applicable for both sides. This is something we could discuss with them. Councilman Gardner said we can come back to this next month but in the meantime we can empower our City Manager to tell the County Administrator that we're going change some of the language in certain sections. Councilman Milling said there is some language in Item #18 but I haven't found it elsewhere, but it talks about successors and assigns. Councilman Milling said, "I don't whether there is a provision in here that allows them to assign this lease to anybody else, but I don't think we want to give them the authority to assign it to anybody. We just want to be sure it's a non-assignable lease. Councilwoman Reed said, "It seems like there is a lot of discussion about this for us to be able to go on. John you need it and give him a chance to really examine this thing and come back to us….Councilman Milling said,

“I have given John Payne all of my concerns”. (Councilwoman continued keep talking while Councilman Milling was talking) Councilman Milling said. “Looks like this is going to be draft #1. He said I think Bryant said let’s give Mr. Payne the authority to continue to negotiate to be sure that he comes back to council at the next meeting with something that will be the final draft. Councilwoman Reed said, “I want your input since you have examined it.” Councilman Milling said, “I will be glad to look at it but it’s the City Attorney who needs to pass final muster on it. Mr. Payne said, “If you give me that authority I will take care of it.

**f)EMPLOYEE COMPENSATION AND CLASSIFICATION STUDY BIDS – JOHN PAYNE, CITY MANAGER**

Mr. Payne said when he interviewed one of the points that he made and a concern of his was the city needs a compensation and classification study for our employees. He said our payroll is roughly 60-63% of our budget. Mr. Payne said, “I have found that what’s called “wage compression”. That’s when someone who has been here for ten years is making $16 an hour and then you’ve got someone that comes in new, and because of inflation, and maybe they’ve got a little more qualifications, but basically doing the same job, they may be making $18 an hour. So, the people that’s been here working for years and years, get left behind. Mr. Payne said we have to compete with every other municipality and a lot of times, private businesses. In order to do that we need to know what market rates are for each job that we have, and right now we don’t have that. He said except for a few people here, a lot of our employees don’t have titles and it’s important to have a classification system. Mr. Payne said, “And what my goal is in doing this, and this has been budgeted, is to have a pay scale and we don’t have that right now”. He said we have for whatever reason; their pay is disconcerting, and it makes it hard to keep good employees. He said his biggest concern is we’re not competitive. Mr. Payne said I contacted five entities and I only got two responses. Mr. Payne said, “The one I recommend is from the Archer Company and their bid is $16,350. He said the other group out of Florida submitted a bid for $28,500. Both estimate it will take about 3 ½ months to do this. They will also give us a better way to evaluate employees. Mr. Payne asked Council to approve the Archer Company bid for $16,350 to complete a compensation and classification study for the City of Darlington. Councilwoman Reed asked if the Municipal Association offers this type of resource. Mr. Payne said, “They have ranges of each municipality that participates, but they don’t do this per se. Mr. Payne said the company is not going to tell you what each employee should be making exactly. Councilman Nettles said, “There’s a quantitative series of questions that they ask and that they look for. He said they look at national averages and things like that. They’re looking at comparable entities like we’re a city government at this size in this region. Councilman Nettles said there’s a whole bunch of things they are going to look at to determine whether or not we are meeting some standards. It ‘s giving you a guideline so you can say, now we’re being consistent. He said it’s another way to take the guess work off some people (maybe hiring managers, the city manager or whomever) making sure things are consistent. He said it’s also a good way to make sure all of your employees are treated the same way based on the same provided criteria. Councilwoman Baccus said, “I understand what you’re saying, and I understand how it should work, but based two things that happened in the last year we just giving raises on whims. We gave a $10,000 and now we gave another person a $30,000 raise a month after the budget, which should have been a 2% raise. Councilman Gardner said, “I think

this is a great idea why we would fund this". Councilwoman Baccus said, "I don't see no point in doing this because we're giving raises on whims". Councilwoman Reed said, "Because you made these assessments to see that these things needed to be done….some of the folk is asking about these raises is simply when you knew this needed to be done why take the action that would cause this kind of question….making us look at…that's what I'm saying. And John you have to be able to respond to that, to the citizens because this is rampart in the community about certain people get raises without….and the same thing that you're saying, I've been here a long time. When you saw that these things…and you wanted to straighten this out. Councilman Gardner said, "**But in the meantime I would like to motion to approve Archer Company bid for $16,350**. Councilman Milling asked Mr. Payne if we would end up with a document we can utilize once the study is done. Is there going to be a document prepared that the city could operate on"? Mr. Payne said, "I'll have a document". **Councilman Nettles seconded the motion. Councilpersons Baccus, Reed, Milling, Segars and Mayor Boyd voted in favor of the motion.**

**g)COURTHOUSE WATERLINE REPAIRS – CHARLES SHUGART, WATER & SEWER DIRECTOR**

Mr. Payne said the county has asked that we table this until next time.

**h)UPDATE DEMO LIST – SHEILA JONES, CODES ENFORCEMENT**

Ms. Sheila Jones said in updating the demo list there are three residential properties and two commercial properties that are being carried over from last year. We are going to add seven properties to the demo list and one of which is a commercial property. Councilman Milling wanted to know if that property was more likely to be utilized with the front staying as it is or is it more likely to be marketable if you tear the front off? Ms. Jones said, "Likely on the front for structural…If you can…she said I believe that's an engineering question. Councilman Milling said, "the reason I asked that question is I was talking to a person who has an interest in it and said that they had the agreement worked out with the current owner if they could just get the current owner to move their junk out. He said if the perspective would like to have that front I wouldn't want to tear it down. Ms. Jones said it's not on the top of the list. Ms. Jones said this could prod the current owner to go ahead and make a decision one way or the other, but it can't continue stay as it is. Councilman Milling said I don't have a problem with it, but I would like to have that one not run first to get done. Ms. Jones said with that one specifically if we decided to do it as a city, we would have to get a structural engineer to go in there to make sure the front and sides are ok. She said there's a lot of other things that are going to be involved in that one so that one is not at the top of the list. **Councilman Milling made a motion to approve the updated demo list for fiscal year 2022-2023. Councilwoman Elaine Reed seconded the motion. Councilpersons Nettles, Baccus, Gardner, Segars and Mayor Boyd voted in favor of the motion**.

**i)ADA COMPLIANCE PLAN – SHEILA JONES, CODES ENFORCEMENT**

Ms. Sheila Jones said the State is requiring for all municipalities to update their ADA Compliance and their ADA Transition Plan. Ms. Jones said together with the COG they have updated the ADA Plan. She said they had to appoint an ADA committee to go over what is

reasonable and accommodating to people. She said they have some aid facilities for the hearing impaired if they were to come to our council meeting or any meeting that we have. Ms. Jones said they had to come up with a grievance committee so if somebody did not like our decision to not be able to do something that's accommodating to them they can go in front of the grievance committee that's made up of several different people that are employees of the city to include one person who is connected to somebody who has a disability. They had to post our grievance procedure on the board outside and also on the website. She said they are also requiring for every city employee to go through ADA Sensitivity training which has to be done by the end of the year. Ms. Jones said everything is done so far except the sensitivity training. She will meet with them next week to figure out the best way to get all of our employees through the training before the end of the year. They said go on to internet, but I told them some of our employees don't have that kind of technology so we're trying to figure out a way to best suit our employees. Ms. Jones said, "I just need Council to approve the plan so that we can get it to the State so we can continue to apply for grants. **Councilwoman Reed made a motion to approve the ADA Compliance Plan submitted by Ms. Sheila Jones apparently the ADA Coordinator. Councilwoman Baccus seconded the motion. Councilpersons Nettles, Gardner, Milling, Segars and Mayor Boyd voted the approve the ADA Compliance Plan.**

**j)PURCHASE OF LAW ENFORCEMENT EQUIPMENT – KELVIN WASHINGTON, CHIEF OF POLICE**

Police Chief Washington said he is almost sure we approved this last year, but Mr. Payne didn't want to take any chances. Chief Washington said we received a grant from the SC Department of Public Safety. He said it's a reimbursement grant for laptops. Mr. Payne asked that he bring it before them because it's over $5,000. Chief Washington said it's $39,000 and we have the funds on hand, and I just need you all to approve the transaction. **Councilman Bryant Gardner made a motion to approve the purchase of law enforcement equipment (laptops for patrol cars) in the amount of $39,083.30. Councilman Howard Nettles seconded the motion. Councilpersons Baccus, Reed, Millings, Segars and Mayor Boyd voted in favor of purchasing law enforcement equipment (laptops) in the amount of $39,083.30.**

**EXECUTIVE SESSION –** Pursuant to SC Code 30-4-40( E ), disclosure of law enforcement techniques. Council may or may not act following Executive Session.
**Councilwoman Elaine Reed made a motion to go into executive session at 9:52 PM. Councilman Howard Nettles seconded the motion. Councilpersons Gardner, Baccus, Milling, Segars and Mayor Ward voted in favor of the motion**.

**Councilman Howard Nettles made a motion to end executive session at 9:56 PM. Councilman Bryant Gardner seconded the motion. Councilpersons Reed, Baccus, Milling, Segars and Mayor Boyd approved the motion.**

**Councilwoman Elaine Reed made a motion to approve the purchase of law enforcement equipment in the amount of $8,979.40. Councilman Howard Nettles seconded the motion. Councilpersons Gardner, Baccus, Milling, Segars and Mayor Boyd voted to approve the purchase of law enforcement**.

**REMINDER**

Tuesday October 4, 2022, at 6:00 PM – Regular Monthly Meeting of Darlington City Council.

**ADJOURN**

**Upon motion of Councilman Gardner, seconded by Councilman Nettles, to adjourn the meeting at 9:58 PM. Councilpersons Reed, Baccus, Milling, Segars and Mayor Boyd approved the motion.**

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Mayor

ATTEST:

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Clerk & Treasurer