CITY OF DARLINGTON
REGULAR CITY COUNCIL MEETING HELD IN THE COURTROOM/COUNCIL CHAMBERS LOCATED AT
400 PEARL STREET, DARLINGTON, SC
TUESDAY OCTOBER 4, 2022 - AT 6:00 PM

Present: Mayor Curtis Boyd, City Manager John Payne, Councilpersons Sheila Baccus, John Segars, Bryant Gardner, Howard Nettles, and Elaine Reed. Also present was Codes Enforcement Officer Ms. Sheila Jones, W&S Superintendent Charles Shugart, St. & Sanitation Superintendent Alex Gainey, Mr. Bobby Kilgo, Vondell Brockington, Ms. Anna DeWitt, Ms. Gloria Hines, Ms. Jannie Lathan, Mr. Rob Jordan, Dr. William McCall, Mr. James Cooper, Steve Abbott, Ms. Jackie L. Jernigan, Mrs. Nancy Matthews, Mr. Billy Hill, Teresa Lott, Jacqueline DuBose, Ronald Ward, Mr. Rags Cox, Kyle Owens, Brandon Smith, Angela Johnson, James Cooper, William Jackson, and other visitors.

Councilman John Milling was not present at the meeting.

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

APPROVAL OF MINUTES FROM REGULAR MEETING ON SEPTEMBER 6, 2022
Councilman Howard Nettles made a motion to approve the minutes from the regular meeting on September 6, 2022. Councilman Bryant Gardner seconded the motion. councilpersons Reed, Baccus, Segars, and Mayor Boyd voted in favor of the motion.

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

REPORT OF STANDING COMMITTEES
a)DARLINGTON DOWNTOWN REVITALIZATION ASSOCIATION – BOARD MEMBERS
Former Darlington Mayor J. Ronald Ward spoke on behalf of DDRA. Mr. Ward said as a board member he is here on behalf of DDRA. He said they wanted the board to be able to know who we are, why we're here and how we got here. He said back in the mid eighties when he was Mayor we found out that the State was going to have what they call a Main Street Program. The Main Street Program was designed to help cities with their downtown development, beautification, and economic development. He said they decided this was something they wanted to do, and they applied for it, but didn't get it. Mr. Ward said, "Well, we're not going to let that stop us; we knew the guidelines for DDRA, so we formed our own DDRA Association. He said they got their minutes and the board selected…we got our bylaws published, we got our city attorney to file our 501 (c) (3) eleemosynary corporation papers for us and we decided that we would continue to apply each year for Main Street, but until then we would follow similar

guidelines by ourselves with our own board so that if and when we got selected we could just move right on in. Mr. Ward said, "And so we did that. In 1985 we formed The Darlington Downtown Revitalization Association and the purpose of it was to benefit the City of Darlington to take a group of citizens out of our community who are involved in business, politics, etc. and get them involved as volunteers to help the city with these development projects, annexations…anything that we could think of". Mr. Ward said, "We had a big role in developing the By-Pass out where Food Lion came, and the city ran the sewer out there and DDRA helped attract businesses for that." He said we have been doing this for 37 years and we do it because we want Darlington to prosper, and we want to help you with your projects. We felt like by doing that (by forming this committee) we could be a tool for you to help you with your efforts and that's the sole purpose of doing it." He said we've had a lot of projects; a lot of things have gone on that we have been involved in and that's why every month for last 37 years somebody has come in and given you a DDRA report each month. Mr. Ward said, "We were finally selected for the Main Street Program, and we were already rolling along. The guidelines, and bylaws that we had met the same requirements and guidelines that they had." He said they were able with that to get assistance from the State through the Municipal Association to help them with economic surveys; they would come and give us information on what businesses we might need and how best to develop certain areas and at the same time maintaining our historical heritage and our identity. Mr. Ward said it's been a great program for us after we've been in it some umpteen years, we have to pay dues every year and the dues got up to over $5,000 a year and we decided that that was more than we could afford to pay at the time, so we dropped out of the Main Street Program but continued on with the Darlington Downtown Revitalization Association in order to help you. He said we feel like we belong to the city and our board is out to help you with your projects, your recommendations. He said each of you have an open invitation to come to our meetings the first Tuesday of every month at 8:00. He said the mayor is an ex officio member and it has been that way since the bylaws were written. Mr. Ward said Mr. Rags Cox is their President at this time and he is going to talk with you and introduce some of their members. Mr. Cox said Mr. Ward mentioned about some of their projects. He said he will leave behind about twenty copies of their economic impact summary from 2014-2022 for council members and some of the citizens that are here. Mr. Cox had the board members introduce themselves.

b)Greater Darlington Chamber of Commerce

Ms. Brook Sylvester was not present for the meeting.

Ms. Ellen Hamilton with Pee Dee Coalition Against Domestic & Sexual Assault said October is Domestic Violence Awareness Month and she is just here to say thank you. Ms. Hamilton said, "I thank you all so much because you provide space for us to be able to be here. She said, "We work with your Chief who is outstanding, and I just want to say thank you so much". She said she hopes everybody takes the time during October to remember that family is the most important social unit in our community. Violence is not a way to solve problems and violence doesn't belong in families.

Mayor Boyd asked Councilwoman Elaine Reed to come forward and he presented a proclamation to the Elks Club on behalf of the city. (Mayor Boyd read the proclamation) Mayor Boyd said on behalf of City Council and the City of Darlington they hereby proclaim the first week in October as Pee Dee United Elks Lodge 1679 Excelsior Temple 790 Weekend Day. (A picture was taken) Councilwoman Elaine Reed recognized some of the officers of the Elks Lodge.

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

*Disruptive behavior is not permitted

Mr. Rob Jordan said, "I'm here to represent The Grand Old Post Office Foundation." He said they put ticketed events on at the Grand Old Post Office. He said he is here to talk about an event they did have which made him very proud and it was very successful. Mr. Jordan said it was a tribute to one of Darlington's heroes named Buddy Johnson; he was a member of the jazz hall of fame and a member of the SC Music Hall of Fame. He graduated from Mayo High School back in the thirties, I guess it was, and in the forties he was one of the biggest band leaders in the country. He performed with his Sister Ella Johnson and there's a monument to him outside of Mayo High School. Mr. Jordan said when Elaine Reed and Roosevelt Scott came to him about putting on a tribute to this gentleman, I found out there were many songs he wrote one of them was my all-time favorite titled "Since I Fell for You." This song has been recorded by Frank Sinatra, by Tony Bennett, and by Barbra Streisand. Mr. Jordan said with the help of them we put on this tribute to Buddy Johnson, and they introduced us to a fellow by the name of Anthony Outlaw who produced that, and he's got to be one of our most amazing citizens. He said this guy lived part of the year in Darlington and part of the year in Las Vegas and he tours with a band. While he was planning this event that band was touring in Australia and he would call and say we need to do this, or we need to do that. Mr. Jordan said he put together the most amazing show with local talent. And I'd like to say, the amount of talent, and it's of African American community in Hartsville and Darlington is just staggering. A gentleman by the name of Lawrence Thomas from Hartsville has more charisma, but one young lady and they told me her name was Anecia Green from Hartsville, they say she can sing in nine different languages. He said, this was one of the most successful events we've had. He said the day of the event we were sold out, probably almost the week before. People were still calling on Saturday trying to get tickets for this thing. Mr. Jordan said, "Maybe we should have had two shows. But it was so successful and this man, I believe, is so important to the history of Darlington that we should maybe think about making this some sort of annual event." He said they had people come from Alabama, Atlanta, New York, Virginia, North Carolina, and Pennsylvania. So, if you're talking about an event that brings people in, that event did it and it was a great show. The Grand Old Post Office has a lot of events coming up, but this is probably the most successful one we've had. Mr. Jordan said the first Saturday of every month, for a discounted price of $10 we have a Grammy nominated musician and a classical violinist from Florence and they're offering discounted music lessons to students for $10 an hour. He said he told a fellow in Hartsville about that, and he got a call the next day (he runs a pawn shop) and he donated fourteen

brand new guitars for that. He said they are going to set up a program and if a kid will take twelve lessons over a year, they get to keep that guitar.

Chief Kelvin Washington said his time is winding down and he wants to thank the council and citizens of Darlington for their support of him and the police department. He asked them for their continued support. Chief Washington said, “The City Manager and I have been working very diligently trying to get salary increases for the police officers and I would ask that the mayor and this council work with the city manager to try to make sure we get those salary increases for our employees.” Chief Washington said, “They deserve it and those guys put their lives on the line every day.” Chief Washington said, “That’s the one request that I ask on behalf of the brave men and women that represent the police department here for the City of Darlington that you all really, really, really strongly take that into consideration and give the city manager what he needs in order to make sure that those guys get competitive pay raises”. Mayor Boyd said, the police department and fire department is at the top of the list along with all the other employees too.

David Longacre said, ‘I’m with CRC and I still have my concerns with the rezoning and the possibility of not passing that as I really hope to see it get corrected, not saying changed, but actually corrected to what it should have been from the start.” It was just a mistake the way the lines were drawn. It is very clear for that because when you have a line drawn zoning part of a commercial building that is called residential from a building being there before the zoning even came through. It doesn’t make any sense. How can you have a building, part of it being in general commercial, the other part in residential and the rest of the property in residential, it’s always been commercial, plain, and simple. So, with that, if it does not get corrected I question how that is even legally possible to have a commercial building where a line was drawn much later than when the building was built to make it a residential section. It doesn’t hold out, so I’m asking that this does get corrected. Mr. David Longacre said, we’ve talked to the City of Darlington, we’ve come here to council several times and we’ve tried to even compromise because we had originally asked for it to be general commercial for the entire property. He said I understand that may not be the best most suitable situation because of the residents surrounding the property, so it was suggested to us that we have a compromise of going to office residential for the parcel that’s facing Orange Street. He said that seems like a much more reasonable way to go since the building on Orange Street was part of the hospital facility. If we can’t have that whole thing as GC why could we not have it as OR to utilize that building again. Mr. Longacre said that’s where I need that clarification and understanding. Also going forward with that, if it is kept residential what does that do to our property as a whole that we can no longer utilize to the capacity that it was designed for and originally set up before the zoning even came through Darlington. The buildings had been there before the zoning ever was thought of so now if it is not corrected, what do we do with that building and how are you hindering us from utilizing our property? Mr. David Longacre said he would like to yield the rest of his time to Jannie Lathan to speak on our behalf as well.

Ms. Jannie Lathan said, “First, I support Council’s approval of Ordinance 2022-09 for the rezoning request of 203 Orange Street”. She said as the mayor requested in the last council

meeting, your personal feelings and biases should be removed, and your action should be based on facts and the city's current zoning and rezoning requirements. She said in my assessment and in the assessment of a very prominent real estate attorney, it is very clear that this rezoning request should be approved. Ms. Lathan said, "I think our city has enough lawsuits already filed against it, so we certainly do not need another one now." Ms. Lathan said, "I wish to acknowledge and thank Mrs. Lisa Bailey for her many years of service to our city as our City Planner. I hope this council will have input into the hiring of our new city manager (said manager, but then referred to city planner) to ensure …we should not hire someone just because we went to high school with them or just because we like them. We should hire qualified people to run our city. Secondly, has this council read the most recent police report filed against the city manager? If so, what action has been taken? If not, why not? I am requesting again, a written response to these questions as well as what action this council has taken to investigate the alleged involvement of the city manager in the early release from jail of his friend. Lastly, this council, with the exception of Councilwoman Baccus and Councilman Nettles voted to increase the water bill of the citizens of Darlington again. There was no public hearing on raising our water bill again; instead, there was only 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 item provided for the public hearing. The city manager did not speak to inform the citizens of why the city needed to raise our water bill again. We were not informed of the existing water rates or the proposed new rates. Mayor, I am requesting again that you and council look into this and have the city manager add these new rates to our water bill just like they're added to all our other utility bills. I think this is a legal requirement. Ms. Lathan said, "We were told only residents who use over 5,000 gallons of water per month would see this increase and that this would only affect 20% of the residents of Darlington. Where did these 5,000 gallons per month come from? Did any of you ask these questions and were you presented with the data that showed that this would only affect 20% of the residents? I think the answer is "no", because this fake public hearing lasted less than one minute because there was no opportunity for this information to be presented to you or the public. Mayor, there was no opportunity for citizens to ask questions. This is not Russia. This is America. A public hearing was required, and none was held. The council member representing my ward has been requesting the city manager to tell us if we are making money in the water department for months now. He has yet to provide this answer and the answer should be quite simple. Just take the amount of money coming in each month and subtract out expenses for the month and we will know whether we're making or losing money in the water department. Now, if the city manager does not know this, how does he justify raising our water bill again and how does he justify paying the director of the water department a $30,000 pay increase and most of you told me last month that you knew nothing about this. Ms. Lathan said, "What this council approved was a 2% & 5% increase for our city employees, yet the city manager gave the director of the water department an additional $30,000 and nothing was done. So, what happens when he decides to give him another $30,000 or $50,000 next month without your knowledge or approval and irrespective of the approved budget". Ms. Lathan said, "Apparently we're making money in the water department, so I think you guys should take some of our money, not the city manager's money, and put it over in the fire department and the police department and pay some of our first responders more money that they deserve because they protect our lives every day". Ms. Lathan said,

"Mayor you told us you believed in transparency, yet I have not received an answer nor have any of the other citizens who have come to voice concerns and raise questions. None of us have received any answers. If you're not going to answer our questions or concerns, let us know now so that we can take the appropriate actions to involve the appropriate state and federal officials so that we can get some clarity on how our funds are being spent."

Councilman Gardner said, "I would like to just remind everyone there will be neither personal attacks nor disruptive behavior prohibited. He said if we could keep the personal attacks down I would appreciate it." Councilwoman Baccus said, "I didn't hear any personal attacks, I just heard comments about the water department." Councilwoman Baccus said, just because you hate Jannie Lathan that's your personal problem. Mayor Boyd hit the gavel and said, "That's enough."

Kyle Owens said, I'm a resident of the St. John's Historic District and when the opportunity arose to purchase a home in the St. John's Historic District in Darlington, I was elated. He said as I stated in the last meeting, I'm against the rezoning of the property in the historic district. Mr. Owens said with the zoning changes this allows for historic landscape to potentially be changed with the addition of other structures/businesses. Mr. Owens said, "Another negative that I was not aware of until the last meeting was that the historic landmark commission would not preside over any nonresidential structure." Mr. Owens said just a few weeks ago he had to submit a request to the historic landmarks commission to put a small fence up on my property. He said he appreciates the process and is grateful that it's in place to keep the feel and look of the district without changing it more than it has….(inaudible) He said as a resident and homeowner in the district they are looking at long term impacts that this may have on their area. Mr. Owens said on behalf of the residents of the St. John's Historic District we ask that you vote "No" to the rezoning request and help us preserve what is left of our district as an R-10 residential.

Brandon Smith said he is also a resident of St. John's Historical District. He said he has been in attendance to the Planning Commission meeting as well as both council meetings regarding this rezoning request. Mr. Smith said, I sat quietly at all of the meetings to fully grasp the intent of this proposal. After the last meeting and how the residents of our neighborhood were so rudely treated, I decided I would sit quietly no longer. He said when the CRC acquired the property in question the zoning was already in place. They knew full well it was an R-10 property. Rezoning a historical residential neighborhood should only be considered when that rezoning benefits the city and the residents of that neighborhood in question. Mr. Smith said, "The residents of our neighborhood…the property owning, and tax paying residents of our neighborhood have made it perfectly clear what our concerns are and why we do not approve this rezoning proposal. Please hear those voices and vote a resounding, "No."

Jackie Lynn Jernigan said she is a resident on Sycamore Street. She said I came to meeting because I wanted to respond to some of the questions that were addressed to me last time at the meeting. She said she came to the meeting last time to express my concerns and I was a bit taken aback because of the way the meeting progressed and I was not expecting to be addressed by the supporters of the Cultural Realism nor to be questioned by the council. Ms.

Jernigan said, “I simply thought I was here to express my concerns and I was completely caught off guard because when the meeting took place a year ago, that was not allowed. We were supposed to address the council and not each other.” Ms. Jernigan said, “So this time I’ve done some research because I was asked to give some facts so I would like to share some information with you. She said in real estate there can be more desirable and less desirable places. There can be valuable, or less valuable….so this time I have typed up some information- some facts to present. Ms. Jernigan said I want to talk to you about the impact that the historic district has on house prices in South Carolina. She said recent studies in SC found that the local historical district status increases house values. It rewards owners with higher rate of return on their investments. In Columbia, local historical district increased by 26% per year faster than the market as a whole. In Beaufort, houses in the locally protected historic district sold for 21% more. In Greenville, establishing a local historical district caused prices of the houses in the district to go up; house prices rose on average over 50% in just a few years. In six smaller towns and cities across the State, local historic district status was a positive factor in determining the value of the house. For example, in Georgetown these houses sold for 11% more than those not in the historic district. In Anderson they sold for 36% more. Local historic districts create a win-win situation for both homeowners and community. Current owners can sell their houses for higher prices or make use of their increased equity. New homeowners can protect their investments in their houses and enjoy greater price gains and the community strengthens its tax base. In many communities local law helps owners protect their investment by maintaining the historical look by having ordinances to follow. By keeping and encouraging a historical appearance it helps preserve the historical appeal and protects from out place intrusions. The reason for the historical district zoning not to be changed is to help preserve the historical district. These studies show that historic preservation zoning which establishes local districts with design review increase property values. Ms. Jernigan said, “I got some of this information from SC Department of Archives & History just in case anybody wants to know. Ms. Jernigan said it was stated in the last meeting…if you change the zoning they do not have to abide by the design review. That keeps the historic appeal. She said it was stated at the last meeting that there are already a couple of businesses in this area; one has been there a very long time-AT&T; the other one is Edward Jones right behind the bank. She said that’s all the more reason not to add more businesses in the historical district. We need to preserve what we have. Ms. Jernigan said based on this study we can see the importance of preserving the historical district because it increases the value of the homeowner’s property. Ms. Jernigan said we are homeowners of this community trying to protect our investments and preserve the historic district. We live here, unlike the people asking for the zoning change. Ms. Jernigan said, “I just want you to realize if they care about the community then they should certainly take our point of view to heart that we’re trying to protect our investments.” She asked the council to please consider the fact that we live in this neighborhood, and they do not. She said also keep in mind that our neighborhood already has a school which brings a lot of traffic in the neighborhood and to put in another business will bring more traffic in this area. Ms. Jernigan asked council again to please consider the voices of the people that live in this neighborhood and please consider the preservation of the historical district and vote “No” to the change.

William McCall said he's in favor of the rezoning. He said if you think about the hospital when it was there is it considered historic or not. He said when you look at the building we are talking about if the building was upgraded wouldn't it increase the value? Mr. McCall said, "If we don't get the rezoning permit the building is going to be there. When we're looking at the historical zone it's going to cause the value of the place to go down, wouldn't it. If you're looking at beautification of the area. And if you're looking at beautifying Darlington you've got a whole section there that would be historic. Mr. McCall said when you look at the St. John's community, there's a whole section but when you get on left side going down, that's not historic? He said folks want their property to be increased, but when you look at what should have been-what was taken away, it should be put back. If you're going to be fair about the thing, then that's the way it should be done. Mr. McCall said we're not going to agree on everything. When you come to a disagreement we should come up with some type of solution that we all can live with. Mr. McCall said, "And I think by rezoning this property to upgrade that building it will increase the historical value. That's the way I see it."

Ms. Angela Johnson said she is here again trying to petition city council to do what technically and legally we feel is right. We're asking that you vote "Yes" to rezone as office/residential. Ms. Johnson said there is not threat of the Darlington County Cultural Realism Complex engaging in any activity, task or changes that will compromise the cultural environment of the historic district. Ms. Johnson said what we asked the last time is to let us know if there has been a concern with the past 50 years that CRC has operated that has been a threat to the historic district. She said I don't think anyone would be able to come forth and say anything. Ms. Johnson said I thank Mr. Jordan for speaking about the Buddy & Ella tribute because it was the Darlington County Cultural Realism Complex that led the petition to get Buddy & Ella added into the S.C. Hall of Fame. She said it's not new to Darlington County Cultural Realism Complex that Buddy & Ella Johnson grew up in Darlington because it was the DCCRC that established the landmark that is at Mayo Magnet School today. Ms. Johnson said, "What we're asking you today is to do what is right. I understand when you are in an elected position. It's scary when you have residents who are so vocal and who are afraid. You have residents who are scared of what a small change may bring to them. She said what we are experiencing in 2022 is no different than what we experienced based on what your survey that was done earlier this year divulged when it written about Darlington being ten miles above the closest railroad line which was spurring growth across throughout the 1840's & 1850's. A prominent Darlington district merchant and landowner, reportedly refused to allow the railroad to build a depot in this area and instead the Wilmington & Manchester Railroad crossed seven miles southeast of the town of Darlington contributing to the growth of Florence. Ms. Johnson said, "So here we are yet again, however many years it is after 1840-1850 and yet again we're dealing with people's fears. She said I don't know about you all, but I'm tired of it. Let's do what's right. If we're gonna make a mistake let's err on the fact that we know what CRC is about; we know what we've done. We know what we can and will do and then the citizens in the historic district will see that there is no threat in voting "Yes" to rezoning because the only thing that CRC will do and has done is what good for the community. Ms. Johnson said, "Clearly there's an interest in the property. Mayor Boyd, we appreciate you coming to us letting us know of someone's interest and asking price." She said we can't set an asking price until this zoning is put to bed. She said if your parties are interested

in purchasing the property and if they are interested in offering an asking price, please go back to them and let them know that's in the very detailed email we sent to you, the only way we can ever get to a point where we can establish an asking price is to ensure that the zoning is correct.

William Jackson said he's here on behalf of the property at 203 Orange Street. Mr. Jackson said he was on the Historic Landmarks Commission for about fifteen years, and he's been trained by SC Archives & History on what historical districts do for a neighborhood. He said there's no doubt that they absolutely increase values, they institute stability and when you start going from an R-10 to any other zoning it really does dig into what the historic overlay district adds to the community. Mr. Jackson said when you look at the St. John's overlay district it's one of the most intact districts in town. Not many of the houses have been modified during the depression and the houses are still pretty much as they were. Mr. Jackson said everybody was talking about the history of the piece of property at 203 Orange Street but if you look back at the sand born maps of 1893 or so if we're going to put it back to what it was, it was actually a residence there. He said, "So, if we go back to the original use of the property, it was a house." Mr. Jackson said, "I'd like for you guys to return it to what it use to be or keep it as it use to be with an R-10 zoning". Mr. Jackson said, "I'm also on the Board of Zoning Appeals now and this issue came up about a year ago and it was presented, and it was 100% unanimous that the zoning "not change". He said, "So, I'd like to keep the zoning the way it is. It goes toward the character of the neighborhood. It's right in the middle of Orange Street. He said the district actually starts at the house beside AT&T and goes down to Wells Street and if you put anything in there that's not congruent with the look of the neighborhood it's going to go against what we've been trying to do. He asked council to keep it zoned as R-10.

Councilwoman Elaine Reed said, "I just simply want to make an appeal to the council. And we've heard all of the reasons, but it seems like to me I would want our council just to consider… the real request here is that this property is not zoned correctly. It was a mistake in what has been done because one piece of land has two zoning things on it, and it should not be. Councilwoman Reed said, "That's all I would like us to consider is correcting what was done to this property incorrect. It was wrong for that kind of zone to be done to that one piece of property unless they asked for it. She said everybody's coming with how it was originally but from my ….all I've ever known is that for the hospital to be there. So even if a house was there, the hospital was also there as well. Councilwoman Reed said, "All I'm saying is that the hospital is part of that one piece of property. That one piece of property is all they are asking our council to look at not about any other thing. It's to correct the mistake that was made to these people which I think is unfair that once it was brought to our attention that it was done this way, then we have a responsibility to correct it. That's all! If we need to give them one zone there, that's what I'm appealing to council…your consideration. That's all and let's do the right thing by this piece of property. I would think if something incorrectly has been done to something that you own here now, we are the group that would make that correction. She said that was done years ago and I understood from some of the presentations that Lisa Bailey presented she started the process to correct it; time ran out and now it's in our lap and let's just correct it. Let's do what we do.

UNFINISHED BUSINESS

a)Ordinance 2022-09 – Rezoning Request 203 Orange Street – Sheila Marie Jones, Building Official

Councilwoman Elaine Reed made a motion to approve ordinance 2022-09 rezoning request, 203 Orange Street. Councilwoman Sheila Baccus seconded the motion. Councilman Nettles voted "No." Councilman Gardner voted "No." Councilman Segars voted "No." Mayor Boyd said, "I asked everybody to leave their emotions out so I'm leaving my emotions out and I'm voting "Yes." He said that's what I was going to vote last time so I'm going to stick with what I voted for, which is "Yes." *Motion Failed.*

Councilman Gardner said the back part of that building I'm sure the city will be fine bringing that about five feet to make it all commercial. The company that was there previously before the coronavirus situation happened if she'd like to come back, I'm sure the city would allow her to have variance to come back in there. Ms. Johnson said, "A variance from my understanding is another $300 to put forth to request. We're a nonprofit organization and we're already $300 out of our very small budget to come before you twice; once last year and then now so we are not in a position to pursue a variance. We appreciate you helping us to try to identify other alternatives, but the best alternative is the one that we felt that we came forth with you all today. Councilman Gardner said, "I'm sorry that we have a difference of opinion on that subject line. I can't speak for council, but I can say I'm one person who would authorize the city attorney to help you out on that situation if that company would like to come back in there at no cost. Ms. Johnson said, "Thank you for addressing me. So let me just ask this question. With a decision of this magnitude when you're dealing with property that's zoned incorrectly, is it possible so we could get a reason in writing for the reason for the "No" vote; for making this decision as a "No" may we please have a response in writing going forward. Councilman Gardner said, "That's outside of my….I couldn't answer on behalf of the council." Mayor Boyd said, "We'll get with you and let you know. I don't know. We'll have to talk with the city attorney." Mayor Boyd told Ms. Johnson he will contact her tomorrow morning and let her know what the City Attorney said.

NEW BUSINESS

a)Hospitality Tax Grant Recommendations – Hospitality Tax Grant Committee

Mr. James Cooper said he was there to present the City of Darlington Hospitality Grant Committee. He said this committee was compiled by selection from the city council and mayor, each one selected one individual. Mr. Cooper called out the names for the Grants Committee Appointments:

Howard Nettles	Flori Cavanaugh
John Milling	Dean Sigmon
John Segars	Mike Sprott
Bryant Gardner	Dr. Andy Cohen
Elaine Reed	James Cooper, III
Curtis Boyd	Rujon Williams
Sheila Baccus	Gloria Hines

Mr. Cooper said the City of Darlington Hospitality Committee, we administered the money to the ones who are acceptable for the hospitality taxes. Mr. Cooper read Section 6-1730 of the South Carolina Code of Laws in its entirety. The Committee recommendations are as follows:

Darlington Country Club(Southern 500 Invitational Tournament - $2,500
Federated Organizations of Darlington, Inc. - $5,000
Pilot Club of Darlington, Inc. - $5,000
Southeastern Bluegrass Association of SC, Inc. - $7,500
The Terrence F. Carraway Foundation - $10,000
West End Heritage Corporation - $5,000
The total amount will be $35,000.

Councilwoman Baccus said, “My only question probably is are all of these organizations nonprofit or is any for profits”? Mr. Cooper said, “There is one that is for profit, but they do sponsor an activity that does by the laws or the rules that we were given does stimulate tourism for the City of Darlington. So, one is on the list that is for profit, but they do house or host an event that does, by the list that we were given, boost or attracts tourism to the City of Darlington.” Councilman Baccus asked which business is for profit? Mr. Cooper said, “That would be the Darlington Country Club.” He said these organizations listed the amounts that they wanted, but not all received the exact amount that they wanted based on the reason. How we marked or graded them was based on the impact that they would have on tourism in the City of Darlington. So, the more of the impact the more monetary they received. Councilman Gardner said the Terrence F. Carraway Foundation will go into a permanent structure. Mr. Cooper said that we will have to go through the applications, but they did list that the monies will be going to the development of that particular property. Councilwoman Baccus said that she does not know what this West End Heritage Corporation is. Councilwoman Reed said, “I know that they built the Memorial out there.” Councilwoman Baccus asked, “Are they building something else”? Mr. Cooper said, “They have a list of stages that they want to go through, and they are now seeking the city for one of those stages.” They gave them pictures to show the stages. City Manager John Payne said, “Mr. Mayor just for historical perspective this council has awarded funds to West End Heritage Corporation and the Southern 500 Invitational Tournament”. Somebody said, “For clarification, you do not have to be a non-profit entity to receive funds.” There was more conversation with Councilwoman Baccus. Councilman Bryant said that he had one more comment. We have a large funding project that we are trying to finalize in the coming fiscal year. So, in the future, we need to look long and hard about how we are going to be financial stewards of our hospitality funds. **Councilman Gardner made a motion to approve the list as stated from the Grants Committee. Councilwoman Reed seconded the motion. Councilpersons Segars, Nettles, Baccus and Mayor Boyd voted in favor of the motion.** The mayor thanked the group for their time and effort with helping with this.

b)Purchase orders Approval – Charles Shugart, W&S Director

1)Mr. Shugart said I'm here tonight to ask for approval of four purchase orders. One is for a new tractor for the new sewer plant and sewer collection system. He said they will use it a little in water distribution too. Mr. Shugart said this is a state contract purchase through Steen Enterprises in Sandy Run, S.C. 2) Mr. Shugart said he is asking for a purchase order for a project for the courthouse. He said they are partnering with the county to put a new water line around the courthouse. Mr. Shugart said, "We've been up there more than a half dozen times." We have a rotten sewer line and that was one of the first ever installed in the City of Darlington and any disturbance up there burst that line. When we dug it up we found several older repairs that were there. So, with the big, beautiful courthouse going up we certainly don't want to have to go up there after they have paved all those streets and filled in that nice, beautiful concrete and dig a big nasty hole right through the middle of it. Mr. Shugart said, "So we've partnered with them, and they are willing to pay half the cost. Mr. Shugart said we started out with an estimate for parts for this particular project that exceeded $44,000 and since then we've bid it down and changed the design on it a couple of times; and we may change it even more and make it even smaller and less expensive. At this point, the low bidder for the parts for this particular project is from Ferguson for $27,840. He said there will be another cost involved in this. We're going to use their contractor because he's already there digging, paving, and putting in concrete; he's already there doing all of the construction. He said that will come much later, but right now that's estimated at about $5,000. Mr. Shugart said, "But I'm sure that will be quite considerably less once we change this design again." This design started out as a $150,000 project and it has gotten smaller and smaller, and I expect it will get a little bit smaller. Councilman Gardner asked, "Do you think it will come in less than the Ferguson quote"? Mr. Shugart said, "I think we'll…we'll purchase the Ferguson parts. We'll need to go ahead and purchase the Ferguson parts while they are low and get them here on site before they go up again. Mayor Boyd asked if $27,000 is the full price. Mr. Shugart said, "Yes Sir." Mayor Boyd asked are we paying half of that, and the county is paying…. Mr. Shugart said, "No, we're paying all of that." Mr. Shugart said the total cost installing the line as it is, is $83,911 and that was the last that we came up with. Councilman Gardner said my math isn't the best but…..Mr. Shugart said since then we've cut down the project. We knocked out $44,000 of materials down to $27,000. He said take $83,911and take $44,861 out of that. That leaves $39,050 and go back and add to it the $27,840 for Ferguson for materials, it comes out at $66,890 so half of that is $33,445. He said that's what the total project is going to cost so we need to go ahead and buy the materials from Ferguson before they go up. Mr. Shugart said these are materials that we use all the time and if we don't use them we can give them back. Councilman Gardner said, "So you want us to approve $27,840 tonight and you could have a change order that could make it lower? Mr. Shugart said, I hope so. I think I will. I think I can cut another $5,000 out of this project if I keep looking around. Mr. Shugart said the last two purchase orders are for Davis & Brown. He said $9,440 is for the South Darlington Sewer Pump Station Renovations Project which is about 85% complete. The last pump station they've got is Altel and it's a good bit smaller than the others that they've already renovated. They've already installed all of the force main; they have some tie-ins to do, some paving of driveways to do and a punch list and they'll be completely done. They've reached their substantial completion date in September, and they are looking at a completion for the total project by the second week in November. He said this is one of the last bills we're going to have from Davis & Brown on this particular project. The last

purchase order is another Davis & Brown for $6,760 and that's for the SCIIP Grant application. The SCIIP Grant application was a $10 million grant we applied for back on the first of September. He said they started putting that project together in July and did a herculean amount of work on weekends and after hours to get this thing done. It has one storm water project that exceeds $3 million in and around Hardee's; it's got four sewer collection projects; it has two sewage treatment projects and one water distribution project. Mr. Shugart said it's through the Rural Infrastructure Authority of SC (RIA). Mr. Payne said, just from a historical perspective this grant application is being made to RIA. The State of South Carolina has given them $900 million, and this is where that money comes from. Mr. Payne said we have a 15% match so 15% of $10 million is $1.5 million. He said this is why we've been so frugal and conservative with our American Rescue Plan money (ARP). This is why we can't give refunds and rebates back because we need this money to be match for the $10 million assuming that we get it all, or we won't be able to do the projects. Mayor Boyd asked when will we find out about that? Mr. Payne said they said they will make awards by the end of the year. Councilwoman Reed asked, "So what is this $6,760 to Davis & Brown"? Mr. Shugart said, "For the application." Mr. Payne said, "They did our entire application Ms. Elaine." Councilman Gardner asked if our tractor is done? Mr. Shugart said, pretty much. Every time we operate it something goes wrong with it. We haven't been able to operate it for very long. He said the repairs that are needed on it have exceeded its value at this point. **Councilman Gardner made a motion to approve the State contract to purchase a new tractor for $76,891.68. Councilman Nettles seconded the motion. Councilpersons Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion.**

Councilman Gardner made a motion to approve the lowest bid from Ferguson for $27,840 for parts for the new water line at the courthouse, Fountain Street and Hewitt Street with the hope of a change order to lower the price a little bit. Councilman Nettles seconded the motion. Councilpersons Reed, Baccus, Segars and Mayor Boyd voted in favor of the motion.

Councilwoman Reed made a motion to approve Davis & Brown $9,440 for the ongoing project known as the South Darlington Sewer Pump Station Renovations. Councilman Gardner seconded the motion. Councilpersons Nettles, Baccus, Segars and Mayor Boyd voted in favor of the motion.

Councilwoman Reed made a motion to approve $6,760 for Davis & Brown for the SCIIP Application that's gonna bring us $10 million. Councilman Gardner seconded the motion. Councilpersons Nettles, Baccus, Segars and Mayor Boyd vote in favor of the motion.

c) ARP Earmark for Allen, Farm & S. Main Streets Projects – Mayor Curtis Boyd

Mayor Boyd said he is asking and proposing and for council to agree on tonight, this project according to Mr. Shugart was dropped in his lap when he first started in June 2021. He said we have been arguing, fussing, and complaining about the sewer on Allen Street, Farm Street, and all of that area. They've been working on that, but nothing is ever as fast as we would like for it to be done but hopefully it has come to the point where we can get this fixed. Mayor Boyd said

in June 2021 it was proposed that the estimated price would be around $830,000 to do the work. CDBG gave us a $700,000 grant which took until May 2022 for everybody to go out and get the process done- engineers approved, citizens had to be surveyed all throughout there for the grant to finally be approved. He said we were given a grant of $700,000 which means we felt like we were at the point of thinking that we had the money to get it fixed. In June 2022, the city put out bids with no return of anybody offering a price to do the work. In august of this year, they put out for bids and received three bids. The lowest bid came in at $1,463,000 and the other bids were extremely higher. Mayor Boyd said it still has $138,000 engineering fee, $50,000 COG fee which puts it at $1,652,453 is the cost of the project to get it fixed. Mayor Boyd said at this point we have a $1,600,000 project that has to be fixed and we've got $700,000. He said he has asked Senator Malloy to help us. He said we need to know by the end of this month. Mr. Shugart said we've got until November 30th, but we don't want to wait that long. Mayor Boyd said we've got to the end of November 30th but there's no way Senator Malloy can come up and cough that kind of money up to help us with additional funds. He has said he will work hard toward trying to help us between now and February to see what appropriations he has available. The COG is also looking to see if they can get additional funds however we do have the money. We have saved money to the side for infrastructure. The additional $500,000 that's needed to fix this project we have, but I'm asking to earmark $500,000 out of the ARP money so that we can go ahead and pursue this project. Mayor Boyd said if we don't the bid goes away and go back and get it rebidded we know what's going to happen then, it's going to be higher plus it's going to delay getting it fixed. If we go ahead and earmark it in between that period of time we are diligently working toward Senator Malloy and the COG to see if we can come up with additional funds so that we don't have to use that money for this project. The other project coming up is the $10 million project and we'll have to have $1.5 million to match that. Mayor Boyd said, "We've got a good chance to get all of this fixed but I'm just asking not to spend the money tonight but just asking if we could earmark those funds ($500,000) to go toward this project so that we can go ahead and approve the project and move forward. **Councilwoman Elaine Reed made a motion to earmark $500,000 for Allen, Farm and S. Main Streets projects with the proposal that we continue to search for additional funds. Councilman Bryant Gardner seconded the motion. Councilpersons Baccus, Nettles, Segars and Mayor Boyd voted in favor of the motion.**

d)Painting Bid Hewitt Street and City Lane – John Payne, City Manager

Mr. Payne said one thing before we move on to that regarding the work that the water & sewer department has been doing. Mr. Payne said he did a little math today and Mr. Shugart has been here about the past fifteen months or so, he's brought in $3.5 million in grants. He has gotten the city $3.5 million to go into our ground to fix our infrastructure.

Mr. Payne said the painting bid for Hewitt Street & City Lane if you remember our streetscape grant that we got last year, the grant funds themselves cannot be used on personal property however the match can. The county right where the new courthouse is going if you look at the pictures, it's old and there's vegetation growing up the walls and its unbecoming. They don't want to have a beautiful new building and look to the left and see all of this. Before Ms. Lisa left put out bids for companies to come in and power wash, strip the vegetation, prime it, and paint

it. Mr. Payne said Carolina Bank decided not to participate in this so it's basically Howle Law Firm back behind Merle Norman and Vaughan Insurance Agency. He said he has releases from all of them. Before Ms. Bailey left she put out bids; two showed interest and only one submitted a bid which was from Tadlock Painting Company. Their bid to do from beginning to end is $54,895 and that's the only bid that we received. (Mr. Payne told council if they look in their packet they will see the pictures) Mayor Boyd said it's a $750,000 grant that we were awarded with the county's help. The county put in $50,000 before that and an additional $25,000 to go toward the Carnegie parking lot. Mayor Boyd said, "The $50,000 they asked for that to be used to clean up the back of those buildings. He said we can't use that grant money on anyone's property except for the match money which was the match money that came from the county, so we're just doing what the county asked which was to take care of the back of those buildings. Mayor Boyd said if we do, this we would have to come out of pocket $4,895. Councilman Gardner said, "I hate for the bids to go up, but do we want to put this back out again"? Mayor Boyd said, "Well you've got two people that bid on it." Mr. Payne said, "No, we got two to show interest and only one to bid." Councilman Gardner said, "For the back of those buildings $54,000". Mayor Boyd said he painted his gym in Lake City the other day and paint from Sherwin Williams was $65 a gallon. Mr. Payne said they are going to clean the debris, they are going to sand it, they are going to caulk it. They are going to do all of the prep work and then paint it. Mayor Boyd said we would have to match it with $4,895, correct? Mr. Payne said, "Yes Sir." **Councilman Gardner made a motion to approve the bid from Tadlock's Painting for $54,895 to paint the back of buildings. (City will have to pay the match of $4,895Councilwoman Reed seconded the motion. Councilpersons Nettles, Baccus, Segars and Mayor Boyd voted in favor of the motion**.

e)Planning Commission Appointment – Sheila Marie Jones, Building Official

Ms. Jones said there's an open seat on the Planning Commission and we received an application for Barry McGirt who is a Darlington citizen and has a degree in business and has run businesses and he feels like he can be an asset to the commission. **Councilman Gardner made a motion to appoint Barry McGirt to the Planning Commission. Councilman Nettles seconded the motion. Councilpersons Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion.**

REMINDER

Tuesday November 1, 2022 - Regular Meeting of Darlington City Council -6.00pm; Sweet Potato Festival this Saturday

ADJOURNMENT

Councilman Nettles made a motion to adjourn the meeting at 7:39 pm. Councilman Gardner seconded the motion. Councilpersons Reed, Baccus, Segars and Mayor Boyd voted in favor of adjourning the meeting.

Mayor

ATTEST:

Clerk & Treasurer