CITY OF DARLINGTON
REGULAR CITY COUNCIL MEETING HELD IN THE COURTROOM/COUNCIL CHAMBERS LOCATED AT
400 PEARL STREET, DARLINGTON, SC
TUESDAY JULY 11, 2023 - AT 6:00 PM

Present: Mayor Curtis Boyd, City Manager John Payne, Councilpersons John Segars, Elaine Reed, Howard Nettles & Sheila Baccus. Also present was Codes Enforcement Officer Ms. Sheila Jones, St. & Sanitation Superintendent Alex Gainey, Police Chief Jimmy Davis, Fire Chief Pat Cavanaugh, Mr. Steve Abbott, Ms. Jannie Lathan, City Planner Ms. Merry Morgan Smith, Ms. Rosa Hudson, Ms. Abigayle Stokes, Ms. Ashlyn Cady, and other visitors. Also present was a representative from the News & Press.

Councilman John Milling was not present at the meeting.

Councilman Bryant Gardner arrived at 6:17 PM.

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

APPROVAL OF MINUTES FROM REGULAR MEETING ON JUNE 6, 2023 & BUDGET WORK SESSION ON JUNE 7, 2023
Councilwoman Elaine Reed made a motion to approve minutes of regular council meeting on Tuesday June 6, 2023. Councilman Nettles seconded the motion. Councilpersons Baccus, Segars and Mayor Boyd voted in favor of the motion. Mayor Boyd said we did not have it on the agenda, but we also have to have approval for the minutes for the budget workshop on June 7, 2023. **Councilwoman Reed made a motion to approve the minutes from our Budget Work Session on June 7, 2023. Councilman Segars seconded the motion. Councilpersons Nettles, Baccus and Mayor Boyd voted in favor of the motion.**

AGENDA AMENDMENT
Mayor Boyd said we need to amend the agenda for tonight. Mr. Payne said this just came in today. The Fire Department would like to come to you about two emergency purchase orders. Mr. Payne said they are both above his signing level. He said I do have the authority to do it under emergency provisions, but I would rather the council handle it. We will add it as 7d - Fire Department Purchase Orders. **Councilman Nettles made a motion to amend the agenda for 7d to include two purchases that the fire department needs. Councilman Segars seconded the motion. Councilpersons Reed, Baccus, and Mayor Boyd voted in favor of the motion.**

APPROVAL OF MEETING AGENDA

Councilwoman Reed made a motion to approve the amended agenda for tonight's meeting July 11, 2023. Councilman Nettles seconded the motion. Councilpersons Baccus, Segars and Mayor Boyd voted in favor of the motion.

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

***Neither personal attacks nor disruptive behavior are permitted**

Ms. Jannie Lathan said, I want to thank the City for providing some clarification on how our budget process should work and hopefully, as noted on the third page, section 2–120 moving forward, mayor and council we will make the final budget that this coincides is to approve, we will make that available to the residents of the City of Darlington at least five days in advance; and specifically it shows where it should be located. And as the Municipal association noted in terms of the public notice, it wasn't properly given for the first time this meeting was called. That's why it had to be cancelled so it was published and given the proper notice the second time. So, moving forward, there's no reason as the Municipal Association has noted that this city can't publish that final budget that's to be approved on our website like most municipalities, not only throughout the State, but throughout the country does so that the citizens can have an opportunity to review the budget, so we know where our funds are being allocated. Ms. Lathan said, "Again, it's not a private business, it's a city that you guys have been elected to manage collectively with the city manager." Ms. Lathan said, "Again, I appreciate the clarification on this and hopefully next year we will have a different type of budget review process."

OLD BUSINESS

a) 2nd Reading Ordinance 2023-07, Amendment to Failure to Comply §70-10, Sheila Jones, Codes Enforcement

Ms. Sheila Jones said when we had first reading, Mr. Milling had a question in regards to how the violation could be handled so on page 2 of the ordinance it was changed to read: Any person, firm, cooperation or agent who shall violate a provision of this chapter or after due notice shall fail to comply with orders issued by the City code enforcement officer under the terms and provisions of this article shall be charged with a misdemeanor which shall be punishable by a $500 fine and imprisonment not to exceed thirty (30) days or community service as adjudicated by the municipal judge. Councilwoman Baccus asked, "From January until now, have you had to send out letters to habitual offenders? Sheila said, for overgrown ….. for bulky refuse not as much but I could have on three separate occasions. Councilwoman Baccus asked, "Since last year has this become a bigger problem or a lesser problem"? Sheila said, "Since last year if you look at the first page of the packet, since 2018 when we originally did the habitual offender penalty, there were 316 violations sent over a 25-month period. In the last 12 months we have sent 307 violation letters for overgrown, for furniture, for lot cleaning, etc. She said not just lot clearing as far as a bush hog; there's furniture in there so in an effort to try to get property owners to maintain their properties and to not leave garbage and furniture everywhere, it's just more teeth for us to be able to get them in front of the municipal judge. She said not just for grass because grass, while eighteen inches high looks bad, old furniture, old lawn furniture, cans of beer …all of that stuff is a problem so if we have ……. there's nothing in the ordinance

as we speak, outside of overgrown so if we can extend it to the solid waste chapter so we can talk about furniture, we can talk about trash and the accumulation of refuse. Councilwoman Baccus wanted to know if the 307 letters that were sent out were mostly to habitual offenders. Ms. Jones said several of them were sent to habitual offenders. She said another thing on top of that is that the old habitual offender penalty provided for if you had a second notice in one 12-month period, you send one notice and by the time they can get it cleaned up and then we send another notice and then the growing season is over. So, the new one is going to say "ever;" as long as you are the property owner. If you are the property owner and we have to send you more than one notice it's your responsibility to maintain your property. It's not my responsibility to tell you when you need to maintain your property. She said if you are going to have a property in the City of Darlington, you're going to take care of it. In order for us to beautify the City of Darlington, we all need to work together and if you are not going to do it on your own, then we are going to give you a little more incentive to have you do it so you can get in front of the judge and tell the judge why you don't want to cut your grass or why you don't want to take half of your furniture that you put on the side of the street. Ms. Jones said as a city we will pick up a couch or we will pick up a chair or something, but we are not going to pick up half of your domestic furniture. Councilwoman Baccus asked, "And this will apply to anyone who's dumping trash on empty lots"? Ms. Jones said, "No." Councilwoman Baccus said, "It's their empty lot." Ms. Jones said, "If it's their empty lot, yes. If it's not their empty lot, then that would fall under the police jurisdiction for dumping." Mayor Boyd said, "Just for clarification, so the public can know, can you kind of give me in layman's terms or codes terms what are we doing right this moment if my grass is overgrown, or I have four couches in my front yard"? Ms. Jones said, "What happens is, I send you a letter and you have 14 days to fix the problem. If you don't fix the problem within those 14 days depending on what the problem is…. if it's grass we get a third-party contractor to go and cut the grass." Mayor Boyd said, "So, in 14 days if they haven't fixed it, then you send somebody out to either pick it up or cut the grass …… Ms. Jones said, "And then you are responsible for paying the invoice for that plus a 15% administrative fee that goes along with that or $100 whichever is the greater amount. If you don't pay that then it gets put on your taxes and that's by state statute that we are allowed to do that. And if you don't pay it on your taxes, then it goes to tax sale." Mayor Boyd reiterated everything that Ms. Jones said concerning the process before going to the tax sale. **Councilwoman Reed made a motion to approve the Second Reading on Ordinance 2023-07 Amendment to Failure to Comply 70-10 with the Codes Enforcement. Councilman Nettles seconded the motion. Councilpersons Baccus, Gardner, Segars and Mayor Boyd voted in favor of the motion.**

NEW BUSINESS

a) Miss Darlington Volunteer, Abigayle Stokes and Miss Darlington Teen Volunteer, Ashlyn Cady

Abigayle Stokes said she's a Hartsville native and she will be competing at Miss South Carolina on August 5th. Her platform is … Ashlyn Cady said she is Miss Darlington Teen Volunteer, age 15 and a sophomore at South Florence High School. She is in the Fine Arts Academy, in the dancing group, a varsity cheerleader, she sings, plays guitar, and the piano. Her love for dance and music has inspired her platform which is the Arts.

b) Fat, Oil and Grease (FOG) Control Program, Sheila Jones, Codes Enforcement

Ms. Jones said this is more of an informational given that our sewer infrastructure has been such an issue over the last few years, and some of that which has contributed to that is fats, oils, and grease that comes from different business, restaurants, schools, unique processing, nursing homes. We already had on the books, a grease interceptor or grease trap but there's some ambiguity to that and it says the capacity and size is determined by the building official …. Ms. Jones said she started looking at different ordinances and different programs that other municipalities and jurisdictions have to calculate in different standards that grease interceptor companies use to decide what is appropriate size for food service establishments. Ms. Jones said they came up with a formula and created a spreadsheet, and they can enter the data in, and it will tell them the size they need. She said because of our jurisdiction, and the way that some of our establishments are they are not open on weekends; they are not open on nights; there would be an occasion where there's a reduction, so we created a reduction policy. She said this spell it out so that food service establishments, and our citizens will know by what parameters we are working with, so it's across-the-board, the same for everyone. The inspection reports that we use and the reports that will be needed (pump schedules that will be needed. Time frames that will be required) Ms. Jones said, "This is just an information packet for you all so that you know what we are doing so that we can combat problems with our sewer system. Especially as we're getting new piping put in so that down the road people that follow us won't have as big a problem as we're having, so that we are being more proactive about it." Councilman Nettles said, "So, you tell us where the determinants are and how you're going to scale that, is it retro or is it going forward? Sheila said no once we are going to send this to all of our food service establishments that we have now to make sure that they are all in compliance because the grease interceptor program / ordinance was done at least 10 years ago or more and so I know all of the new establishments that we're getting we look to make sure that they have what they're supposed to have but we need to make sure that our current …. I know there's a couple that don't have these interceptors and they've been here for years and years, so we need to make sure they are in compliance with what our ordinance is. We'll give them a reasonable time frame to get it taken care of. Councilman Nettles said, "I wanted to make sure it was not cost prohibited, and there were issues like upfront or anything like that". Sheila said, "Because we do recognize that there is a financial responsibility, to make this happen, I have talked with the water department and that was where some of this reduction policy came from. She said you can have a smaller one but we'll go out there and inspect it so we can see how much fats, oils and grease accumulates and give them a pump schedule. She said they may have to pump once or twice a week until they can afford to get a bigger one or one that is more Conducive for the business that they have, but in lieu of that, help them with the pump schedule so that it still won't infiltrate our sewer system. Councilwoman Reed asked, "The ones that you find that were here quite a while and not in compliance, what have we done about that? Are you making them come in? Is there a time period? Ms. Jones said, "Yes, Right, they're going to have to …. She said, I said 30 days but I understand that's a little aggressive so it will depend on the business and the amount of fat, oils, and grease so we're looking at 90 days or more depending on how it's going to be and what kind of financial burden it's going to be. Councilwoman Reed said, "We have had such a big complaint about the house on Milling Street. What is the status"? Ms. Sheila Jones said, "I don't have any houses on Milling Street

that are on the condemnation list." Councilwoman Reed asked, "What do we need to do to get that one on the list"? Ms. Sheila Jones said I'll have to drive out there tomorrow. She told Councilwoman Reed she would call her tomorrow and they will meet out there and see what she's talking about.

c) 1st Reading Ordinance 2023-08, Parking Times and Places, Sheila Jones, Codes Enforcement

Ms. Sheila Jones said, "As new businesses are coming in the city and on the Square and they are opening later….right now we have a two-hour parking that's Monday through Friday from 9 AM to 5 PM. We have businesses that stay open longer than 9 to 5 and so as people are parking there instead of in the Orange Street parking lot in the back which does not allow for the patrons to be able to park in front of businesses. Councilman Nettles said, "Sheila who are we talking about …who is parking on the street and who should be parking on Orange Street"? Ms. Sheila Jones said the Orange Street parking lot is a city lot, so everybody is entitled to park there. The residents between 9am and 5pm park back there because there's that public walkway that they can use, and they can go up the stairs in the back so that's where they've been parking. She said everyone parks there, but once 5 o'clock hits, those residents, instead of parking in the back, they come around to the front and park. So far the problem with that has been that the public walkway gets locked at 5 o'clock so the patrons, (from what I understand a resident is locking that door) She said residents have keys to get in and out of there. Obviously, our citizens don't, so they are having to go around the Pearl Street side and go through the back alley if they are patronizing any of the restaurants or boutiques in the front or they have to go all the way around Orange Street and go around to the back. The request is being made to change that Monday through Friday 9 AM to 5 PM to Monday through Friday from 9 AM to 10 PM because we have businesses after 5 stays open until 11, The Mercantile stays open until 9:30; Tenampa stays open until 9; Leo's stays open until 10; The Pub on the Square stays open until 10; the Blue Hawaiian stays open until 7; Jin Jin stays open until 9; Happy Nails stays open until 7, so we have a considerable amount of businesses that stay open past that 5 o'clock mark and in order for their patrons to be able to park, the request has been made to extend those hours to 10:00 PM. Councilwoman Reed said she didn't realize that there was something that stopped us from parking on the Square longer than two hours after 5pm. Ms. Jones said that in our city ordinance. Councilwoman Baccus asked, So, are you saying that walkway that's on Pearl Street to the back parking lot, that's the one that you're saying they are locking"? Ms. Jones said, "No. The one that is on the Square that's in between the telephone repair /cellphone place, that's the public walkway." Councilwoman Reed asked, "Should it stay open"? Ms. Jones said, "That's a different issue." Councilwoman Baccus said, "I think for safety reasons it should be locked. She said she was told once that people were loitering in there." Ms. Jones said, "I understand there was some loitering and so in an effort to keep loitering from happening in there, that's one of the reasons it was locked. She said I have my own opinion in regard to whether it should be locked if we're calling it a public walkway. As far as the apartments that are in that walkway having a deadbolt on it would be the same effect as any other apartment or townhouse. Councilman Gardner said maybe we can reach out to the management company to see if we can come to some conclusion and maybe help them change the locks and then they can put in some security cameras …… Mayor Boyd said, "it's walkway isn't it." Ms. Jones said, "It's the public walkway."

Councilman Gardner asked Sheila if she can look into that. Ms. Jones said she would. Councilman Segars asked, “This ordinance is for Monday through Friday”? Ms. Jones said Monday through Friday from 9am until 10pm. Councilman Segars asked, “How about Saturday night”? Ms. Jones said, “Most of our establishments are not open on Saturday.” Councilman Nettles said, “There’s only one or two right now.” Ms. Jones said, “It might be something that as we grow, we have to revisit but I don’t think that that would be something that would become a problem**.” Councilman Bryant Gardner made a motion to approve First Reading on Ordinance 2023-08, Parking Times, and Places. Councilman Howard Nettles seconded the motion. Councilpersons Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion.**

d) FIRE DEPARTMENT PURCHASE ORDER – FIRE CHIEF PAT CAVANAUGH

Chief Cavanaugh said sometime last week the dispatch console at the 911 Center went down. He said in the meantime they took a handheld radio out there so they could communicate with them. He said it interferes with them because if something happens they only have that one handheld radio. Chief Cavanaugh said he talked with Mr. Payne, and they are trying to figure out a way to get this replaced if we have to replace it. He said there are two companies that work on Palmetto 800; one is Motorola and the other is VEI which he received quotes from both of them. Chief Cavanaugh said without communication there is no way for them to call us. He said normally they try to get three bids, but there’s only two radios that can go out on the Palmetto 800 system. One is out of Sumter and the other is our local vendor VEI. He said they reached out to the people at Motorola people who deal with that system and their quote was right at $10,000 and it’s going to take 3-4 months to get the equipment. He said we can’t last 3-4 months. Chief Cavanaugh said, “So we reached out to VEI which does Kenwood (our local people) and they told me I can get the thing done for around $8,700 and have it done in 20-30 days. Chief Cavanaugh said, “I have the money in my budget and the biggest issue is it’s over $5,000 so I need council’s approval to let Mr. Payne authorize me to take care of this issue so we can get our guys up and running”. **Councilman Nettles made a motion to approve for the Fire Department to go to VEI Communications and purchase the required equipment at $8,765.35. Councilwoman Elaine Reed seconded the motion. Councilpersons Baccus, Gardner, Segars and Mayor Boyd voted in favor of the motion.**

Chief Cavanaugh said one of his main fire trucks developed some problems with the motor. He said it’s one that they use every day, and it has a Cummins motor in it. He said this is a 2016 fire truck which was purchased brand new when Mayor Hines was in office. Chief Cavanaugh said, “I reached out to get someone to work on it. I reached out to Stone Trucking in Florence that handles the Cummins vehicles, but they told him they couldn’t get it in for two months. Then I reached out to Velocity Truck Center (located on TV Road in Florence, SC) which does a lot of work, and they took the truck in right away”. Chief Cavanaugh said to fix everything they are looking at $5,900 after taxes and he’s here now because the taxes put them over the $5,000 limit. He said he needs Council’s approval to let Mr. Payne authorize the repairs to the truck**. Councilman Bryant Gardner made a motion to approve Velocity Truck Centers for $5,934.68. Councilman Howard Nettles seconded the motion. Councilpersons Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion.**

<u>EXECUTIVE SESSION</u>: Pursuant to SC Code of Laws Section 30–4–70(1) and (2), personnel and contractual matters. The council may act following the Executive Session.

Councilman Bryant Gardner made a motion to go into executive session Pursuant to SC Code of Laws Section 30–4–70(1) and (2), personnel and contractual matters at 6:39 pm. Councilman Howard Nettles seconded the motion. Councilpersons Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion.

5 Minute Break

Councilman Howard Nettles made a motion to end the executive session at 7:12 pm. Councilman Bryant Gardner seconded the motion. Councilpersons Reed, Baccus, Segars and Mayor Boyd voted in favor of the motion.

Back in public session

Mayor Boyd said no action was taken in the executive session.

Councilman Bryant Gardner made a motion to pay the amount of $7,366.04 to the City of Bennettsville for reimbursement for SC Code Section 23-23-120 Order 2020-LETC-004 for training reimbursement costs. Councilman Howard Nettles seconded the motion. Councilperson Baccus, Reed, Segars and Mayor Boyd voted to approve the reimbursement to the City of Bennettsville.

<u>REMINDERS:</u>
Tuesday August 1, 2023 - Regular Meeting of Darlington City Council, 6:00:PM.

<u>ADJOURNMENT</u>
Councilman Howard Nettles made a motion to adjourn the meeting at 7:19 PM. Councilman Bryant Gardner seconded the motion. Councilpersons Baccus, Reed, Segars and Mayor Boyd voted in favor of adjourning the meeting.

_____
Mayor

ATTEST:

_____
Clerk & Treasurer