CITY OF DARLINGTON
REGULAR CITY COUNCIL MEETING HELD IN THE COURTROOM/COUNCIL CHAMBERS LOCATED AT 400 PEARL STREET, DARLINGTON, SC TUESDAY SEPTEMBER 5, 2023 - AT 6:00 PM

Present: Mayor Curtis Boyd, City Manager John Payne; Councilmembers Elaine Reed, Bryant Gardner, Sheila Baccus, John Segars, Howard Nettles, and John Milling. Also present Merry Morgan Smith, Police Chief Jimmy Davis, Fire Chief Pat Cavanaugh, Recreation Director Lee Andrews, Codes Enforcement Officer Sheila Jones, Mrs. Anna Dewitt, Mr. Scott Bryant, Mr. Roosevelt Scott, Mr. Coleman Cannon, Ms. Ernestine Lyde, Ms. Betty Jean Goodson, Mr. Albert Johnson, Mr. Steve Abbott, Mr. Linwood Epps, Mr. Shawn Odom, Mr. Lorand Reed, Ms. Gloria Hines, Ms. Angela McRavin, Mr. Damian Prince, Ms. Rosa Hudson, Ms. Jannie Lathan, Mrs. Pruitt, Mrs. Carla Elvington, Mr. Kevin Brown, Mr. Scott Pruitt, Mrs. Dyan Cohen, Mr. Alex Gainey, City Attorney Kevin Etheridge and other visitors. Some of the Fire Department employees were present at the meeting. They are as follows: James Jett, Perry Kelly, Brandon Maloch, Skyler Smothers, and Brandon Wilson. Also present was a representative from the News & Press.

INVOCATION & PLEDGE OF ALLEGIANCE

Prayer by Mayor Boyd followed by the Pledge of Allegiance

APPROVAL OF MINUTES FROM SPECIAL MEETING ON AUGUST 1, 2023

Councilman Bryant Gardner made a motion to approve the minutes of August 1, 2023, Councilman Howard Nettles seconded the motion. Councilpersons, Baccus, Segars Nettles, Milling, and Mayor Boyd voted in favor of the motion.

APPROVAL OF MINUTES FROM REGULAR MEETING ON AUGUST 22, 2023

Councilwoman Elaine Reed made a motion to approve the minutes from our special meeting on August 22, 2023. Councilman Bryant Gardner seconded the motion. Councilpersons Howard Nettles, John Milling, Sheila Baccus, John Segars and Mayor Boyd voted in favor of the motion.

APPROVAL OF MEETING AGENDA

Mr. Payne said five minutes ago he received an invoice to repair fire department equipment, and the total is over his signing authority. He asked the council to amend the agenda by adding it to “6e” because we have a purchase order for sanitation truck repair so it can be inserted if council wishes to do so. So, “6e” will be sanitation truck purchase order and the fire department purchase. **Councilman John Milling made a motion to amend the agenda for September 5, 2023, item “6e” to provide for sanitation truck purchase order and fire department truck purchase with a presentation from Alex Gainey, Street and Sanitation Superintendent and for a representative from the Fire Department for their repair order. Councilwoman Reed seconded the motion. Councilman Howard Nettles voted in favor of the motion.** Councilman Gardner said the only thing to add is just take off the truck part for the fire

department because I don't think it's actually for a truck. I think it's more equipment. Fire Chief Cavanaugh said it is for the repairs and the radios he and Mr. Payne talked about. **Back to the vote, Councilpersons Bryant Gardner, Howard Nettles, Sheila Baccus, John 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**

Mr. Shawn Odom said, "I wasn't able to make the last council meeting, but I did review the council meeting and Mr. Mayor I did not like how you shut down city Councilwoman Baccus for responding because I think you said, several people signed up". I want to know in council rules and charter where does it states that a mayor can stop a sitting city council person from responding to the public. I don't know where that is. I haven't found it. If you show me I will come up and apologize. And I want to know what is happening with the ARP funds. I want to know where we spent that money, and if we did spend it on projects, did the projects get completed and how much we spent on them"? Mayor Boyd told Shawn he would get with him.

Mr. Albert Johnson said, "I have two problems. The biggest problem I hear from people in all of the precincts is our water bills are too high. Being a businessman specializing in marketing, I was thinking about maybe something the city can do. After all, we have a racetrack that can hold 80,000 people. We could have a concert or a football game or anything to raise money to help us pay our water bill. In California they had a storm. In Hawaii they had a fire; and in Florida they had the hurricane and I sent money to help. Mr. Johnson asked, "We can't ask the citizens of the world to send some money to Darlington to help pay the water bill"? He said that's just an idea. He said the second thing I want to talk about is a letter that I got from Mr. Payne. He said everybody knows that I own the house at 301 Lee Street. He said my aunt owned the house, but she has been dead for 50 years and all of her kids are deceased, except one son that lives in New York, and he gave me power of attorney". He said the city is using technicalities on him because they said he can't file for any type of reimbursement because I don't own the house. You know, and everybody in this court knows that for 10 years they were telling me that my pipes were bad. I had the plumber dig up every pipe. We got to the end. The problem was the sewer coming from the street onto my property and they told me so many days and months I'm going to get it fixed, but you know it took them four months to fix it. In the meantime, I lost out on rent and based on this, it says that if a claim was to be filed, the property owner must do that. It also says that Russell Plumbing Company pulled my permit, but Harvey helped with some of the work. Mr. Johnson said, "I want to know if I got a licensed plumber and all this, why can't I get some reimbursement on all the plumbing work"?. And another thing, when all of this sewer was coming back on my property Mr. Brown or whoever went down there, and they pumped it out maybe five or six times, but the water continued to come from the street to sewer, so Ms. Sheila told me it was rainwater". So, I went to the water department and got one of the men to come down there and smell the water. He told me he couldn't smell it because he had candy in his mouth and he told me, Uncle Albert, I'm going to be honest with you, they are not going to fix your sewer until they fix Lee Street. You all already told me you didn't have the personnel to fix Lee Street. Mr. Johnson said, I just feel like I've been mistreated

on technicalities. He asked, “I want to know is it right to deny me any type of compensation’? You can look at me and tell that I don’t want something for nothing. I just want the city to be fair with me, but they didn’t do fair. They didn’t fix the water because they didn’t have the personnel and when the TV lady came down there and talked to me and a couple other people they got a statement from the city manager, and he said I needed a plumber. Mr. Johnson said, “I had a plumber for three months”. He told the people on TV Mr. Johnson needs a plumber. Mr. Johnson said, “Mr. Payne, I did not need a plumber, I had one”.

Ms. Gloria Hines asked, “Can anyone answer anything about the sports complex? What’s going on with that? Mayor Boyd said, “I will be glad to get with you afterwards”. Ms. Gloria Hines asked, “Are we going to do anything with it”? Councilwoman Baccus asked, “Do you mean are they going to build one? Is that what you’re asking”? Mrs. Hines said, “Yes”. Mayor Boyd said it’s still on plaque. Ms. Hines asked, why is it taking so long? Mayor Boyd told her he would be glad to talk with her afterwards.

Ms. Angela McRavin said, “This past Thursday we had some infrastructure issues that were quite concerning …… sewage on King Edwards to the sinkhole on E. Broad. According to the website, it was February 2021 there was a sinkhole in that very same area and I’m just concerned and want to know if the company who fixed that area back then if they guaranteed their work and are going to come back and fix it or will our taxpayer dollars be spent out to fix something that should have been repaired properly the first time”. If it’s something that we have to pay for and they aren’t guaranteeing their work and they aren’t going to go back, then if it’s negligence on their part, then I think we need to find another company who can certainly do it right before we pay someone to do something a second time that they didn’t do properly the first time. Ms. McRavin said, “I want to make certain that when we are seeking contractors to do this thing that they are qualified to take care of the issue so that we don’t have to keep spending funds needlessly. Mayor Boyd told Ms. McRavin he appreciates her concern and will be glad to talk with her about it.

NEW BUSINESS

a)Proclamation – Knights of Pythias and Kevin N. Brown, Mayor Curtis Boyd Mr. Payne read the proclamation. Mr. Kevin Brown, a 1983 graduate of Mayo High School was elected to the fraternity’s highest office. The Supreme Chancelor Commander of North America, South America, Africa, Asia Europe, and Australia in its supreme session in Houston, Texas on July 14th – 18th, 2023. Supreme Chancelor Kevin N. Brown has served the Darlington Community in many volunteer positions including Trustee of Pleasant Grove Baptist Church, and a Commissioner of the Darlington County Planning Commission. The Knights of Pythias and Supreme Chancelor Commander Kevin N. Brown both strives to spread the spirit of tolerance, happiness, and service to mankind. He lives under his father’s philosophy a man should strive and try to make the world a better place than you found it. The Darlington City Council hereby proclaim that the virtues espoused by the Knights of Pythias and its Supreme Chancelor Commander Kevin N. Brown should permeate the Darlington community and enhance the quality of life for all of its residents. Councilwoman Elaine Reed asked all of the Elk members that were present to stand and be recognized. Mr. Kevin Brown asked all of the

Brothers of the Masonic Fraternity to stand as well as his family that attended the meeting. A group picture was taken along with Mayor Boyd.

b) Proclamation – Library Card Sign-Up Month – Mayor Curtis Boyd Mr. Payne read the Library Card Sign-Up Month proclamation. The library plays a vital role in the educational, business, recreational and social lives of Darlington citizens by creating welcoming and inclusive spaces for people of all ages and backgrounds to learn and come together. The library contributes to the quality of life of Darlington by offering citizens the opportunity to explore diverse ideas, discover insights and inspirations and imagine and create new worlds through a rich and inclusive collection of resources, programs, and services. The library is essential to our democracy because it helps ensure its citizens have access to information and opportunities for lifelong learning regardless of age, education, ethnicity, gender, language, income, physical limitations, or geographic barriers. The library strengthens Darlington through its commitment to free and open access to all, support for our students and educators and being a bridge across the technological digital divide, helping to seekers aiding in economic development and serving as a place for the community to come together. The library card from Darlington County Library may seem insignificant to some, we believe it represents something that is fundamental to our country-free and equal access and opportunities for all. The Darlington City Council hereby proclaims the month of September as Library Sign-Up Month with the objectives of encouraging Darlington residents to visit their local library and for all communities to observe library card sign-up month. The Darlington City Council encourages parents, educators, community leaders and all citizens to work towards every student in Darlington County to sign up with a library card. A representative from the library thanked Council for that proclamation. He said they are working hard to be something they can be proud of. They are open for everybody to come in and use the facility. He said to drop by any time, not just this month, but in the future as well and see what they have to offer.

c) Infant Mortality Awareness Month – Mayor Curtis Boyd Mr. Payne read aloud the Infant Mortality Awareness Month Proclamation. Pee Dee Healthy Start, Inc. is a well-respected community organization that was founded in 1991 created to advocate for women of childbearing age in the predominantly rural counties of Darlington, Florence, Marion, Dillon, Chesterfield, Marlboro, and Williamsburg counties to combat high rates of infant mortality, low birth weight infants and inadequate health care. Pee Dee Healthy Starts mission is to be the community's voice in leadership and advocacy for health equity, service and interventions that improve birth outcomes and wellbeing. Pee Dee Healthy dedicated and committed work to advocate for and bring awareness to the infant mortality rate in the United States of America; Will inspire the citizens of our community and surrounding areas to take action to improve the wellbeing of women, infants, children, and families. Pee Dee Healthy Start goal is to improve birth outcomes and celebrate more first birthdays. Darlington City Council believes as a community we can all take our part in reducing infant mortality rates by focusing on social detriments of health, newborn screening and early access treatment and care for rare diseases and prevention of
preterm and early term births. Darlington City Council proclaimed the month of September as Infant Mortality Awareness Month. We stand together with Pee Dee Healthy Start, Inc. to

support and inspire the citizens of Darlington and community partners to spread awareness and education to others so that every child deserves a healthy start. Two ladies representing Pee Dee Healthy Start were present at the meeting. (*One of the ladies spoke but I was unable to hear her.)*

Mr. Kevin N. Brown had 3 more members of the Knights of Pythias from Lake City & Timmonsville to show up. A picture was taken of them also.

d) Bill Cain Tennis Court Rehab – Lee Andrews, Parks and Recreation Director

Mr. Andrews said a team is playing on the tennis courts right now, but they are struggling because the cracks have taken over. Mr. Andrews said he had three different companies take a look at it and he has three estimates. He said Evans Construction Company said they wouldn't touch it. Industrial Paving company said they would not fix it, but they would redo the entire court. Signature Tennis Courts said they could fix it and they would guarantee the cracks that they fix for five years. The price would be $83,048. We will split that cost with the school district. Mr. Andrews said they have already discussed that and if the council passes it tonight, it will cost us a little over $40,000. Mr. Andrews said the cost to redo the entire court is $205,000. We can fix the cracks and get it guaranteed for $83,000. For us and for the high school to have a functioning tennis court, we are going to have to do something. Councilman Milling said, "Years ago we were told that part of the problem with the tennis courts was the slope on Orange Street and that was causing water damage and cracks to appear and sliding and things like that. Has that changed"? Mr. Andrews said, "I'm afraid that where it is and how it is, it's probably got a lot to do with that. It's just gravity. Other than picking it up, re-grading it which would cost us over $200,000 to do, this is the way to go". Mayor Boyd said, "Nothing on that side has…..asphalt always cracks on a flat ground. Nothing on that side of the hill has washed down to the ground or anything like that". Mr. Andrews said, "We haven't had a washout or anything like that, it's just wear and tear over time with the elements". Councilman Gardner asked, "The court's not even sagging on the Orange Street side, is it"? Mr. Andrews said, "There's more cracks on the Orange Street side than there are on the Pearl Street side. I'm not an asphalt engineer. I don't know if that has anything to do with it or not". Councilman Gardner said, "I think that was just one person on staff making assumptions that we never really did anything about vs an actual issue. It's a 50-year-old piece of asphalt, it's going to have cracks. Mayor Boyd said, "The goal behind it is to move the courts. If everything is that is in negotiations…we keep getting accused of that we're not doing anything with the ballfields. We are doing….we're having negotiations with the ballfields. All that is in negotiations, and it looks like 99%, will happen, but again it can't be said until a handshake is completely done". But if so, the tennis courts are in negotiations to be moved. There are tennis courts and pickleball courts and so…. Councilwoman Baccus asked, what is the school's opinion on this? Fix it or repair it? Mr. Andrews said, "Repair it". Councilwoman Reed said, "I thought you said you had three". Mr. Andrews said Industrial Paving said he wouldn't do it. He was supposed to send John an email saying he was bowing out. Mr. Payne said, " I spoke to him about 4:00 this afternoon". Councilwoman Reed asked, "Is it that bad". Mr. Lee said, "it was for him. Signature Tennis Courts said they could fix it. Mr. Andrews said, "All of them were asked to do the exact same thing. Signature Tennis Courts will redo it too, but we asked all of them to fix it and that's Industrial Paving's way of fixing it was to

redo it". Councilwoman Reed said, "Fixing it is just a temporary method because that it was like Curtis was outlining here that we're looking at that being a parking lot or something". Mr. Andrews said, "Fixing it was….they are going to guarantee what they fix for the next five years which is something that has not been done before. Councilman Milling said, "They're not saying anything about new cracks"? Mr. Andrews said, "They're not saying anything about new cracks, but the cracks that they fix, they are guaranteeing for five years. Mayor Boyd said, "Asphalt will adjust and move, and everything settles a little bit so you're liable to get another crack tomorrow or next week. You might redo the whole thing and still get another crack. Even if you do it with concrete, it will crack. What he's saying with this company, ….. there is no guarantee those cracks won't' come back". Councilman Nettles asked, "why are we going to put a band aid on something that we're going to possibly move….I don't want to do that"? Councilwoman Reed asked, "What are the real plans" What's the point in doing this if the plan is for something else"? Mr. Andrews said, "My understanding is that we're going to redo these tennis courts or fix them and then when the tennis courts are moved off site they will remain there and be pickleball courts. Councilwoman Reed said, "I thought a parking lot was on the table". Mayor Boyd said, "For part of it; not all of it". (Council) Mr. Andrews said, "The problem is though that the immediate fix is more for the high school than it is for the city. And we'll split the cost with them and when they are done with it we are going to reap the benefit of fixing the courts because we will have them to either use as tennis courts and/or pickleball courts. So, we're inheriting another facility that we're already upkeeping anyway. Mr. Andrews said, "It's not the fact to redo it. I would love to redo it. If you want to redo it I will approach the school about splitting that cost if that's what you want to do. Councilwoman Baccus said, "Right now you're saying the school is at the point is saying they are willing to split the $83,000,but they are not willing to split the $205,000". Mr. Andrews said, 'No, because $83,000 is on the table. If I go to them and say $83,000 is not on the table, they want to redo everything, then we'll see what they say". Councilman Milling asked, "Do we know what the school's position is going to be when they move offset? Will the citizens of the city have access to the tennis courts at that time"? Mr. Andrews said, "All the talks that I've been a part of, yes." Councilwoman Reed said, " I still just want it clear that these are temporary measures because of all of the discussions before about what we were going to do with our tennis courts. Mr. Andrews said, "I have not been in on anything that said they were going to be parking lots. Councilman Gardner said, "I've never said that either". Councilman Gardner said, "One other thing we need to take into consideration…the girls are right there playing on the courts right now. They are in the middle of tennis season so if we're going to rip them up, where are they going to play this season. So, we're in an impasse right now. Are we going to give them courts that are operable or not"? Councilman Nettles asked, when does …..Mr. Andrews said in about a week. Councilwoman Reed said, "This is really a no-brainer if we're going to split it. This is off the table". Councilwoman said, "That's what I'm saying….if there's other plans, we just need to be clear because it just doesn't make any sense between $200,000 to $80,000". Mr. Andrews said, "I agree. The only plans I know of is when they move off site they will be our courts". (*Councilwoman Reed continues to talk while others are talking and you can't hear what's being said*) Mayor Boyd said to answer Howard's question if you do decide repair, you're not going to repair and then all of a sudden tear them down and waste the money. They are still going to be usable after that point". Councilman Nettles said, "I understand that. I just wanted to know the time frame and to what degree". Mr.

Andrews cut in and said, “I talked with Signature, and they said they could do it in October”. **Councilman Gardner made a motion to approve Signature Tennis Courts for $83,048 to be split with the Darlington County School District for the repair of the tennis courts.** Councilman John Milling asked Mr. Andrews if the money was coming out of his budget or where is it coming from”? Mr. Payne said we can use Hospitality or ARP funds. Councilwoman Baccus asked Mr. Payne if he knew definitely where it was coming from. Mr. Payne said, “I said it could come out of either. If the council would prefer it to come out of one or the other, I will be glad to make that happen”. Councilwoman Baccus said, “We need to say where it’s coming from so we’ll know where the money is coming from”. Mr. Payne said, “I would think hospitality tax fund”. **Councilman Gardner said he’d like to amend his motion to add that the funds will come out of the hospitality account”. Councilman Milling seconded the motion. Councilpersons Baccus, Reed, Segars, Nettles and Mayor Boyd voted in favor of the motion.**

e) <u>Sanitation Truck Purchase Order – Alex Gainey, Streets & Sanitation Director & Fire Department Purchase – Fire chief Cavanaugh</u> Mr. Gainey told council he is before them tonight to ask for permission to pay a bill on a truck that we had repaired. The garbage truck went down and was down for approximately two and a half weeks. When we got it back from Pee Dee Fleet the bill came in at $5,542.42. Mr. Payne said that was above his signature amount, so he needed to bring it before the council. Councilman Milling asked what did they do? Mr. Gainey said they had to do a software upgrade on it, we had to replace some of the components, and they had a pressure sensor for the brakes repaired. Mr. Gainey said this was truck S-40, the residential garbage truck. **Councilman Gardner made a motion to approve Pee Dee Fleet Truck & Trailer Center for $5,542.42 for the sanitation truck repair. Councilman Nettles seconded the motion. Councilpersons Milling, Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion.**

Fire Chief Cavanaugh said one or two council meetings ago he reported on repairs to a fire truck that they took to Florence to have repaired for engine leaks. He said they got the truck back here and the transmission started acting up. Chief Cavanaugh said they were told to take it to Columbia. The initial cost they were told was if the transmission was bad we were looking at $35,000. He said they took it to the right people in Columbia and it turns out to be a couple of motor mounts and two bushings in the back. Chief Cavanaugh said the repair estimate is $5,400 but he needs the council’s permission to allow Mr. Payne to approve. Chief Cavanaugh said he has the money in his budget to pay for this repair, it just goes over the amount that Mr. Payne can sign for. Chief Cavanaugh said this is Engine 1, the last truck we bought in 2016. **Councilman John Milling made a motion to approve the expenditure of $5,499.32 to be paid to W.W. Williams for repair of the fire truck. Councilwoman Sheila Baccus seconded the motion. Councilpersons Nettles, Reed, Gardner, Segars and Mayor Boyd voted in favor of the motion.**
Chief Cavanaugh said, “When we did budgets, as you all remember, two years ago the countywide system went to the Palmetto 800 radio system. The fire department was stuck on the HS system. He said they were the only ones that could not communicate with dispatch. They were looking for grant money back then and was unable to obtain it but through finagling,

the fire department was given 30 handheld radios for the firemen to work from the State. He said the radios are old; they are from 2002 and they had been cracking and breaking. He said they are basically not waterproof for firefighters. Chief Cavanaugh said, “to replace this whole project we are looking at around $200,000. Chief Cavanaugh said he and Mr. Payne have talked. There are federal grants out there. One mainly, which is the firefighter’s grant. It opens in October and closes in July of next year. Chief Cavanaugh said they are trying to get in that race, but he needs them to understand that there are 27,000 fire departments in the country that’s fighting for the fifteen hundred grants that they are giving out. He said in the State of South Carolina alone there are over four hundred fire departments. Over the last month and a half there’s fires and storms …Chief Cavanaugh said he is in need of purchasing at least eleven handheld radios for his staff so whenever they go out and respond to calls, he can at least have communication with them. Chief Cavanaugh said, “I talked with Mr. Payne and there are some reserve funds that he might be able to wiggle if we can get an agreement”. Chief Cavanaugh said, “I’m not asking for the whole thing, I’m asking you all to allow us to purchase these so the guys standing in the back that you’re going to meet in a few minutes, their lives depend on these radios”. He said there are two manufacturers in the State that do these. I’ve taken two bids from the two manufacturers. Chief Cavanaugh said, “I’m not asking for the whole shooting match tonight, I’m asking for a price over $60,000 to purchase the handhelds for the guys. Councilman Gardner asked Chief Cavanaugh to educate the public on what he means when he says the County communication system. Chief Cavanaugh said, “When you call 911, every agency in the county right now is on this 800 system – the ambulances, the fire department, the sheriff’s department, and the police department. Without this system we cannot communicate so if we have a major event and we have to talk to the sheriff or the fire department, we can’t. Chief Cavanaugh said, “I’m trying my best to get someone to get us a grant. I at least need to get us some to get us through. If we can’t fund the whole thing, then I’m going to wait it out and as these things repair and go down and I can’t get them fixed, I’ll have to come back”. He said I need my fulltime staff that are working on duty to be able to have a radio. He said he has twenty volunteers that carry those old radios too, but they don’t get beat around every day. He said I would like to have enough for all of them but if it’s not feasible, at least if I can get the full-time guys some decent radio and equipment. When the grant kicks in I can replace the rest. Chief Cavanaugh said if we don’t get the grant, I will be back on it again next budget year. Chief Cavanaugh said you have to understand these radios, if you go the Motorola brand, are $8,000-$9,000 for one radio. He said our local place VEI that sells Kenwood, Jimmy got them for the police department, the sheriff has got them…..you can see on there they are roughly $5,000-$5,200 apiece. Mayor Boyd asked if they come with a warranty. Chief Cavanaugh said, “Yes. Five-year warranty on the Kenwood and three-year warranty on the Motorola. He said if the council passes this he could have them here in a couple of weeks vs if I had to go Motorola I’d be looking at months. **Councilman Bryant Gardner made a motion to approve VEI Communications Darlington for eleven (11) of the Viking 8000 M2 for $60,534.68. Councilman Howard Nettles seconded the motion. Councilpersons Milling, Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion.**

f) <u>House Demolition List – Sheila Jones, Codes Enforcement</u> said is before them to update the demolition list for 2023-2024. There are three carryovers from last year under residential

and two under commercial and we need to add seven more to the list. Ms. Jones said she is getting estimates for the commercial. We will likely get one residential building down and all of the residential. Councilwoman Baccus asked, “When are you planning to start on this demolition list”? Ms. Jones said, “I will take two down this month, 112 Bacote Street, and likely 241 Railroad Avenue. Mayor Boyd asked if those would come down before the ones that are carried over. Ms. Jones said, “So, 115 Tallulah kind of gets pushed back some; 218 Edwards…so Elma Circle, there’s a lot of controversy behind that one so while it is on the list it is carried until there’s resolve to it. It is not my opinion that it’s something that we should do most rapidly, however if council and the city manger wants to do that one more quickly, we can. It’s just in my opinion, I don’t think that that would be the most prudent thing to do. Mayor Boyd asked what’s the deal with 115 Tallulah. Ms. Jones said that one is not as severe as other properties, so while it’s on the list it’s not necessarily one that is as much of an eyesore as others”. Councilwoman Baccus asked, A property that is not on this list, on Pearl Street. The old Coke Building or whatever they used to call it. The one that has the pictures drawn in the window. It has been condemned or…..Mayor Boyd asked Councilwoman Baccus if she was talking about beside Grove Street. Councilwoman Baccus said, “It’s crumbling so… why is it not on the list? Ms. Jones said, “that property has not been condemned. It’s been violated, but it’s not actually condemned”. The owner of that property was trying to do talks with architects and engineers to see what portion of the building could be saved because it was the old distillery. in an effort there was some kind of vision, so there is work to try to fix that, not to necessarily be ….so there is work in the project for that to try and save part of it. Mayor Boyd said, “To try to save part of it, I think”.”. Councilwoman Baccus asked, “So, the part of it that has asbestos in it …. Sheila Jones said, “If they decided to go ahead and move forward, an asbestos test would have to be completed and a report would have to be submitted to the office and an asbestos abatement would have to be completed prior to any permits for building or renovations to that property. Councilwoman Baccus asked, what’s the timeline on you giving this property owner a notice or whatever you just called it, and they ask for an extension…Sheila Jones said, so typically what we do because this kind of goes with the vacant property registration we send out the letter that says you have to register your property; You have to do something with it. So, depending on what their answers are, it gets a 90-day hold and then we reach back out to them and say, ok, it’s been 90 days what is your intention. A lot of the engineers in this area are very backloaded. They have a lot of work that’s being done so we do reach out periodically to find out where they are with the project to see where they are with it. Ms. Jones said I have not reached out to this probably in the last 90 days, but I will reach out and let you know where he is with this project. Councilwoman Baccus said, I will check with you maybe on Monday of next week to find out what the status of that property is. Ms. Jones said I will call you before the end of the week. **Councilwoman Elaine Reed made a motion to approve the demolition list as presented by the Codes Enforcement Department Head. Councilman Bryant Gardner seconded the motion. Councilpersons Nettles, Milling, Baccus, Segars and Mayor Boyd voted in favor of the motion.**

UPDATE ON STREETSCAPE GRANT - MERRY MORGAN SMITH, PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR Ms. Merry Morgan said, I wanted to catch you up on what is called the CDBG grant for Streetscape, and this was something that the city applied for

in 2021 through the COG with the engineering firm Hanna Engineering. She said the city has finished its match activity that is related to this grant. The county provided match funds to the city for the painting of the backs of the buildings and some awnings to go on the backs of those buildings that face the courthouse. Ms. Merry Morgan said we painted six buildings and that was about $15,000 over the budget that was provided, and I got the awnings done for $1,700 under what was budgeted. Ms. Merry Morgan said I ran across some problems with the budget itself and decided to review some things because in painting the buildings One property owner was overlooked on Cashua Street and the row of buildings that face City Lane beside DiLeo. Ms. Merry Morgan said, “so I discovered that for those businesses that were approached about painting they were asked for indemnification and hold the city harmless from the work that the city was doing on their behalf for the beautification, but I found that easements were not asked for from the property owners and that should have been required. She said, so the work that the City is doing on the property owner's behalf we should have asked for five years of maintenance on the city's work to remain as it is and that they provide upkeep and maintenance to that for a certain period of time. She said, when I found that one property was overlooked, what the owners were asked to execute really wasn’t sufficient. I dug into the details of the project and in this process I discovered a couple of things. The first one was that part of the project area was S. Main parking street parking lot which is in between the Tenampa Building property and News & Press. The city warranted to the COG in the application that the parking lot was owned by the city, (this was in 2021) and the city only owns half of the parking lot. Ms. Merry Morgan said I was forced to let the COG and Hannah engineering know that that was incorrect. and we had to reach out to commerce and as a result of the rules that commerce has they removed that parking lot from the project area. She said we could have paid half of it, but because there were other flaws in the application and a budget that was too low and changes from COVID inflating other things and then the lack of surveying taking so long and then design work being done on areas that ultimately had to be removed. There are a lot of failures so with that parking lot, if it had been caught earlier that half the lot was owned by Moss Enterprises that owns Tenampa, an easement could have been asked for to go ahead and do the whole parking lot, but again, with the City having the ability to do that inside the confines of the grant but because the easement wasn’t asked for, you can’t go back on it and that’s why it had to be removed from the project. She said the other anomaly was the parking lot area that is at Ward and Russell streets. There was a small portion of that on the corner of Ward & Russell.. I believe belonged to Mr. Baker. At some point after they had put in the contract that they were going to purchase that property, so they put into the grant that they set aside $35,000 to purchase that property through the grant and then Mr. Baker sold the property and Todd Hardee is the new owner of the property and I’m not really sure why, but that small portion was removed from the grant area. I think because no one understood that if the city had just waited until after the environmental assessment was done that you could have still purchased that property. And that was an integral piece …. That parking lot was to take in those trees and that parking lot on the corner so that there could have been sidewalks on Russell & Ward. Not pursuing that was a failure also. Ms. Morgan said those were two of the biggest things that have happened. Ms. Merry Morgan said, “The city proposed submitted paperwork to remove it rather than purchase it from the new owner, which was entirely possible, we are left with a project area lacking like a bite out of the project area that affected the sidewalks on area as well, which now are also

removed from the project. Ms. Merry Morgan said another thing that was calling consternation to this project timeline was that things were constantly in fluxed with the project because the application was flawed; because the budget from the get-go was too small for what was being accomplished, engineering was grossly underfunded in the budget. In fact, there was more in the budget for administration of the grant than there was for the engineering, which should have been a red flag. She said there are eight things that were supposed to be attempted in the primary activities of this grant program. One of them was a pathway that ran from Cashua Street to the public library, but the library was never asked about the pathway that would have been on its property once you pass over Fountain Street. So, as a result, not proper management or forgetting to ask, or I'm not sure why, that project area will only run from Cashua Street to Fountain Street. Ms. Merry Morgan said, so half …. Mayor Boyd said, that's all that was there to start with ….Ms. Merry Morgan said, "No, it wasn't. I have the drawings and I have …. Mayor Boyd said, … we never had a discussion on getting permission to go there. Ms. Merry Morgan said, "It's clearly marked on what was submitted to the COG". Mayor Boyd said, "I didn't see what she presented to the COG, but when we were in the meetings together, it was never asked … we never went to the county to get permission". Ms. Merry Morgan said, "It was part of the project area. It was surveyed and scanned, and initial design was done for it all … all for nought … She said the small portion of the pathway will be done and hopefully at some future time we can work on the rest of the pathway, but the reason it can't be done the way it was submitted is there were some topographical issues with the edge of the library property that faces North Street. There's a mini gorge …. A great big ditch that is there so crossing that with a pathway would have been difficult and that was part of that. Those issues for the geographical area weren't taken into consideration when this was submitted either. Mayor Boyd said, "On that gorge we asked…..My understanding was it was going to be covered. Again, I didn't do the paperwork on it. She did the paperwork on everything, but when we were in the meeting that's what we asked". Councilwoman Baccus said, "So the whole thing is a mess. That's what you're saying"? Ms. Merry Morgan said, "The South Main parking lot had to be removed from the project area. Match money from the county was used for the Carnegie Library parking lot so technically that's done, but not through the grant. So, it's not a project area so that also is removed from consideration with the same pot of funds. The public walkway that was at McClellan building was supposed to get some landscaping, seeding, and painting. That seemed the least appropriate use of funds, so we removed that one to use the funds that were underfunded to do the other things. The four projects that remain in play are: the sidewalk that will be installed on Orange Street and North Main around Carolina Bank; the Hewitt Street Alley will have brick paving, tables, umbrellas, park benches, landscaping and a metal sign standard; the Ward Street parking lot will still be done without the sidewalks that will be on those two corners and technically what was submitted - half of Cashua Street to public library will be there. She said Mr. Epling is happy for the rest of the pathway to be attempted at a later time. Maybe under a new CDBG grant after we get this one finished. Ms. Morgan said "There were also security cameras that were supposed to go into the downtown area, and I don't know whether those will be able to be accomplished and this project budget. Ms. Merry Morgan restated the project areas: Ward Street parking lot, the corner of Orange & N. Main, the walkway from Cashua to Fountain Street and the Hewitt Alley will be done. Mayor Boyd asked, what's the estimated time for those to be done? Ms. Morgan said, "I don't know. That would be easier to

say after these plans are finalized and after they have been put out for bids". She said, the only real holdup for this was the flawed application that required design work that was done that will not be used and also a long period waiting on surveys. She told the council I just wanted you to be aware of what was going on and what we're looking at and I'll be able to give you a better idea about what the timeline is because Hanna is ready to bid. So, they are going to work tomorrow and see if they can finalize everything. Ms. Merry Morgan said, "I'm grateful that we have grant funds available and the reason it is important to get this one tidied up is the city is only allowed to have three open CDBG grants at a time and water & sewer has two and they're going to need both of those as quickly as they can roll them over so that's the benefit of finishing with this one as quickly as we can". Mayor Boyd said, "I guess my question is, the past employee that was handling this was handling it with the COG so the i's that were not dotted and the t's that were not crossed' … Ms. Merry Morgan said, "The paperwork that we submitted was verified that we owned the parking lot which we do not, and I can't explain that error". Mayor Boyd said, "We were told …. Councilman Gardner said, "The trail was never supposed to go across the library. I don't know how that got on there or how you got that assumption. It was never …. We never even bidded to do such a thing". Ms. Morgan said, "It's drawn on the picture that was …. Councilman Gardner said, "I'm not arguing …. Ms. Merry Morgan said, "Maybe it was something you thought about and it didn't get removed". Councilman Gardner said, "I can't talk for people who aren't here". Mayor Boyd said, "We talked about trying to go around …. Ms. Merry Morgan said, "Maybe that was not edited". Mayor Boyd said, "We never saw her paperwork". Ms. Merry Morgan said, "Just move forward and what we'll have is lovely".

DOWNTOWN MASTER PLAN BIDS - MERRY MORGAN SMITH, PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR Ms. Morgan said the item is mislabeled; technically it's Darlington Renaissance Master Plan. Ms. Merry Morgan said, since we've had the individual meetings, I have those for each of you to go over all of the responses that we got from the Darlington Renaissance Masterplan. We had the work session and now it's up to you to provide directions to the city manager and myself about which company you would like to move forward with. Councilman Milling said, "I thought there were going to be some numbers determined and proposed contracts and things like that for us to consider". Ms. Merry Morgan said, "When you designate someone, the range that was on their offer for the ….. I think that's the easiest way to say it, is that underneath the top bid in that range we will define the scope of the project for a final cost and that needs to be reviewed by legal as well. After we can define the scope then there can be a bottom number. So, there was some interest to add some focus on neighborhoods. You would focus on the neighborhoods, some that were not included in that process. Also, that the selection process for the group that would participate with the consultants that each one of you would nominate somebody to be on that committee ….. Councilman Milling said, "I just understood when we met in August that all of that was going to be done and we were going to get some written proposals to be considered either tonight or next week because of the time crunch". Ms. Morgan said, "I do think that is true, but the legal document itself has to be reviewed before it can be presented". Mr. Payne asked Ms. Merry Morgan to explain the conversation she had with Mr. Ziegler today. Ms. Merry Morgan said, "There are some considerations in the document for the work product, and to whom it belongs and some things like that that the attorney wanted a better look at for what would be returned.

So, I think that some time is going to be needed to do that and I'm sure that the respondent that is chosen would be receptive to that". Councilman Milling said, "Do we get any …. My memory was there sometime in September or at some point and time, the proposal was going to no longer be a valid proposal". Ms. Merry Morgan said, "That's true, but if you select someone tonight, even though you haven't reached a deal, we can't possibly do that before you choose someone, so I think the drop dead date nobody is going to hold you to that but if you are choosing someone tonight, and that is ahead of the 90 day window that I asked for from all the respondents". Councilman Nettles asked, "So, in our conversation, didn't we pretty much all unofficially without a vote agree on the same plan? Did we not"? Councilman Gardner said, "I've got a motion that I made for that company. Do we want to put in the low and the high for their price or do you want to leave that out, so they're done negotiating. Councilman Milling said, "I was not aware of any proposal for a definite amount of money until we had seen some stuff, so I didn't know whether it was going to be under contract discussions and be a part of executive session". Ms. Merry Morgan said, "It can be however you want it, and if you want to wait until the next meeting to approve the contract from the respondent that you select is perfectly appropriate too. The respondent can be here for your next meeting as well". Mayor Boyd said, "We can approve the company, but then wait and approve the contract next time'. Councilman Gardner asked, "So, we are going to approve the company tonight, but our lawyer works through the contract with their lawyers and then in our next meeting we will approve the contract for said company"? Is everybody comfortable with that? Councilman Milling said, "As long as the approval of the company is contingent upon approval of the contract". Ms. Merry Morgan said, "Those can be provided to you after they go through legal and so you would have them well in advance to look at them yourselves as well". **Councilman Gardner made a motion to award the Darlington Renaissance Master Plan contract to SGA/NW subject to review and the approval of legal counsel of the terms and conditions of said contract and to authorize the City Manager to execute this agreement following such review.** Councilwoman Reed asked, "There was one issue about it, so that would be what would go to legal"? Ms. Merry Morgan said, "The other issue that you asked for is that the formula for who would end up on the steering committee that you each wanted to appoint someone yourself for that, and that will be attended to as well". Councilman Nettles said, "And you want to remove the piece …..Ms. Merry Morgan said, "Several of the responses said it would be mayoral appointments which isn't really acceptable or fair in a council/manager form of government so that's why I suggested to you all that you appoint an individual member much like you do for the grants committee". (Several council members are speaking at the same time). Councilwoman Baccus asked, "But it's going to say if you make the adjustment, it's going to say each council member is going to appoint someone? The mayor gets to appoint one, council gets to appoint one ….and then you're saying some citizens will be involved, school board will be involved? …. Councilman Nettles said, "All community will be involved". Councilwoman Baccus asked, "Will it say all of this in that"? Ms. Merry Morgan said, "Yes ma'am. What you asked for will have to be in what is given to you because that is what you've asked as part of choosing". Councilwoman Baccus said, "As long as it's going to be documented". Councilman Milling said, "One of the questions I had based on Bryant having prepared a motion, do we want council to review and approve the terms of this contract and then go straight to signature by the city manager or do we want the contract to come back for council to ratify what legal counsel had approved"? Councilman

Milling said, “I just don’t know whether we want to have council getting back involved after Ben Ziegler, and/or other attorneys have approved it on behalf of the city. Is that what we want to do, or do we want Ben Zeigler and others to look at it and come back to us and we can ratify what they say before signatures are approved”? As the motion is done, we are awarding the Masterplan subject to review and approval of legal counsel, terms, and conditions of said contract which to me says if legal counsel approves the terms and conditions of the contract then it goes to Mr. Payne for signature. If that is what the council wants, that’s fine. Or does the council want it to come back to council after review by Ben Zeigler? Councilman Nettles said, “I think once they say that everything is OK then we need to look at it and make sure that they put in those requests that we had to cover all of our concerns”. Mayor Boyd said, “I would say it comes back to the council”. Councilman Gardner said, “That stuff want be in the contract because we handle that stuff” …. Ms. Morgan said, “It can be construed together with the request for proposals and qualifications”. Councilman Gardner said, “That’s not going to be in their contract”. Ms. Merry Morgan said, “It can be construed with the contract as an exhibit”. Councilwoman Baccus said it needs to come back to council for us to review it before any signatures are done. Mayor Boyd said, “We are all in agreement that we don’t want it ….the way they had it written was for a strong mayor form of government. This is not a strong mayor form of government, so the council would all appoint someone. All we’re asking for tonight is a motion to approve which company and they can present to us how they are going to do it”. Councilman Gardner said, “I’m not a lawyer so I don’t know what I’m going to review beyond what Ben Ziegler reviews and the stuff she’s mentioning, (y’all’s concerns) I don’t know how or why it would be in the contract. It just doesn’t make sense to me as a layman . Maybe I’m wrong”. Ms. Merry Morgan said, “The RFPQ that you select will be posted to our website. When you select one, I will post it. The others are considered confidential proprietary information but the one we choose is ours”. Councilman Gardner said, “That doesn’t have anything to do with what I was just speaking about”. Ms. Merry Morgan said, “It will have the documentation of how things will be selected and how the public process will work”. Councilman Gardner asked, “We’re going to put the contract online”? Ms. Merry Morgan said, “No. The RFPQ”. Councilman Gardner said, “I thought the subject is the contract which is the question with the amendment …. with the motion”. Councilwoman Baccus said, “Out of curiosity, what would be the difference in this renaissance plan that we are putting together now and the required comprehensive plan that we are required to have by law”? Ms. Merry Morgan said, “The comprehensive plan that’s required by law has 12 chapters that are about important facets of the town like population, housing, and that sort of thing. The planning commission enabling legislation recently added resiliency as chapter 12. Our comprehensive plan was prepared by the regional council of governments because it’s statutory. There is a formula for how it gets put together. The COG does many for the towns that are in the Pee Dee area. So, the comprehensive plan is about how things are and maybe the top three things you’d like to see in housing or natural resources. It doesn’t have design elements, it doesn’t look toward economic development specifically, so a master plan is much more in depth on dealing with what’s going on a design basis and how to get there when a comprehensive plan is just saying “here’s how things are right now”. **Councilman Gardner rescinded his motion.** Councilman Milling reworded the motion and asked council to listen and let him know if it had what council would like to have. **Councilman John Milling made a motion to award the Darlington Renaissance Master Plan contract to SGA/NW Subject to**

the review and approval of legal counsel of the terms and conditions of said contract, and for it to come back to counsel for final approval, and upon approval by counsel to then authorize the city manager to execute the agreement following such review and approval. Councilman Bryant Gardner seconded the motion. Councilpersons Nettles, Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion.

DEPARTMENT SPOTLIGHT – DARLINGTON FIRE DEPARTMENT – PAT CAVANAUGH, FIRE CHIEF

Chief Cavanaugh had several of his staff present at the meeting so they could introduce themselves and tell them what they do. **Captain James Jett** has been employed with the City of Darlington Fire Department for 14 years; **Captain Perry Kelly** has been in fire service for 30 years and has been with the City of Darlington for 7 years; **Brandon Maloch**, Captain of B Shift at the Fire Department. He is a certified fire inspector and does fire marshal work; **Skyler Smothers** is a third man on the "A" Shift which Perry Kelly and Brandon Maloch works on. He's been a fulltime member for approximately two years now; **Brandon Wilson** works on "A" Shift. He has been in service for 30 years. Full-time here has been 5 years, part time 15 years; **Fire Chief Pat Cavanaugh** said everybody knows who he is. Mayor Boyd thanked the firemen for all of their service.

HURRICANE IDALIA UPDATE – JOHN PAYNE, CITY MANAGER

Mr. Payne said the stormwater department took the vac truck to areas that were prone to flooding. As we know the area around Hardee's, around Taki's and several other places around town…in the past we've had flooding sometimes it comes up to your knees, they took the vac truck out a few days in advance and everyday they were going to different storm drains, and they were cleaning them out and it worked. Even though we did have some water rise, it quickly dissipated because it was able to flow away, so we didn't have the serious flooding that we've had in the past. As well all know there's a sinkhole on E. Broad Street…there was a question earlier about the sinkhole. This was addressed before I started, but as I understand it, there was a collapse several years ago and the city did not have the funds to completely repair it, so there was a band aid put on it. This was not ever going to be a permanent fix, but it was something that we could afford at that time so that we repaired it and moved forward knowing that we would fix it in the future. Mr. Payne said, "Elaine I think you went knocking door to door with some people to get CDBG grant signatures. We got a CDBG grant to do what they call pipe bursting and it's going to come down East Broad Street and it will go to Hardee's, and then it will take a left and go South Main Street towards Florence". The bids are going to be opened on Thursday and within 30 days we expect to award a contract. At that point we will start making the permanent repairs to that area. Mayor Boyd said, to answer the question that street has got 60-80 year old clay pipes in there that starts at 16 foot deep at Hardee's and by the time it gets to the end of Broad Street it's 22 feet deep and those pipes when they touch them they fall apart so they said they would patch that section and then the contractor was a professional contractor to answer your question on that, did an excellent job to what they had the ability to do with. Quickly behind that they worked to get the grant to get this fixed, so we don't have to tear the whole road up. They will do a line bursting which is like a balloon that goes down the line and burst it, so you won't have to tear up all of Broad Street and that's about a $1.9 million project

Mr. Payne said, and it's much cheaper than tearing up the road and putting down new pipe". Councilman Gardner asked, "And when do we open the bid on that"? Mayor Boyd said, "September 7th". Mr. Payne said, "Allen Street pump station and Grove Hill and the old wastewater treatment plants had electrical disruptions because of trees falling on electrical lines and the power generators did not fire up. We don't know why, but we've got a contractor that's going to come in and they are going to determine what happened and they are going to make those repairs. What that did was cause some failure. We had some sewage that was bubbling up out of some manholes. As soon as we found out about it, we took the vac truck and went down King Edwards, Magnolia, Kirven and some other streets as fast as we could to remove that material". Mr. Payne said, "We had to report an SSO to DHEC and we've done that. Lastly, there were a number of trees down across the city. There was one down in my neighborhood, and I appreciate Alex and his people for coming out there. It was a mess. The power was off for over a day, but there were a number of trees down across the city. It took a little while, but they were able to clear the roadways". Councilwoman Baccus said, "The Allen Street Lift Station grant that the water and sewer department …. The grant ….we supposed to be working that grant. How much longer is it going to take to finish that project"? Mr. Payne said they are working on that now and they are waiting on parts. He said I don't have anybody from the water and sewer department" …. Mayor Boyd interrupted and said, "They told me today that on Kirven Street, they did away with one of the pumps ….Mr. Payne said they're going to take one of the pumps out and make it gravity …Mr. Payne said, I'll have to get you an answer. Councilwoman Baccus said, . and I don't want a 35% a 40% which was the way you responded the last time I want to know where they are at in that project and how much longer it's going to take to finish that project". Councilman Gardner said, "One thing I would like to inquire on is with the pump stations. I understand we have backup generators that should automatically come on, but when we have a power outage, is there any way for our water and sewer department to be notified in some fashion? I want to see if that's possible and how much that will cost". Mr. Payne said, "Ok". Councilwoman Baccus said, "And with that said, on King Edwards Avenue, the pump did come on. Every time the pump came on the street flooded. I watched it and even recorded it, so the fact that you sent a text saying the pump was not pumping is not a true statement. The pump was pumping because I watched it, and every time the pump kicked in, the sewer came out of the ground through the manhole. So, the pumps were working. And someone went out and put orange cones around the sewer backing up but didn't bother to fix it until we started complaining about it". Mr. Payne said, "That's because they didn't know about it at the time". Councilwoman Baccus said, "The cones didn't put themselves out there". Mr. Payne said, "Ms. Baccus we also had a twenty-five-foot hole in the street on East Broad Street that they were trying to make sure that. …. We did have one person drive into it. We were trying to make sure nobody else drove into it or walked into it. We had to do what we could with the most pressing issues". Councilwoman Baccus said, "I went down to Broad Street as well. I saw the blockage; I saw the tape blocking off the hole. I saw all of that. I saw one water and sewer guy standing down there, but I didn't see none of them on King Edwards, where that raw sewage was backing up". Mr. Payne said they got to all of them, and they got them fixed.

REMINDERS:

Tuesday October 3, 2023 - Regular Meeting of Darlington City Council, 6:00:PM.

ADJOURNMENT

Councilman Howard Nettles made a motion to adjourn the meeting at 7:41 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