CITY OF DARLINGTON
REGULAR CITY COUNCIL MEETING HELD IN THE COURTROOM/COUNCIL CHAMBERS LOCATED AT
400 PEARL STREET, DARLINGTON, SC
TUESDAY FEBRUARY 13, 2024 - AT 6:00 PM

Present: Mayor Curtis Boyd, City Manager John Payne; Councilmembers Elaine Reed, Bryant Gardner, John Segars, Sheila Baccus, John Milling, and Angela McRavin. Also, present Merry Morgan Smith, Codes Enforcement Officer Sheila Jones, Police Chief Jimmy Davis, Fire Chief Pat Cavanaugh, Recreation Director Lee Andrews, Mr. Linwood Epps, Mrs. Anna DeWitt, Ms. Gloria Hines, Ms. Jannie Lathan, Ms. Rosa Hudson, Mr. Steve Abbott, Pastor Corey Milling, Mrs. Rose Pruitt, Mr. Scott Bryant, Mrs. Beatrice Wilson, Mr. Shawn Odom, Mr. Maxie Hunter, City Attorney Kevin Etheridge, and others.

INVOCATION
Pastor Corey Milling did the invocation.

PLEDGE OF ALLEGIANCE
Mayor Curtis Boyd led the Pledge of Allegiance.

APPROVAL OF MINUTES FROM REGULAR MEETING OF JANUARY 2, 2024 & SPECIAL MEETINGS ON JANUARY 16, 2024
Councilwoman Elaine Reed made a motion to approve the minutes of the regular meeting on January 2, 2024. Councilman Bryant Gardner seconded the motion. Councilpersons Milling, McRavin, Baccus, Segars and Mayor Boyd voted in favor of the motion.

Councilman Bryant Gardner made a motion to approve the minutes from the special meeting on January 16, 2024. Councilwoman Elaine Reed seconded the motion. Councilpersons Milling, McRavin, Baccus, Segars and Mayor Boyd voted in favor of the motion.

APPROVAL OF MEETING AGENDA
Councilwoman Reed said before we go into the "citizens wishing to appear," I would like to see if we could amend the agenda to include other personnel matters and the lawsuit in the executive session. Councilman Bryant Gardner seconded the motion. Councilpersons Milling, McRavin, 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**

Mr. Adrian said he would like to thank Darlington city for helping with trash bags for their landings. He said, I would have to say today, the school board and City, I don't get why you all

are destroying Brunson-Dargan and not utilizing it ….Why do we always destroy our history instead of re-purposing it. It's not too late to save it, but we know we won't. Just like our old courthouse, just like Nytronics, we'd rather destroy stuff and give it a plaque "in remembrance of" than something to benefit the town with. It might just be an empty school building to y'all but it's where we grew up and shared a lot of memories. I know Brunson-Dargan will be lost, but to the citizens of Darlington I'm here today to rally you in unity with unconditional love for the betterment of Darlington. We have solutions from St. John's to Brunson-Dargan to Lake Darpo to bring tourism and fun activities like kayaking to Williamson Park which would also build and clean our Mill Hill and Darlington Country club. Mr. Adrain said, "I know many don't care about the Mill Hill, but I want the betterment of the whole town and we have many solutions which we could better out town and give us fun stuff and activities and bring our streets to life. I would also like to publicly say to NASCAR I keep reaching y'all for four used tires after the race to be made in the donation bin for our landings. You all have wide tires, and it would be easy to make theft proof donation bins so we can raise money for the betterment of our landings for the blues we like to eat and to make landings more beautiful over time. Mr. Adrian went on to say how he was a student of St. John's and Brunson-Dargan he liked the morals they taught him and the hands-on learning which the middle and high schools lacked. He said "I wish they wouldn't destroy every building, instead utilize them, because y'all destroyed Nytronics and made it into a toxic waste fill for the past ten years. It's been draining chemicals out with pipes. Now it's a fenced in waste of rock and dirt parking lot with a tombstone. Don't wait for them to start breaking bricks. Let's push back with solutions to better our issues in our town. I have many solutions for the future and if you would like to know more they can call him (*he gave them his number*). Councilwoman Reed said, "You do need to talk with us more because the issue with Nytronics, the city didn't do that. *(Councilwoman Reed and Adrian has a discussion about the Nytronics property)*

Mr. Shawn Odom

Mr. Shawn Odom said, "I would like to start off by saying that I wish certain council people and people who work for the city would get their knees off my councilwoman's neck and off the citizen's neck because we're on the ground screaming for help. We can't breathe. When we bring up comments about certain things you're ready to throw us out. And another thing, with the city manager's contract, when is that up? I never heard anything about it. I don't even see it on some of the agendas."

Beatrice Wilson

Mrs. Beatrice Wilson said, "I'd like to speak about the homeless. I saw the way a gentleman was treated and the way the officers reacted to him. She said I want to commend them on their behavior because they were very nice. Mrs. Wilson said the homeless people are people too and we are a town that have an abundance of abandoned homes here and we could take some of those homes or one of them and open it and let someone run it and another person look for a job for them to keep while they are there. And that would be one of the stipulations that as long as they kept the job, they could keep a roof over their heads, and they would have to report back by 6 or 7 in the evening to be there to stay. Mrs. Wilson said, "We need to take care of the homeless because they are people too and we don't know what they went through to get in that

situation. She said we can talk about buildings and different things, but people are the most important thing in this world. She said I would appreciate it if we would try to get an abandoned house and have someone to run it and take the homeless off the street.

Councilwoman Elaine Reed said, "I wanted to take this opportunity because this is traditionally Black History Month where we celebrate Black History. She said I wanted to acknowledge some of the folk in city government that have made history here in Darlington. Councilwoman Reed acknowledged Gloria Hines, the first African American female who was elected Mayor; she acknowledged the first African American Chief of Police, Kelvin Washington; the first African American City Judge, Robet Stucks; the first African American that headed up the Codes Department, Henry Chapman (Passed away); Councilwoman Reed said, "I truly want to acknowledge our young lady who's continually making history and that's none other than the only Arican American that I've known that has held the position of clerk/treasurer for forty-five years, Ms. Gloria Pridgen".

OLD BUSINESS

a. Public Hearing – Ordinance 2024-01 – Zoning Designation for 118 Nez Perce Drive, Parcel No. 184-00-01-073

Mayor Boyd asked Ms. Smith if she received any emails about the zoning designation. Ms. Smith said she hasn't received any comments at all. **Councilman John Milling said, "If there are no comments, I'd make a motion that the public meeting be closed." Councilman Bryant Gardner seconded the motion. Councilpersons McRavin, Baccus, Reed, Segars and Mayor Boyd voted in favor of closing the public hearing.**

b. 2nd Reading Ordinance 2024-01 – Zoning Designation for 118 Nez Perce Drive, Merry Morgan Smith, Planning and Economic Development Director

Ms. Smith asked for the council's approval to designate 118 Nez Perce Drive as R-10. **Councilman John Milling made a motion that we grant 2nd Reading of Ordinance 2024-01 approving the Zoning Designation for 118 Nez Perce Drive (Tax Map #184-00-01-073 as R-10 low density residential. Councilwoman Angela McRavin seconded the motion. Councilpersons Baccus, Reed, Gardner, Segars and Mayor Boyd voted in favor annexing 118 Nez Perce Drive as R-10.**

NEW BUSINESS

Ms. Smith said, "Today I had a video conference call with the folks at Green Infrastructure Center so the grant that I applied for in October for Trees for S.C., Darlington is one of three towns in South Carolina awarded the grant. They will get two to three years of support from the Green Infrastructure Center and that will cover things like tree planting campaigns, community engagement, and in addition they are looking at tree states in disadvantaged neighborhoods where lower incomes and pollution problems and sometimes untreated ….make communities less healthy and that along with education and a canopy for the plan will be something they are able to address with this grant. Councilwoman Baccus asked, "How much is the grant"? Ms. Smith said, "There's not a dollar amount. All of the costs are absorbed by the South Carolina Forestry Commission. They pay directly for everything that Green Infrastructure does for us."

a. Friends of Main Street – Merry Morgan Smith, Planning & Economic Development Director

Ms. Smith said, “What I’m asking for from council tonight is permission to join “Friends of the Main Street / South Carolina Main Street at the $400 a year mark in column one. Ms. Smith said we would be able to spend the rest of this year up until October preparing to apply for second column “Aspiring Main Street” that would start in January. She said there’s some work that has to be done in order to finish the application to apply, even for Friends of Main Street. There’s data that has to be collected that we are not presently collecting that has to be submitted along with the application for “”Friends of Main Street” so I am going to be doing that along with two interns from Mayo High School and then we will apply. Eventually I’m going to come back to ask you to execute the document that you all would sign, approve, and endorse the submission of the application and that the facts are true and accurate. Ms. Smith said, “the things that will have to be collected in order to submit this application are some downtown and property inventory information, some business inventory information, also some historic mapping for the historic districts, some property data tabs, downtown traffic information, business parking, amenities ….all these things have to be mapped out and supplied with the application in order to be accepted as the “Friends of Main Street” level. The additional assist is that S.C. Main Street would be supportive of our effort and the way it would work moving forward into an “Aspiring” position is that they will accept applications only in the Fall and so by October we would be able to apply for an Aspiring grant which would start in January and that’s where they would come to town and assist with lots of different things in order to get us up on our feet quickly. The “Aspiring Main Street” would only last two to three years and then you would be able to move out of that into a “Classic Accredited Main Street program and you wouldn’t be having the great outlay that is required when the Main Street program is getting on its feet.” Councilwoman McRavin asked, “So if I’m understanding you correctly, you’re advising that $400 for this first year for the “Friends of Main” this is sort of a preliminary to become an “Aspiring before you can actually receive assistance”. Ms. Smith said, “Yes.” Councilwoman McRavin said, “At the “Friends” level there’s not assistance provided, but you have to be a “Friend” in order to apply for the “Aspiring” to get assistance, is that right”? Ms. Smith said, “Yes, but they are happy to help and assist, but the level of commitment that S.C. Main Street gives an “Aspiring” community is great.” They are here on a regular basis. They help, they organize they encourage, they speak, there’s a lot of support that comes with the “Aspiring” program that we won’t have with the “Friends.” Ms. Smith said the other thing that will be a part of this package is a list of people in town that would be supportive of the program ….DDRA, Kiwanis, the council and other individuals who are interested in Main Street. (showed a 3-minute video) **Councilman John Milling made a motion that Merry Morgan Smith be authorized to continue the application process for the city of Darlington to become a “Friends of Main Street” member. Councilwoman Elaine Reed seconded the motion. Councilpersons McRavin, Baccus, Gardner, Segars and Mayor Boyd voted in favor of the motion.**

b. Sign Bids for City Hall – Sheila Jones, Codes Enforcement

Ms. Jones said I was asked by the City Manager to get bids for a digital sign at the front of city hall where we use to put when the council meetings are and instead we will have a digital sign that has council meetings, public hearings, city events so that our citizens will know what’s

going on in the city. Ms. Jones said she received two bids: One from signs Limited of Lake City $21,026 for the sign and the columns and the other bid was from Signs Plus Sign Systems for $21,600 but it does not include the columns. Mayor Boyd asked, “Are you looking at putting it in the corner or ….. Ms. Jones said, “I think that if we do a double-sided sign at $21,000 it would go at the front. I don’t think that would be the best place for it given all of the lights. I think that it should go in the corner and then we could make a single-sided sign. Ms. Jones said she did get a bid for a single-sided sign with the two columns for $16,000. She said the advantage to the double-sided sign would be that regardless of whether you’re going east or west you would be able to view it. She said if we put it in the corner where the banners currently go, for $16,000 only the people that are going west would see it. Councilwoman Baccus asked, “so you’re saying we couldn’t put a double sign in the corner”? Ms. Jones said, “If you put the double-sided sign in the corner in order for people to see it, the building on that side would block it, so you wouldn’t be able to see it. She said the same way that the banners normally are, then we will only need a single-sided sign because the double side would be facing the building. Councilman Milling said, “Just from a safety standpoint with the stop light being right there on the corner and a sign that people are trying to read what’s going on, that’s a quick light anyhow … I’m concerned about public safety with a sign being located there particularly if you put too much on it and somebody is reading into the second column are they going to be able to keep up with traffic and pedestrians. I didn’t know whether the Chief looked at any of those aspects of it and I know that there’s a uniform sign thing that the highway department has. There are certain guidelines that you follow with respect to putting signs up and I just want to be sure what we do is in compliance because if somebody is reading a sign that the city puts up and they have an accident then most everybody is going to be looking at the city. Ms. Jones said because digital signs are so requested I had the ability to read a lot about it. She said if we put a digital sign there, part of that would be the same thing that we would require of all of our citizens that put digital signs up. and they have to follow the transitions and the lights that DOT currently have in place for all of their digital signs that go up. She said the concern with it being so close to the light as it is which is why I don’t want it to go in front where the current sign was. I would prefer for it to go catty corner in the corner because ….I’m sure all of you have seen the sign on Mr. Bryant’s warehouse, so originally that sign was requested to go right under the light, and I told them no because it’s not safe. I told them they had to go to SC DOT for other reasons also. SCDOT came back and approved that sign, and they were going to try and put it under the light again, but I told them they couldn’t because it’s not safe for our citizens. Ms. Jones said she called SCDOT and had them come out and review it again and their determination was that it could go offset the lights and that’s where the sign is now. I feel as though with the determination that SCDOT made for that billboard that’s up there, that it’s higher up and more even with the lights than our sign. The columns are going to be at three feet. It’s only 2‘ x 3‘ so we can only get the information out that we need to and if it’s far enough away from the traffic light I feel as though in that location it wouldn’t be a detriment to drivers that are going by. Councilman Gardner said he loves the idea. Councilman Segars said, “How about if you located it in front of the Stone House.” Ms. Jones said, “Sure. Take the administrative sign down and put that sign up.” Councilman Gardner said, “My suggestion was going to be the same but not the Stone House but talk to the courthouse and maybe at 52 coming into town, but I love you all‘s suggestion about the Stone House”. Ms. Jones said, “The only reason why I would say not the

courthouse is because that is core commercial and digital signs are not allowed in core commercial. In my opinion, we would need to look at changing the sign ordinance or ask for a variance because we need to follow the ordinances." Councilman Gardner said, "Would you all mind as a council, us asking the county council or the county if they would allow us to have it where they used to have a digital sign because that gets a lot of traffic views from different directions of town, and I want the most people to be able to see it. That would be my main interest to put it at the courthouse, but I love the idea of the Stone House. Charles Stewart has in the past when asked about that sign, but because it is core commercial and nobody was wanting to go ask for a variance, so it might be something that he would …. Councilman Gardner asked, "So he's approached us previously and Ms. Jones said, he has. Mr. Payne said, "Bryant, he's indicated to me because of everything that they are doing with the courthouse and with the historical museum that they would not address that issue until after all of those grand openings." Mayor Boyd said, "I think in front of the Stone House would be good." Mr. Payne said, "It's on city property too." Councilman Milling said, "You can't put much information on a 2' x 3' sign." Ms. Jones said, "Because it's a digital sign, it will flip, and we can have it on a thirty second rotation and have city council meetings ….. Councilman Milling said, "Whatever we spend money on, I just want it to be an effective way to communicate, and that it really benefits the citizens." Ms. Jones said we can always go with a larger sign. Ms. Jones said we can table this today and she can go back and ask for bids for something that's larger that you believe would be more readable and to provide larger letters. Mayor Boyd said, "2' x 3' sounds small but you will still be able to cover a lot of information." Councilwoman McRavin said, "If it's going in front of the Stone House you don't want it too big, but you want it larger than this." Councilman Gardner said, "Get us a price for one a little bit larger." Ms. Jones said, Sure. Councilwoman McRavin said, "Table it and you'll come back, and we'll have both and can make a decision if it's not too expensive. If the larger one is too expensive then we already have an option for something smaller." Councilwoman Baccus asked, "So, are we sending her back to look for a double-sided sign or just a one-sided sign"? Councilman Milling asked, "At the Stonehouse location would need a double-sided sign"? Mayor Boyd said, "I measured that sign, and you can put a 3' x 6' up there and it wouldn't look out of proportion, so we could possibly go to a 3' x 6' and it wouldn't look massive." Ms. Jones said that's what she was thinking and that's what she will look at." Councilman Gardner said, "Use your discretion on the columns. If it's more expensive to have them, do it all in one versus having somebody privately contracted to put the columns in." Ms. Jones said, "I think that if we are going to do it in front of the Stone House, instead of doing brick, we could change it to white posts so it's more in keeping with the architecture of the Stone House." Councilman Milling said, "From a historical perspective, how in keeping is a digital sign going to be with the Stone House"? Ms. Jones said there's a lot of controversy about that. There is a way, and cities all over the country find a way to marry history with technology, so the columns that we put there and what we put there, we would research posts and columns that were used with that period and match something so that it would be in keeping with it. Councilwoman Baccus asked, "If we do the 3' x 6' sign with those columns, is that the size our ordinance allows"? Ms. Jones said, "It's general commercial, yes ma'am."

c. Abandoned Car Ordinance Discussion – Sheila Jones, Codes Enforcement

Ms. Jones said I've been doing research and city attorney Kevin Etheridge has contacted the attorney general and section 56–50 –5850 of the South Carolina statute says when any vehicle is left unattended on a highway or on other public or private property without the consent of the owner or person in control of the property an officer may place a color tag on it and it could be considered derelict or abandoned, and subject to …. What the city attorney and I have found is that we can't pull personal property off of someone else and the owner's property without the owner's consent. So, if you go down to what the attorney general has said you can, if you change the ordinance under nuisance, public nuisance … then we're talking about getting DHEC involved because there's some kind of health risk or public safety issue. It's very difficult to do. Our ordinance doesn't even read "abandoned." Our ordinance just reads expired tags. If you look at what state has as an abandoned vehicle, it means a vehicle required to be registered with the State that is left unattended on a highway for more than 48 hours or a vehicle that has remained on private property for a period of more than seven days without the consent of the owner. Ms. Jones said that's been the biggest thing that the attorney general has said. Our statutes read, if the owner consents to having the vehicle on the property it can stay on the property unless there's some kind of detriment to public safety. Mayor Boyd said, "Like the car sitting on the side of the road down by Subway, with grass growing all over it …. Ms. Jones said, "A car, as I said in the last council meeting, a car on the side of the road is different than a car on public property. A car on the side of the road is a car that's in the public way on public property. We can, as a jurisdiction tag those cars in accordance with section 56 of the state statute and we can remove those cars. Law enforcement officers can put a tag on those cars and then they have to use the towing procedures that they currently have to have those cars towed away, but that's where we're talking about cars on public property, in a public road. Mayor Boyd said, "When we brought this up before, Councilman Gardner and I had cars on our property that didn't have a tag and we were told that our cars had to be moved." Ms. Jones said, "You're absolutely correct and we had that ordinance that says you have to do that, but the problem with our ordinance is that it is not followed up with the state statute that allows us to remove cars from the property. She said I can write a uniform summons and I can send them to court but as Mayor Boyd said, he's talked to the judges and the judges aren't going to prosecute that." Councilwoman Baccus said, "So at the end of the day we can't force them to move their cars; We can't go move their cars, so simply you can just ask them to do something, but we can't force them to do anything." Ms. Jones said we can't force them to remove the car. She said as a jurisdiction though, because there is a thing with abandoned vehicles we can write an ordinance to have them cover the car, because our ordinance does say that it can't be in public view. She said we can get stricter on that part. No, you don't have to remove it, but you do have to cover it. You do have to take it out of public view so that it is not seen from the road." Councilman Gardner asked can we look into an ordinance that would discuss covering the car and then also impose a fine that the judge is comfortable with? He told Ms. Jones to reach out to the judge and our city attorney as well to figure out some kind of remedy that we can work on and then come back to us with that." Mayor Boyd said, "Here's my question. This is what I'm trying to solve and figure out a way to do ….there are a number of houses that …you look in their backyard and they've got two to three cars junked up, but if you drive by and see in our city there's hundreds of cars that are abandoned and junked up in the yard. There should be some

way we can cure that. When I go over toward Elaine's ward, there's a house over there that nobody has done anything to for a long time ….there's stuff all over the porch. That stuff like that causes people not to want to move into that neighborhood. When I turn down Warley Street there's a house with a truck backed in it with cans all over the top and you can tell the truck hasn't been moved in years. Two houses down there's a house for sale. Who's going to want to buy it? Mayor Boyd said, "All that infestation into the city is what I'm trying to see if we can cure and there should be a form or fashion if it's an eyesore, a nuisance, or something that council should look at and not just continue to lay it to the side and say that we can't do it". Mayor Boyd said, "In 2020, we moved cars". He said we went to a man's shop, and they backed up ... Ms. Jones said, "Well, that's different. You're talking about two completely different things. When you were talking about a gentleman that owns an auto repair shop. Yes, we do have an ordinance that says you're only allowed to have ten and if you have more than ten then it has to be behind a fence; it has to be out of public view." Mayor Boyd said, "But it's on his personal property. How do we have a right to do that"? Ms. Jones said, "Because that is a commercial piece of property. That's not residential personal property. That is completely different. You're talking about apples and oranges. It's not the same thing." Councilman Milling asked, "Has any effort been made at this point and time to reach out to our legislative delegation and see about the introduction of an amendment to the state statute that would give the municipalities and counties more authority in addressing this because we limited by what the state allows us to do. If the state says you can't do it, we can't do it, but if the state says we can do it then we've got an opportunity to draft an ordinance that would have some teeth to it. Councilman Milling said, from your research it sounds like the legislative delegation may be where we need to start. He said it sounds like we are somewhat limited in what we can do until we get the authority to act. Ms. Jones said she can get with Kevin Etheridge and ask him to guide her in the right direction. Councilwoman Reed asked, "We as the city government cannot assess fines without going to court"? Ms. Jones said, "Our city ordinance and many of the state statutes define it as a misdemeanor. Our ordinance says if you don't move it, it's a misdemeanor. A misdemeanor has to go in front of a judge. It's not something we can fine and adjudicate ourselves, because we're not judges." Councilwoman Reed continued to ask questions about junk property vs abandon cars. Mayor Boyd asked, "Can you tell me the difference between …. What gives you the authority to go on a property and tear their house down and not be able to remove their car"? Ms. Jones said, "State statute and ICC codes allow me to do that because we are going into public safety." Mayor Boyd said abandoned cars are a public safety also. Ms. Jones said not necessarily. Councilwomen McRavin and Baccus both said, "Not in a person's yard." Ms. Jones said, "State statute allows me to condemn houses and tear them down. State statute does not allow me to go onto personal property and make a car ….. Councilwoman Baccus said, "I think the thought of just having them put a cover over it or put a mini fence in front of it will suffice and move on. Calling the legislator and thinking they are going to change the rule overnight is not going to happen." Councilman Milling said, "It's not going to happen overnight. We would have to get them to sponsor legislation and they'd have to get people to sign on with you and it would probably be this time next year if they agree to it." Councilwoman Baccus said, "It will take more than one little city calling and complaining about cars in somebody's yard." Ms. Jones said this is why they are going to go ahead and do research to devise something that is amiable to the council, who are thinking of the citizens and the betterment of Darlington. Councilwoman

McRavin said, I just attended the Legislative Action Day and that is why it's important for the mayor, council, and city manager to attend training like that because you have an opportunity to talk to your legislators and to introduce things and to inquire about those things. It also gives us an opportunity to learn about these issues and we pay a handsome fee to be a part of the Municipal Association and one of their primary goals is to train us and I think that would be a little less confusion if we all took the training and participated in that. Councilwoman McRavin said, "I want to challenge the rest of the council members and my mayor to complete this training so we can all work for the betterment of our community. It is imperative that we do things in a proper manner and follow the guidelines and the rules that have been laid out before us. It is difficult to do that if you don't know them." That training provides you with that and will definitely help us move our city forward and bring a peace and a calm to this governing body.

d. 1st Reading Ordinance 2024-02-Amend Chapter 14, Article 1 14-4 Farm Animals and Poultry – Sheila Jones, Codes Enforcement

Ms. Jones said the building department was tasked with researching the municipal ordinances of surrounding jurisdictions as it relates to chickens, turkeys, and ducks. Both the cities of Florence and Hartsville allow the above-mentioned farm animals within their city limits. Each of the related ordinances provides requirements to ensure their presence not only protects the adjacent owner's ability to enjoy their property, but also ensures the animals are properly cared for, and will not become a detriment to the public. This ordinance has been called into question because someone has chickens. Our ordinance reads farm animals and poultry are prohibited and that has been what has been enforced for many years. In reading it, there was some ambiguity with it, so we wanted to go ahead and amend it so there is not any to further define … You'll find in (e) what a nuisance is instead of just saying a nuisance and not having it defined. As a jurisdiction we will also have public nuisance as it relates to animals in this Chapter, and it will be defined so there are no questions. Ms. Jones said, "We are asking to amend this ordinance to allow chickens, turkeys, and ducks with eight requirements being: You are not allowed to have roosters, you can only have hens; you have to have a fully enclosed chicken coop; The chicken coop must be enclosed by a fence so that predators can't get into it, and the chickens cannot get out of it; You will be responsible for making sure that the fecal matter of the chicken is properly disposed of; You will have to make sure that the feed is in a container to prevent rodents or any vermin from getting into it; You will not be allowed to let your chickens, turkeys, or ducks to free range into other people's property unless you have their permission to do so; you can't slaughter them, and they can never become a public nuisance. Councilwoman Reed asked, "Right now the ordinance does allow for chickens and ducks? Ms. Jones said, "The ordinance reads farm animals and poultry are prohibited and that is what has been enforced, at least for eight years." Councilman Milling said, "The ordinance says these things can be had unless they are a nuisance." Ms. Jones said, "There's a line in there that says chickens, turkeys, and ducks and numbers that are a nuisance are prohibited. Since there was that they're not allowed, but these are allowed. Chicken is poultry … we decided as a jurisdiction because in the past people have ... .they've been violated, and they had to get rid of them. This most recent time there was a violation, and in the violation I was made aware of many people that have chickens. I've also been made aware of businesses that sell chickens when it's the season to sell chickens. If we enforce the no chicken rule, those businesses will

not be able to sell them, and people will not be able to have their chickens. So, we don't want people to not have their chickens, but we do want people to adhere to certain rules and the complaint came in because chickens were free ranging; they weren't contained so we want to make sure that your chickens stay contained." Councilwoman Baccus said, "So, what you're saying is you got complaints from citizens about the chickens"? Ms. Jones said, "What I'm saying is, "I was told that there were complaints about chickens." Councilwoman Baccus said, "My question again is, you are codes enforcement. Did you get complaints about chickens"? Ms. Jones said, "No ma'am." Councilwoman Baccus said, "Because I can't figure out how in the world we are wasting our time with something as foolish as this. This is totally ridiculous." Councilwoman McRavin said, "I see where it could cause a problem in the future … Councilwoman Baccus said, "I Understand what she's saying, and I agree with Sheila. The Codes Enforcement person, I agree with that. I understand why you are making this adjustment and I agree we need to make an adjustment to settle this nonsense, but the fact that your time is being wasted and our time is being wasted to talk about some chickens, and ducks and turkeys is ridiculous." Councilwoman McRavin asked Sheila Jones if she is limiting them to a certain number"? Ms. Jones said, "No, we are not limiting them to a number, unless it becomes a public nuisance, and that moves into the next line item." Councilwoman Baccus said, "We need to go ahead and approve this and move onto the next thing because this don't even make no sense." Councilman Milling said, "Assuming we pass this, and we've got these ordinances in place, and somebody says, my neighbor is violating this ordinance, do they come to you as codes enforcement, and you fill out paperwork that they sign or do they go to the police department .. who's going to have the enforcement?" Ms. Jones said they will come to my office." Councilman Milling asked, "And you would issue a citation, and they would go before Judge Stucks, and Ms. Jones said yes. Councilman Milling asked, "Do you need a provision in here that says that if they are found to be in violation they have to do A,B, or C. Ms. Jones said, "That chapter already has those provisions." Councilwoman Reed said, "Along with what Councilwoman Baccus is asking you, we want to know that you received these complaints because I have had other conversations, but I never thought that we were going to have to deal with it here. And that was a personal issue that occurred, but I didn't think that it was going to get here. So, I'm looking at this and these changes that need to be made, I want to know that you received enough complaints for us to have to deal with this". Ms. Jones said, "I was made aware of complaints that were received to the administrative department of the City of Darlington. I was asked to see if there were indeed chickens and that in the past we had enforced no chickens in the city limits. Councilwoman Baccus said, "Let me rephrase the question for you. Did you speak personally to somebody that complained to you about some chickens"? Ms. Jones said, "No, ma'am." Councilwoman Baccus said, "So, it was hearsay that came to you about the chickens." Ms. Jones said, "I can't consider that hearsay." Councilwoman Baccus asked, "Did you speak to the person yourself and Ms. Jones said no ma'am. Councilwoman Baccus said, "OK then, it's hearsay." Councilwoman Reed said, "You got your direction from one of us … I mean who"? Mr. Payne said, "I received the complaint. I went to my employee and asked her to do her job, and to follow the ordinance. I received the complaint." Councilwoman Reed said, "So why we got to be vague. Just say it." Councilman Gardner said, "Cause you already know the answer because you already got calls evidently so I just don't understand why we just say it instead of trying to walk somebody in the trap." (Several Council

members speaking at the same time). Councilwoman Reed said, “I said I didn’t think that was something we would be dealing with here on council.” Councilman Gardner said the problem is in the ordinance. One of them says one of them says no chickens, and the very last line says you can have chickens. **Councilman Bryant Gardner made a motion to pass First Reading on Ordinance 2024-02 -amend Chapter 14, Article 1 14-4 Farm Animals and Poultry. Councilwoman Angela McRavin seconded the motion. Councilpersons Milling, Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion.**

e. 1st Reading Ordinance 2024-03-Amend Chapter 14, Article 1 14-8, Public Nuisance, Sheila Jones, Codes Enforcement

Ms. Jones said in lieu of chickens and a nuisance, a nuisance is not defined in our ordinance of what a public nuisance is so that everyone can understand what it is. What was previously 14–8 “reserved” is now going to be 14–8 Public Nuisance and it will clearly define what a public nuisance is: Allowing or permitting an animal to damage the property of anyone, other than its owner; Maintaining an animal that is diseased or dangerous to the public health; Maintaining an animal that habitually or repeatedly chases snaps at or attacks, pedestrians, bicycles, or vehicles, or any animal whose behavior constitutes a dangerous animal as outlined in 14–37; Any animal that runs at large upon public or private property without permission from the property owner; and Any animal that defecates on public or private property, other than the property of the owner, unless the owner immediately removes and properly disposes of the waste. Councilwoman McRavin said, “So, people who have dogs and are walking their dogs and allow their dogs to defecate in your yard is now a public nuisance, is that correct”? Councilwoman McRavin said, “We are talking about for the renaissance, adding more parks and green spaces and that they will be responsible for picking up behind their animals when they are out in public.” Ms. Jones said, “Nobody should be responsible for cleaning up after your dog, except for you.” Councilwoman Baccus asked, “How is it going to apply for citizens who by chance their dog gets out of the yard … how is it going to apply to that”? Ms. Jones said, “It says habitually and repeatedly. I think we have to lean to the side of the citizen when we can. So, if there’s an accident and the gate was left open by accident and the dog gets out and we get the dog back in and we never have that problem again, that’s not a public nuisance. That’s an accident.” Councilwoman McRavin asked if there is a fine attached to that. Ms. Jones said, “That is in the rest of the chapter that has the violations in it, and I can provide that to you. Councilwoman Baccus said she needs that as well and Ms. Jones said she will email that to them tomorrow. **Councilman John Milling made a motion to approve First Reading of Ordinance 2024-03 to amend Chapter 14 Article 1 14-8, to create and define public nuisance. Councilman Bryant Gardner seconded the motion. Councilpersons McRavin, Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion.**

f. Council Workshop Discussion- Mayor Curtis Boyd

Mayor Curtis Boyd Council discussed dates and how often they would have workshops. Mayor Boyd asked the council if they want to include the budget in the workshops. Councilwoman McRavin said, “Yes. Whatever we need to discuss. She said if there are issues that are brought during our regular council meeting and any issues from citizen comments that we may need to address, how something is being handled and even working towards and figuring out these

things and getting our prospective so we have an opportunity to talk among one another about issues that may arise. She said right now I have citizens who's been calling me with some complaints, but there's no place for me really to discuss that. So, in these workshops and work sessions hopefully that's an opportunity to talk about the things and the concerns that all citizens have brought to us. Mayor Boyd said my question is, "Do you all want to have one just for budget or do you want to have it altogether"? Councilwoman McRavin said, "Altogether." Councilwoman Baccus asked, "When are our budget work sessions going to start"? Mayor Boyd asked Mr. Payne if they will start in March, and he said yes. (Council discussed tentative dates for the work sessions) Council came up with the following dates for work sessions. Each one being on Tuesday at 6pm. Tuesday February 27th; March 26th, April 16th, May 21st & June 18th.

g. Resolution for a Mutual Aid Agreement for a Multijurisdictional Task Force – Police Chief Jimmy Davis

Chief Jimmy Davis said the mutual aid agreement in a nutshell is the City of Darlington, The City of Hartsville and the sheriff's department putting officers together to try and do what they can to fight the drug and illegal drug activity that we have. This agreement gives us permission to work in each other's jurisdiction. Each entity pays for their employees and equipment. He said if they work together and make a big bust they split it accordingly. Chief Davis said they've had this mutual aid agreement before, and it works. (Mr. Payne read the resolution). **Councilman Bryant Gardner made a motion to approve the mutual aid agreement for a multijurisdictional task force. Councilwoman Angela McRavin seconded the motion. Councilpersons Milling, Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion.**

h. Splash Pad Pump House Bids – Lee Andrews, Parks, and Recreation Director

Mr. Lee Andrews told council he is bringing before them three bids for a 16' x 20' pump house for the splash pad. He received the following bids: Pee Dee Building Systems submitted a bid of $19,568, Palmetto Luxury Homes LLC submitted a bid of $22,360 and Scott's Construction submitted a bid of $24,500. Mr. Andrews said bids from Pee Dee Building Systems and Palmetto Luxury Homes LLC are metal buildings. Scott's Construction bid is for a block building. He said I didn't know if you wanted to go back with what is already there to match what is inside the park or if you just wanted to go with the metal structure. Mr. Andrews said all that is going to be in the building is the pumps and the electrical system that is going to run the splash pad. Councilman Segars asked if the building is going to be climate controlled heated. Mr. Andrews said it's going to be insulated and we will be able to go in and put something in at a later time if we need to, but with it being insulated, I think we will be fine as far as freezing. Councilwoman Reed asked Mr. Andrews which he thought would be better, the block or the metal. Mr. Lee said you tell me what you want, and we'll have it built. Councilman Gardner said he would rather have a block building. I think that aesthetically it would be a little more pleasing and you can beautify that a little easier. (Council discussed which building to get) **Councilwoman Elaine Reed made a motion to accept the bid of Scott's Construction in the amount of $24,500. Councilwoman Sheila Baccus seconded the motion. Councilpersons Milling, McRavin, Gardner, Segars and Mayor Boyd voted in favor of the motion.**

Councilwoman Sheila Baccus said she received a flyer in the mail about property that we will not pick up anymore …. ranges, heaters, freezers …. Certain things that the council said we would not …that this letter said we would not pick up off the street anymore. I went back and did my research and on May 24, 2022, budget we raised the citizens fee $6.00. $4.00 was for street and sanitation. The extra $2.00 was in order for this street and the sanitation department to pick up these items off the street. When did the council change and say we're not going to pick it up? Mayor Boyd said, "I think that was a department head person that said that they were going to do that. I don't think that the council ever voted and said that we would do that." Councilwoman Baccus said, "Yes we did. Go back and look at the video when we did our budget. It was a part of our budget. We raised the fee $6.00 to pick this up. We charged them an extra $2.00 to pick these things up and now you want to go back and renege on what we told the citizens we were raising their fees to do. She said if you go back and look at that budget meeting on May 24, 2022, it was a part of the meeting. Mayor Boyd said we will pull it up and see if it was voted on. Councilwoman Baccus asked, "And who authorized this to be sent out before it come back to the council? It didn't come to the council. This is not a Curtis Boyd show. Mayor Boyd said Curtis Boyd didn't do … Councilwoman Baccus said, "This is a council show. All council members …. Councilwoman Baccus said. "Let me explain this to you all too. Whoever changed our Darlington page disengaged prior council meetings, so you've got to know how to go find it because it's hidden away. Now you've got a new city page that does not include prior council meetings. All council meetings are supposed to be on our city page. Councilman Gardner said, "So the record shows nobody hid the page. Our other page somehow was lost during the transition of an employee, and we lost access to that." Councilwoman Baccus said, "No we didn't because I looked it up." Councilman Gardner said, "The old employee had access and we as a city do not have access to that Facebook page anymore." Councilwoman Baccus said, "The minutes should have been moved to the new page." Mayor Boyd said, "Well, don't insinuate that people are trying to hide stuff."

EXECUTIVE SESSION

Councilman Bryant Gardner made a motion to end this council meeting to go into executive session at 7:51 pm. Councilwoman Reed seconded the motion. Councilpersons Milling, McRavin, Baccus, Segars and Mayor Boyd voted in favor of the motion.

REMINDER

Tuesday March 5, 2024 - Regular Meeting of Darlington City Council, 6:00 PM

5 Minute Break

Councilman Bryant Gardner made a motion to adjourn the executive session at 8:16 pm. Councilman Milling seconded the motion. **Councilpersons McRavin, Baccus, Reed, Segars and Mayor Boyd all approved the motion to adjourn the executive session.**

ADJOURNMENT

Councilman Gardner made a motion to adjourn the meeting at 8:16 pm. Councilwoman Reed seconded the motion. Councilpersons Milling, McRavin, Baccus, Segars and Mayor Boyd voted in favor of adjourning the meeting.

_____

Mayor

ATTEST:

_____

Clerk & Treasurer