CITY OF DARLINGTON

REGULAR CITY COUNCIL MEETING HELD IN THE COURTROOM/COUNCIL CHAMBERS LOCATED AT 400 PEARL STREET, DARLINGTON, SC TUESDAY MARCH 5, 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 Codes Enforcement Officer Sheila Jones, Police Chief Jimmy Davis, Fire Chief Pat Cavanaugh, Mr. Linwood Epps, Mrs. Anna DeWitt, Ms. Gloria Hines, Ms. Jannie Lathan, Ms. Rosa Hudson, Mr. Steve Abbott, Mrs. Rose Pruitt, Mr. Scott Bryant, Mr. Tracy Blakney, Mr. Shawn Odom, Water Department workers Charlotte Fulton, Jonathan Boatwright, Anthony McCullough, Michael Morris, Mr. Bil Hancock with the Brittingham Group, and others.

INVOCATION

Mayor Curtis Boyd did the invocation.

PLEDGE OF ALLEGIANCE

Mayor Curtis Boyd led the Pledge of Allegiance.

Proclamation Honoring Darlington High School Basketball – Mayor Curtis Boyd

Councilman John Milling made a motion to amend the agenda and take Item 6A *(Proclamation honoring Darlington High School Basketball)* **before any other matters are taken up so that we can go ahead and recognize and honor our Darlington High School basketball team. Councilman Bryant Gardner seconded the motion. Councilpersons McRavin, Baccus, Reed, Segars and mayor Boyd voted in favor of the motion.** Mr. Payne read the proclamation honoring the team for their accomplishments.

APPROVAL OF MINUTES FROM REGULAR MEETING OF FEBRUARY 13, 2024 & SPECIAL MEETINGS ON FEBRUARY 27, 2024

Councilman John Milling made a motion to approve the minutes of the Regular Meeting on February 13, 2024. Councilman Bryant Gardner seconded the motion. Councilpersons McRavin, Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion.

Councilman John Milling made a motion to approve the minutes from the Special Meeting on February 27, 2024. Councilwoman Elaine Reed seconded the motion. Councilpersons McRavin, Baccus, Gardner, 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. Don Blakney said he lives at 129 Bacote Street and he's here to address a situation they have on Farm Street. He said they were supposed to be having something done about it on Farm Street where the sewer is backing up … feces, toilet paper and things like that. We're still having that same situation that's going on and I'm here to present to the council that it is very toxic with kids out there kicking and playing in this type of stuff. Mr. Blakney said, "I just want to bring it to the council .. could you all please …..it's behind my house. The water department has been coming out there putting lime or whatever to kill the smell and everything, but it doesn't. It just flows down the street; it's been going on for a minute. Mr. Blakney said, "I just wanted to bring it to the council …check into this because we've got rain that's coming up now and that's what happens when bad flood rain comes, it backs up." He said he has pictures he could show them as to what is going on. Councilwoman Baccus said, "We have a grant to fix that.
We got a grant two or three years ago to fix that problem, but it doesn't seem to be getting done that way. Money is going elsewhere, but we got a grant three years ago to fix that problem and it's not being taken care of it's going down other avenues. Mayor Boyd said, "They are still working on that."

Mr. Calvin *(Last name unknown)* said he has one question. What kind of debris can be picked up from the city streets other than limbs, leaves, and straw? Mayor Boyd said, "My understanding is no household products right now." Mr. Calvin asked, "No broken furniture, electronics or anything"? Councilwoman Baccus said, 'In our 2021 budget meeting we raised your fees $6.00; $4.00 for trash, $2.00 for anything you wanted to put on the street". Mayor Boyd said, "That's incorrect." Councilwoman Baccus said, "I can bring Alex Gainey in here, (the guy who presented it to council). Mayor Boyd said, "That's incorrect." We voted to raise your fees $6.00, so you're paying $2.00 extra to have anything you put on the street picked up. That's what the council agreed to." She said go back and look at the March 2021 budget meeting when Alex Gainey was presenting his budget we voted. This council voted to raise your fees $6.00. Mayor Boyd said, "That's incorrect." Councilman Milling asked, "Can we ask that Mr. Payne get those minutes and have them for our work session so we can report back." Councilwoman Baccus said, "We asked that same thing at the last meeting when I brought this up. Councilman Milling said, "If you'll just get those minutes and whatever they say, they say." (Councilwoman Baccus and Mayor Boyd had words back and forth) Mayor Boyd apologized to Mr. Calvin and said, any trash ….. Councilwoman Baccus said, "We raised your bill and everybody in the City of Darlington bill $6.00 - $4.00 for can, $2.00 for anything you put on the street. We said we would pick it up. Now they want to renege on you and keep charging you that $6,00 but not pick your stuff up and you're paying for this service. When this came out, this never came back before the council to send this letter out. The council never sent this. This came through Payne and assuming whoever on this council sent this. She said the council as a whole did not vote to send this out. So just make sure you all understand all of this. A lot of stuff is being done behind closed doors that never come before the council as a whole. Mayor Boyd said, "Ms. Baccus please quit falsifying statements about things ….. Councilwoman Baccus said, "We did not vote to send this out. This did not come before the council." Mayor Boyd asked Calvin for his number and said he will give him a call and let him know …. Councilwoman Reed said, "Another one of the residents from my ward …. And it addresses the same thing only he showed me a letter because I did not believe what he was saying. He said he was told that

they don't pick up …it says yard trash or yard debris and I know that is something that we do. She said the letter did say, but I didn't believe it, but he brought the letter and I wanted to question that …. Who sent the letter and why we ….. and if … you need to clarify it because you need to just be specific because whatever went on on that street they were trying to get folk to come in and pick up, but what they normally had been picking up, it was said they don't do it anymore. They had a letter and the letter that I saw said trash debris or yard debris or something and I said we need to clear that up." Mayor Boyd said, "Ok."

OLD BUSINESS

a. 2nd Reading Ordinance 2024-02-Amend Chapter 14, Article 1 14-4 Farm Animals and Poultry – Sheila Jones, Codes Enforcement

Ms. Jones said this is the second reading of the farm animal ordinance that says we will allow chickens with the same requirements that were read last time. Councilwoman McRavin asked Ms. Jones to read the ordinance for those that were not at the last meeting. Ms. Jones said It says that Chapter 14, Article 1, in section 14-4 – Keeping farms animals and poultry prohibited is amended. Ms. Jones read the ordinance. **Councilman John Milling made a motion to approve the Second Reading of Ordinance 2024-02 -amending that in compliance or under the terms set forth in Chapter 14, Article 1 14-4 and as read to you today relating to keeping farm animals and poultry. Councilman Bryant Gardner seconded the motion. Councilpersons McRavin, Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion.**

b. 2nd Reading Ordinance 2024-03-Amend Chapter 14, Article 1 14-8, Public Nuisance, Sheila Jones, Codes Enforcement

Ms. Jones said, "This came about because there was some ambiguity with our ordinance as to what a public nuisance is, so we are adopting Article 1 in General, Section 14-8, Public

Nuisance. It will read:

An ordinance to adopt §14-8 of the City of Darlington Code of Ordinances.

Pursuant to Article III, Division 3 §2-114 (a)(2) of the City of Darlington Code of Ordinances.

BE IT ORDERED AND ORDAINED by City Council of the City of Darlington in Council assembled this 5TH day of March 2024.

1. That Chapter 14 – Animals, Article I In General §14-8 – Public Nuisance is adopted:
   Actions of any animal, including dogs, cats and exempt farm animals (collectively referred to as "Animal"), constitutes a nuisance when the animal disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with ordinary use and enjoyment of their property. No person shall own, keep, possess, or maintain an animal in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following actions by an owner or posses or any animal are hereby declared to be a public nuisance and are, therefore, unlawful:

   (a) Allowing or permitting an animal to damage the property of anyone other than its owner
   (b) Maintaining an animal that is diseased or dangerous to the public health
   (c) 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
   (d) Any animal that runs at large upon public or private property without permission from the property owner.
   (e) 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.

Councilman Bryant Gardner made a motion to approve Second Reading of Ordinance 2024-03 to amend Chapter 14 Article 1 14-8, Public Nuisance. Councilwoman Elaine Reed seconded the motion. Councilpersons Milling, McRavin, Baccus, Segars and Mayor Boyd voted in favor of the motion.

NEW BUSINESS

b. 2022-2023 Audit Presentation – Bill Hancock, CPA

Mr. Hancock thanked the council for having his firm serve as our independent auditors again. He said he wanted to start off with an apology because they are running behind schedule. He said normally it's preferable that they complete their procedures and issue their report before the turn of the new calendar year, but they weren't able to do that this year. Mr. Hancock said our audit was a little more complex this year than it normally is because we had a single audit. Mr. Hancock said on pages 1-3, the city received a clean or unmodified opinion on our financial statements meaning that based on the procedures they performed they feel like the users of these financial statements can rely on them when making decisions to do business with the city; bondholders, banks that issue notes, taxpayers, economic development issues, etc. He went to page 46 which reports on internal controls. He said they did test controls on payroll,

disbursements, water/sewer bills, business licenses and they didn't find any errors. Mr. Hancock said when they looked at our system and the way they operate, they didn't find any of the systems where they felt like a change would yield a better benefit than the cost it would take to implement it. Page 47 is their opinion on the town's compliance with matters imposed on you and imposed by external sources. Mr. Hancock said we have to be in compliance with several things in local government 1) Your withholding and matching payroll taxes that must go into IRS and Department of Revenue every payday. It has to be calculated right and it has to be sent in on time; Your withholding and matching retirement contributions for all of your employees has to be matched, calculated correctly, and sent in on time. You have a municipal court system where you process tickets. Every ticket that gets written gets chopped up twenty different ways. He said they took samples of all of those, and they couldn't find any instances where we were out of compliance, or it was done improperly, or it wasn't done in a timely manner. He then went to pages 48 & 49. This is their opinion on how the city did with its compliance strictly when focused on expenditures of federally sourced funds. (We received a clean opinion on this as well).Mr. Hancock said we are required to break down (where it was sourced) what we spend over $750,000 of federal money. He said page 51, item #9 says the city of Darlington did not qualify as a low-risk auditee. In order to be a low-risk auditee you have to have had a single audit the year before and no instances of non-compliance. He said we didn't have a single audit last year so there's no way we could qualify as a low-risk auditee. Mr. Payne asked, "Is it safe to assume that next year we'll have to have a single audit, this is our base year, assuming that we don't have any findings next year. We will then be a low-risk auditee"? Mr. Hancock said, "that would be correct." Mr. Hancock said, "On page 10 shows are budget to actual comparison. He said we took in approximately $450,000 more than we were planning to but then we spent about $800,000 more than we planned. At the end of the year on a $7.7 million dollar budget we had a deficit of $59,000. On page 12, the water & sewer fund lost $246,000 on an operating basis last year. He said on the expenditure side we've had inflation like crazy and everything related to running the system has gone up. Mr. Hancock recommended having a rate study done. They take into account your capital projects plan, the debt that's going to be incurred to finance new capital projects and they recommend a rate. Also, the Rural Water Association publishes a lot of information from over fifty water & sewer providers from all over the state to find out where your city is. Mr. Payne said, "Just to let you know we have engaged an entity to do another rate study and they were waiting on this." He said we had a $250,000 loss on a $3 million system is not the end of the world, but it's not something you want to have happen every year. Mr. Hancock said on page 13, in the water and sewer column the statement is broken down to cash flows from operating activities, cash flows from non-capital, financing activities, and then cash flows from capital and related financing activities. The first category where it shows cash flows from operating activities, is purely the cash you took in through your customers and the cash that you paid to run the system. It excludes things like debt service, capital expenditures, proceeds from debt. He said to keep in mind, it does not take into account the depreciation expense. The depreciation expense is a measure of the wear and tear on your system over time. Mr. Hancock said we have a $300,000 positive cash flow from that but if you've got another $600,000 in depreciation expense, which, in theory, you should put that amount of money back. Mr. Payne said, based on the enterprise fund (water, sewer, stormwater), with the deficit that we have, what would be your recommendation, because I've got no way of stopping my expenses or the

inflation. Mr. Hancock said, “The rate study takes a comprehensive look at what …. It measures your current and future costs of operating the system plus the cost of constructing the system and then the debt service that it’s going to take that’s incurred when you spend the money to build the system. He said you really have to wrap all of that up into one thing to find out and have a good idea of what your expenses are going to be and then you set your rates accordingly. Councilman Segars asked did you compare last year to this year? How did we do compared to last year? Mr. Hancock said, “Your expenses are up but last year the system showed a surplus of $500,000 this year you show a deficit of $250,000. Last year broke the trend. We had been losing over a half $1 million for the previous three years. Last year we broke the trend, but this year we slid back. Councilwoman Baccus said, “basically what you’re saying now is you won’t council or you think council should raise the citizens water bills again? Is that what you’re suggesting? Mr. Hancock said that recommendation can only come from a rate study by somebody that’s qualified to do that to take a look at that from an engineering standpoint and then translate into a financial standpoint which then transfers into a rate issue. He said you have to know what it’s going to cost to run your system before you put a price tag on it and I’m in no position to do that. Mr. Hancock told the council he would be happy to take calls from them once they look over the audit and have questions.

DISCUSSION ON SEMI-ANNUAL COUNCIL PUBLIC FORUMS - MAYOR CURTIS BOYD

Mayor Boyd asked council if they had exact times and a place for a public forum. Councilwoman McRavin said she would like to see them have one at the recreation Department and may be at the A.W. Stanley gym. Mayor Boyd said this will be where the public can come up and have time to talk to the council and they answer questions and have discussions with them about their concerns or compliments. He said, we can answer back and forth what we know then and take it into consideration. Mayor Boyd said, “Just have a public forum to work council is not doing any work, we’re just here to discuss back-and-forth with residents. Mayor Boyd said, “May and September are what I suggest.” Councilman Milling said, “I was not going to do it this March because we are already here but March and September are 6 months apart and people start getting scattered more so in the summertime so I was thinking about instead of having our work session starting in September the 3rd Tuesday in September be the public forum for 2024 and then in 2025 make the 3rd Tuesday in March the public forum and then in 2025 go back to September again and that way we will be having the public forums every six months”. Councilwoman McRavin said the mayor wanted to do a meeting in May, but it may be a little hectic for a public forum with everything else going on. She said we’ll probably have extra meetings for the budget. (Council discussed dates for the forum) Councilwoman Baccus said I think we need to do April and September. The council discussed having a forum in April of this year and September and starting in 2025 they will have the forum in March and September. Councilwoman McRavin said when we talked about the public forum …. I think with the public forum we need to give the people an opportunity to attend these meetings. A lot of people on weeknights are at work. The forum is to make it convenient for them to come and express their concerns, so a weekend. It may need to be on a Saturday morning that way most people would be off work and they would have an opportunity to come. We don’t have to stay all day, but we need to make it convenient for our citizens and constituents to have an opportunity to express their concerns. Councilman Milling said a Saturday in April works better than a Saturday in

September because a lot of people go to football games. **Councilwoman Elaine Reed made a motion to have a forum on Saturday April 27th at 9am. Councilman Bryant Gardner seconded the motion. Councilpersons Milling, McRavin, Baccus, Segars and Mayor Boyd voted in favor of the motion.** The location of the forum to be determined.

INTERIM CITY MANAGER DISCUSSION - MAYOR CURTIS BOYD

Mr. Payne told councilmembers that he put a draft of a job description for interim city manager. Councilwoman McRavin asked Mr. Payne if that is what he intends to post? Councilman Milling said, I think what it is is it is something for us to consider when we hire an interim city manager are these what we want that interim city manager to be responsible for. I called Charlie Barineau, and he sent out an email to me in response to my question as to whether or not for an interim we had to post anything or could we begin negotiations with an interim. He responded that for an interim we do not need to post, and if we have a good candidate for an interim that we can begin negotiations. Attached to his email were four contracts for an interim that had been used by different municipalities. Councilwoman Baccus said, “I read the suggestion and at the bottom of it it says persons interested in applying may send a completed application and résumé to Mayor Boyd at his email address.” She said I don’t agree with that. Councilwoman Baccus said, “that needs to be coming to Gloria or someone else and then they forward it to all of the council not to one person. Mr. Payne said, “The reason that was put in there is because at the last meeting the mayor and Ms. McRavin was tasked with putting this together and since the mayor is the ceremonial figurehead of this council, I just simply used his name, but I can make it whatever you would like.” Councilwoman Reed said, “I thought you all formed a committee of sorts.” Councilwoman Baccus said, “I thought it was, but I don’t see McRavin’s name on here.” Councilwoman McRavin said, “That was indeed discussed. I reached out but by the time … there was already some discussion with some other council members and our city manager, so I don’t like to go behind someone and make things messy.” Mr. Payne said, “Well, it wasn’t going to be messy. It was going to flow through the mayor and working with Ms. McRavin would have shared these with her.” Mayor Boyd said, “This is only a suggestion. You all can put it to whomever you want.” Councilwoman Reed said, “I think we should do it like we did before just send it to the clerk and treasurer’s office. Councilman Milling said, “We are back to my question. This is a proposal. if we post and give people an opportunity to apply and send a résumé somewhere, my question is, with Charlie Barrineau saying we do not have to post for an interim, do we want to post or do we not want to post because there may be people that are out there that do jobs as interims and they can be contacted about serving as our interim”. Councilman Milling said that is something we’ve got to decide as a council. He said somebody has contacted me about the position who is a former employee of the Municipal Association that had Charlie Barrineau’s job and they recently just finished serving as an interim for the Town of Chesterfield, Town of Jefferson, and the Town of Turbeville. They have finished those obligations and they contacted me and said they would be interested in talking with us about serving as an interim. Councilwoman Reed said, “I also have been contacted as well. She said, “I would think that we would not waste any time; anyone that’s interested in it that we go ahead and advertise for the city manager so we can speed up this process and assign an interim.” Councilman Gardner said, “I agree with posting for the city manager’s position. I see no need to post for the interim position. I think we have a few candidates that Charlie Barineau sent to us,

and some other people have reached out to a couple of different council members." Councilman Segars said, "It's my understanding that the Municipal Assembly has a list of 3 to 5 names of people that do this on a regular basis as interim. My suggestion is what Bryant said: consider those four or five and the ones that you have already been contacted by look at them, and if there is a viable candidate let's go ahead and hire him as an interim city manager and get this thing going and post for a city manager." Councilwoman Reed said, "I think that anybody that wants to be the interim would want to be the manager. Councilman Gardner said I don't want to be in a rush to hire a city manager. I want an interim. He said if we have a list of five or six, we can look through them and if we don't like them, then we can post it if we need to but if there's somebody of quality on there who can serve in the interim position I think we need to tie them down as quickly as we can. Councilwoman Reed said, "All of those names that have come in we are quick to pick one of those, but they won't to be a manager, or they wouldn't be going …. Mayor Boyd said, "My understanding Mr. Milling is the four names that you've got there, those people don't want to be managers." Councilman Milling said, "What I said were four contracts that had been entered into. The person who contacted me is not interested in being a city manager. They've already done that. Their job now is serving as interim city manager." Councilwoman Reed said, "I'm just not about all this new person temporarily. I don't feel comfortable with that." Mr. Payne said, "If you recall, when I tendered my resignation last month, I said that I would be here through the end of March. We are now at the beginning of March and before we blink we're going to be in the middle and towards the end. I originally picked March because I was going to take some time off in April before I moved however I see what's coming down the road here. We're in the middle …we're starting budget, we've got a lot of important projects. What I will do is to make this easier so that you are not rushed, I will extend my time until the end of April. He said the city Council did not take action on my resignation, so I am open to amend it. ….(Mayor Boyd asked the audience to refrain from speaking) Mr. Payne said, you're not going to have continuity. You see what's going on now you can't even figure out if you want an interim or a full-time person. This is going to interrupt your budget. This is going to interrupt other projects we've got going on, so I'm going to amend my resignation letter to April 26, 2024. Councilwoman Baccus said, I don't think council needs to agree with that. Mr. Payne said the council didn't vote to accept my resignation, so my resignation is still on the table. Councilwoman Baccus said, Council can go into executive session and let you go tonight. Mr. Payne said, "and you can also start my exit package too because I've got a contract, and you will honor it. Mr. Payne said, "I will amend my last day to April 26th to try to make this process smoother. Councilwoman McRavin said, "There is a person Bryant and I both mentioned during our work session who already has a contract with the city. This person has been a city manager and she's on contract to do some amending of an ordinance so when Bryant mentioned it and I think John at the last work session stated that he was concerned about her location to us and the proximity of getting here on a daily basis. Councilwoman McRavin said, "There is another person that's not in these four documents / resumes that we have here. Councilman Milling said, " Those are not resumes. Those are just contracts …. draft contacts of agreements that different cities have entered into with different people. Those are the people that are identified in there. Some of those contracts are back from 2013. It just shows what an interim's contract looks like or can look like. None of those four contracts have got anything to do with anybody I know who is actively seeking to be an interim. Councilwoman McRavin asked, "So these four

people are not actively seeking to be an interim"? Councilman Milling said, "Those four people that are identified in those contracts that just happens to be a contract and that Charlie Barrineau sent saying these are the types of things that an interim will do and back at the time when those contracts were written, that is what the cost was." He said I only know of one person who has shown interest in serving as an interim for the city. Councilman Gardner said, "We have councilwoman and mayor chosen to weed through some resumes. (A couple of Councilmembers are having a side discussion). Councilman Milling said, I'll do what you all want me to do I had the question in my mind about posting and I think we've covered that, and we've decided that we are not going to post. he said if Charlie has given some names to some of the council members then we need to compile those and find out who the names are and then somebody make contact with those people who might serve as interim and get them to submit resumes to us or tell us what they can offer us and then we need to review those resumes. Mayor Boyd said, if Charlie or anybody on council has somebody that wants to present a résumé just have them send it to Ms. Pridgen by whatever date the council chooses. He said we don't have to post it, but we can do it amongst ourselves. Councilwoman McRavin said, so by the 16th, on our next meeting at our work session, then we can put that on the agenda, have our information and at that time make a decision. Councilman Milling asked, have an executive session, and discuss the resumes. Councilman Gardner said, we need to have the resumes by March 16th. Mayor Boyd said, "and set up an interview after that." Councilman Milling said, they do it off the résumé it's just depending on what comes. The council discussed dates to look at the resumes. The council agreed to have a quick meeting on Wednesday March 20th at 6:00pm. Councilwoman Baccus said they can look at the resumes on the 20th and on March 26th they can decide if they are going to hire one of them or not. Councilman Milling said we can take a look at things on the 20th and maybe make a decision then. We will still have to enter into negotiations with whomever we say is our top choice. Councilman Milling said, "He or she would need to have some discussion about what salary range, how many days a week they will actually come in. The council continued to discuss the interim position. Councilman Milling said, "We might ask them to tell us when they send in their resume how long you're willing to work, how many days you're willing to work and what's your salary range."

SIGN BIDS FOR CITY HALL - SHEILA JONES, CODES ENFORCEMENT Ms. Jones said we discussed the sign before and at first we were going to have it in front of city hall but at the last council meeting you said move it to The Stone House. We enlarged the sign to 3 x 6. She said when I went over there, you can't put it in the front of the building because of the palm trees, and all of the landscaping that's there. Ms. Jones said a couple of the quotes did not come in. She said they did get one which was the lowest quote that came in at $32,000 for the sign only. It will cost approximately $10,000 for the columns and for the electrical to be put into that area. She said after doing this and speaking with Merry Morgan and the Masterplan, there's a little bit of heartburn about putting a sign in a historic building and so I understand that the county has been reached out to and they are willing to readdress the digital sign that is currently there and replacing it. She said it's probably a better idea …. unless you guys are wanting to go full steam ahead with the sign at the Stone building, table it so that we can get more information from the county and what they are willing to do; what we're willing to do; what the costs are going to be for that project to put the sign on the Square. Ms. Jones said about a year or so ago Mr. Charles

Stewart called my office and said they were thinking about redoing the sign and asked what they were allowed to do. The intention then was to maybe let the City of Darlington use the sign for our events and our information. When I come back to council next time I would have more of that information as far as sharing the sign, who's going to be in control of the sign because the sign will have to be changed; who's going to change it, how much of the cost, if any, are they going to absorb or are they just going to let us use that space. Ms. Jones said she will have all of that information along with firm numbers. If we can do it over there, that would help with the electrical expense because there is already electricity to that sign. **Councilman Milling made a motion that we continue Item 6e until Sheila notifies us that she's got information.** Councilman Gardner asked, "Do we need to table it if we're taking it for information"? Councilman Milling said, "She's got to coordinate it, so as soon as she can get it coordinated and she knows what to tell us, we'll put it back on the agenda." Mayor Boyd said, "I spoke with Charles, and if everybody is fine, I can present it to the County Council before their meeting next month and see what they are willing to do." Councilman Gardner said, I don't know if we actually need to table it. We can just take it as information." Councilman Milling said, I just want to carry it over until the April meeting. **Councilman Milling said he made that as a motion so let's just move to carry it over. Councilwoman Elaine Reed seconded the motion. Councilpersons McRavin, Baccus, Gardner, Segars, and Mayor Boyd voted in favor of the motion**.

Sec 18-273 VACANT BUILDING ORDINANCE DISCUSSION- SHEILA JONES, CODES ENFORCEMENT Ms. Jones said there has been a lot of controversy around the vacant building ordinance. She said when this all came about it was voted on and we started to enforce it. Vacant buildings were anything that was vacant. Nobody lived there; a business wasn't operating. And then slowly the council came and said "well electricity is on, there's water on, you're cutting the grass. So, I would like the council to go over the vacant building ordinance. She said the other thing that I heard was several people thought that the vacant building registration was supposed to be for commercial buildings, and not for every vacant property in the city. She said I'm asking the council for guidance. Mayor Boyd asked Ms. Jones if this was for every building. Ms. Jones said it's for every building because the registration fee that was given to me were for the first year $425 for a single-family home or condo $450 for a duplex $475 for a triplex; $500 for a quadplex and $400 for a commercial building for the first year the second year and the third year for all types of buildings were $1000 for more than three years of being vacant all types of buildings would have a $3,000 vacant property registration fee. Councilwoman McRavin asked, "What is considered, if it's not commercial, as a vacant property"? Ms. Jones said, "No. It is commercial. It's single-family homes, duplexes. It's any residential property and any commercial property that is not operating as a business or is not being resided in as a residence. Councilwoman McRavin asked, "How are you defining …. Ms. Jones said, "What happened was because we had all of this ambiguity, there were two things that could get you a 90-day pass or longer- snowbirds and a property that had a fire event. She said we also have vacant properties where people needed to fix the property, or they were listing the property which we would give 90-day pushes on it. Ms. Jones said there were so many different scenarios, and she was asked not to charge this one for this reason and not for that reason. It was all of these different reasons that dwindled down to overgrown. She said, "So

I'm asking council to look over the vacant property registration. If it's supposed to be for commercial properties, let's make it that way. If the fees aren't what you thought they were supposed to be, let's get them changed. If you want to change the definition of what a vacant property is as far as utilities and different things, let's do that, but the way that it is now has not been working for us across-the-board." I think that with the exception of Ms. McRavin all of the council members can agree that it has not been working. Ms. Jones said, "What I am asking you all to do between now and the next council meeting is to go over the ordinance and decide what changes that you individually would like to change. Let me know what those are and then I'll come back in front of you all next month and we can discuss the changes and hopefully have a first reading and move forward with an ordinance that works for us as a city and for our citizens." Councilman Milling told Ms. Jones that he would like for her to take a look at an ordinance that addresses when our commercial properties get in a state of disrepair, and they stay that way for an extended period of time. Councilwoman Reed asked Ms. Jones to explain to her what she considers yard debris. She asked Ms. Jones about a letter that was sent to someone on Burroughs Street about yard debris. Ms. Jones said, "What they got was a letter that said your yard debris has to go in front of your yard. You can't put your debris on an empty lot and that's what was happening on Burroughs Street. Councilwoman Reed said, the gentleman I'm talking about is on the very end. Ms. Jones said, "Everybody on Burroughs Street got that letter because I don't know who put the yard debris on the property so everybody on the whole street got the same thing that said your yard debris has to go on your property." Councilwoman Baccus said, "About a month or so ago on Broad Street, I saw the guys get off the street and sanitation truck with a chainsaw and cut the limbs up and put them on the truck. She said if you were going to cut them up in one neighborhood, then you should cut them up in all neighborhoods. Ms. Jones said, "I am not the department head over streets and sanitation." She said I send violation letters out when streets and sanitation let me know that there's a problem on a street which I then go and take a picture of the problem and then I send a violation letter out. Ms. Jones said she agrees that it should be done across the board. Councilwoman Baccus said, "I don't know if you would do this or not, but I rode past the white house today and I saw that we have two new air conditioning units. Did we bid that out or do you know because I'm pretty sure two units, I would assume, probably cost $10,000-$15,000 installed. This didn't come before the council to buy new units. Ms. Jones said, "I was not responsible for that." Mr. Payne said, "I can answer that question. As we all know we've spent over $85,000 trying to repair that building. We are now in the process of moving staff over. He said Merry Morgan Smith has been over there meticulously going through everything that was left there. It is now at a point to move people in. We went over there sometime last month on one of those really cold days and it was 46° in that building. So, I asked a local HVAC contractor to go check out the system. One of the systems was about 23 years old. He said if you use it, it's going to blow carbon monoxide poisoning into the building. Under our purchasing ordinance I have what's called emergency provisions as we are about to move in we didn't have time to go through 30 to 45 days of bid and come to council. Mr. Payne said I exercised my authority as city manager under your ordinance for emergency purchases, which we've done before to purchase those two units we got a discount because we bought two. Councilwoman Baccus said, "I fail to see the emergency because I don't think that anybody should be moving to the white house until we get a new city manager and let him decide who he wants to put. …. If he wants to move. He

might not want to go there himself. The building has been sitting empty for four or five years." Mr. Payne said, "I made that decision. I am still the city manager, and I am moving people over there. We are going to move the city manager over there. We are going to move codes. Ms. Morgan Smith may end up over there. We're going to fill that building up at some point." Councilwoman Baccus said, "You want be here to fill up no building." Mr. Payne said, "That building has sat vacant for many years. You spent $85,000 to bring it up to code. I made the decision as city manager to move staff over there. I am still city manager, and I made that decision." Councilwoman Baccus said, "There was no emergency to buy no units without coming before this council." Mr. Payne said, "There is an emergency when I'm trying to move staff over there; they could potentially be killed by poison gas. I exercised my authority under the ordinance, and I did what I did." Councilwoman Baccus said, "If you move codes enforcement …. If somebody comes to get a license with codes enforcement, they will have to leave there and come to city hall to get a license with Lacie. You're leaving so let the city manager that's coming in do his job. Councilwoman Baccus said, and it was not an emergency to move no units." Mr. Payne said, "City Council does not have authority over personnel or where they sit, I do. I made a decision; I'm the city manager." Councilman Milling said the money has been spent and the building is going to be occupied and it's done. Let's just go forward with something that's going to be productive for the city. Councilwoman Baccus said, "That's just to prove how our money is being spent; how our money is being wasted. That's the point."

CITY EMPLOYEE EXERCISE FACILITY BENEFIT - JOHN PAYNE, CITY MANAGER Mayor Boyd recused himself and had Mayor Pro-Tem John Segars take over. Mr. Payne said for the past decade or so the city has provided as a benefit to all the employees access to an exercise facility. In the past budget Ms. Reed asked that since there was a new facility coming to town that we wait. I did that. I wrote up a request for bids on December 15, 2023, which was posted on our website. But to go a step further, so there would not be any question, on December 15, 2023, I hand delivered bids to the YMCA and Planet Fitness. That bid was due by January 15, 2024. I only got one response and that was from Fitness World Gyms. The other two did not respond. Knowing that there may be some concern, I put out a second bid on February 15, 2024, and I closed the bids on March 1st. Again, I hand-deliver bids to the other providers, and they have never responded so under my authority as city manager, the amount is below my threshold of $5,000, I have issued a purchase order" …. Councilwoman Baccus said, "Back to the good old boy system, Mr. Payne said, "There's no good old boy system. I used our procurement process, and I followed our ordinance. I have issued a purchase order and I've closed the case." Mr. Payne said, "I'm sorry that everyone here can't understand what our procurement process is. I followed it as city manager, and I exercised it and I have executed it. I just wanted to make you aware so in case there are any rumors floating around you've heard it from me what I did." Councilwoman Baccus said, "Back to the good old boy system because he resigned from having the city use his gym now all of a sudden it's being handed back to him again." Councilman Milling asked, "What period of time would the $4,950 cover"? Mr. Payne said, "I issued the p.o. after the deadline expired, so it will be a year from March 1st. Councilwoman McRavin said, "So we are doing this midterm instead of waiting until the next budget term"? Mr. Payne said, "There's no reason to wait. We have employees who use this

facility." Councilman Gardner asked, "Do we want to cut them off from using this facility"? Councilwoman Baccus said, "We want to let the next city manager that comes in and do this properly, not the good old boy system." Mr. Payne asked, "Can I do the math? Councilwoman Reed said, "It's not about the math. As you said it was in the spirit of being fair because we had the YMCA, and we have a new company coming in. Councilwoman Reed said, I don't know whether you hear what we hear, but the new company doesn't get support from our city." Councilwoman Baccus said, "This never came before council." Mr. Payne said, "This does not have to go before council." Councilman Gardner said, "Why don't we have them sign a paper of "no bid." Councilman Gardner asked Clerk/Treasurer to reach out to the two facilities for a letter of no bid. Councilman Gardner asked if we want to end our city employees having the ability to exercise. Do we want to end our health benefits from our insurance perspective by them having a membership because those things are relevant." Councilwoman Baccus said, "Go to Scott page and look how many times the city manager has slandered Planet Fitness name. Mayor Pro-Tem Segars said, "As a point of order, the city manager extended these requests for bids prior to his extending his resignation. He is still the city manager. This has been done above board on two occasions and they elected not to submit a bid". Councilwoman Baccus said, "Since we are talking about ordinances, our ordinance clearly states we are only supposed to do anything with three bids. Mr. Payne said I requested three bids. She said if we don't get three bids we are supposed to go back again. Mr. Payne said I went twice. Councilwoman Baccus said the ordinance says we are to get three bids. Mr. Payne said the ordinance says I need to try and get three bids and I did try to get three bids twice. Mayor Pro Tem called to question. He said we've discussed this enough. He asked for a motion to approve the bid. Mr. Payne said, "You don't need a motion because it's under the legal threshold of $5,000. I have acted under my authority, and I've already taken action. This is for informational purposes only." Councilman Gardner said, "I would like to "point of order." We have some discussion, and I can't help but just hear constantly throughout the meeting in the gallery and it's disruptive for me to be able to do my job. So, if we don't mind if we could have some instruction to the gallery that we need to stay silent and if not the Chief can help us with this situation."

DEPARTMENT HIGHLIGHT - WATER AND SEWER - CHARLES SHUGART, DIRECTOR Mr. Shugart was not present at the meeting. The following employees from the water & sewer department came and introduced themselves and told them what their job entails.

Charlotte Fulton is the business office manager and has been employed for 32 years. She is responsible for making sure the office is running smoothly, keeping up with work orders, payments, deposits … etc.

Michael Morris - Operations Manager for Sewer & Stormwater. He has been in the water and sewer industry for 23 years. He has been with the City of Darlington for two years. He is licensed in Stormwater, biological wastewater, water great and distribution.

Johnathan Boatwright - Operations Manager. He is currently assisting with day-to-day operations of the street and sanitation departments. He has been employed by the city for almost three years. He has been in the water and sewer industry for 14 years and handled construction, maintenance, upgrades, and daily operations. He is certified by the State of South

Carolina water, treatment and water distribution, OSHA, certified in-state trenching practices. Heavy Equipment Operator Class A CDL, etc.
Anthony McCullough - Customer service representative. He changes out meters, service anything from water lines, transmitters.

REMINDERS
Tuesday March 19, 2024, Renaissance Meeting at Harmon Baldwin Recreation, 6:00 PM
Wednesday March 20, 2024, Special Council Meeting to consider interim city manager resumes.
March 26, 2024, at 6:00 PM Work Session
Tuesday April 2, 2024 - Regular City Council Meeting of Darlington City Council- 6:00 PM

ADJOURNMENT
Councilman Gardner made a motion to adjourn the meeting at 8:05 pm. Councilman Milling seconded the motion. Councilpersons McRavin, Baccus, Reed, Segars and Mayor Boyd voted in favor or adjourning the meeting.

_____
Mayor

ATTEST:

_____
Clerk & Treasurer