CITY OF DARLINGTON
SPECIAL CITY COUNCIL MEETING & WORKSHOP
HELD IN THE COURTROOM/COUNCIL CHAMBERS
400 PEARL STREET, DARLINGTON, SC
TUESDAY, APRIL 16, 2024 – 6:00 PM

Present at The Meeting: Mayor Curtis Boyd, Interim City Manager Mr. Bill Taylor, Councilpersons Elaine Reed, Angela McRavin, John Milling, John Segars and Sheila Baccus. Also present was Hunter Thomas, Merry Morgan Smith, Sheila Jones, Jannie Lathan, Officer Mark Hayes, Officer Hunter Parker, Police Chief Jimmy Davis, and William Jackson.

Councilman Gardner was not present at the meeting.

Invocation Pastor Linda D. Bailey, New Jerusalem Apostolic Church of Jesus

Pledge of Allegiance.

FOR COUNCIL ACTION:

A. Request Regarding Acquisition of Used Vehicle for the Narcotics Unit - Chief Jimmy Davis

Chief Davis told council he is coming before them tonight to ask them to allow the police department to spend monies that they already have. He asked them to approve money to purchase a vehicle. They will get rid of the unmarked undercover vehicle that they have. The money that they are asking for is $14,934.15. The vehicle (mustang) that they had and was using was totaled and the insurance company paid $13,800 to the city for the totaled vehicle. Mayor Boyd said the trade difference is $14,900, but he got $13,800 for the vehicle that was totaled plus he needs about $1,100 more dollars. Chief Davis said the $1,100 will come out of their narcotics fund to purchase a 2020 Dodge Durango. Chief Davis said the Durango is already outfitted so there is no additional cost. **Councilman John Milling made a motion that we authorize the expense of $13,800 being the funds paid by the insurance company for the totaling of the Mustang and be returned to the police department and they be authorized to use $1134.15 of the drug money to purchase a 2020 Dodge Durango. Councilwoman Angela McRavin seconded the motion. Councilpersons Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion.** Mayor Boyd said, “So, you’re trading the mustang in.” Chief Davis said, “Yes.” Councilman Milling asked, “In its totaled condition? The mustang is totaled.” Chief Davis said the mustang is in drivable condition. He said we had a vehicle that narcotics was using a year ago that got totaled and we just hadn’t replaced it. Mayor Boyd said, “Two separate vehicles: a totaled vehicle, and the mustang.

B. Request for New K-9 for Narcotics/Search & Rescue - Police Chief Jimmy Davis

Chief Davis said this is for a second canine. He said this K-9 will be for odor and for tracking. He said this canine will be used on patrol. He said they have an officer that is highly motivated for narcotics and is willing to take on the responsibilities that a canine would bring. Chief Davis said the approximate cost is $20,000, however I’m not asking the city for any money. He said

between asking friends and the public for donations and applying for a grant for a $7,500 grant, they have it covered, and they are just asking council for permission to spend it. Councilwoman Baccus asked about K-9 Luke and Officer Hayes said he's good. He said they had a vet visit a couple of weeks ago and he received a clean bill of health. Chief Davis said with donations and the grant, the amount is completely covered. If the grant were to fall through, we can ask you to let us pull that money out of our narcotics fund. There is no money coming out of the city's budget. It's money that the drug dealers gave us and we're just asking you to let us spend their money. **Councilwoman Sheila Baccus made a motion that we purchase a new K-9 narcotics search and rescue dog. Councilwoman Elaine Reed seconded the motion. Councilpersons Milling, McRavin, Segars and Mayor Boyd voted for the motion.**

C. Request for Funding for Five (5) Floats at the NASCAR Throwback Parade on May 11, 2024

Mr. Taylor said Lee Andrews is not going to be here today because he had a ballgame, but he dropped off an extra letter which he put a copy of in their packets. Councilwoman Baccus said, I don't have any problem with the floats for the racetrack, but I also would question why we don't donate floats to the mayo alumni parade, and the St. John's high school parade. She said I think we need to add that and at least donate one float to each one of those parades as well. Mayor Boyd said, "I don't know that they have ever asked, but I don't see a problem with it." Councilman Segars asked if this would qualify for hospitality money. Mayor Boyd said, "Yes." The council discussed who would be riding on these floats. Councilwoman Baccus asked how we got to five floats. Mr. Taylor said Lee told him that Council approved that last year. Mayor Boyd said, "I don't think we approved that. I think they have asked for it before, but I don't think we did. I don't recall." Councilwoman Baccus said, "If we approve this, the door should also be open for Mayo Alumni and St. John's Alumni to get floats." Councilman Milling said, "Perhaps in the past a request had been made to the hospitality tax money group but because of the retirement of the outgoing track president and the incoming new track president, they did not get the request made in time. So, they are coming now to ask about the $3,175". Councilwoman McRavin asked, "When is it that people are able to apply for H-Tax dollars? What's the opening period for that"? Councilman Milling said, "My best memory is sometime during the September time frame." Councilwoman McRavin asked if we put an application online and people apply for it? Councilman Milling said, "I think what we do is a part of our budget process. We'll say we are going to give x amount of dollars to the hospitality tax group to divide out among the applicants. He said I think out of this budget it was $30,000 but we'll have to put a new amount for the fiscal year 2024-2025. Mayor Boyd said it was $36,000 that was set aside for the committee) Councilwoman McRavin said, "I'm asking that because if we're saying all of this money, the money that we gave last week for fireworks, and now this are we talking about funds that were allocated out of the current budget or is this money going to come out of the upcoming budget"? Councilman Milling said, "I'm thinking this money and the $12,500 would come out of our current hospitality tax funds on hand and as we build our new budget we will have to include the fireworks and the hospitality tax amount in our 2024-2025 fiscal budget". Councilwoman McRavin said I thought the 2023–2024 money was already allocated. Is this putting us over budget? Councilman Milling said, "It is not putting us over budget from the general fund, but it is taking additional money out of the hospitality fund.' Mayor Boyd said the original purpose of it

was that people would come throughout the year and ask for funds, so our goal was to get it to where we had a certain amount that we budgeted for. The goal behind it was that we take a certain amount and they allocated $36,000 to this committee and then the committee will go through and decide … They give a recommendation. People have to solicit for and then some of them got it and some didn't. And at that point we were finished with people coming in asking for money. He said we've only had the committee do this once or twice." Councilwoman McRavin continued to ask about the procedure for disbursing these funds. Mr. Taylor said it looks like in 2022 the applications were due September 23rd, but in 2023, they were due on March 20th, so they had a quick turnaround for whatever reason. Mayor Boyd said, "We started it late and we wanted it to be done in March so that when we do the budget we would have the numbers. Councilwoman Reed said, "All of this seemingly is things that we have just been doing like you just finished saying. Some things that we've been doing just automatically over and over every year … Right now, we need to look at this because our negotiations with the racetrack fell down on what we needed to do and just to automatically say this year we are going to provide five floats to one of their events. What is the benefit here"? These are the things I think we need to look at. The grants committee that was set up was to stop to put everything through it …. Councilwoman Reed said, "This committee, the grants committee that was set up, was to stop to put everything through them. Whatever hospitality money was going to be used whoever was requesting it, needed to go there. That was the reason, at least that's what was drilled into us. She said the chamber was used as an example. Yes, we did this every year, but the hospitality was so it could be beneficial to the City of Darlington. Councilwoman Reed said, this thing about the floats to the racetrack. It is a one parade there, but it has always been a question as to how it was a benefit to the city because when we needed them with that contract to try to annex in there were so many stipulations putting in and back and forth and we still don't have anything. She said put everything through that committee. She said my understanding is that the committee was supposed to meet twice a year and the applications were supposed to be in. Mayor Boyd said, Ms. Reed I agree with you on the part about the annexation with the racetrack, but the only difference is that we are talking with NASCAR, which is not the guys down the road. He said we are putting the parade on for the City of Darlington people to come through. He said we get publicized and ridiculed a lot of times if we don't have floats and again I'm one for let's don't do it, But I'm also one for let's do it. So, either way is fine with me, but it does make the parade look better for the City of Darlington if the city is willing to put the money up for it. Councilwoman Reed said there should be representation from the city of Darlington on one of the floats. Councilwoman McRavin said she agrees with that because if we're going to have that many floats they just can't use them all for their people. Because we would be paying for something and not getting any recognition. Councilwoman Baccus said there were organizations that were already in our budget, but they were taken out of the budget and were told they had to go through the committee. Councilwoman Baccus said the Chamber and all of the organizations should have gone into that basket. Councilwoman McRavin asked if they could look at the process at one of our work sessions for how we plan on distributing hospitality funds. Councilman Milling asked what kind of branding we are going to have for the floats. He said I don't know whether there can be a sign on it that says float provided by the City of Darlington or whether everything is going to say NASCAR Throwback. Mayor Boyd said, "I think we can request that." Councilman Milling said, "I think we ought to get some recognition out of it,

if we are providing the floats. Councilman Milling said we do want to require them to make a request in September 2024 for funding for the summer of 2025. And to the racetrack, but for throwback 2025 you're going to have somebody come to the hospitality committee and make a request in September 2024. And then we can consider increasing the amount of money we give that committee to distribute. Councilwoman Reed asked Mr. Taylor if he has seen any of the documentation on the creation of the grants committee? Mr. Taylor said all he has is the applications themselves. Councilman Milling said I think if we keep September as the application date then as Ms. McRavin said sometime in the July-August timeframe there needs to be some publication out there so that the community applicants will know when the date is going to be. He said if we are going to change the date and start using a February or March application, then in December or January we've got to put the notice out that you've got to apply by such and such a date. Councilwoman Reed and Councilman Milling continue to discuss the process. Councilman Segars said, "I'd like to follow up on what Elaine said about the racetrack and the roadblocks that we ran into as far as annexing our piece of property on Highway 151. He said if this council Is going to approve funding the floats for this event for the racetrack. We need to acknowledge to them that they did not support us on the last endeavor we had with them. We need to have them supporting us as much as we're supporting them. Councilwoman Reed said, "In the spirit of being able to keep our support and showing we're all about it, yes we should have the float with the stipulations they acknowledge the City of Darlington. I think we should have some input about who's on it or something". Mayor Boyd said the way he's reading the contract he doesn't think there's a float for the council members, so do you want to add an additional float for council members? **Councilman Milling made a motion to approve $3,175 for the rental of five floats with request that the Darlington Raceway provide acknowledgment that the floats are provided by the City of Darlington and that we will continue discussions with them, as to providing future floats. Councilwoman Baccus said I want to amend that. I also would like to add to that motion that floats are also made available for Mayo High school alumni and St. John's High School Alumni**. Mayor Boyd asked Mr. Taylor if we could vote on that now. Mr. Taylor said, "I would only vote on the question." Councilman Milling said, I think those are two separate things being requested and I think it would require a second motion. And then I go back to what Elaine has said, should the alumni be submitting their request just like the next time around the racetrack has to submit their request to the hospitality tax committee. Councilwoman Baccus said, "So we are saying that we are going to give the race track these five floats but then after this, we want to make everybody else (the alumni's) go before the committee. Councilman Milling said, "That's what I would be saying. The alumni associations go to the committee as we're considering our budget because there's going to be some other things going to that committee. The council will decide what amount they will give the committee to disburse." **Councilwoman Elaine Reed seconded the motion. Councilpersons McRavin, Baccus, Segars and Mayor Boyd voted in favor of the motion.**

EXECUTIVE SESSION

Executive Session for Discussion of Legal Issues Related to compliance with zoning and land Use Issues (Attorney Ron Scott via ZOOM)

Councilwoman Elaine Reed made a motion to go into executive session @ 6:45 pm for Discussion of legal issues related to compliance with zoning and land. Use issues (attorney, Ron Scott via ZOOM. Councilwoman Angela McRavin seconded the motion. Councilpersons Milling, Baccus, Segars and Mayor Boyd voted in favor of the motion.

Upon motion of Councilman John Milling, seconded by Councilwoman Elaine Reed, executive session ended at 7:51 PM. Councilpersons McRavin, Baccus, Segars and Mayor Boyd voted in favor of the motion.

5 MINUTE BREAK

DARLINGTON CITY COUNCIL
COUNCIL WORKSHOP TUESDAY APRIL 16, 2024
IMMEDIATELY FOLLOWING THE SPECIAL MEETING

Discussion of Vacant Buildings' Ordinance, and Fees - Sheila Jones, Building & Codes Official

Ms. Sheila Jones said she looked at Sumter and the City of Columbia to see what their vacant registration ordinance says in order to make some adjustments to our ordinance. She said she liked how the city of Columbia defined vacant buildings in their ordinance. The ordinance presented by Ms. Jones has the changes redlined and the wording from the City of Columbia is in blue. Their ordinance just said *vacant building means any structure built for occupancy of residential commercial or industrial uses that is unoccupied.* She said she also liked that they categorized the vacant buildings. They used category one as having no current code violation on the structure or the premise. The building is structurally sound with no code violations and is maintained to minimal code by owner or responsible party; category two has a little more problems and category three has severe code violations. She said in that application it says that the code official is going to go out and do an inspection of the property so it will properly categorize where you are. Ms. Jones said some council members want to completely take away the fees and some council members don't. It has been agreed that the fees that we have are a little steep, so this one separates the two from non-residential structures to residential structures. The nonresidential commercial structures are a little stricter to convince people to register. She said she redlined the "waiver of the fee" and instead added (e) exemptions to exempt certain things from it for up to a year. She said she took inspections out completely because the reality of it is even though we say we can go on your property and inspect it; it doesn't mean that we can. The law doesn't allow for it unless they invite us onto the property and ask us to inspect it. That is why that was put into the registration Application so that it is in there, and by signing the application registering your property, you are allowing us to go inspect the property to properly categorize it. Ms. Jones said on page 9 she redlined (d) Abandoned or

junk vehicles because I think it has been decided that it is not enforceable. Mayor Boyd said, "To me, I'm still confused about why we are going to allow people to have junk vehicles in their yard, but yet we can go on their property and tear their building down. Ms. Jones said because the code allows me to condemn a property and then remove it by demolition if it's a public nuisance. Mayor Boyd said, "I'm just going to be really blunt. I'm confused on … we go after somebody for putting ….. we're telling people they can't put a yard sign that's says vote for president whatever in their yard but yet we allow them to have ten junk cars in the yard and the city looks like junk." Ms. Jones said, "I understand your frustration with that, but state statute doesn't allow me to pull personal property, i.e., cars off of their property. there's other laws and rules that have to be adhered to in order to pull their own property off of their property. And the Attorney General sent an opinion in regard to that which is why we are not doing it, because state statute doesn't allow us to. State statute does allow me to condemn properties and demolish them. Mayor Boyd said there are places that are commercial, and they were told that they could put fences around the cars, so why wouldn't that apply for residential Ms. Jones said we can look at that. Mr. Bill Taylor said, that is state statute by itself as far as junk yards and motor vehicle storage, not individual junk vehicles is my understanding. Mayor Boyd said Don't we have a beautification code"? Ms. Jones said, "We have a beautification code, but it's not enforceable if state statute doesn't allow us to enforce it. Ms. Jones said our city ordinance says that you can't have them so the penalty for that is the violations and the violation letter. If they don't fix it then we can send them to court. Ms. Jones said from the last council meeting mayor Boyd said that he spoke to the city judges who said they were not going to enforce that because it's against state statute, so if our judges aren't going to enforce it, state statute doesn't allow us to pull the junk cars off, I don't see where it should be in our ordinance; however, I'm not council. I can only tell you what I think and whatever decisions you all make will be on the books. Ms. Jones said the other one she changed was item (b) *Grass and Weeds - under (10 – Exterior maintenance).* She said our ordinance says any weeds or grass must be no greater than six inches in height, so she redlined that and put eighteen inches because our ordinance is eighteen so it should be in keeping with what our current ordinance is. She said she redlined item (11) *Removal of garbage and refuse because that is already an ordinance.* Councilman Milling asked if there were any concerns about allowing grass to be eighteen inches is a health hazard. He said he didn't know if we kept it at 6, 10 or 12 inches you had less problems with rats and snakes. Ms. Jones said six inches is unrealistic in the summertime and probably eight as well. She said if we were going to lower it then maybe to twelve inches, because anything lower than that if it rains a little it can grow that fast. *Section 18-280 No occupancy or trespass was redlined because this is a state statute in regard to trespassing.* She said when they were talking about this type of property there has to be some type of notice and that notice can be put in the registration part. And when they register ask them to post their property that it's vacant so that we won't have trespassers*. In Section 18-281 Vandalism or removal of items prohibited that is already a law.* Mayor Boyd asked, "If you have a property house or commercial and it's being rented It's for six months or a year and the person moves out and it becomes vacant, and they put a for rent sign on it. It's still vacant at that point if we voted on this and it's a year of zero fees for the first initial registration, would that person be required … ok they just moved out and I don't have anybody in mind yet for the new building ….. And maybe in a two-month period do I will have to go and register the building. Ms. Jones said, in my opinion, it should be 30 to 45

days. I chose 45 days just because in the state of South Carolina you have to get your license changed within 45 days of moving so I think that gives someone sufficient time to get registered. Ms. Jones said if you look at the fee schedule the first year is free. So, if somebody moves out and it takes them eight months to get somebody back in, they are still within that year and then when someone moves back in that stops the clock. Mayor Boyd and Councilman Milling continued to ask about the registration process and how often they need to register properties. Councilman Milling asked, just to cover the cost of the forms and the time it takes to process forms, can you afford to do this without any charge the first year. Ms. Jones said, "The good part is we already have forms." Councilman Milling said, "They have to be reproduced. Ms. Jones said They are all on excel spreadsheets. Mayor Boyd said I think what he is asking in that year would you have to take your time and inspect a house or a building? Ms. Jones said, "Sure. It is costing the city money, but having said that we do courtesy inspections all the time for which we don't charge. I think that this could be an incentive to our citizens to say you have vacant property, register it. It's not going to cost you anything." Mayor Boyd said, you're giving everybody a year and within a year they haven't done anything to it then there needs to be a fee. Councilman Milling said, "You can bring it back to us if you get overworked with what you have to do."

FURTHER REVIEW OF THE BUILDING DEPARTMENT BUDGET - SHEILA JONES, BUILDING & CODES OFFICIAL Ms. Jones went over her budget. She said she would like an increase in salaries for her and her department admin to be increased. She went over various line items explaining increases or decreases. Councilman Milling asked Mr. Taylor when will we be at a point when we reconcile income with requests? Mr. Taylor said he is trying to get the accountant here next week and then we'll be in a position to lay something out for you. Mayor Boyd said, "Sheila on 272 with the $50,000 to the $102,000 we discussed that the last time that you said there was still $30,000 …… Ms. Jones said I rounded it to $30,000 but it was actually $27,000. Mayor Boyd asked if there is a reason why we can't go ahead and the building that we've been trying to get down for four years. it's already been approved to get down and it …. You put that $30,000 into the $102,000. Ms. Jones said, "well because I was told not to do anything until we got another bid back for that building and not take anything down until we figured out what we were going to do with that gas station. And I never heard back what we were doing with that gas station, so I never did it. We knew that it was going to take the rest of the budget to take that down for asbestos abatement. Councilwoman Baccus asked Ms. Jones how many properties are on the list now. Ms. Jones said, "There are six on the list, and then I want to add three more to it." Some Council members asked Ms. Jones questions about various properties on the list and various properties that needed to be on the list.

OTHER MISCELLANEOUS ISSUES AS DECIDED BY CITY COUNCIL

Councilwoman McRavin said, "In my training I realize …. Mayor Pro Tem how long have you been in your seat? Councilman Segars said, "This is my fifth year." Councilwoman McRavin said according to …. And I think Mr. Taylor can attest. The Mayor Pro Tem is only supposed to sit for two years." Mr. Taylor said, "You're elected as mayor pro tem for a two-year term, but you can be reelected after any election …. the same individual." Councilwoman McRavin asked, "The same individual can be consecutive, because that wasn't what I gathered when I was

reading it." Mr. Taylor said the same individual can be elected by the council. It's just that term is for a two-year term between the different elections. Councilwoman McRavin said, "I just wanted to make sure because my interpretation was different, and I just didn't want us to have anything being challenged if he was presiding over something and someone come back and say that he didn't have authority to act as mayor.

ADJOURNMENT

Upon motion of Councilman Milling, seconded by Councilwoman Reed, the meeting adjourned at 8:37 PM. Councilpersons McRavin, Baccus, Segars and Mayor Boyd voted in favor of adjourning the meeting.

REMINDERS

Thursday April 25, 2024, Taste of Darlington at the Racetrack
Thursday, April 25, 2024, 10:00 AM an award will be given to Sonic Drive-in
Saturday, April 27, 2024, at 10:00 AM - Public Forum at the Mayo Magnet School Conference Center
Tuesday, May 7 at 6:00 PM the Regular City Council Meeting

_____
Mayor

ATTEST:

_____
Clerk & Treasurer