

**CITY OF DARLINGTON
REGULAR CITY COUNCIL MEETING AT 6:30 PM
TUESDAY -AUGUST 7, 2018**

PRESENT AT MEETING:

Mayor Gloria Hines, City Manager, Mr. Howard Garland and Councilpersons: John Segars, Carolyn Bruce, Sheila Baccus, Bryant Gardner and John Milling. Also, present: Mrs. Lisa Rock, City Attorney Kevin Etheridge, Police Chief Kelvin Washington, Building Official Alex Gainey, Mr. Kinsaul, Mr. Linwood Epps, Mrs. Betty Jackson, Ms. Jannie Lathan, Ms. Rhonda Brown, Mrs. Laura Burns, Mr. David Brown, Ms. Angie Campbell, Mr. Winfred & Mrs. Brenda Herrington, Mr. Steve Abbott, Ms. Harriett Hobbs, Mr. Lee Andrews, Fire Chief Pat Cavanaugh and other visitors.

NEWS REPORTERS

Also present were News Reporters from the News & Press and the Morning News.

INVOCATION & PLEDGE OF ALLEGIANCE

Councilwoman Sheila Baccus did the invocation which was followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

Upon motion of Councilman Bryant Gardner, seconded by Councilwoman Carolyn Bruce, to approve the Minutes of July 10, 2018. Councilman Milling asked about the special meeting held on July 10, 2018 at 6:00 PM before the regular Council meeting. Councilman Milling said he would make a motion that they amend the agenda to vote not only for the regular minutes because they are not differentiated, but to approve the minutes of the special meeting and the minutes of the 6:30 PM meeting. Mayor Hines said a motion has already been made and seconded, so they will go ahead and vote on the regular meeting. **All approved the motion. Councilman Milling made a motion to approve the minutes of the special meeting on July 10, 2018. Councilman Segars seconded the motion. All approved the motion.**

REPORT OF STANDING COMMITTEES

A) DARLINGTON DOWNTOWN REVITALIZATION ASSOCIATION – MRS. LISA ROCK

Mrs. Rock said Medic of South Carolina and the DDRA will present a community karaoke party with S&T Entertainment this Thursday at Liberty Lane & Pearl Street as part of the Bringing Downtown Alive Series. Radio Vibe will be playing for the final concert of the season on Friday August 31st with the Rotary Club of Darlington staffing these events. Mrs. Rock extended special thanks to Fast Track Convenience Store, Pepsi of Florence, Wilson Senior Care and the Darlington Rescue Squad. She said Papa John's pizza will be on site selling pizza by the slice along with Mike's Italian Ice and C&C Ribs and BBQ. She said she just got another vendor who will be doing fried Oreos. Mrs. Rock said anyone interested in helping with the concerts and events should contact her office. She said the next committee meeting will be August 16, 2018, 6:00 PM at Mamma Mia's. Mrs. Rock said the DDRA invites businesses to network and learn about their programs and give feedback for future projects at their monthly members breakfast. The next monthly breakfast for members is 8:00 AM Wednesday August 29, 2018 at Takis Diner. Breakfast will be provided for member businesses at no charge and a small donation of \$5.00 towards the meal for nonmember businesses. Those meetings will continue monthly through October on the last Wednesday of the month. She said to bring a business card for a chance to win tickets to the Southern 500 race in September. The DDRA still has funds available for improvement incentive program. The 50/50 matching grant of up to \$1,000 can go towards façade improvements such as a fresh coat of paint, or repairs to the front entrance or adding new awnings or signage. The grant application is available on the City website at buildupdarlington.org or from her office. Mrs. Rock said after tonight's meeting they encourage folks to "Eat for Change" at Papa John's in Darlington. She said 10% of sales from yesterday, today and tomorrow will be going towards the DDRA as part of a quarterly promotion by the new owners to give back to the community and grow our local economy by investing in downtown.

B) GREATER DARLINGTON CHAMBER OF COMMERCE – MS. HARRIETT HOBBS

Ms. Hobbs said this year's Freedom Fest was their most well attended event and they had a record breaking crowd. Ms. Hobbs said if anyone has any constructive criticism, comments or tips they would love to hear them. Ms. Hobbs said Darlington's biggest tailgate will be September 6, 2018. She said she has spoken with all the coaches and it will be on the Square again.

She said it will be a little different this year and it will be done on a week they don't have a football game. She said the coach has committed the football players, the marching band, and the cheerleaders so they will have a huge pep rally. Ms. Hobbs said they are still collecting canned goods for the Lord Cares. She said Coach Jordan will give a 10-minute talk on concussion protocol. Ms. Hobbs said the chamber is partnering with the Athletic Department at Darlington High for homecoming weekend (Thursday, September 27, 2018) so she got together with Coach Jordan the other coaches and they will have a big pep rally. She said at the biggest tailgate the Alumni Association is discussing doing a bar-b-que dinner to raise money for the athletic department. The Toast of Darlington is scheduled for Thursday, October 4, 2018 on Oak Street. Ms. Hobbs said if anybody would like to cook for the event, give her a call. She said there will be a "Lunch & Learn" at South of Pearl on Thursday, August 23, 2018 which is being put on by King Horn Insurance and BlueCross BlueShield. Ms. Hobbs said BCBS and King Horn wants to dump some money into our town. She said they want to do BCBS plans through the Chamber. She said she knows the City has BlueCross, but if you're not doing it through the Chamber she can save us money. Ms. Hobbs said they have got better plans, better premiums and better bundles. She said they can take our plan over without having to do any more paperwork. Mayor Hines asked Ms. Hobbs about the time and she said 12 noon.

KEY TO CITY/PROCLAMATION – MS. MAGGIE SAMUEL HICKS

Mayor Hines read the proclamation to be presented to Ms. Maggie Samuel Hicks who was born June 26, 1917, (101 years old) the 11th child of Mr. & Mrs. Washington Samuel proclaiming August 7, 2018 as Maggie Samuel Hicks Day in Darlington, SC. Mayor Hines presented Ms. Hicks with a Key to the City of Darlington" and a picture was taken along with several family members. Ms. Hicks thanked the City for recognizing her. She said she's been around the town all her days. She said she knows the Lord blessed her because sometimes it was hard. She went to school at Mayo and she had to walk about six miles to get to school. She said through all of that the Lord made a way for her. She said she didn't drink, she didn't smoke, and she ate that old-time food and that's what helped her to be here today. She tried to live a life that God would be pleased with. Ms. Hicks said her husband died in 1964 and she wondered how she was going to make it, but then she said there's a God somewhere. Ms. Hicks said, "my kids didn't go hungry and they might not have had everything they wanted, but right now I believe I like some of that back-time stuff better than I do this going on now.

She said to look to the Lord, tell Him what you want, tell Him what you need and try to live and tend to your business and you will make it. Ms. Hicks said she didn't think she would be here, but the Master saw different. She asked everybody to pray for her because we need prayer, we need to get together, and we need to love one another, and the Lord will make a way for us. Ms. Hicks again thanked Council for recognizing. Ms. Hicks said to pray for her and she'll do the same for us. Ms. Hicks received a standing ovation.

UNFINISHED BUSINESS

A) CITY COUNCIL SET DATES FOR WORK SESSIONS VARIOUS TOPICS

Council discussed what day would be best for the work session. Council decided to have the work session on Wednesday, August 15, 2018 at 6:30 PM.

B) BID APPROVAL – VIRGIL WELLS STADIUM IMPROVEMENTS – MR. LEE ANDREWS

Mr. Andrews told Council they have a bid for painting of the walls at Virgil Wells Stadium which came in at \$5,200 from Mr. Roosevelt Scott. Mr. Andrews said he is waiting on Darlington Metal Buildings to give him a price on a 20 x 20-bathroom building. He said the plan is to build a metal bathroom and take the existing bathroom that they have, tear down the middle wall and use it for a storage building. Mr. Garland asked Mr. Andrews if they have a sound system set up and he said, "No, everything they are using at both stadiums right now is portable". Mr. Garland asked if everything will be ready for Mayo Alumni and Mr. Andrews said, "Yes". Mr. Garland asked if we want to have some type of ceremony when we open the stadium. Mr. Andrews said that will be a good idea. He said the opening day for football is September 8, 2018. **Councilman Milling made a motion to approve the bid of \$5,200 from Mr. Roosevelt Scott to paint the stadium walls at Virgil Wells Stadium. Councilman Bryant Gardner seconded the motion. All approved the motion.**

NEW BUSINESS

B) MISSION SERVE – MS. ANGIE CAMPBELL

Ms. Campbell and Mrs. Laura Burns, both members of Central Baptist Church, appeared before Council to present Mission Serve to Council in preparation for 2020. Ms. Campbell said about fourteen years ago Central

Baptist Church started going on mission youth trips through World Changers or Mission Served. She said they have been all over the Southeast for the last fourteen years. Ms. Campbell said the week includes youth from sixth grade and higher going into cities that host them to do work on homes. Ms. Campbell said they do general construction, painting, roofing or basically whatever needs to be done that they have a construction team to do except plumbing and electrical. She said during the day the children work on the homes, they meet the homeowners, they witness to the homeowners, they walk through the neighborhoods to get to know the people there. Ms. Campbell said this also brings opportunities for home Vacation Bible School, like a head start program where the children will go in for the week and present crafts and programs. She said the week also involves a nightly worship and then everyone goes home to their different destinations. Ms. Campbell said Central Baptist went to Washington, DC for a week and it was an eye-opening experience for the forty-six people that went from Darlington. She said they were able to show the kids things they had not seen before. She said it's been her dream for several years now to bring Mission Served to Darlington and is asking Council to put Mission Served in the budget for 2020. She said this will be a weeklong event in either June or July depending on when Mission Serve will be able to come here. Ms. Campbell said they will have students from all over the Southeast. It will be sponsored at Central Baptist Church because it is large enough to house everybody and lunches and food will be provided by local churches. Ms. Campbell said she is confident that she has support of enough churches to feed the students while they are here. She said once she tells Mission Served that the city is behind them they will work with the City Manager on how to come up with the homes and how to come up with the projects. Councilman Gardner asked Ms. Campbell how much funds is she asking the City for. Ms. Campbell said \$10,000 and this pays for supplies only. She said Mission Serve said she would need up to \$20,000, but if she can get \$10,000 from the City she will figure out a way to get \$10,000 more. Mr. Garland asked Ms. Campbell if they would take donations of building supplies also and she said, "Yes". She said they have several people that have construction companies that they donate things to them. Mr. Garland told Ms. Campbell to give Council an idea of how many homes she thinks they will be able to do and Ms. Campbell said thirteen to fifteen homes. She said on the last project in Washington, DC they were able to do fourteen homes and three mission sites with approximately 160 students working on the projects (usually 8-10 students on a project with 2 adults). Mayor Hines asked Ms. Campbell again about the housing at Central Baptist Church. She

said they already have a commitment from Pastor Tim Coker because they have a large enough worship center and activity building and enough floor space for everybody to sleep because they sleep on air mattresses. She said worship every night is open to everybody, but on the last night Council will be invited to the last night of worship and recognize the students for the work they have done. Ms. Campbell said the homeowners or whomever would apply for the help and the construction committee would decide which projects were picked and backup projects in case they get into something they can't fix. She said they would visit with the homeowners and get permission from them and show up to their site every day. Mayor Hines asked her how long they would be here, and Ms. Campbell said it would start on Saturday and leave on Saturday. Councilwoman Bruce asked if the presentation tonight was for information only? Mr. Garland said, "Yes", he just wanted Council to be aware of this when Council does their budget planning.

C) FIRST READING ON ORDINANCE 2018-15 SALE OF LOCHEND ROAD TO AUDDIE BROWN FOR \$5,000

Mayor Hines said Mr. Brown has been constantly calling her so he finally sent her a letter. Mr. Brown's son attended the meeting for him since he was unable to come. Mr. Brown said he's not sure he can answer all their questions, but if he doesn't know the answer, he won't guess. Mayor Hines said when this came up before the main thing was concern about closing off the road. Mr. Brown said they are not closing off the road, but it is getting to a point that their customers can't get through. He said they all have to come through that road to get to them and it is blocking their customers from getting to them and so it's becoming more and more of an issue because the potholes have gotten extremely deep. Mayor Hines said she is in favor of having first reading tonight because it is a city owned street and we don't have any money in the budget to fix it. She said the only concern Council has is that the citizens are not blocked. Mr. Brown said, "We don't want them blocked either, we need them to get to us and that's the only way they can come in is through there or the road all the way down by the lumber yard". Mayor Hines said there are some deep holes on that road.

Councilman Milling asked Mr. Brown if he would have any problem working with the City Manager and the City Attorney because these things are somewhat complicated. He said we've got the authority to deed property and decide what roads to close, but we've also got the State statute that talks about how you go about abandoning a road and there probably needs to be an agreement as to what he understands maintenance to be and what the City

understands “maintenance to be”. Councilman Milling told Mr. Brown if the property is deeded to him the City needs to have some kind of language in an agreement that is filed with the deed or in the deed itself (some sort of reverter clause). Mayor Hines said the lawyer will draw that up. Mr. Brown said they fully agree with that. He said they have gotten bids in for asphaltting the area but filling those holes must be done right away for them. **Councilman John Milling made a motion to approve First Reading on Ordinance 2018-15 relating to the sale of Lochend Road to Auddie Brown for one of its entities whatever turns out to be the best way for the sum of \$5,000 pending the ability to work out all of these agreements. Councilwoman Carolyn Bruce seconded the motion. All approved the motion.**

D) FIRST READING ON ORDINANCE 2018-16 REGULATION FOR SMALL WIRELESS FACILITIES

Mr. Garland gave Council a copy of a model ordinance from Municipal Association of South Carolina which goes into great detail to make sure that smaller towns that will be getting small wireless facilities are covered when large companies like AT&T or Verizon comes in wanting to be in these facilities. Mr. Garland said a small wireless facility is something that will go on top of a utility pole to boost or enhance a signal for internet or cellular phone service in an area that’s underserved. He said Verizon came to the City in 2015 and asked about putting up some of these small wireless facilities in our town and all this ordinance does is set in place some type of structure for them to work with that’s fair to us and the wireless companies. Mr. Garland said we currently have a contract with Verizon where they have a cellular signal on top of our N. Main water tank, but this in no way affects that deal. Mr. Garland said this would help boost the Wi-Fi/cellular signal in underserved neighborhoods. Councilman Milling said on Page 6-Item C (he read a portion of this). He said he wants something in the ordinance that says, if we get sued that they will cover the cost of defending us on a FOIA (Freedom of Information Act) application. Mayor Hines asked Attorney Kevin Etheridge if he had a chance to look over the ordinance and he said, “Yes, but not to the depth Councilman Milling is talking about”. Mayor Hines said with that being said we need to hold off on it. Councilman Milling and Mayor Hines both said we can have first reading. Attorney Etheridge said the language Councilman Milling is talking about would be very easy to put in there. Councilman Milling said the other question he had was about the annual fee on Page 15 (8A). He said it states they will pay the City \$50.00 or \$200.00 and he doesn’t know whether that’s a reasonable rate

because he doesn't know how much they are making, He said we charge a percentage for franchise fees and we charge for business licenses based on their revenue. He said he doesn't know whether or not it would be appropriate to take a look at how we're going to collect the renewal fee and whether it will be a percentage or something like a business license. Mr. Garland said it could be rolled into the franchise fees that MASC collects for us and then reimburse us every June. Mr. Garland said most of the language in the ordinance was written with consultation of AT&T, Verizon and MASC so the dollar amount was what they had agreed to. Mayor Hines said she thinks \$50.00 is too little to charge. Mayor Hines asked how many poles are involved and Mr. Garland said a lot of the utility poles are owned by Duke Energy, but there are some that are on our property that we would be entitled to get money from. Mr. Garland said the fees that would be charged would go to Duke Energy unless it was something that the City owns. Mayor Hines asked how many poles the City owns, and Mr. Garland said we have poles on City Lane, the walkway between Carolina Bank Plaza and Vaughan Insurance, but the remainder of the poles that are on the Square we lease from Duke Energy. Mayor Hines said we don't have that many poles, so we wouldn't make that much money off if it. She said we will study this some more, but we can go ahead and have first reading tonight. Councilman Gardner said if we're going to make any adjustments to the fee structure, we can't have first reading tonight. Mr. Garland said he believes what Councilman Gardner said was true. Mayor Hines said we need to find out how many poles we have. Councilman Milling asked if there was some way we could make money off of this. Mr. Garland said probably no more than \$2,000-\$3,000 a year. Mayor Hines said it might not seem like a lot, but if it will help the citizens. Mr. Garland said they can go ahead and put this out, get it done, then it's a service. He said he'll be glad to get a count on what we own, but we need to have something in place because whether they like it or not, the change is coming. Mr. Garland said he will be glad to check on the fees and see what other towns are doing but MASC put this out for a reason.

He said he would also like to see something done this calendar year and not put it off until later. Councilman Gardner asked if they should bring it back next month and see what surrounding communities are doing from the fee structure side. Council agreed to bring the subject up next month after Mr. Garland find out how many poles we have and if they will change the fee.

E) FIRST READING ON ORDINANCE 2018-17 - HABITUAL OFFENDER ORDINANCE – MR. ALEX GAINEY

Mr. Gainey did a PowerPoint presentation for the Habitual Offender Ordinance. He said he is proposing the Habitual Offender Ordinance for trash debris and overgrown lots and he's added the Bulky Refuse of Multifamily Properties. Mr. Gainey said within the last 24 months, they've sent out over 300 letters to offenders for violations of overgrown properties. He said we have property owners in the City that own multiple pieces of property and they send them letters, but we're not getting anywhere with that. He said they send the property owner a letter, they cut the property and two or three months later they get complaints and send them another letter. He said property owners are waiting on the City to tell them when to cut the lots. Mr. Gainey said they are trying to put an ordinance in place, so they can start holding some people's feet to the fire. He said for the 1st offense they would get notification either by certified mail or he will hand deliver it. For the 2nd offense and each offense thereafter in a calendar year, they will be fined \$500.00. He said they can pay the fine prior to coming to court or they can come to court and pay it then. If they don't pay the fine and don't come to court, then they can be tried in their absence and a bench warrant will be issued. Mr. Gainey said they added the multifamily bulky refuse ordinance. He said he talked to a property manager here in town and he thinks a lot of the problems we're having for furniture being put beside the road is coming from some apartments. He said he would like to put in place where property owners have to offer some kind of container for the tenants in these apartments to start putting furniture, etc. in. Mr. Gainey said he's bringing this to Council tonight for first reading to see if we can get relief on this issue, so we can stop sending out all these letters. Mr. Garland asked Mr. Gainey how many habitual offenders we have, and he said maybe 50-100. Mr. Garland said Housing Authority has already agreed to get some containers and put them behind Bowens Manor (as well as cameras) and start helping us patrol that area so we don't have as many chairs, couches, debris, etc. He said if we can get the cooperation of the other apartment complexes it will help a lot. Councilman Segars asked if apartment complexes are liable for what's put on the street and Mr. Gainey said we don't know who put the stuff out there but he's assuming it's coming from the apartments, but he can't pinpoint it 100%. Mr. Gainey said we're going to continue to have this problem a little around the City on vacant lots so that's why the Street & Sanitation Department needs to work on some ordinances. Mayor Hines asked if we need to put an ordinance in place for the apartments requiring them to put a roll out on the property and Mr. Gainey said, "Yes", Council needs to put an ordinance in place. Mayor Hines said, "We'll have an ordinance ready for Council to vote on".

Councilman Segars said once the property owner puts a roll out container there anybody can come by and throw any kind of refuse in it. Mr. Gainey said his recommendation would be to put it in a place where it can't be seen from the road. **Councilman Bryant Gardner made a motion for First Reading on Ordinance 2018-17 Habitual Offender Ordinance. Councilwoman Sheila Baccus seconded the motion. All approved the motion.**

F) JOE LOUIS BLVD. LIFT STATION GRANT APPLCIATION APPROVAL

Mayor Hines said she got some information on that at the last minute. Mayor Hines said she was on Council when there was something done some time ago and she feels that this should be tabled because she doesn't want the City to get sued; it's a legal issue. Councilpersons Carolyn Bruce and Bryant Gardner asked the Mayor to elaborate on this. Councilman Gardner said Council was emailed minutes from a previous council meeting where they discussed the lady in question. He said in the meeting it specified certain grants, Councilman Gardner said the grants that are specified in there is not the grant they are going after today, so he don't know how they could correlate or how she could be in charge of all grants. Mr. Garland said the Joe Louis Lift Station grant is something council talked about in the budget planning session. Mr. Garland said they talked about how important the Joe Louis Lift Station is. He said he's been told by staff that it's in need of an upgrade. He said last week he had Ms. Jannie Lathan come and present an application for RIA to put in for Joe Louis Lift Station. He said the contract calls for Ms. Lathan charging the City a \$3,000 fee; the grant administration would be 6% of the grant award and any additional services would be billed at a rate of \$108.00 an hour. Mr. Garland said he told her that in a previous meeting he had with Mr. David Brown they offered to write the grant for free. He said he relayed the information to Ms. Lathan and relayed the information to the Mayor on yesterday. The grant is due September 10th, Mr. Garland said we have a current open grant with Southwest Darlington Storm water (\$445,000) so if we're going to apply, it must be under economic development and can't be under the current grant we have open. Mr. Garland asked if they want to go with Lathan Consulting to write the grant or Davis & Brown. Councilman Gardner said from previous meeting minutes it looks like it was recommended that Ms. Lathan work with grant writing for CDBG or EDA funding grants. Mr. Garland said, "From 2011, that's correct". He said RIA was not in existence at that time. Councilman Gardner said, "So then she can't be in any way binded to representing us for

writing grants for RIA. Mr. Garland said, “Unless y’all approve it”. Mayor Hines said on the last grant Ms. Lathan did such a good job. Mayor Hines said if it hadn’t been for Ms. Lathan we wouldn’t have gotten the grant. Councilman Gardner said, “I understand that”. Mayor Hines said they had to go back to Columbia several times and there were some things that came up that would have blocked them if Ms. Lathan had not stepped in. Mayor Hines said with the grant being due September 10th she would prefer working with a proven record. Councilwoman Baccus said she has a concern because Ms. Lathan presented a contract in writing, but they have nothing from Davis & Brown; all we have is Mr. Garland saying they will do the work for free. Councilman Gardner said Mr. Brown is here today. Councilwoman Bruce asked Mr. Brown, “Why would you want to do this free for the City”? Mr. Brown said they have never charged for RIA grants. Mr. Brown said they have done three (3) grants for the City (one on N. Main Street; the 2nd application that Ms. Lathan helped them with, but they did not get that one and the 3rd was the storm drain grant and they worked with Ms. Lathan but didn’t get the engineering. Mr. Brown said RIA grants are not that much trouble to get and administer. Councilwoman Baccus asked Mr. Brown how many grants he has written for the City at no charge and he said three. Councilwoman Bruce asked Mr. Brown if there is something he can put in writing stating he will do this particular grant again for free. Mayor Hines said there are other charges and that the application is about 3-4 pages long, but there are other things you have to do to put it together. Councilwoman Baccus said, “So what you’re saying is you’re only going to do the 2-page application for free, but the other attachments you’re going to bill us for”? Mr. Brown said they will bill us for the engineering design and construction. Councilwoman Baccus asked if she could ask Ms. Lathan a question and Mayor Hines gave her the ok. Councilwoman Baccus asked Ms. Lathan if she would do the same 2 pages for free and Ms. Lathan said she would do the same 2 pages for free, in fact, it’s actually 3 pages. Ms. Lathan said the grant application is not just 2 or 3 pages; those are the grant application forms. She said the grant application itself includes those forms, it includes narrative, it includes backup justifications and approval from Mayor, Council, and the City Manager; and it also includes preliminary engineering reports. Ms. Lathan said, “I think the record will clearly show that Davis & Brown had billed the City of Darlington when they filed RIA application for the preliminary engineering reports which is a part of the application”. Ms. Lathan said they need to be clear that it’s not a 2-page application, but it’s a 3-page form that’s part of the total application process. Ms. Lathan said, “There are narratives that has to be written as part of the

application and there's a preliminary engineering report and Mr. Brown is right, Lathan Consulting and Davis & Brown has partnered together". She said they have prepared a part of that package (preliminary engineering report). Ms. Lathan said she's done analysis, written narratives and she's proved what they have presented as part of the preliminary engineering report. She said there's a budgeting component to that and several other components. Councilwoman Bruce asked what is the "free" part they are talking about? Mr. Brown said that's the 3-page application. Mr. Brown said they would not submit a PDR until they got the grant award. Councilwoman Brue asked what the \$3,000 from Lathan Consulting is for? Ms. Lathan said the \$3,000 which is a standard fee in the industry that's charged for putting this type of grant application together. The application itself includes a preliminary engineering report. It also includes a 3-page form that's being referred to as the application that SC RIA requires you to fill out. Ms. Lathan said with that 3-page form you have to put budget requirements; you have to develop a schedule; you have to explain in the narrative how you're going to bid this project out; she has to get a commitment letter from the City that's a part of the application process that says funds are readily available because it is a matching grant. Councilman Segars said, "Regardless of who files the application you still going to have to have engineering done on it". Ms. Lathan said, "Absolutely". Councilman Segars said, "Mr. Brown's organization is an engineering firm, and not only have they done that for the City of Darlington, but I'm sure they have done this for other municipalities in our area, so I think they are well accomplished to take on this kind of project and satisfy the need we have in the City of Darlington". Ms. Lathan said, "With due respect, so does Lathan Consulting". She said, "I have written such grants for the City of Dillon, for the Town of Cheraw and the Town of Andrews". She said she has clients who are municipalities in and outside the Pee Dee region. Ms. Lathan said her experience in writing and receiving these grants is quite notable. She said her clients have received every grant that she has submitted for them in full. Mr. David Brown said, "That's not true Jannie". He said they worked together on one for sewer and they didn't get it. Ms. Lathan told Mr. Brown that was somebody else because she didn't work with him. Councilwoman Baccus said what she's understanding is this is not free. Councilman Milling said what he doesn't understand at this point and time is some of the language in the administrative contract. He said it would be the responsibility of the City to reimburse Ms. Lathan on a cost reimbursement basis (actual cost incurred), but he doesn't know what they are talking about when they are talking about that. Councilman Milling said

he has a hard time voting to do something when he's not sure what the definition is for that. He said he thinks it would be good to have a workshop on the 15th and have Ms. Lathan and Mr. Brown make a presentation to them to help them better understand what they will be paying for and what they are going to get. Mayor Hines, Councilwoman Baccus and Councilman Gardner said the deadline is September 10th. Councilman Milling asked if this can be done between the 15th and September 10th. Ms. Lathan said it can be done, but it will be an aggressive schedule to do so. Ms. Lathan told Council they should be mindful of their fiduciary duties and their fiscal accountability if they consider awarding to one entity a contract to write a grant, then to do the grant administration and then to do the engineering on the same project and then to do the bidding out on the same project. She said one would find that it is not consistent with the City of Darlington's procurement policies and procedures. Ms. Lathan said we would not be exercising our best fiduciary duties or fiscal accountability when we award to one entity the contract to write a grant, whether we're paying them or not, to be the grant manager. Councilman Gardner said we have a timeline issue with this in waiting and it will risk us losing the grant. **Councilman Gardner made a motion that we move forward with this.**

Councilwoman Baccus said she don't see how we can consider anything we don't have in writing. Mayor Hines asked Mr. Brown why he didn't have anything in writing? Mr. Brown said it was kind of a short fuse that he got this information on. Mayor Hines said she thought Ms. Lathan was going to do it and she didn't find out until yesterday that Davis & Brown was putting something in. Mr. Davis Brown said he didn't think there would be an issue with him not charging for it. Ms. Lathan said, "In response to a comment that Councilman Gardner made earlier in terms of the fact that in 2011 the previous Mayor and Council voted that Lathan Consulting would be writing grants, and as Howard correctly stated, RIA did not exist at that time so that was not to limit and not to include writing RIA grants. In fact, Lathan Consulting has just written a RIA grant for the City. So, to portray that as the reason to say this Council has not previously approved Lathan Consulting to do this type of infrastructure grant writing for them is misleading. Councilman Gardner was saying, "Point of order".

Councilwoman Bruce said she wants to hear from the City Attorney because the Mayor said we may be at fault from a legal standpoint based on minutes from 7/5/2011 where Lathan Consulting was granted as the City grant writer for CDBG or EDA funding when RIA didn't exist. City Attorney Kevin Etheridge said you can interpret that several different ways. He said RIA was not in place in 2011. Mr. Etheridge said he doesn't know what was said

at that time. He said it's a very broad question and he wouldn't be able to give an answer. He said since RIA wasn't in place he assumes they intended all grants at that time. Councilwoman Bruce said she thinks they need to have a breakdown of what Lathan is charging and a breakdown of what Davis & Brown said is free, so she will be able to make an intelligent decision. Councilman Gardner told Ms. Lathan this is the second time she's essentially called him a liar. He said he's reading from the minutes where it states, "Mr. Garland recommended that Ms. Lathan work with grant writing for CDBG or EDA funding for storm water". Councilman Gardner said a lift station handles sewer and if we were going to say you're in charge of all grant writing, you would be in charge of storm water. Councilman Gardner said, "If you have a previous contract that gave you exclusive rights to all grant writing in the City of Darlington then you wouldn't have presented us with a new contract". Councilman Gardner said, I have serious reserves with moving forward on this with her seemingly lacking the ability to tell the whole truth". Mayor Hines said, "I don't see anything in my packet from Davis & Brown as to what they are going to do, and this is too big a project to vote on to put Davis & Brown in charge of it. Councilman Gardner said he's sure that if they can pass it tonight and Davis & Brown can have something in writing tomorrow. He said they can approve this like they did for Mr. Audie Brown. Mayor Hines said that was something short and it can't be compared to this. Councilwoman Baccus said, "This is a new Council and it's a new day". She said, "That same old stuff from the past, is stuff from the past". "It's time for things to be clear and on the table". Councilwoman Baccus said just like Ms. Lathan presented them with a contract, Davis & Brown should have done the same thing. She said, "I don't care who your buddy is, I don't care who your friend is, this is business and they should have presented to us a contract or proposal as to what they can and cannot do". Councilman Milling asked Mr. Garland how was the discussion held with Davis & Brown and Ms. Lathan about this? Mr. Garland said unbeknownst to him, in September 2017 Davis & Brown started working on a preliminary application to RIA for this project, but he stopped him about halfway through. He said he felt this was not a good time to do that because we had the storm water project application open. Mr. Garland said he told Mr. Brown to put it aside and they would look at it at a future date. He said he's had three conversations with Ms. Lathan and two with Mr. Brown. He said Council needs to consider if they have a work session and they both make presentations, you can't vote at a work session. He said you would have to come out and have a special meeting to vote. He said then you would have the compatibility of the engineering company with

the consulting company and if they both can work together, or do they go with another engineering company if Lathan Consulting gets the grants. Mr. Garland said would Davis & Brown work with Lathan Consulting. Mayor Hines asked Mr. Brown if he would work with Lathan Consulting and he said he would have to think about that. Councilman Segars said Mr. Brown's track record speaks for itself for probably 20 years or more. He said he has Ms. Haidee Stith on his staff who has written grants for us prior to Ms. Lathan coming on the scene. Councilman Segars said Ms. Stith is a very accomplished person and she can do any kind of grant work that we need done and she's on Mr. Brown's staff. He said everything has always gone smooth with the engineering Mr. Brown has done. Mr. Garland asked Council if they want to meet Thursday at 6:00 PM? The discussion was tabled until that time.

COUNCIL COMMENTS

Councilman Milling asked if we are buying water from the County Water Authority and then reselling it to customers. Mr. Kinsaul said we have four ties to the County.

Councilman Milling wanted to know what's going on with Verizon and fiber cable at N. Main Street. Mr. Garland said they have to go down Seaboard Lane which is our road and they haven't put it out for permits to do that yet. Councilman Milling asked about the sewer issues around Dixie Cup related to Phase 2. Mr. Kinsaul said there's a small amount of sewer in a storm drain that they have identified so far. Councilman Milling asked how is it related to Phase 2? Mr. Kinsaul said it's a cross connect on a pipe on that storm water project that's getting into one of the new catch basins.

REMINDERS

Tuesday August 21, 2018 – 11:00 AM– 1:00 PM, MASC Regional Advocacy Meeting

Tuesday September 5, 2018 (Should be Tuesday September 4, 2018) at 6:30 PM – Regular Monthly Meeting Darlington City Council

ADJOURNMENT

Upon motion of Councilman Bryant Gardner, seconded by Councilwoman Carolyn Bruce, the meeting adjourned at 8:25 PM.

Mayor

ATTEST:

Clerk & Treasurer