CITY OF DARLINGTON
REGULAR CITY COUNCIL MEETING HELD IN THE COURTROOM/COUNCIL CHAMBERS LOCATED AT
400 PEARL STREET, DARLINGTON, SC
TUESDAY AUGUST 1, 2023 - AT 6:00 PM

Present: Mayor Curtis Boyd, City Manager John Payne, Councilpersons John Segars, Elaine Reed, Howard Nettles, Sheila Baccus & Bryant Gardner. Also present was Codes Enforcement Officer Ms. Sheila Jones, Mr. Steve Abbott, Mrs. Katrina Ham, Mrs. Anna DeWitt, Ms. Georgia Ross, Mr. Linwood Epps, Mrs. Lisa Bailey, Ms. Ernestine Lyde, Mr. Henry McMillan, Mr. Charlie Barrineau, Mr. Rujon Williams, Mr. Jamie Harris, and other visitors. Some of the Police Department employees were present at the meeting. They are as follows: Mrs. Lavonda Green, police officers Kawon Martin, John Gutierrez, Keith Cauthen, Hunter Parker, Ariel Washington, Mark Hayes. Also present was a representative from the News & Press.

Councilman John Milling was not present at the meeting.

INVOCATION & PLEDGE OF ALLEGIANCE
Prayer by Mayor Boyd followed by the Pledge of Allegiance

APPROVAL OF MINUTES FROM SPECIAL MEETING ON JUNE 30, 2023
Councilman Howard Nettles made a motion to approve minutes of the special council meeting on Friday June 30, 2023. Councilman Bryant Gardner seconded the motion. Councilpersons Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion.

APPROVAL OF MINUTES FROM REGULAR MEETING ON JULY 11,
Councilwoman Elaine Reed made a motion to approve minutes of regular council meeting on Tuesday July 11, 2023. Councilman Nettles seconded the motion. Councilpersons Baccus, Gardner, Segars and Mayor Boyd voted in favor of the motion.

APPROVAL OF MEETING AGENDA
Councilman Bryant Gardner made a motion to approve the amended agenda for tonight's meeting August 1, 2023. Councilwoman Elaine Reed seconded the motion. Councilpersons Nettles, Baccus, Segars and Mayor Boyd voted in favor of the motion.

CITIZENS WISHING TO APPEAR BEFORE COUNCIL (5 MINUTES PER PERSON, 30 TOTAL MINUTES MAXIMUM)
***Neither personal attacks nor disruptive behavior are permitted**

Mr. Rujon Williams & Jamie Harris signed up to speak but decided not to.

Mr. Henry McMillan appeared before the council to speak on behalf of his mother, Ms. Shirley McMillan. He said his first issue is his mother does a lot of clean-ups in her yard and the last few times her mother has been calling the street and sanitation department she has been met with

attitudes and a lot of confrontation for no reason. She's been getting different information. Mr. McMillan said she called about some mattresses being picked up on the side of the road and the lady Ms. Kelli told his mom that they don't do that. They don't pick up the mattresses anymore, so his mother had to pay somebody to go pick up the mattresses and take them off. He said last week his mother had her house renovated and she has some yard debris and some old furniture on the side of the road. He said his mom called the street department and again she was met with an attitude, confrontation and arguing for nothing. Mr. McMillan said, "she's basically telling my mom one thing and we're sitting there looking at the trash on the side of the road saying that they're not going to come pick it up and we're going to get fined for that and still to this day it's still sitting on the side of the road". He said I understand that trucks are down or whatever but the problem I'm having is every time my momma calls and talks to this lady Kelli or whoever she always gives us bad information or gives us bad attitude. It's never to help us, it's always to argue with us and I'm here today to complain about that. He said I'm also here to talk about a couple of vacant lots behind my mom's house; the grass is grown up and nothing gets done about it. The sides of the road that they stay on have grown up and nothing gets done about it. He said it's very disheartening and aggravating when we're living in the city as long as we've been living in, but it seems like no one wants to help us, they'd rather argue with us than getting things done for the city. Mr. McMillan said another thing he wants to complain about is the water bill. He said, "I don't know if I can get anything…I'm not looking to get anything done about it, but I've just got to question why the water bill is getting so high. My water bill is higher than my light bill and I don't understand why. I don't see anything else getting done in the city other than drainage system and stuff that supposedly been acting up the last 15, 20, 25 years but now all of a sudden the water bill is skyrocketing. He asked, "Is this new water park going to be another reason for our water bill to go up even more"? Mayor Boyd told Mr. McMillan if he gives him his number he'll be glad to call him after, and Mr. McMillan gave him his number. Councilman Gardner asked Mr. McMillan for the name of street. Mr. McMillan said they live on Calhoun Street and the street beside it is Fleming. Councilwoman Baccus said, "My question to you is"…but Mayor Boyd told her they are not having comments right now. Councilwoman Baccus kept trying to ask her question and Mayor Boyd hit the gavel several times to regain order. Mayor Boyd hit the gavel and asked Councilwoman Baccus to please do not continue. I asked for comments, and this is for comments only. We have six people to listen to tonight; we can talk with them afterwards. Councilwoman Baccus said, "He just don't want you to talk about Kelli in public because I'm fixing to ask a question about the street and sanitation department. That's the question I want to ask". Mayor Boyd said if you would like to ask it, ask him afterwards. Councilwoman Baccus said, "This is not a private conversation, this is council meeting". Mayor Boyd thanked Mr. McMillan and apologized. Councilwoman Baccus said, "They are trying to hide what's going on. That's what they don't want you to know. They don't want the public to know; they are trying to hide it". Mr. McMillan said, "Well, she's a problem".

Ms. Georgia Ross said she is retired military, moved back home and want to be here. She said, "I'm here on the same old thing I came for during the pandemic. The gentleman alluded to the water bill, but instead I'm here for the seniors of Darlington. We have worked all of our lives, we've moved back home, and we've stayed home to enjoy the fruits of our labor, however someone is trying to take it away from us. Right now, the water bill – a young lady called me,

and she said, I can pay the water bill, not a problem -$202.00, she lives in a house alone. Everything went up, the water, the sanitation, the drainage fee – why is everything being raised when it's just the water. She admits to her water being left on and not quite sure how long it was on. So, she admits to her water, but her question was, why did the sanitation go up, why did storm fees go up, sewer go up; why are we raising prices on everything when it was just the water that over-ran. She said that's a good question for me and other seniors. Ms. Ross said, "We have a water fountain down on Pearl Street that runs 24/7. I would assume we're paying that water bill. We're getting ready to set up a water slide / water park or whatever you want to call it, more added to your water bill. Who cares? Not the ones of us that are paying. You add another $50 to a person's water bill if it's not paid by the 15th of the month. You call that a cut-off fee. The water wasn't cut off so why are you asking them for another $50 plus a percentage. To me it seems like somebody is trying to get something that they don't need to have or somebody's trying to take something from somebody. That's the way it seems to me. Ms. Ross said, "I'm not a problem. I can pay it, but I don't want to pay it. I'm just like those other ten or fifteen seniors that call me on the phone. Ms. Ross said, "I'm seventy—six years old why should I continue to be doing this. She said some of the others are older than she is. She said it is not right. She said somebody needs to stop now or yesterday. You don't care. She said, "Do all of you live in the city limits where you're paying these bills"? Probably no. She said like I've said, we've worked, we've moved back home; we would love to enjoy the fruits of our labor. We were born and raised here. Why can't we come back home and enjoy it". To make it so bad, the water bill came last week to be paid this month. That's the first time the water bill has been that early and so much stuff is being added to it. A dollar here, two dollars there. That's a lot of money for some people. Mayor Boyd asked Ms. Ross if she had a number where he could call her and talk with her afterwards. Ms. Ross said, "Sir you and I spoke before one-on-one and what you said to me, you can say it to all the people".

Mrs. Lisa Bailey passed out envelopes to each of the council members.

Ms. Ernestine Lyde said I'm here again about the water bill. Ms. Lyde said her mother is a senior citizen that lives alone, and her water bill is over $100. She said her mother is eighty something almost ninety years old. She's not using that much water, but her bill is over $100 for one person. Ms. Lyde said she is not the only senior citizen and it's not just about them it's about everybody. The senior citizens are getting hurt a lot. Ms. Lyde said, "Like you said we have worked all of our lives. I came back home. This is where I grew up and was raised. And here it is coming back now thinking I'm going to get some kind of enjoyment out of life and it's like everything is going up. I pay more here than I did in the city. It's just not adding up for water, for the sewer…the other day the trash didn't pick up at my house but yet I'm still getting charged this bill. She said when there's no pickup I don't see where we get credit on our bill, but instead it keeps going up more. Ms. Lyde said, "Now we're getting a bill…I just paid the bill on 7/6 and before the month is out I got a bill on 7/26 for the new bill. She said something is not right with this. Something is definitely wrong, and it needs to be…. something has to be done. It has to stop. Ms. Lyde asked, "Are they actually doing meter readings for the water"? The only meter reading I actually seen was in front of me. She said, "Where I live at nobody reads anything. That meter hasn't been moved at all". She said the guy did it the other day because my water

was dark and he told me because I'm on the end of the street - the way the line is, it picks up the dirt. So, he had me run my water which I did for a while and then I said, this is not right, this is not what I'm supposed to be doing not when everything keeps going up. There's no reason I should be running water for dirty water to come inside of my house. On the outside is fine, but on the inside in my tub in order to clear the water, never had to do that before. Ms. Lyde said they used to flush the system out but this time they told her to keep running the water in her house until it clears up. She said you keep telling me about the oil mill. You keep saying it's not the city and you're not over it, but the oil mill has grass and it's all grown up. She said they have snakes really bad over there. There's no clean up and they are doing exactly what they want to do. She said I've called Florence about the smell because some days you can't sit outside because of the odor. She said nothing has changed on that. When I come you keep saying the city is not responsible, but the city is responsible for that. If you can fine everybody else, you can definitely fine the oil mill or they can be removed into the country. She said a lot of the residents around there are wearing oxygen masks. Ms. Lyde said on her street at the corner they keep putting tar to cover the hole, but the hole is still there. Mayor Boyd asked Ms. Lyde what street it was. She said Brockington Street and right in front of the mill is a hole that they filled in. Mayor Boyd asked Ms. Lyde if there was a number he could call her afterwards. Ms. Lyde said whatever needs to be said needs to be said so everybody can be a part of it. Councilwoman Reed said, "since there were so many questions about the bill, do we have any explanation about it being sent out twice"? Mayor Boyd said, "I'll be glad to sit down and talk with them outside of council or in front of everybody I just don't want …….I'm not asking anybody to go to a back room, but the same thing on Facebook.. you a lot of people like to get on Facebook and talk then want to call you back and try to discuss things person to person….but I'm more than glad to look at your bill help you with your bill; see if there's an issue, what's going on…." Councilwoman Reed said, Not the individual bill just why we may have been getting…why it may have been that way at all". Mayor Boyd said, "A lot of the information that's brought up tonight is not correct and I'll be more than glad to clarify what's not correct but we'll do that at a later time".

OLD BUSINESS

2nd Reading Ordinance 2023-08, Parking Times and Places, Sheila Jones, Codes Enforcement

Ms. Jones said the request is being made to change that Monday through Friday 9 AM to 5 PM to Monday through Friday from 9 AM to 10 PM because we have more businesses that are open longer. Mayor Boyd asked if this concerns the time limit on the 15-minute spots. Ms. Jones said, "No those ….it directly impacts those in that those are the spots specifically that are specifically Monday through Friday from 9AM – 5PM currently. So, it will be Monday – Friday from 9AM – 10PM those two hour and 15-minute parking spaces will govern over those. **Councilman Bryant Gardner made a motion to approve Second Reading on Ordinance 2023-08, Parking Times, and Places. Councilman Howard Nettles seconded the motion. Councilpersons Baccus, Reed, Segars and Mayor Boyd voted in favor of the motion.**

NEW BUSINESS

a) Council-Manager Form of Government Roles and Responsibilities, and Civility, Charlie Barrineau, MASC. Mr. Barrineau said, just some brief comments about the form of government and our civility initiative, that you all have adopted. He said there is a regional advocacy meeting is coming up and the closest in person meeting for you will be in Hartsville on September 28th. There is a virtual meeting this year so if you can't attend in person there's a meeting on October 13th. Mr. Barrineau said I would encourage you to apply for the $25,000 Hometown Economic Development Grant and it's due on the 29th of September. Mr. Barrineau said, "I believe the match is based on population and I believe yours is 10% which would be $2500. He said I would be happy to help you in any way that I can. He said as you all know I am a former city manager and when you run for council it's about you and your challenges is how do we collectively act as a team. It's learning about trusting one another, learning about each other, learning that you have strengths and weaknesses, that you're human and those councils that are able to work together to build that trust and teamwork are most effective. Mr. Barrineau said the success of the meeting starts with preparation and how much you prepare and that means meeting with your city manager and possibly asking questions of your city attorney. There should be no surprises in a meeting. We want your meetings to run as efficiently and effectively as possible. He said, as you know, you operate under the manager form of government. He said, as you know, there are three forms of government in our state, the mayor-council, council, and council-manager. The three forms are effective and used across the state. We have challenges with all three. The form of government is not the answer, it's getting the team to work together when there are challenges. It's the third most used form of municipal government. It's a structure of 4, 6 or 7 council members. While this form is the least used in our state it's the most used nationwide. It was originally set up in the progressive era to try to make local government act like a business. In this form the council collectively hires a manager and all of the staff except for the attorney and the judge you all collectively appoint those. All the other staff are appointed/selected by the manager following policies that are adopted by you. By state law it is the responsibility of the council not to interfere with day-to-day operations. The same thing with the manager he has to treat each of you collectively the same. So, if one of you asks for something, all seven of you are going to get it. Collectively the mayor and council set policies and give them to your manager to implement. You appoint a mayor Pro-Tem. If necessary, you can appoint an acting manager. You collectively are to adopt a balanced budget, have an annual audit, authorize the issuance of debt, appoint boards, establish, and investigate departments. Mr. Barineau said to clarify, it says council investigates so realize that's collective. So, we really want to be careful. We don't want to have one or two members out there investigating. If the council wanted to investigate it would have to take a vote to investigate. The mayor presides over the meeting, but that's by tradition not by statute. The mayor can call special meetings. The mayor acts just like any other member of council. The mayor's vote counts, just as much as everybody else. The mayor can make a motion and second a motion. The mayor can also appoint a temporary judge. Mr. Barineau said they are now in their second year of their civility campaign and the Municipal Association board adopted a civility campaign with the goal of encouraging all of us to act collectively, cooperative, agreeing that it's ok to disagree but we're going to do it respectfully. Mr. Barrineau said for those of you that attended the annual meeting in Greenville we had keynote speaker Chris Singleton and he talked about loving one another and even those that may not look like or came from a different upbringing or

have different religious beliefs, but we all learn to find a way to work together. And you all have adopted that pledge. He said he regularly uses this quote from Vince Lombardi “praise in public; criticize in private”. So, when we need to talk about things that are difficult we want to have those conversations one on one typically behind closed doors. In an open session you really don’t want to use a negative tone, you want to show cooperation. You don’t want to call out your staff or one another, but at the same time by calling out or chastising staff publicly you’re undermining their ability to get stuff done. Councilwoman Baccus said, “Question. And this is speaking on behalf of citizens, who we get phone calls from and employees who we get phone calls from. You’ve got employees in this city and I’m speaking specifically Darlington who feel like they’re being mistreated or being attacked, and they want to bring it to the council. They tried to discuss it with the city manager, but they got nowhere. What is that employee’s position as far as they want to bring it to have a conversation with the council. Mr. Barrineau said, “If you all want me to respond, I wouldn’t recommend that council in the manager form of government taking on that. As soon as you open the door to allow employees to come meet with you whether it's an executive session or however and discuss matters, you’re going to end up having to deal with every single one of those issues and that’s what you’ve hired a manager to do and by state law that is what they are responsible to do to carry those things out. What you want to do is meet in executive session with your manager to possibly discuss those personnel matters, maybe legal matters and have him or she carry out that policy. He said I would not recommend” ….Councilwoman Baccus interrupted and said, “You’re missing the point. If the employee is having an issue with the city manager, trying to discuss it with the city manager and get nowhere and the next step would be to go to council. That’s what I’m asking you. Or go legal? I’m asking you; you don’t suggest if they don’t get anywhere with the city manager or getting this problem solved, you know suggest the next step for those employees is to come to council or go legal because the city manager is the problem. Mr. Barrineau said, again you are going to ….. Well, that is for the council to discuss but I would not recommend having employees come to you one on one. Councilwoman Baccus said, I mean come to council in a meeting is what I’m asking. Mr. Barrineau asked, would I recommend individual employees to come to council? Councilwoman Baccus said, if they have a grievance and can’t get a grievance, that’s what I’m trying to get an understanding from you. Mr. Barineau said I would not recommend that. Councilwoman Baccus asked, what do you suggest they do then? Mr. Barrineau said, “ Again, they have to work with the manager. That’s the form of government. Councilwoman Baccus said, “They aren’t getting anywhere. It’s not going anywhere. they have done all of that, it’s going nowhere. In a few minutes the city is going to blow up”. Mr. Barrineau said, in closing we’ve already talked about how preparation is very important. Following your rules of order. If things get challenging sometimes you have to take a recess. He said he encourages trying to get to know each other one on one as much as you can. Councilwoman Reed said she sometimes meet with residents of her area or employees when she’s out and they talk with her about different concerns, so I don’t want them because of their employment, stop them from being able to talk to the person they voted for. Mr. Barrineau said meeting with constituents and learning from each and having those conversations is effective. Mr. Barrineau said the form of government that you operate under, the city manager form, really those employees report to the manager. Councilwoman Reed said, “We are seriously and really earnestly trying to establish some way to deal with the situation that we do have in this city”.

Councilwoman Baccus said a perfect example is the situation that we got …. and you might have thought on this …. I've gotten so many phone calls and so many people stopping me in the streets about that street and sanitation department and like this man right here just say it he's only one out of 50 people that I've heard from …..even I have called the street and sanitation department and get the same kind of attitude. Even curse words, but she's somehow protected by our city manager. God only knows why because she has done some stuff. But why is she so protected? She told Mr. Barrineau, "Maybe you know". Councilwoman Baccus said she's protected. Everybody else in the city can get fired but she's protected. Nobody should be able to put their hands on another employee. Nobody should be able to throw a cat on another employee and it's OK because he's a black man. Nobody should be that protected. That tells me something is wrong with that picture. Nobody should be able to do that, and nothing is ever done about it. You get fired from one department, you get hired a couple days later in another department and now you are protected. Y'all think about that. Why is she so protected"? Mr. Barrineau asked, "Additional questions …. (Laughter couldn't hear all of what Mr. Barrineau said).

b) Road Pavement Bids - Cross Street and Roanoke Drive - Alex Gainey, Streets & Sanitation Superintendent Mr. Payne said, "When I did this I did not realize Mr. Gainey was going to be on vacation this week. Mr. Payne told the council if they remember in the budget they approved $65,000 to pave Cross Street and to pave Roanoke Drive. We put it out for bid and received two, one from Evans Pavement Services for $65,000 and the other bid from Industrial Paving, Inc. for $78,794. Mr. Payne said its staff recommendation of awarding the bid to Evans Pavement Services. **Councilman Bryant Gardner made a motion to approve Evans pavement services to pave Roanoke Drive and Cross Street for a total of $65,000. Councilwoman Elaine Reed seconded the motion. Councilpersons Nettles, Baccus, Segars and Mayor Boyd voted in favor of the motion.**

c) DHEC 2024 Drinking Water Annual Fee - Charles Shugart, Water and Sewer Superintendent Mr. Payne said DHEC requires us to pay an annual bill to them and it's above his signing authority-$16,711**. Councilman Bryant Gardner made a motion to approve the payment to DHEC 2024 Drinking Water Annual Fee for $16,711. Councilman Howard Nettles seconded the motion. Councilpersons Reed, Baccus, Segars and Mayor Boyd voted in favor of the motion.**

d) Department Spotlight- Darlington Police Department, Chief Jimmy Davis Chief Davis said he brought a few officers that were available from the police department. He asked each employee to come up, introduce themselves and give a brief "Who Am I" and what I do for the Police Department: **Sgt. Shane Kaiser**, employed 6 years; **Officer Kawon Martin** employed 16 years. His personal preference is he likes to build community relations with the community and the police department. He likes to serve impoverished neighborhoods; **Officer Ariel Washington** employed almost a year. Has been out of the academy for about seven months; **Sgt. Keith Cauthen** has been employed for about fifteen years. He is the Sergeant over the SRO's and he works at Darlington High School. Mayor Boyd asked Keith Cauthen about an award he received. He said he received an award for saving a kid's life at Darlington High

School. He also received SRO of the Year; **Ms. Lavonda Green** Administrative Assistant, employed 28 years; **Lt. John Gutierrez**, been with the police department since 2015, but he's been policing since 1991. He's originally from New York and I policed with them for 20 years; **Officer Hunter Parker** works on street patrol. He's been employed for about three years; Chief Davis reminded Council that next Tuesday is National Night Out and invited all of council to come join them from 6pm - 8pm. **Investigator Mark Hayes** said he's been in law enforcement for about fifteen years and he's in investigations and our canine unit.

REMINDERS:

Tuesday September 5, 2023 - Regular Meeting of Darlington City Council, 6:00:PM.

ADJOURNMENT

Councilman Bryant Gardner made a motion to adjourn the meeting at 6:52 PM. Councilman Howard Nettles seconded the motion. Councilpersons Baccus, Reed, Segars and Mayor Boyd voted in favor of adjourning the meeting.

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Mayor

ATTEST:

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Clerk & Treasurer