CITY OF DARLINGTON
REGULAR CITY COUNCIL MEETING HELD IN THE COURTROOM/COUNCIL CHAMBERS LOCATED AT 400 PEARL STREET, DARLINGTON, SC TUESDAY DECEMBER 5, 2023 - AT 6:00 PM

Present: Mayor Curtis Boyd, City Manager John Payne; Councilmembers Elaine Reed, Bryant Gardner, John Segars, Howard Nettles, Sheila Baccus and John Milling. Also present Merry Morgan Smith, Codes Enforcement Officer Sheila Jones, Mr. Steve Abbott, Mr. Linwood Epps, Ms. Angela McRavin, Mrs. Anna DeWitt, Ms. Gloria Hines, Mr. Albert Johnson, Ms. Jannie Lathan, Ms. Ernestine Lyde, Mr. Shawn Odom and other visitors. Also, present was a representative from the News & Press.

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

APPROVAL OF MINUTES FROM REGULAR MEETING OF NOVEMBER 14, 2023
Councilman Milling said he has one problem. He said it's not a problem for me, but it could be a problem in the future for someone. Under the third item, approval of the meeting agenda it has that I made the motion to approve it and that I also made the motion to second it. Councilman Milling said for informational purposes, that's the only thing that he sees that need to be corrected. I told Mayor Boyd I would get Lacie to go back through her notes and she who seconded the motion. **Councilman Elaine Reed made a motion to approve the regular minutes from November 14, 2023, with the change that has been outlined by Councilman John Milling. Councilman Howard Nettles seconded the motion. Councilpersons, Milling, Baccus, Gardner, Segars and Mayor Boyd voted in favor of the motion.**

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

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

Mr. Albert Johnson said, "I have a letter that I want to read to everybody on the city council and you Mr. Mayor." Mr. Johnson read a letter that was written on June 26, 2023 (copy of his letter attached along with other documentation he presented) While reading his letter Mr. Johnson said, "Russell Plumbing pulled a permit to replace the sewer line (and he's a licensed plumber) and you said I need a plumber. You told the TV person that, so you lied." Mayor Boyd said, "Mr. Johnson that's enough. We're not going to have accusations. I'll get a time with you …..Mr. Johnson said, "Ok, but I was asking to meet." Mayor Boyd said, "Listen to me. I gave you more than five minutes. I've heard different stories from the codes and everybody else, so we'll

all sit down at the table together. Mr. Johnson said, “That’s what I was asking for, you know that.” Councilwoman Baccus told Mr. Johnson, “Don’t sit down by yourself, bring somebody with you.” (Letter & Documentation Presented is Below)

Mr. Albert Johnson
105 First Street
Darlington, SC 29532

June 26,2023

Dear Mr. Payne,

My name is Albert Johnson, better known as Uncle Albert because of my famous barbecue sauce. I manage a house at 305 Lee Street. Many years ago, I lived in this house and there was a problem with the sewer backing up with a foul smell. I complained to the City of Darlington Water Department for about ten years. Each time I expressed my concern I was told by the water department that it was my line and not a problem for the city to take care of. During this time, I had my line snaked-out three to four times a year. I know I paid out well over $5000.00.

I was renting out the house at 305 Lee Street. The problem that existed with the sewer line got so bad I had to move the renters out. I had a plumber dig up all the pipes on my property, and it was discovered that the problem was coming from the street.

I called Mr. Charles at the City Water Department, and he agreed that the problem was coming from the street too. I had my water turned off for three months to prevent the foul odor. The water department sent Mr. Charles and his supervisor with equipment to suction out water around the house three separate times. All this suctioning was done while my water was off for three months, but still the representatives from the city said it was coming from my line. Then, I was told that the city did not have the personnel to repair the problem. It took the Darlington City Water Department a long time to admit that they made an error concerning my water line.

After battling back and forth with the water department, Mr. Charles said that the city needed to hire a contractor to fix it. Mr. Charles gave me ten different dates that the work would be done on. The sewer line was not fixed, and I lost $1500.00 in rent waiting for the repairs to be made.

Waiting for the sewer line to be fixed by the city made me depressed and sick. My blood pressure went up so high that my nurse wanted to rush me to the hospital. I went to see my doctor and social worker-they gave me a prescription for sleeping pills.

When I got my water bill last month for $120.00, it also stated that after the 15th of the month my bill would be $140.00. Since I would have to pay an extra fee for being late, I think you should pay me for being late on the repairs to my waterline. I do not want something for nothing, but you should pay me all the money I lost waiting for the repairs to the sewer line. And I still love Darlington.

The city sent a worker out to fix the sewer line. He said he could not smell anything because of the peppermint candy he had in his mouth. He also said I would continue to have a sewer problem until the problem was fixed on the street. Shelia the Code Director said that the foul smell on my property was rainwater. Do not forget I attended the City Council meeting on April 4th. I was promised by Mayor Boyd and Mr. Charles that the repairs would be completed by April 17th. Well, the problem was not solved by the water department until April 24th. I had to get them to send someone back to the property again.

Remember the work had a promised date which was April 17th. But it was not done until April 24th. They were late. If I promise to pay my water bill and fail to pay it, my water would be turned off, I will have to make a payment and pay a fee to have it back turned on.

Mr. Payne, the City Administrator, told the television station I needed a plumber. He knew I had a plumber to come out before he said it. I called Mr. Payne five times. He said he would meet with me personally and he never did. I also spoke to someone in the city office, and I requested that they schedule a meeting for me with Mr. Payne. He never met me.

Sincerely,

Albert Johnson

Albert Johnson

Cc:
City Council Members
John Payne
The News and Press

City of Darlington
South Carolina

DEPARTMENT OF BUILDINGS & CODE ENFORCEMENT

To: John Payne
City Manager
From: Sheila Marie J
Building Official
Date: September 01, 2023

Re: 305 Lee St – Tort Claim

Dear John,

I am in receipt for the tort claim dated August 25, 2023 regarding 305 Lee St. I have checked city records and no permits were pulled for Harvey's Plumbing. After reviewing the file, I have found the following:

A Stop Work was issued to the property owner, Lessie Hines Bostic (owner) on January 11, 2023 for drain/sewer line repair work being completed without a permit. Mr. Johnson called the office and explained Mr. Harvey was repairing the sewer line. On January 18, 2023, I meet with Mr. Johnson who identified himself as the manager of the property. I explained to Mr. Johnson, that Mr. Harvey did not have the proper licenses (State Contractors or Municipal Business License) to pull permits and complete the required repairs and we talked about what would be needed to complete the project. On January 24, 2023, Russell's Plumbing pulled a permit to replace the sewer line. I was called to the property on 5 separate occasions to perform a final inspection and was unable to give a passing inspection for the following reasons: there was not adequate fall in the line allow for proper drainage to the city's main sewer line, and a proper stack was not installed to test the line for leaks and proper drainage. Finally on April 24, 2023 they were able to make the proper repairs and receive a passing inspection.

We have documentation of each inspection and findings if you need to see it.

I hope this information is helpful and as always, if you have any questions or if we can assist you in any way, please feel free to contact our office.

Best Regards,

Sheila Marie J
City of Darlington
Building & Codes
Building Official

Cc: 305 Lee St - Property File

400 Pearl Street Darlington, South Carolina 29532 • Phone: (843) 398-4029 • Fax: (843)398-4116

Sheila gave me excuses because the sewer line Wasn't completed. She called sewer water rain water.

Harvey's Plumping

Darlington, SC 29532
843-398-0106

Plumping Services for 305 Lee Street
Mr. Albert Johnson
Darlington, SC 29532

To Whom It May Concern:

I performed plumping services such as replacing pipes, digging up the house water line, snaking out the pipes at 305 ~~Chestnut~~ Lee Street during the year since January. I had to snake out the pipes 3 to 4 times a week. The cost of services is listed below.

Total Cost of Services: $5000.00

Harvey Davis

Harvey Davis 8-29-23

TORT CLAIM FORM

Date: August 25, 2023

Person Making Claim: Name Albert Johnson

Address: 105 First Street Phone: 843-307-0555

Claim is hereby made against City of Darlington

for damage resulting from occurrence.

Date of occurrence: All year long

Location of occurrence: 305 Lee Street, Darlington SC 29532

Amount Claimed: $6,500.00

(Please attach supporting bills, estimates, other documents)

The cause of injury or damage was as follows: Lost of three months of rent because of the sewer problems from the Street. I had to pay a plumber over and over again all year long because of the water problem coming the street.

Reason you feel governmental agency is legally liable: The City of Darlington would not check or fix the problem until I made multiple complaints that the problem was not on my property but coming from the street which made it a City of Darl. problem.

STATE OF SOUTH CAROLINA)
) AFFIDAVIT
COUNTY OF Darlington)

Personally appeared before me Albert Johnson who, upon oath, says that the above claim is true, just, and that no part has been paid.

SWORN TO before me this 29 day of August 2023.

Albert Johnson
Claimant

Notary Public

105 First St Darl. SC 295
Address

NOTE: The acceptance of this claim form does not constitute an admission of legal liability on the part of the State or any of its subdivisions or agencies.

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

The foregoing Limited Power of Attorney was this 22nd day of July, 2019, signed, sealed, published and declared by the Principal, **FRANK HINES,** as the Principal's appointment and empowerment of Power of Attorney, in the presence of us who at the Principal's request and in the Principal's presence and in the presence of each other, have hereunto subscribed our names as witnesses hereto.

_____ OF Dyta, SC

_____ OF Darlington, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

PERSONALLY appeared before me Destany Gause who being duly sworn deposes and says that he/she was present and saw the within named Principal, **FRANK HINES**, sign, seal and as his/her act and deed deliver the within Limited Power of Attorney and that deponent with Parker E. Howle witnessed the execution thereof.

SWORN to before me this
22nd day of July, 2019.

_____(SEAL)
Notary Public for South Carolina
My Commission Expires: 12/23/24

CURTIS BOYD, MAYOR
ALDERMEN
SHEILA BACCUS
JOHN H. SEGARS
MAYOR PRO TEM
BRYANT GARDNER
JOHN M. MILLING
ELAINE REED
HOWARD NETTLES

City of Darlington
P.O. BOX 57
Darlington, South Carolina 29540
TELEPHONE (843) 398-4000

KEVIN ETHERIDGE
CITY ATTORNEY
ROBERT L. STUCKS, IV
MUNICIPAL JUDGE
JOHN S. PAYNE
CITY MANAGER
GLORIA B. PRIDGEN
CLERK & TREASURER

September 1, 2023

Mr. Albert Johnson
105 First Street
Darlington, SC 29532

Re: 305 Lee Street

Dear Mr. Johnson:

I am in receipt of the Tort Claim Form for $6,500 for loss of rent and statement from Harvey's Plumbing for $5,000 for services rendered at 305 Lee Street.

Please refer to my letter to you dated August 1, 2023, wherein I advised that if a claim was to be filed, the property owner must do so.

I referred your claim form to the City Codes Department for review, and offer you the attached memo, which is summarized as follows:

> Harvey Davis of Harvey's Plumbing does not possess a state contractor's license or a City of Darlington Business License to conduct business. The plumber who pulled the permit for 305 Lee Street was Russell's Plumbing and after four months, the proper repairs were made and passed inspection.

Based on this information, the City of Darlington will neither submit a tort claim or pay Harvey's Plumbing for reimbursement.

Sincerely,

John S. Payne
City Manager

Enclosure

Ms. Gloria Hines said I've had a problem with the sanitation department for the first time. I own a salon at 901 S. Main Street, and I've been there since 1993. About two months ago I had debris in front of my shop, and they never came to pick it up. Finally, when I called the sanitation

department the young lady told me they don't pick up trash at businesses. Ms. Hines said, "Mine has been being picked up since 1993. I pay $55.00 a month for sanitation. In the process of doing that I called Mr. Payne. I know it was his number because his answering machine came on. I know I called him twice; it could have been three times, but he never called me back. Ms. Hines said, "I want to know whether there's a problem with picking up debris at my salon. If it is, just take the $55.00 off my bill and I'll take the little bit of stuff I have and take it and do something else with it". Ms. Hines asked, "And Mr. Payne I would like to know why you didn't call me back. I left you two messages. Mr. Payne said, "I have not received a message from you." Ms. Hines said, "Something must be wrong with the system then because your voicemail came on." Mr. Payne said, "Every voicemail that I receive I get an email notification and I have not received a message from you. She said you've answered me one time since you've been here, but the last two times you didn't answer me." Ms. Hines asked, "And I want to know if you all changed anything in the ordinance that you don't pick up debris from my salon"? Mayor Boyd said, "No ma'am, the ordinance is still the same."

Mr. Johnson asked Mayor Boyd if he could give a copy of his letter to the council members and Mayor Boyd allowed him to leave copies of his letter to be distributed to council.

NEW BUSINESS

Mayor's Presentation – Proclamation, Mayor Curtis Boyd. Mr. Payne read a proclamation applauding Mr. Howard Nettles for his contributions to the City of Darlington and the surrounding community. Mr. Nettles has been highly involved in improving the City of Darlington and the surrounding area through his hard work helping his fellow citizens in many capacities including serving on the board of Harvest Hope Food Bank, as Chairman of the Greater Darlington Chamber of Commerce, Chairman of the Board of the Darlington County First Steps and on the Board of the Darlington County Coordinating Council, The Pee Dee Heart Ball and most recently as a valued member of the Darlington City Council. The Mayor and City Council of the City of Darlington applaud all of the wonderful contributions of Mr. Howard J. Nettles and are thankful for his continued leadership both present and future. A plaque was presented to Mr. Nettles. Mr. Nettles said, "I am the one who is fortunate that I've been able to serve not only on council …. (Mr. Nettles congratulated Ms. McRavin on her win) He said I just do a lot for the community because that is where my heart is, and I enjoy it. He said people are good to him and it's right for him to give back. He said he is lucky to have a job that allows him to do that and friends to support him when he does it.

Mayor Boyd told Mrs. Causey that he met her husband, but never got a chance to work with him. Mayor Boyd said Dan Causey worked with the City of Darlington as Municipal Court Judge for thirty years (from 1987 to 2017) and served well. Mayor Boyd said we wanted to recognize the Honorable Dan Causey for his years of service so they had a portrait painted and will unveil it tonight. Mayor Boyd said, "The painting was done by Dale Weatherford (Donnie Weatherford's son). Mayor Boyd said, "We asked him to paint the portrait before covid when I first got here and then covid hit and our world turned upside down, so we've been saving this and been trying to get everything lined up." Mayor Boyd said, "Tonight we want present the portrait to you and your family." Mrs. Causey said, " I just want to say how much Dan appreciated this job, this town, the

Police Department, the city council and he always said he knew when he sat up here as the judge that when you came in you might think he was stern and mean, but he just didn't want you to come back. She said Judge Causey said if you came one time he didn't want to see you back in the courtroom. Mayor Boyd unveiled the portrait, and it will be hung on the back wall in the courtroom. A picture was taken of the Causey family who was present along with Dan Causey's long-time secretary Ms. Sharon Osborne & former Court Clerk Ms. Melinda Osborne.

FIRST READING ORDINANCE 2023-11 ZONING DESIGNATION 905 CHESTNUT STREET, MERRY MORGAN SMITH, PLANNING & ECONOMIC DEVELOPMENT DIRECTOR

Ms. Merry Morgan Smith said the next items on the agenda are from planning. The first item is 2023-11 zoning designation for 905 Chestnut Street for Ms. Patricia Causey. Ms. Smith said the property is presently zoned Limited Industrial, which would allow for things like wholesaling and distribution, storage, processing, and things like that. The surrounding areas that are General Commercial are shown in green. They are contiguous and Limited Industrial are the oil plant, the trucking company propane gas distribution. The things shown in green are a wider range of business and commercial uses like the casket company, the funeral home and motel. The request for change is to change from Limited Industrial to General Commercial and the Planning Commission recommends General Commercial zoning designation as fitting and appropriate for this parcel. **Councilman John Milling made a motion to approve First Reading on Ordinance 2023-11 changing the zoning designation for 905 Chestnut Street from Limited Industrial to General Commercial. Councilwoman Elaine Reed seconded the motion. Councilpersons Nettles, Baccus, Gardner, Segars and Mayor Boyd voted in favor of the motion.**

ANNEXATION PETITION AND REFERRAL TO PLANNING COMMISSION FOR ZONING DESIGNATION, 118 NEZ PERCE DRIVE, PARCEL NO. 184-00-01-073 - MERRY MORGAN SMITH, PLANNING & ECONOMIC DEVELOPMENT DIRECTOR

Ms. Merry Smith said she has an annexation petition for 118 Nez Perce Drive. The petition is put forth by Mr. & Mrs. Roland Levesque for the annexation of their property in the Country Club area. Ms. Smith said this parcel is contiguous to the municipal limits as required by the law. **Councilman John Milling made a motion to approve the annexation petition and accept annexing 118 Nez Perce Drive, Darlington, SC. Tax Map #184-00-01-073 into the city limits of Darlington County.** Ms. Smith asked Councilman Milling to also add that they will refer it to the Planning Commission for zoning designation. **Add to motion: Councilman John Milling said we will refer it to Planning for zoning purposes. Councilman Bryant Gardner seconded the motion. Councilpersons Nettles, Baccus, Reed, Segars and Mayor Boyd voted in favor of the annexation.**

FIRST READING ON ORDINANCE 2023-12, ANNEXATION OF 118 NEZ PERCE, PARCEL NO.184-00-01-073, MERRY MORGAN SMITH, PLANNING & ECONOMIC DEVELOPMENT DIRECTOR

Councilman John Milling made a motion to approve First Reading of Ordinance 2023-12 for the Annexation of property at 118 Nez Perce Drive. Councilwoman Elaine Reed

seconded the motion. **Councilpersons Nettles, Baccus, Gardner, Segars and Mayor Boyd voted in favor of the motion.**

2024 CITY COUNCIL CALENDAR – JOHN PAYNE, CITY MANAGER

Mr. Payne said as required, we need to set the calendar for the regular meetings for the calendar year 2024. He said, "Initially, the first meeting I had listed was January 9th to give people a little time to get back, but I understand there are some that would prefer to do it on January 2nd. So, I understand we want to change January 9th to January 2nd". The other dates would be February 6th, March 5th, April 2nd, May 7th, June 4th, July 9th, August 6th, September 10th, October 1st, November 12th & December 3rd. Councilwoman Baccus said, "July 4th is on a Thursday so why are we not having a meeting on that Tuesday. Mr. Payne said because people will most likely be on vacation that week. Councilwoman Baccus asked why the meeting is on September 10th and not on September 3rd, which is the first Tuesday. Mr. Payne said because that is the day after Labor Day and people will be out for that and coming back I thought it would easier on everyone in case they have vacation or holiday plans. Most council members said they are fine with September 3rd. The two changes will be to change from January 9th to January 2nd and change from September 10th to September 3rd. **Councilman John Milling made a motion to approve the 2024 Darlington City Council Regular meeting schedule as announced and handed out with the modifications. Councilman Bryant Gardner seconded the motion. Councilperson Nettles, Baccus, Reed, Segars and Mayor Boyd voted in favor of approving the 2024 city council calendar.**

REMINDER

Tuesday January 2, 2024, Regular City Council Meeting at 6:00 PM

Councilwoman Baccus asked, "What is the status of the Allen Street Lift Station"? Mr. Payne said, "I will have to check with the water and sewer department. I don't know." Councilwoman Baccus said, "You said the same thing two months ago." Mr. Payne said, "If you had asked me before we came to the meeting I could have checked on it, but I couldn't tell you today."

Councilman Bryant Gardner said he wanted to take this time to thank Howard Nettles for his service and to say it was a pleasure serving with him.

ADJOURNMENT

Councilman Bryant Gardner made a motion to adjourn the meeting at 6:31 PM. Councilman John Milling seconded the motion. Councilpersons Reed, Nettles, Segars and Mayor Boyd voted in favor of adjourning the meeting.

Mayor

ATTEST:

Clerk & Treasurer