

CITY OF HARTSVILLE, SOUTH CAROLINA
PUBLIC HEARING AND REGULAR COUNCIL MEETING MINUTES
AUGUST 11, 2009

Present: Mayor McFarland

Mayor Pro-Tem Andrews

Councilmember Braddock

Councilmember Graham

Councilmember Shirley

Councilmember Wilson

City Attorney Driggers

Staff:

City Manager Pennington

City Clerk/Admin Services Director Skipper

Deputy Clerk DuBose

Finance Director Douglas

Fire Chief Heathman

Parks & Leisure Services Director Gardner

Police Lieutenant Myers

Public Works Director Welch

Press

PURSUANT TO FREEDOM OF INFORMATION ACT SC CODE 30-4-80: WRITTEN NOTICE WAS DELIVERED TO THE PRESS BY EMAIL ON AUGUST 10, 2009 AND DULY POSTED IN CITY HALL. PURSUANT TO CITY CODE SECTION 2-36 AND 2-47 UPON MOTION(S) MADE TO WAIVE THE READING OF ORDINANCES AND RESOLUTIONS IN THEIR ENTIRETY; THEY ARE READ BY TITLE ONLY. APPROVED ORDINANCES AND RESOLUTIONS ARE FILED WITH ORIGINAL MINUTES AND NOT REPRINTED HEREIN.

Mayor Pro-Tem David L. McFarland called the meeting to order and turned the meeting over to City Manager Pennington who asked Coach T.B. Thomas, Jr. to lead in the invocation.

Mayor Pro Tem McFarland took the oath of office to serve as Mayor for the unexpired term of former Mayor Holt. Mayor McFarland was sworn in by his son-in-law the Honorable Senator Gerald Malloy and was joined by family and City of Hartsville Councilmembers. Mayor McFarland invited Boy Scout Tucker Prescott and other elected officials representing the City of Darlington, Town of Society Hill, Darlington County Council and Darlington County School Board to join him on stage.

Senator Malloy thanked everyone for coming tonight. Mayor McFarland and Council have big shoes to fill left for them by previous Councils. During difficult times we see sad but inspiring stories. Mayor McFarland is going to need everyone's help to make Hartsville better; he encouraged everyone to join with Council, staff and others to make Hartsville all it can be.

MOTION WAS MADE BY COUNCILMEMBER ANDREWS TO WAIVE READING OF AND APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF JULY 14, 2009; SECOND: GRAHAM; CARRIED: ALL AYES.

PRESENTATIONS

Milton Smalls, US Census Bureau, informed Council the Census has been taken every ten years since 1790 for re-apportionment of Congress and to determine federal dollars allocated to local communities. The Census Bureau is seeking to partner with the City of Hartsville to get the word out about the Census, what it means to the Hartsville community, and to encourage citizens to respond to the Census questionnaires. In the 2000 Census the state of SC had a 40% non-response rate and Darlington County had a 46% non-response rate. Census representatives would also like to identify churches, housing authorities, fraternities, sororities, and other organizations to help get the word out and to invite the Census into Hartsville. Please keep in mind the Census also means jobs for local citizens. A bag of information was left with each Councilmember and a packet of documents on partnering with the Census Bureau was left with the City Manager.

John Jewell, 108 Gandy Drive, last spring made a presentation on outdoor basketball courts, he would like to know if any action has been taken on this issue and if a vote has been taken on it. Mayor McFarland this item has been discussed but there has not been a vote on it. It will be on the next Council retreat agenda.

John Jewell would like to see a dog park in the City. He has heard there is no space and no funding for such a park. He recommends using the outfield of an adult softball field for a dog park. Parks & Leisure Services turns adult fields into youth field by putting in temporary fencing, this is done for approximately ten out of fifteen tournaments and the other five tournaments could be put at other facilities in the City. If the City would leave the temporary fencing in place permanently and put a lock on the gates to secure it a dog park could be in place in less than fifteen minutes.
Mayor McFarland this item can also be included on the next Council retreat agenda.

Dorothy Hines, 1566 Winding Ridge Road, Hartsville and Manager of Forest Ridge Apartments, distributed pictures to Council of the problems at Forest Ridge after a rainfall. She was joined by employees and tenants of Forest Ridge. The complex is being remodeled and Council is invited to come tour the newly renovated sections. However, the contractor says there will still be water issues until the drainage is fixed. The maintenance crew and caretakers are doing the best they can but water causes health issues and stench. The money was allocated for this project and we understand access is an issue but how much longer will this project have to wait? Once the contractors are gone they won't come back and the complex only has a limited time to complete the project and get a final inspection and approval by HUD.

City Attorney Driggers explained that staff is doing all they can to get the two final property owners signatures on easements. The City cannot go on their property to do work without these signatures. The last signatures needed are from a family in Washington DC and across NY State. Staff has sent twelve sets of paperwork without any of them being returned. We are currently in the process of hiring someone to take the original paperwork to all four siblings in person from Washington DC to NY City area to Albany, NY area for signatures. If we can't get all four signatures we will have to go through an expensive and lengthy condemnation lawsuit.

Public Works Director Welch in 2003 Public Works underwent a project to look at ten drainage projects, including this one and has been through two engineering firm designs. Senator Malloy has been very helpful in this process. In the beginning we could not get local residents to sign off on the easements. He has spoke with local and out of state property owners until he hit a brick wall legally and sent the issue to the City Attorney. Please keep in mind this is only one of ten projects.

Senator Malloy stated this is a learning process for everyone and suggests a group from Forest Ridge meet with the City Attorney. If everyone works together the project can be completed. The condemnation process is a long expensive process and the City would spend more on the lawsuit than the project would cost. Hopefully the property owners will sign so this process can be avoided. Suggested all the interested parties work together to help move this project along.

Dorothy Hines is from NY and has daughters who work in the legal field in NY. They could take the paperwork for the signatures if it will help.

MANAGEMENT UPDATE

The artist has changed the layout of the Veteran's Memorial several times. The issues include cost, Council's approval, and how to finance the placement of the memorial. Over \$190,000 has been spent and we are looking at double or triple that amount to put the memorial in place. This is a significant amount of money as the sculpture weighs thousands of pounds. Mr. DeHart has announced the memorial will be in place on November 11th but the sculpture will not even come out of the foundry until the end of October.

At the MASC Annual Meeting Professor Bruce Yandle gave the keynote address on the challenges and transitions facing SC in the current economy, stated that the economy is at the bottom and we have no idea how long it will be at the bottom. The presentation is available on the MASC website and is well worth looking up.

The City has concluded a number of projects. The work at the Vista is wrapping up and the construction company has moved on site to begin work on the new hotel. There seems to be a misconception as comments have been made that a historic building is being torn down on the corner of Fourth Street and Carolina Avenue. He assured everyone that this building is not part of the Wiggins property; the building of historical value is the depot building across the street which houses Mr. Wiggins' office and conference room table. We should see something in the next few months on

the hotel property. The company is thinking green by grinding up the bricks of the demolished building to powder and using it as part of the compacting.

CONSENT AGENDA – Received as Information Only

Monthly Financial Statements

Committee Minutes/Reports

Hospitality and Accommodations Tax Reports

Development Report

UNFINISHED BUSINESS

FINAL READING ORDINANCE 4003: AN ORDINANCE TO AMEND THE HARTSVILLE CITY CODE BY ADOPTING CHAPTER 11 “RESIDENTIAL RENTAL LICENSING PROGRAM” – TABLED UNTIL THE DECEMBER 2009 COUNCIL MEETING.

Motion to table until the December 2009 meeting: Andrews; Second: Wilson; Carried: All ayes.

PUBLIC HEARING AND FINAL READING ORDINANCE 4005: AN ORDINANCE TO ANNEX AN APPROXIMATELY .46(+/-) ACRE PARCEL OF LAND, TAX MAP NUMBER 036-06-03-071, LOCATED AT 1403 SENECA TRAIL AND THE ADJOINING PUBLIC ROAD RIGHT-OF-WAY INTO THE CITY LIMITS OF HARTSVILLE – APPROVED.

Reading by Title and Presentation – City Manager: this property is located on Seneca Trail one block off of Dunlap Drive. The property was sub-divided by the property owner who plans to build a house on this lot.

Open/Close Public Hearing (State Name and Address for Record) – Mayor: No public input.

Approval of Final Reading and Waiving of Complete Reading: Motion: Andrews; Second: Wilson; Carried: All ayes.

NEW BUSINESS

RES 30-09: APPROVAL OF USER FEES FOR MULTI-DAY USE OF THE MOBILE AMPHITHEATRE – APPROVED.

City Manager: we’ve received a number of requests for multi-day use of the showmobile, most request are for use outside the city limits. Staff recommends a three day limit on the length of use and a fee of half of the first day’s fee for each additional day. There have been requests for use as far away as Pawley’s Island. Staff has discovered the need for a cleaning fee deposit, refundable if the stage is returned in a clean condition.

Councilmember Andrews asked if the fee schedule for non-profit organizations can be set up for city and non-city organizations.

City Manager often has non-profits not headquartered in Hartsville use the showmobile for events that benefit Hartsville and used inside the city limits.

Councilmember Andrews requested staff bring a recommendation to Council for a city and non-city non-profit organization fee schedule.

Mayor McFarland asked how political rallies would be charged for use of the stage.

City Attorney Driggers if the user is a resident of Hartsville don’t see how the City can deny the use if the person pays and the stage is available for use.

City Manager several years ago MASC advised that no public property can be used for campaigning.

Council may want to adopt such a policy.

City Attorney Driggers stated such a policy could be a freedom of speech issue.

Motion: Wilson; Second: Graham; Carried: All ayes.

RES 31-09: ELECTION OF MAYOR PRO-TEMPORE – APPROVED.

Councilmember Braddock nominated Councilmember Andres to serve as Mayo Pro Tem.

Motion: Braddock; Second: Shirley; Carried: All ayes.

RES 32-09: APPROVAL OF BID AWARD FOR APPROACH CLEARING, SHADE HANGAR, APRON EXTENSION, AND TERMINAL BUILDING SITE PREP AT THE HARTSVILLE MUNICIPAL AIRPORT – APPROVED.

City Manager: some time ago the City entered into a site study relative to a new terminal building. This snowballed with other issues and the consultants have put all projects out for bids to prepare the site for the terminal building. The City is applying for an FAA grant that would require a \$12,541.21 match from the City. We are still addressing other issues at the airport.

Councilmember Andrews this is a 5% match.

Motion: Andrews; Second: Shirley; Carried: All ayes.

COUNCIL COMMENTS

Councilmember Braddock last week's MASC Annual Meeting had a lot of useful and relevant information. He enjoyed talking with other leaders about their issues and how they are addressing them, he is hopeful some of these ideas will help Hartsville.

Councilmember Andrews congratulated Mayor McFarland and thanked Council for their confidence in him. He recognized Tucker Prescott, who is on his way to becoming an Eagle Scout. Reminded those in attendance that property owners who refused to sign easements have killed drainage projects in the past; he hopes this is not the case in this situation.

Councilmember Graham found the MASC meeting very helpful. She would like to see the drainage at the apartments fixed.

Councilmember Shirley Professor Yandle was his main professor at Clemson. There were drainage issues when he worked at Home Security as a teenager; this has been a problem for a long time.

Councilmember Wilson feels something needs to be done about the drainage. If the ditch were cleaned out it might help. We need to go back and see what we can do; it would be a shame if they spend all of that money to renovate the complex and still have water issues.

Mayor McFarland thanked department heads, staff and regulars for coming to the meeting every month.

MOTION: TO ENTER EXECUTIVE SESSION PURSUANT TO SC CODE FOIA 30-4-70(a)(1)(2) FOR RECEIPT OF LEGAL ADVICE, TO DISCUSS LEGAL UPDATES ON OUTSTANDING LEGAL ISSUES AND PENDING LAWSUITS, TO DISCUSS PROPOSED CONTRACTUAL ARRANGEMENTS, AND TO DISCUSS APPOINTMENTS TO VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS - APPROVED.

Motion: Andrews; Second: Wilson; Carried: All ayes.

MOTION: TO VERIFY THAT ONLY THE ITEMS STATED IN THE MOTION TO ENTER EXECUTIVE SESSION WERE DISCUSSED DURING EXECUTIVE SESSION – APPROVED.

Motion: Andrews; Second: Shirley; Carried: All ayes.

RES 33-09: APPOINTMENTS TO VARIOUS CITY BOARDS, COMMITTEES, AND COMMISSIONS – APPROVED.

Mary Alice Wilson to the PDRTA Board for a term expiring June 30, 2012;

Teresa Johnson to the Municipal Election Commission for a term expiring June 30, 2012; and

Phylanda Thomas to the Housing Authority Board with a term expiring October 9, 2010.

Motion: Andrews; Second: Shirley; Carried: All ayes.

MOTION TO ADJOURN – APPROVED.

Motion: Wilson; Second: McFarland; Carried: All ayes.

Adjournment at 8:05pm.

David L. McFarland, Mayor

ATTEST: _____
Sherron L. Skipper, CMC
City Clerk