

**CITY OF HARTSVILLE, SOUTH CAROLINA
REGULAR COUNCIL MEETING MINUTES
DECEMBER 8, 2009**

Present: Mayor Pennington IV
Mayor Pro-Tem Andrews
Councilmember Braddock
Councilmember Graham
Councilmember James
Councilmember Shirley
Councilmember Wilson
City Attorney Driggers

Staff: City Manager Pennington
City Clerk/Admin Services Director Skipper
Deputy Clerk DuBose
DEEPS Director Clemons
Finance Director Douglas
Fire Chief Heathman
Parks & Leisure Services Director Gardner
Police Chief Kemp

Press

PURSUANT TO FREEDOM OF INFORMATION ACT SC CODE 30-4-80: WRITTEN NOTICE WAS DELIVERED TO THE PRESS BY EMAIL ON DECEMBER 4, 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 Pennington called the meeting to order and asked Councilmember Braddock lead in the invocation.

Cub Scout Pack #523 was present to conduct a flag ceremony and lead the pledge to our flag.

MOTION WAS MADE BY COUNCILMEMBER ANDREWS TO WAIVE READING OF AND APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF NOVEMBER 10, 2009; SECOND: GRAHAM; CARRIED: ALL AYES.

PRESENTATIONS

A proclamation was presented to the faculty and staff of Carolina Elementary School in honor of the schools Blue Ribbon Award.

Joan Alston, Care Innovations, invited Council to Care Innovations' Black and White Gala to benefit local HIV and AIDS programs. The gala will be held on Saturday, January 16, from 6pm to 10pm at the Hartsville Country Club. Tickets are \$50 for couples and \$30 for individuals. South Carolina is number ten in the nation for number of HIV/AIDS cases, Darlington County is number eight in the state, and there are 258 reported cases in Hartsville. The funds raised will benefit HIV/AIDS awareness and education in our area.

Phil Gardner, Parks & Leisure Services Director, gave the annual update from the Parks Committee. Repairs were needed at Centennial Park; repairs to the brickwork have been completed and the arbor will be cut back so the wood underneath can be repaired and treated. Lawton Park is busy with rentals; the finalization of the park is in progress and two pieces of donated playground equipment are being prepared for installation. A letter of intent for a federal grant for improvements to Pride Park has been submitted. Weather delayed the completion of the new pod as well as several tournaments at Byerly Park; the park is well used by walkers and senior citizens.

Sherron Skipper, Administrative Services Director, gave the annual cemetery report. The budgeted revenue for the cemetery is \$117,500 at this time the revenue received is \$88,067. The lot prices increased and people are purchasing lots. Expenses are right on target. The perpetual care fund has a balance of \$219,260; ten percent of sales go into a perpetual care fund. Maintenance of the cemeteries is ongoing. A drop inlet was installed at Greenlawn Cemetery to alleviate most of the flooding. Trees for Tomorrow is willing to help with landscaping at Greenlawn Cemetery, their help is

greatly appreciated. A bid for \$28,000 to re-pave Greenlawn cemetery is in hand but the money is not budgeted and there are no funds available at this time.

Mayor Pennington private cemeteries are allowed to take out part of the interest income but not the core dollars from their perpetual care fund to pay for repairs. Has the City considered using any of the growth from past years for the paving project?

Finance Director Douglas could calculate the amount available and Council could vote on it.

Mayor Pro-Tem Andrews doing so would reduce the money available for perpetual care.

Mayor Pennington yes, but if we take care of this now we could charge more for lots in the future. It's a lot like the airport because we will have to pay to maintain it. The state statute allows taking a portion of the interest income to maintain.

Councilmember Graham asked if there is room to put a road through the monument section.

Administrative Services Director Skipper putting a road out there would require exhuming and moving graves.

Councilmember Graham how many lots are left at Greenlawn? Will any lots go where the pool was located?

Administrative Services Director Skipper a good many lots are left. Staff is working on getting the old pool area cleaned up but clean up is difficult because of the rebar; no lots will be located in that area. Staff will also be working on landscaping. There have been questions about removing the stumps beside the paved drive but they were purposely left there to prevent people from driving on graves. The mounds of dirt at both Greenlawn and Magnolia Cemeteries are going to be used and removed.

Magnolia Cemetery had a big problem with fire ants this year. Also at Magnolia, the back circle towards the high school needs to be surveyed; until it is surveyed, we can't sell any more lots.

Councilmember Shirley have there been any inquiries regarding lots in the area to be surveyed?

Administrative Services Director Skipper yes, we've had inquiries. The survey will cost approximately \$5,000. The rest of the cemetery is mostly sold out.

George Cannon, 1512 Martin Luther King Drive, spoke to Council regarding a high-speed chase on September 28 that he feels was unnecessary. He was on his way home and passed a grandmother walking with her grandkids; when he got home, he heard the sirens and saw the officers running through the woods chasing a man from a car. The chase was due to drug dealing activity. The suspect and officer's cars both did the "dukes of hazard" across the railroad tracks. Mr. Cannon waited for the officers to return. When the officer came back to the HPD vehicle, it was stated over the radio that the car the suspect was driving was reported stolen. There was also a chase on September 26 on Sixth Street and Washington Street by the same officer where the suspect got away on a bicycle. Mr. Cannon claimed the officer stated he would be laughed at due to it. Mr. Cannon does not agree with officers chasing suspects, as it does not make sense because it endangers lives.

Councilmember Braddock asked if Mr. Cannon has spoken with Chief Kemp.

George Cannon yes.

Councilmember Braddock and Chief Kemp didn't feel it was a laughing matter, did he? He investigated the chase?

George Cannon Chief Kemp spoke with him and had the incident investigated.

Councilmember Braddock it is your opinion that chases are not needed?

George Cannon yes, there are many who share his opinion.

Councilmember Wilson asked for the name of the officer.

City Manager Pennington stated that would be classified as a personnel matter and can't be discussed at Council meeting.

Mayor Pennington there is a process to follow and he encourages anyone with a complaint to follow the process.

MANAGEMENT UPDATE

The past weekend's events went well. The City Manager thanked staff for their work to get ready for the weekend.

Mayor Pennington in six years of doing parades he did not realize the manpower it takes to put these events together. Christmas in Hartsville would not happen without City Staff; they worked all night to make sure everything was ready. Thank you.

The January 2010 retreat will include budget items. Please keep an eye on the consent agenda items, especially the hospitality and accommodations taxes.

CONSENT AGENDA – Received as Information Only

Monthly Financial Statements

Committee Minutes/Reports

Hospitality and Accommodations Tax Reports

Development Report

UNFINISHED BUSINESS

Motion to amend the agenda to moved Ordinance 4003 to be heard before Res 53-09: Andrews; Second: Graham; Carried: All ayes.

NEW BUSINESS

RES 49-09: AUTHORIZING THE WAIVING OF BUSINESS LICENSE FEES FOR THE GOOD LIVING MARKETPLACE EVENTS FROM JANUARY UNTIL JUNE OF 2010 – APPROVED.

Councilmember Braddock have we received any feedback from those who have to get business licenses on waiving these fees?

City Manager Pennington No, the Marketplace is mostly craft type vendors.

Mayor Pennington if we were to charge a business license fee it would be so minimal that it wouldn't affect them anyway. HDDA is trying to drive traffic to the downtown businesses. At the January event, the Marketplace will have a T layout to connect to Carolina Avenue and the downtown area.

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

RES 50-09: TO REQUEST THE PLANNING COMMISSION TO REVIEW THE CITY CODE SECTION ON ADULT BUSINESSES AND PRESENT A RECOMMENDATION TO COUNCIL – APPROVED.

City Manager Pennington there was a discussion at the retreat regarding how the current ordinance relates to areas in the City. Where are these businesses allowed to operate? Council indicated they would like to get input from the Planning Commission on the issue.

Planning Commission Chair Myers the Planning Commission's plate is as empty as it has been in awhile so we would be glad to look at it.

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

RES 51-09: APPOINTMENT OF MINISTERIAL RECORDER – APPROVED.

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

RES 52-09: APPROVAL OF FEES FOR AIRPORT USE SERVICES AT THE HARTSVILLE MUNICIPAL AIRPORT – APPROVED.

City Manager Pennington the fee schedule is officially set by Council. There is a new FBO contract and with the new contract, Council needs to approve airport use fees. The fees can be changed if that is Council's pleasure. The fees are retained by the FBO.

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

RES 56-09: TO NAME THE TRACK AT BYERLY PARK IN HONOR OF TERRENCE HERRINGTON – APPROVED.

Mayor Pennington had a conversation with the local delegation; they would like to be part of the dedication ceremony. This will be a great event and we'll be naming the track after someone who is a great athlete and person and who works to give back to students.

Motion: Mayor Pennington; Second: Shirley; Carried: All ayes.

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, PERSONNEL MATTERS, AND TO DISCUSS APPOINTMENTS TO VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS - APPROVED.

Motion: Andrews; Second: Graham; 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; Hearing no objections the Mayor declared executive session closed.

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 – TABLED UNTIL THE JANUARY 12, 2010 REGULAR COUNCIL MEETING.

Council discussed amending the ordinance to exempt property owners of one to four rental properties from purchasing a business license. This would negate the concerns about those who don’t pay a business license fee now and they wouldn’t under the amendment.

Motion to table until the January 12, 2010 Regular Council Meeting: Andrews; Second: James; Carried: All ayes.

RES 53-09: APPOINTMENTS TO VARIOUS CITY BOARDS, COMMITTEES, AND COMMISSIONS – APPROVED.

Motion to appoint:

Wilken Benjamin to the Housing Authority of Hartsville to fill an unexpired term expiring 10/09/2013, Nancy McGee to the Parks Committee with a term expiring 06/30/2011,

Bobby McGee to the Planning Commission to fill an unexpired term expiring 06/30/2012.

Motion: Andrews; Hearing no objections the Mayor called for a vote; Carried: All ayes.

RES 54-09: EX-OFFICIO APPOINTMENTS TO VARIOUS CITY COMMITTEES – APPROVED.

Motion to appoint:

Airport Advisory Board – Bernice Wilson,

Clemson Butler Task Force – Wanda James, Bernice Wilson, Carl M. (Mel) Pennington,

Parks Committee – Adlena Graham.

Motion: Andrews; Hearing no objections the Mayor called for a vote; Carried: All ayes.

RES 55-09: APPROVAL OF BID AWARD FOR BROADBAND FEASIBILITY STUDY – TABLED UNTIL SPECIAL MEETING ON THURSDAY DECEMBER 17TH AT 5PM.

Motion to table until a special meeting on Thursday, December 17th, at 5pm: Mayor Pennington;

Second: Andrews; Carried: All ayes.

ADJOURN

Adjournment at 10:35pm.

**Carl M. (Mel) Pennington IV
Mayor**

**ATTEST: _____
Sherron L. Skipper, CMC
City Clerk**