

**CITY OF HARTSVILLE, SOUTH CAROLINA
PUBLIC HEARING AND REGULAR COUNCIL MEETING MINUTES
JANUARY 12, 2010**

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

Staff: City Clerk/Admin Services Director Skipper
Deputy Clerk DuBose
DEEPS Director Clemons
Finance Director Douglas
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 JANUARY 8, 2010 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 Reverend Blue lead in the invocation. Mayor Pennington led the pledge to our flag.

MOTION WAS MADE BY MAYOR PRO-TEM ANDREWS TO WAIVE READING OF AND APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF DECEMBER 8, 2009 AND THE SPECIAL COUNCIL MEETING OF DECEMBER 17, 2009; SECOND: GRAHAM; CARRIED: ALL AYES.

PRESENTATIONS

DEEPS Director Clemons introduced the new Environmental Services Supervisor, Kevin Gray.

Longevity Awards were presented to employees with five years of service: Cathy Stroup, Jason Bell, Mica Griggs, Ranzy Byrd, Roy Fales, and Stephen Wild; ten years of service: Larry Evans, Laurie Lane, and Bill Heathman; fifteen years of service: William Catoe, Roy Flowers, Brian Rudick and Mark Blair; and to Neal Cusack for twenty years of service.

The Planning Commission's Annual Report was given by Commission Chair Myers. The Planning Commission was very active in 2009. The Commission received County Council's approval for the Zone of Influence map; the Commission will be working closely with the County Planning Commission on this item. There were several other major issues referred to the Commission by Council; work continues on annexation, adult business section of the city code, and the potential designation as a Certified Local Government.

A quarterly update on the Comprehensive 2020 Plan was given by Planning Commission Chair Myers. Due to the election and other items, a lot of activity on the Comp 2020 Plan was not expected in the last few months. The Planning Commission received a good deal of input from Council at last Friday's Joint Council/Planning Commission Retreat and looks forward to progressing.

MANAGEMENT UPDATE

A joint Council and Planning Commission Retreat was held on Friday, January 8th. This was a very good retreat. We need to use the vision to drive us going forward. During the retreat, eight priorities were identified and a Council and Planning Commission member were assigned to each of the eight priority items. A meeting will be held on February 2nd at 4:30pm to get initial reports from each group.

Council will determine the need for a Council/Staff Strategic Retreat and announce a date if a retreat is scheduled.

CONSENT AGENDA – Received as Information Only

Monthly Financial Statements

Committee Minutes/Reports

Hospitality and Accommodations Tax Reports

Development Report

Monthly Airport Report

UNFINISHED BUSINESS

PUBLIC HEARING AND FINAL READING ORDINANCE 4003: AN ORDINANCE TO AMEND THE HARTSVILLE CITY CODE BY ADOPTING CHAPTER 11 “RESIDENTIAL RENTAL PROGRAM” – DEFEATED.

Reading by Title and Presentation – Mayor

Open/Close Public Hearing (State name and address for record) – Mayor: we appreciate everyone coming out and your input on this item. Please limit comments to 3 minutes.

Drew Case, 438 Oakdale Drive, speaking for the future of Hartsville means speaking against this ordinance, which will lessen the quality of life, stifle growth, and further damage the trust already lost between the citizens and the city bureaucracy. In order to regain the lost trust Council should look at total financial transparency by posting every transaction, every paycheck, and every invoice online so citizens can see them. He feels this will show the public why certain city officials have agendas. This ordinance violates the Fourth Amendment by opening up renters to government shake down inspections; it allows government officials to tell a landlord to be at a certain location at a specific date and time to do a shake down inspection on unsuspecting tenants. He was able to find Mayor Pennington’s property and the property of all his neighbors; property owners can be found online. Encouraged Council to go through with transparency and annexation but vote this ordinance down. Landlords can’t comply with this ordinance.

Mayor Pennington staff is working diligently to get transparency documents available online.

Drew Case also believes requiring property owners to register their property is unconstitutional.

Mayor Pennington asked even though property owners register property when they buy and sell it?

Drew Case yes.

Tommy Goodson, 406 Goodson Road, this is the worst legislation ever put before this town. Years ago, Robert Snyder and he purchased several dilapidated houses owned by the City, rehabbed those properties, and improved the City. To have legislation with more fees and inspections will hinder this type of activity in the future and could put landlords out of business. The ordinance also allows the City to hold a landlord liable for the tenant’s behavior with no landlord rights. Encouraged Council to look at creating a Housing Commission to address properties reported by citizens.

Mayor Pennington there will be amendments to the current ordinance to eliminate fees and give more landlord rights.

Mary Jordan, 507 Marlboro Avenue, is opposed and asked Council to vote the item down. Asked Council not to repeal the exemption for owners of one to four properties; many of these property owners are elderly people on fixed incomes. There are City and State laws that will address these issues. This ordinance will be a burden on landlords and on the City and require the City to hire another employee.

Zealouise Hough, 2017 Gum Circle, agrees with what everyone else said. Instead of imposing new laws on property owners, look at prevention and what can we do to make Hartsville a better place on issues such as drugs, sanitation, AIDS, poor attitudes, and education. SC has the highest violent crime rate in the nation; please work on the real problem and vote down ordinance 4003.

Joe Allston, 1306A Sunnyhill Drive, Camden, SC; owns 130 apartments. He believes this ordinance is a violation of the Fourth Amendment, landlord and tenants civil rights, and the SC Constitution. Passing this ordinance invites a lawsuit against the City; please vote it down.

Napoleon Rogers, 427 Russell Road, urged Council to vote the ordinance down because you are putting another tax on the poorest people in the community in the current economy. Today at the Senior Center, someone broke into a car and stole a purse. Crime and the economy are out of control; this is not the time to put another tax on people.

Mayor Pennington by tax do you refer to the fees or the extra cost of upkeep?

Napoleon Rogers is against the license, the fees, and the search.

Mark Thompson, 2217 West Billy Farrow Highway, addressed the tenant misconduct portion of the ordinance. The landlord cannot control whom tenants allow at their homes. If a disturbance happens how can the landlords be held liable? This also puts more cost on the landlords to process the eviction when they are having a hard enough time getting people to pay rent right now. He urged Council to vote the ordinance down.

Mayor Pennington the intent is to help landlord evict people who are destroying their property. He asked if any renters were present at the meeting. There were none present.

W.C. Morris, 202 East Richardson Circle, asked how many Councilmembers rent property and told them they don't know what they are talking about when it comes to landlords and tenants or the Landlord Tenant Act. The HPD needs to fix the crime and drug problems.

Mayor Pennington asked if it is his opinion that most of the people who are causing drug problems rent or own their property.

W.C. Morris they rent.

Mayor Pennington stated that is part of the reason behind the ordinance.

Mark Thompson the City sent out letters two years ago regarding property clean up. Why can't the City keep on doing that?

Mayor Pennington the ordinance doesn't have a bearing on landlords who upkeep their property. Most of the people who are at this meeting are not the problem but some bad places need to be addressed.

Robert Snyder, 311 Law Street, you agree we don't have a problem. What if a future Council doesn't think the same way? There are places that need to be fixed up. He urged Council to scrap the ordinance and get the local delegation to address this issue for the entire state. They could come up with something that is palatable to all and take their time with it.

Mayor Pennington it would be nice to have an association of property owners willing to police themselves.

Teresa Mack, 426 Sumter Avenue, SC Code does already address the Landlord Tenant Act but tenants with criminal activity are causing problems. It is not going to hurt anyone to register the rental properties because you cannot find out who some of the owners are online or at the courthouse.

There are also landlords who evict the tenants and leave the tenant's property outside on the curb. It is the landlord's responsibility to remove the tenant's property from the curb after 48 hours, the City is not going to go by and pick it up. Supports the ordinance and urged passage.

Mitchell Odom, 420 Dunlap Drive, there are laws on the books that need to be enforced; that will solve the problem.

Clayton Richardson, 612 South Sixth Street, urged Council to vote down the ordinance and burn it. He does recommend a manager be assigned to maintain and oversee a property if the owner lives out of the area. The ordinance is confusing.

Mayor Pennington asked if anyone desired to speak for the ordinance.

Billy Johnston, 910 North Fifth Street, is in favor of the ordinance as it is written in its entirety. He does not think the objections raised are applicable to this ordinance. This ordinance is a great start. He rents multiple unit apartments and hopes the ordinance passes.

Mary Wilson, 331 Security Drive, in her community there is an area that is in the county and the HPD can't go in that area. Hartsville has many of these areas. Please look at these areas before looking at rental properties.

Frank Hough, 2320 Holly Circle, if a landlord has 20 properties and one of them is denied a business license then all 20 of his licenses would be revoked; this would bankrupt a person. We do have a problem and everyone can identify hot spots in our community. Landlords are willing to work with the City because their properties are investments, it doesn't help a landlord to have a property that does not reflect a good quality of life. We need revitalization to rehab blighted properties. He is ashamed to go into the neighborhood he grew up in because of dilapidated properties. The problem is a few people; we need to get busy to make Hartsville the place it once was.

William Brown, 1420 West Carolina Avenue, inherited three houses in the City. He has a problem getting good tenants and having a hard time breaking even. If this passes, he will sell the houses if he can find a buyer but he won't be able to sell if this ordinance passes.

Mayor Pennington if the license fees, inspection fees, and initial inspection are removed and the penalties are changed from revoking the business license to a mandatory meeting with Council, would anyone support it. There is a need for registration because many properties at the tax assessor's office are not in the true owner's name. This is a crisis situation because half of our population is renters. If you were forced to reside next to some of these properties, what would you do? A house down the street from the funeral home is owned by a person on the Planning Commission in another town who knows better but doesn't take care of the property. We need to do something.

Council Discussion

Mayor Pro Tem Andrews this is an excellent exercise in civic participation. For a number of years Council has recognized the City has a problem with sub-standard housing. No area is immune to the problem but some areas do have more of a problem than others do. Council has people who come to us for help with these properties. The current code doesn't address the issues so we began the task of creating Ordinance 4003. Council even referred it to the Planning Commission for review and input and no changes were made by the Planning Commission. He feels it is ironic that the most vocal speakers are upstanding landlords. So do we sweep this issue under the rug and leave it for future generations? This is a moral issue. He urged careful consideration of the ordinance. He plans to propose several amendments to address the concerns and lessen the burden.

Motion to amend Section 2(a) to read: Owners owning fewer than five (5) properties would be exempt from business license fee: Andrews; Second: Pennington; Ayes: Andrews; Nays: Shirley, Graham, James, Pennington, Braddock, Wilson. Motion Defeated.

Motion to amend Section 7(b) to read: *Third Inspection*. If the identified violation(s) were not corrected at the time of the second inspection, a third inspection will be scheduled within 7 days of second inspection date. A \$5.00 re-inspection fee will be paid before the inspection is performed: Andrews; Second: Pennington; Ayes: Andrews; Nays: Shirley, Graham, James, Pennington, Braddock, Wilson. Motion Defeated.

Motion to amend Section 8(c) to read: Revocation of the business license may result due to repeated offenses, excessive disruptive conduct, or refusal to correct inspection violations. A revoked business license results in denial to rent all offending properties: Andrews; Second: Pennington; Ayes: Andrews; Nays: Shirley, Graham, James, Pennington, Braddock, Wilson. Motion Defeated.

Councilmember James would need to take concerns raised by all citizens including tenants who are not present. The ordinance doesn't completely address the issue we're trying to address and have the concerns of landlords to consider also. She thinks a Housing Commission is a good idea.

Councilmember Braddock tonight we've heard the same input we received months ago before we referred this item to the Planning Commission to meet with the landlords to get an ordinance with which they can be happy. He likes the idea of a Housing Commission. We've hammered this long enough. Mayor Pro Tem Andrews thinks if it doesn't pass the issue will die but we can still get the issues addressed; Councilmember Braddock is willing to be on a commission to address the issues.

Councilmember Wilson it is hard for Councilmembers to agree with something that never materialized, such as the Planning Commission's meeting with the landlords. The constituents don't agree with it.

Mayor Pennington going forward Council will have a voice in drafting legislation.

Approval of Final Reading and Waiving of Complete Reading: Motion: Andrews; Second: Pennington; Ayes: Andrews; Nays: Shirley, Graham, James, Pennington, Braddock, Wilson.

NEW BUSINESS

RES 01-10: STATING OPPOSITION TO H3272, THE POINT OF SALE BILL – APPROVED.

Mayor Pro Tem Andrews: this resolution is recommended by MASC. If passed House bill H3272 would negatively impact revenues coming into cities, counties, and school districts.

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

RES 02-10: TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION ON RENAMING RAILROAD AVENUE – APPROVED.

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

COUNCIL COMMENTS

Councilmember Shirley he spoke with Planning Commission Chair Myers earlier this week and discussed their feeling that people don't have passion but found out tonight people do have passion. He thanked those who came to tonight's meeting.

Councilmember James is glad to see people coming out. She commended Mayor Pro Tem Andrews for his stance on the rental-housing program; there are times we support an ideal but have to agree to disagree on the solution.

Councilmember Braddock did some research on the topic. Many landlords have points they agree with in ordinance 4003, so it is a starting point. He plans to be more involved in future work on this issue but with the resistance to the current version, he could not support it.

Councilmember Graham would like to see a Housing Commission formed to work on this issue.

Councilmember Wilson he read and looked into the issue and got calls from constituents all over town. When the people speak, we have to listen. There is good and bad points but if we just picked the points we like would it still suit them? Council is not going to pass without the correct language. When we say we're going to get input from the constituents, it should be done before coming back to Council.

Mayor Pennington we will move forward and pick up the pieces to study and pursue. He appreciates Council's willingness to work through this ordinance.

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, PERSONNEL MATTERS, 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: Graham; Carried: All ayes.

RES 03-10: APPOINTMENTS TO VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS – APPROVED.

Motion to appoint:

Frank Bush to the Clemson Task Force;

Dr. Glenn Chappell to the Planning Commission to fill the unexpired term of Mike Henderson ending 06-30-2011.

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

Motion to amend the agenda to add Resolution 04-10 to accept the resignation of the City Manager and Resolution 05-10 to appoint an acting City Manager: Pennington; Second: Shirley; Carried: All ayes.

RES 04-10: TO ACCEPT THE RESIGNATION OF THE CITY MANAGER – APPROVED.

Mayor Pennington a resolution to accept the resignation of City Manager Pennington effective January 31, 2010. He will be on leave as of adjournment of this meeting. Council appreciates Dr. Pennington's service to the City and wishes him well in his future endeavors.

City Attorney Driggers Council needs to authorize a representative to execute any required legal documents.

Motion to amend to authorize the Mayor to execute any required legal documents: Pennington; Second: Andrews; Carried: All ayes.

Motion to approve as amended: Pennington; Second: Wilson; Carried: All ayes.

RES 05-10: APPOINTMENT OF ACTING CITY MANAGER – APPROVED.

Mayor Pennington an acting City Manager is needed until January 31, Council appoints Planning Commission Chair Vern Myers.

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

Mayor Pennington offered his full support to Mr. Myers.

Motion to amend the agenda to add Resolution 06-10 to appoint an interim City Manager: Pennington;
Second: Braddock; Carried: All ayes.

RES 06-10: APPOINTMENT OF INTERIM MANAGER – APPROVED.

Mayor Pennington a resolution to appoint Vern Myers Interim City Manager effective February 1 and until further notice.

Motion to amend to authorize the Mayor to execute any documents to negotiate salary and benefits in such a manner as mutually acceptable to the City: Pennington; Second: Andrews; Carried: All ayes.

Motion to approve as amended: Pennington; Second: James; Carried: All ayes.

ADJOURN

Adjournment at 8:30pm.

Carl M. (Mel) Pennington IV
Mayor

ATTEST: _____
Sherron L. Skipper, CMC
City Clerk