

**CITY OF HARTSVILLE, SOUTH CAROLINA
PUBLIC HEARING AND REGULAR COUNCIL MEETING MINUTES
JULY 14, 2009**

Present: Mayor Holt

**Mayor Pro-Tem McFarland
Councilmember Andrews
Councilmember Braddock
Councilmember Shirley
Councilmember Wilson
City Attorney Driggers**

Staff:

**City Manager Pennington
City Clerk/Admin Services Director Skipper
Deputy Clerk McDonald
DEEPS Director Clemons
Finance Director Douglas
Fire Chief Heathman
Parks & Leisure Services Director Gardner
Police Chief Kemp
Public Works Director Welch**

Press

Absent: Councilmember Graham

PURSUANT TO FREEDOM OF INFORMATION ACT SC CODE 30-4-80: WRITTEN NOTICE WAS DELIVERED TO THE PRESS BY EMAIL ON JULY 13, 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 Michael S. Holt called the meeting to order and lead in the invocation and pledge to our flag.

Motion to amend the minutes to change the Mayor's Council Comments by correcting the name Drew Ryan to Drew Regan: Holt; Second: Andrews; Carried: All ayes.

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

PRESENTATIONS

Mayor Pro-Tem McFarland presented a proclamation declaring July 19 - 25, 2009 as National Independent Retailers Week.

Lois Edwards, SC Forestry Commission, presented the City's 23rd Tree City USA Award to Council. She thanked Council for their continued support of the tree program.

Jannie Harriott, 312 James Avenue, presented pictures of six neglected properties in the South Hartsville area and requested action be taken by the City to have the owners clean up the properties.

The Mayor announced that Celia Urquhart, Regional Director for Senator Lindsey Graham, spent the day in Hartsville and was in attendance at the Council meeting.

MANAGEMENT UPDATE

Demolitions have begun in the South Hartsville area and more will follow.

All but one HPD vacancy has been filled.

The Vista hotel property transfer paperwork is complete. The demolition of the old railroad office building should begin in approximately three weeks.

The summer swim program at the Y will begin on July 20th and run through September. Staff was able to negotiate a free exchange in which the City uses the pool for the swim program in exchange for the Y's use of the soccer fields during the soccer season.

CONSENT AGENDA – Received as Information Only

Monthly Financial Statements

Committee Minutes/Reports

Hospitality and Accommodations Tax Reports

Development Report

UNFINISHED BUSINESS

PUBLIC HEARING AND FINAL READING ORDINANCE 3095: AN ORDINANCE TO AMEND CHAPTER 14 “BUSINESSES” ARTICLE II “LICENSING” SECTION 14-36 “EXEMPTIONS” OF THE HARTSVILLE CITY CODE BY THE REPEALING OF SECTION 14-36(A) – DEFEATED.

Reading by Title and Presentation – City Manager: this ordinance removes the exemption for lessors of less than five rental units in conjunction with ordinance 4003.

Motion to table until the August 2009 meeting: Andrews; Second: Wilson; Aye: Holt and Andrews; Nay: Shirley, McFarland, Braddock, Wilson. Motion failed.

Open/Close Public Hearing (State name and address for record) – Mayor

Clayton Richardson, 612 South Sixth Street, request this item to be tabled to a later date as he feels all the ordinances on this subject should be heard at the same time.

Frank Hough, 2320 Holley Circle, owns property in Hartsville. How does this ordinance relate to the other ordinances? Although there is a legitimate problem this is not the answer. He opposes this proposal.

Mary Jordan, 507 Marlboro Avenue, opposes this ordinance. This is a benefit for the citizens of Hartsville who are not in business but just happen to own a couple properties they rent out.

Motion to table until the August 2009 meeting: Andrews; Second: Holt; Aye: Andrews, Holt; Nay: Shirley, McFarland, Braddock, Wilson. Motion failed.

Councilmember Andrews reminded Council that Mr. Richardson requested the item to be tabled also. Motion to approve: None. Defeated.

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

Motion to table until the August 2009 Council meeting and to refer to the Planning Commission for review: Andrews; Second: Holt; Discussion:

Councilmember Andrews Council has been very vocal regarding Ordinance 4003. For many years we have struggled all over with run down rental properties. The 2000 Census states 40% of Hartsville housing is rental housing and imagines this has increased. Council and staff have been tweaking this proposal since October 2007. The book “*The Tipping Point*” makes the point that a community can reach a tipping point. There are good landlords in Hartsville but there are a lot of problems. Inaction avoids the issues.

Councilmember Braddock we have been battling this around and it has been tweaked but it still has issues. Are there not current city and state laws that can be enforced?

Mayor Pro Tem McFarland has received a lot of calls and complaints regarding 4003. It is not that staff has not done their job but there is more work to be done.

Mayor Holt that is what Councilmember Andrews is proposing.

Councilmember Andrews this will give more time for review and input.

Mayor Pro Tem McFarland there is still plenty of time.

Councilmember Wilson has no problem with 3095 but feels that senior citizens should not have to buy a business license for property they've owned for years. Most people looked at that as another tax.

Councilmember Andrews tabling and reviewing the ordinance will allow further time for review and changes. There has to be a way to identify landlords without business licenses. Is it possible to get this information when water and sewer accounts are opened? Suggests tabling the item and looking at the options.

Mayor Pro Tem McFarland these are ideas we need to take back to the table.

Councilmember Andrews if we table it we can tweak it but if we kill it we've sent two years worth of work and a lot of good ideas down the drain.

Mayor Pro Tem McFarland the ideas would still be on paper and the ordinance would not be dead.

Mayor Holt the ordinance would be defeated and no longer on the agenda.

Councilmember Braddock is open to listening further. The audience's concerns concern him.

Councilmember Andrews recommends referring this to the Planning Commission. If the ordinance is defeated physically the paper is still there but if the ordinance is tabled it is still there and alive.

Mayor Pro Tem McFarland asked if the Planning Commission would involve the property owners in their review.

Councilmember Andrews amending the motion to state the Planning Commission should get input from property owners, tenants, and residents of Hartsville will ensure they seek out input.

Motion to amend the motion to table Ordinance 4003 until the August 2009 Council meeting, to refer to the Planning Commission for review, and to require the Planning Commission to seek input from property owners, tenants, and residents of Hartsville: Andrews; Second: Holt; Discussion:

Councilmember Wilson is in agreement if we ensure the citizens are involved, we have to know what is on their minds.

Councilmember Andrews the Planning Commission has a lot of responsibilities in Hartsville.

Mayor Pro Tem McFarland this is asking the Planning Commission to do something they have not approved.

Councilmember Andrews Council routinely sends items such as this to the Planning Commission.

Motion: Carried: All ayes.

Mayor Holt there are a number of folks with questions and comments regarding ordinance 4003 and as you can see this item has been referred to the Planning Commission. Council encourages you to give your input to the Planning Commission. Thank you.

NEW BUSINESS

FIRST READING ORDINANCE 4004: AN ORDINANCE TO AMEND CHAPTER 14 "BUSINESS" ARTICLE I "IN GENERAL" OF THE HARTSVILLE CITY CODE BY THE ADDITION OF SECTION 14-5 "PROVISION FOR BUSINESS LICENSE FEE STRUCTURE ON LESS THAN FIVE RESIDENTIAL RENTAL UNITS" – WITHDRAWN.

Mayor Holt Ordinance 3095 would have lifted the exemption for owners of fewer than five rental properties and this ordinance would have set the rates. Due to the defeat of Ordinance 3095 this ordinance is not required.

City Manager Pennington requested this item be withdrawn.

FIRST 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 is a small tract of land sub-divided from a property facing Dunlap Drive. The lady is building a house on the lot and request to annex.

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

RES 28-09: APPROVAL OF AN EMERGENCY EXTENSION OF THE AIRPORT FIXED BASE OPERATOR (FBO) CONTRACT TO NANCY PAYNE FOR AN ADDITIONAL SIXTY DAYS AND AUTHORIZATION TO BEGIN THE BID PROCESS FOR THE OPERATION AND MAINTENANCE OF THE CITY OF HARTSVILLE'S MUNICIPAL AIRPORT AND AIRPORT FACILITIES – APPROVED.

City Manager: when Airport FBO Johnny Payne passed away we found ourselves in an emergency situation and as such extended the contract for thirty days to Mrs. Payne so operations at the airport could continue. In order to continue operations until the FBO bid process can be completed staff recommends extending the contract to Mrs. Payne for an additional sixty days.

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

RES 29-09: APPROVAL OF THE VETERAN'S MEMORIAL DESIGN BY ARTIST CHARLIE PATE AND AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO NEGOTIATIONS REGARDING THE BASE FOR SAID MEMORIAL – APPROVED.

City Manager: Council was presented with the design of the Veteran's Memorial and indicated verbally their approval of the design but official approval is needed. The second issue is the base design was not included in the sculpture. The financing for the base is a mystery as it is not in the budget but we need to secure a base. Mr. DeHart would like to have in place by November 11, 2009, this is doable but we need to proceed.

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

COUNCIL COMMENTS

Members of Council bid a fond and humorous farewell to Mayor Holt by issuing a proclamation of their compiled statements.

Councilmember Wilson has enjoyed working with Mayor Holt. He then read his input whereas, when I think of Mayor Holt the word "Matlock" comes to mind.

Councilmember Braddock whereas, the one word I have for Mayor Holt is "Preppy".

Councilmember Andrews whereas, I will remember Mayor Holt as... "Landslide Michael" for his impressive 31-vote election victory of November 5th, 2005; One of Hartsville's most photogenic mayors, whose main regret is that the Council group photograph will always be remembered through history as Bob Braddock's City Council; Hartsville's first multitasking mayor, who could simultaneously conduct Council meetings, update his appointment calendar, read his mail, check and reply to his e-mail, and text message real-time updates of council proceedings to his constituents; Always making a fashion statement each time he walked into a room, whether it be with his day-glow bow ties, seersucker suits (ever perpetuating the stereotypical Southern Good Old Boy Lawyer image), or his school boy haircuts; Taking credit for single-handily capturing the Prestwood Alligator; and as "Hardhat Michael" for causing an increase in Hartsville's liability insurance rates due to his inept attempts to operate large earth moving equipment during ground breaking ceremonies endangering the lives and well being of our State delegation, gathered dignitaries, Hartsville citizens, as well as young members of his own family.

Mayor Pro Tem McFarland whereas, I believe Mayor Holt is wearing the same seersucker suit he wore in High School.

Councilmember Shirley in her absence read Councilmember Graham's input of whereas, my thought of Mayor Holt is that he is the ambassador of texting. And his own comment whereas, a gamecock you know I'd never be, with bowtie – pinstripes you're quite a sight to see, I will concede you've impressed me deeply with your ability to swing a gavel freely! You've truly been a joy to serve with. I'm now and always will be your favorite Clemson Tiger!!

City Attorney Driggers we will miss you and wish you the very best. As Mayor you have shown a lot of passion for the issues, worked really hard, and served Hartsville well by being a great ambassador. He presented a frame picture of the Vista area in 1889 when the railroad was first put in place and 200 years late with the Vista underway.

Mayor Pro Tem McFarland presented a proclamation listing the accomplishments during Mayor Holt's term.

Mayor Holt the issues on tonight's agenda are very important to me and I'm very disappointed it didn't work out but maybe it will still. I'm very passionate about this community and proud to be able to say I was Mayor. Asked Council to vote with conviction and for what is right for the community not just what makes people happy. He fears for our future if we don't take care of what is in Hartsville.

Mayor Holt turned the meeting over to Mayor Pro Tem McFarland for completion of the meeting and excused himself.

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, TO DISCUSS THE CITY MANAGER'S PERFORMANCE EVALUATION, AND TO DISCUSS APPOINTMENTS TO VARIOUS CITY BOARDS, COMMITTEES AND COMMISSIONS – APPROVED.

Motion: Andrews; **Second:** Shirley; **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: Braddock; Carried: All ayes

**RES 27-09: APPOINTMENTS TO VARIOUS CITY BOARDS, COMMITTEE AND COMMISSIONS.
MOTION: TO ENTER EXECUTIVE SESSION PURSUANT TO SC CODE FOIA 30-4-70(a) (2) FOR
RECEIPT OF LEGAL ADVICE AND TO DISCUSS LEGAL UPDATES ON OUTSTANDING LEGAL ISSUES
AND PENDING LAWSUITS - APPROVED.**

**Charles Davis to the Airport Advisory Board with a term expiring June 30, 2013,
Lee Gardner to the Airport Advisory Board with a term expiring June 30, 2013,
Alex Yarborough III to the Airport Advisory Board with a term expiring June 30, 2013,
Robert Snyder to the Construction Board of Appeals with a term expiring June 30, 2014,
Tripp Pennington to the Design Review Board with a term expiring June 30, 2012,
Hazel Sox to the Design Review Board with a term expiring June 30, 2012,
Glenn Lawhon, Jr. to the Museum Commission with a term expiring June 30, 2012,
John Nichols, Jr. to the Museum Commission with a term expiring June 30, 2012,
Carl Pennington III to the Museum Commission with a term expiring June 30, 2012,
Phyllis Fields to the Museum Commission with a term expiring June 30, 2012,
Vern Myers to the Planning Commission with a term expiring June 30, 2012,
Mel Pennington to the Planning Commission with a term expiring June 30, 2012,
Kirk Askins to the Zoning Board of Appeals with a term expiring June 30, 2012,
Brian Meadows to the Zoning Board of Appeals with a term expiring June 30, 2012.**

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

MOTION TO ADJOURN – APPROVED.

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

Adjournment at 8:00pm.

David L. McFarland, Mayor

ATTEST: _____
Sherron L. Skipper, CMC
City Clerk