

**CITY OF HARTSVILLE, SOUTH CAROLINA
PUBLIC HEARING AND REGULAR COUNCIL MEETING MINUTES
JUNE 9, 2009**

Present: Mayor Holt

**Mayor Pro-Tem McFarland
Councilmember 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
DEEPS Director Clemons
Finance Director Douglas
Fire Chief Heathman
Parks & Leisure Services Director Gardner
Police Chief Kemp
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 JUNE 8, 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 requested Councilmember Braddock lead in the invocation and pledge to our flag.

MOTION WAS MADE BY COUNCILMEMBER ANDREWS TO WAIVE READING OF AND APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF MAY 12, 2009; SECOND: GRAHAM; CARRIED: ALL AYES.

MANAGEMENT UPDATE

The City Manager reminded Council to turn in their registration and reservation forms for the MASC Annual Meeting to the City Clerk after tonight's meeting.

City staff will have discussions with SCDOT on two issues. The renovation of the Railroad Passenger Station building was previously approved but they are now asking us to change the project to a streetscape or bike path project; this is very frustrating after three years of work. We will also check on information we received from the County Transportation Committee that the state will let bids on the ninth for paving of Sixth Street. The only problem is the paving plans are from the intersection of Fifth Street to Marlboro Avenue and do not include the area from Marlboro Avenue to Carolina Avenue which is breaking up terribly.

We are finishing up the contracts with the hotel and should see activity on the site beginning next month.

Please keep an eye on the Hospitality and Accommodation Funds; we have noticed a small decline.

CONSENT AGENDA – Received as Information Only

**Monthly Financial Statements
Committee Minutes/Reports
Hospitality and Accommodations Tax Reports
Development Report**

UNFINISHED BUSINESS

**FINAL READING ORDINANCE 3078: AN ORDINANCE TO AMEND THE HARTSVILLE CITY CODE BY ADOPTING CHAPTER 11 “RESIDENTIAL RENTAL LICENSING PROGRAM” – DEFEATED.
Reading by Title and Presentation – Mayor: this is the initial ordinance on the rental housing program. Later on this agenda Council will be considering for first reading a revised ordinance based upon the input received. The recommendation is to defeat ordinance 3078.**

Approval of Final Reading and Waiving of Complete Reading: Motion: Andrews; Second: McFarland; Defeated: All nays.

PUBLIC HEARING AND FINAL READING ORDINANCE 3086: AN ORDINANCE TO AMEND THE WATER AND SEWER RATE STRUCTURE IN ACCORDANCE WITH SECTION 82-176(A) OF THE HARTSVILLE CITY CODE – APPROVED.

Reading by Title and Presentation – City Manager: the rate study has been completed and recommended by the consultants and staff. The revenues in the utilities fund budget are based upon this rate study.

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: Braddock; Carried: All ayes.

PUBLIC HEARING AND FINAL READING ORDINANCE 3093: AN ORDINANCE TO ADOPT AND APPROPRIATE THE FISCAL YEAR 2009-2010 UTILITIES FUND BUDGET – APPROVED.

Reading by Title and Presentation – City Manager: the budget is balanced based on the new rate study. The budget maintains operations, creates a capital reserve and a fund reserve; these reserves are desperately needed.

Open/Close Public Hearing (State name and address for record) – Mayor: No public input.

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

PUBLIC HEARING AND FINAL READING ORDINANCE 3094: AN ORDINANCE TO AMEND THE CEMETERY LOT RATE STRUCTURE IN ACCORDANCE WITH SECTIONS 2-107 AND 22-6 OF THE HARTSVILLE CITY CODE – APPROVED AS AMENDED.

Reading by Title and Presentation – City Manager: the proposal affects both cemeteries by increasing the rates and making the rates at the two cemeteries the same.

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

Teresa Mack, 426 Sumter Avenue, has it been clarified that Greenlawn will receive the same amount and type of maintenance as Magnolia?

City Manager a number of issues at Greenlawn need to be addressed but funds are needed to complete the work. Better security is needed at both cemeteries and Greenlawn requires beautification. We cannot guarantee all will be done within a year but staff will do all we can to beautify and keep the cemetery maintained.

Mayor Pro-Tem McFarland has received calls on this issue. It is hard to justify an increase until the renovations are completed. He suggested an increase be implemented after these projects are completed.

City Manager the focus seems to be on the cost of the lots and if Council wants to change the lot prices in Greenlawn they can do so but that action will delay any improvements. There is a tremendous amount of work needed on both cemeteries; we must do several thousands of dollars worth of work before we can sell very many more lots.

Councilmember Graham suggested a decrease in the lot prices at Greenlawn Cemetery.

City Manager staff would recommend changing the flat lot price to \$700 but we cannot change the charge for opening and closing of graves.

Councilmember Wilson never sees anyone working at the cemetery and feels a minimal increase is acceptable.

Motion to amend to change the prices at Greenlawn Cemetery to \$700 in the flat section and \$800 in the monument section: McFarland; Second: Graham; Carried: All ayes.

Approval of Final Reading and Waiving of Complete Reading: Motion to approve as amended: Andrews; Second: Shirley; Carried: All ayes.

PUBLIC HEARING AND FINAL READING ORDINANCE 3096: AN ORDINANCE TO ADOPT AND APPROPRIATE THE FISCAL YEAR 2009 – 2010 GENERAL FUND BUDGET AND ACCOMPANYING REVENUE STRUCTURE – APPROVED.

Reading by Title and Presentation – City Manager: a larger transfer from the reserves will be required due to the action of Council on the previous ordinance. There are no salary increases or bonuses in this budget. There has been a lot of trimming by employees and departments.

Mayor the budget ordinances must be approved by June 30th. If we do not approve at tonight's meeting Council will meet again before June 30th.

Open/Close Public Hearing (State name and address for record) – Mayor
Teresa Mack, 426 Sumter Avenue, has money been allocated in this budget for demolitions in the South Hartsville area?

City Manager \$18,000 has been allocated for demolition.

Mayor nearly all of the demolitions the City's been involved in have been in South Hartsville.

Evelyn Alsbrooks, 1318 Sixth Street, is there an allocation for clearing the ditch beside the club on Sixth Street?

Mayor money is not allocated for specific projects.

City Manager there is no money for improvements in the budget so the answer is no. This is a minimal budget that covers operations only.

Dick Puffer, 1417 Seneca Trail, there is a 5 mill increase with this budget. How can we say there is no money for improvements if there is a tax increase? If we don't think about improving then we won't move forward.

Councilmember Andrews please note that even though the millage rate increased the City will collect less revenue from property taxes than previous years.

Councilmember Wilson there are streets in South Hartsville that haven't been cut regularly. The ditch on Manning Avenue running into the cemetery needs to be cleaned out. He feels other areas of the City get more cutting and cleaning than the Sixth Street area. Everybody pays taxes but he doesn't see any work being done in these areas of town. South Hartsville deserves the same respect as Carolina Avenue, Home Avenue and other areas. He suggested amending the ordinance to approve funding for these projects.

Councilmember Andrews the general fund is balanced with a \$120,000 transfer from the utility fund?

Finance Director Douglas this amount covers the administrative cost of utility billing.

Councilmember Graham in the ditches on Marion Avenue and Sumter Avenue the growth buries the ditches; this needs to be cleaned out.

Mayor Council may amend, approve or table the ordinance.

Mayor Pro Tem McFarland if we did all we can do during the good times to keep these areas cleaned it would be easier during the more difficult times.

City Manager the budget came out of Council's discussions and priorities.

Approval of Final Reading and Waiving of Complete Reading: Motion: Andrews; Second: Graham;
Carried: Ayes – Andrews, Braddock, Holt, McFarland, Shirley, Wilson; Nay – Graham.

PUBLIC HEARING AND FINAL READING ORDINANCE 3097: AN ORDINANCE TO ADOPT AND APPROPRIATE THE FISCAL YEAR 2009 – 2010 SOLID WASTE FUND BUDGET – APPROVED.

Reading by Title and Presentation – City Manager: this budget is balanced with no increases in fees or services.

Open/Close Public Hearing (State name and address for record) – Mayor: No public input.

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

PUBLIC HEARING AND FINAL READING ORDINANCE 3098: AN ORDINANCE TO ADOPT AND APPROPRIATE THE FISCAL YEAR 2009 – 2010 HOSPITALITY FUND BUDGET – APPROVED.

Reading by Title and Presentation – City Manager: Council previously received the other details of this budget. The hospitality and accommodations fund budgets are paying for almost all capital improvements that are currently ongoing.

Finance Director Douglas this fund includes the bond payment, same projects funded as last year, administrative transfer allowed by state law, all the local funds the City supports, and the extra payment on hand as required by the bond covenant. She recommends a more formal application process similar to the state-local accommodation funds distribution. This fund stands alone and projects must meet the state requirements. The revenues projected are less than last year.

Councilmember Braddock if we don't use all of the amounts scheduled for operations will there be a surplus?

Finance Director Douglas yes, but at this time in the current budget we are using the surplus for this account.

Mayor wishes to amend the ordinance to give HDDA a \$5,000 increase.

Finance Director Douglas the current funds allocated for HDDA come from the accommodations fund; recommends making things simpler by amending that budget ordinance if that is what Council wishes to do.

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: McFarland; Carried: All ayes.

PUBLIC HEARING AND FINAL READING ORDINANCE 3099: AN ORDINANCE TO ADOPT AND APPROPRIATE THE FISCAL YEAR 2009 – 2010 ACCOMMODATIONS FUND BUDGET – APPROVED AS AMENDED.

Reading by Title and Presentation – City Manager: fund includes items detailed in the budget. If Council wishes to amend the funding to HDDA this is the fund to amend.

Open/Close Public Hearing (State name and address for record) – Mayor: No public input.

Motion to amend to allocate an additional \$5,000 from the fund reserve to HDDA for purposes of funding their membership in the state organization: Andrews; Second: Shirley; Carried: All ayes.

Approval of Final Reading and Waiving of Complete Reading: Motion to approve as amended: Andrews; Second: Shirley; Carried: All ayes.

PUBLIC HEARING AND FINAL READING ORDINANCE 4000: AN ORDINANCE TO ADOPT AND APPROPRIATE THE FISCAL YEAR 2009 – 2010 STORM WATER FUND BUDGET – APPROVED.

Reading by Title and Presentation – City Manager: this fund is paying for the preparation of the water quality study to meet federal regulations. The expenditures are for engineering services.

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: McFarland; Carried: All ayes.

PUBLIC HEARING AND FINAL READING ORDINANCE 4001: AN ORDINANCE TO APPROVE A THREE YEAR PERMIT FOR RECREATIONAL USE AGREEMENT WITH THE HARTSVILLE NORTHERN LEAGUE – APPROVED.

Reading by Title and Presentation – City Manager: this item has been discussed for quite some time.

Open/Close Public Hearing (State name and address for record) – Mayor: No public input.

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

PUBLIC HEARING AND FINAL READING ORDINANCE 4002: AN ORDINANCE TO AMEND HARTSVILLE CITY CODE CHAPTER 38 “FINANCE AND TAXATION” ARTICLE II “PROPERTY TAX” SECTION 38-26 “CITY TAX MILLAGE” – APPROVED.

Reading by Title and Presentation – City Manager: the current city code language states the millage rate instead of stating it is set with the budget as is required by state code.

Open/Close Public Hearing (State name and address for record) – Mayor: No public input.

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

NEW BUSINESS

FIRST 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). – APPROVED.

Reading by Title and Presentation – City Manager: this item and the following item are related. This item removes the exemption for landlords owning less than five rental properties.

Councilmember Andrews there is a concern for the owners of one to four rental properties.

According to the information Council received the minimum business license fee for \$2,000 in revenue is \$73 per year, perhaps the fee could be lowered for this category only. The intent of requiring all rental property owners to have a business license is to track all the rental property owners. Asked staff to review the business license amount for this item and come back with a recommendation of a nominal fee.

Councilmember Graham it would be a hardship on owners of one to four rental properties to pay for a license.

Mayor Holt Council likes the ordinance but wants a lower fee schedule recommendation for the business license fee.

Motion to table: Graham; Second: None; Motion failed.

Approval of First Reading and Waiving of Complete Reading: Motion: Andrews; Second: McFarland; Carried: Ayes – Andrews, Braddock, Holt, McFarland, Shirley, Wilson; Nays – Graham.

FIRST READING ORDINANCE 4003: AN ORDINANCE TO AMEND THE HARTSVILLE CITY CODE BY ADOPTING CHAPTER 11 “RESIDENTIAL RENTAL LICENSING PROGRAM” – APPROVED.

Reading by Title and Presentation – Mayor: the original ordinance was defeated earlier on the agenda. After receiving input from citizens this is the revised version of the ordinance.

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

Councilmember Andrews this is a much better ordinance. Thanked everyone for their input and staff for their hard work.

RES 22-09: AUTHORIZING THE WAIVING OF BUSINESS LICENSE FEES FOR THE GOOD LIVING MARKETPLACE EVENTS IN JULY, AUGUST, AND SEPTEMBER 2009 – APPROVED.

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

RES 23-09: APPROVAL OF DISTRIBUTION OF STATE-LOCAL ACCOMMODATIONS TAX REVENUE.

City Manager the board met, reviewed the request, and recommend as presented.

Motion: Wilson; Second: McFarland; Carried: All ayes with the exception of Councilmember Andrews who abstained due to his membership with the Genealogical Society.

RES 24-09: APPROVAL OF LAND USE MAP – APPROVED.

City Manager the Planning Commission recommended a land use map that ties in well with the County’s model.

Councilmember Andrews understands that County Council approved this map also.

City Manager they approved with no discussion or comments.

Councilmember Andrews thanked the Planning Commission for their work.

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

RES 25-09: APPROVAL TO ACCEPT A GRANT UNDER THE 2009 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM – APPROVED.

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

COUNCIL COMMENTS

Councilmember Wilson commended staff. Each section of town needs to feel we look after them.

Councilmember Braddock money is tight but we do have positive things on the horizon.

Councilmember Andrews the D-day ceremony was moving; thanked everyone for their efforts. He is looking forward to seeing the Veteran’s Memorial.

Mayor Pro Tem McFarland as a veteran he appreciated the moving D-day remembrance ceremony; thanked everyone for doing it.

Councilmember Graham money is tight and asking for things to be done. She wants to see the grass cut and money for projects in the South Hartsville area.

Councilmember Shirley thanked the veterans for all the sacrifices they made for us.

Mayor Holt Drew Regan, a Clemson student, is interning with him and present for the meeting. He went through the entire agenda packet and asked many good questions.

City Manager compared to other cities we have a good budget that only eliminated one employee.

The citizens should be aware of the restrictions set by the legislature on local governments and the fact that the reserves have declined. Council and staff did a great job on this budget.

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 APPOINTMENTS TO VARIOUS CITY BOARDS, COMMITTEES, AND COMMISSION AND TO DISCUSS PROPOSED CONTRACTUAL ARRANGEMENTS.

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 26-09: RE-APPOINTMENT OF CITY ATTORNEY – APPROVED.

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

**RES 27-09: APPOINTMENTS TO VARIOUS CITY BOARDS, COMMITTEE AND COMMISSIONS –
TABLED UNTIL THE JULY 14, 2009 COUNCIL MEETING.**

**Motion to table until the July 14, 2009 Council Meeting: McFarland; Second: Shirley; Carried: All
ayes.**

MOTION TO ADJOURN – APPROVED.

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

Adjournment at 8:00pm.

Michael S. Holt, Mayor

ATTEST: _____
Sherron L. Skipper, CMC
City Clerk