

**CITY OF HARTSVILLE, SOUTH CAROLINA  
PUBLIC HEARING AND REGULAR COUNCIL MEETING MINUTES  
MAY 12, 2009  
THE PAVILION AT LAWTON PARK**

**Present:** 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 McDonald  
DEEPS Director Clemons  
Finance Director Douglas  
Fire Chief Heathman  
Parks & Leisure Services Director Gardner  
Police Chief Kemp  
Public Works Director Welch

Press

**Absent:** Mayor Holt

**PURSUANT TO FREEDOM OF INFORMATION ACT SC CODE 30-4-80: WRITTEN NOTICE WAS DELIVERED TO THE PRESS BY EMAIL ON MAY 8, 2009 AND DULY POSTED IN CITY HALL AND AT LAWTON PARK. 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 requested Councilmember Shirley lead in the invocation and pledge to our flag.**

**MOTION WAS MADE BY COUNCILMEMBER GRAHAM TO WAIVE READING OF AND APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF THE APRIL 14, 2009 REGULAR COUNCIL MEETING AND THE MINUTES OF THE APRIL 21, 2009 SPECIAL COUNCIL MEETING; SECOND: ANDREWS; CARRIED: ALL AYES.**

**PRESENTATIONS**

Surrounded by fellow officers, friends, and family Sergeant Joseph Peavy was sworn in by Chief Kempt and pinned with his Sergeant's stripes by his father, former HPD Lieutenant, Gene Peavy.

**MANAGEMENT UPDATE**

In monitoring the hospitality and accommodations funds we are seeing some drift in the amounts received.

There are several items that need to be adopted prior to approving the budget because these items guide the budget.

**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” – TABLED UNTIL THE JUNE 9, 2009 MEETING.**

Reading by Title and Presentation – City Manager: the revisions to this ordinance are being reviewed and will be presented at the June meeting.

Approval of Final Reading and Waiving of Complete Reading: Motion to table until the June 9, 2009 Council meeting: Andrews; Second: Graham; Carried: All ayes.

**PUBLIC HEARING AND FINAL READING ORDINANCE 3090: AN ORDINANCE TO AMEND ARTICLE VII, SECTION 8 (E) OF THE HARTSVILLE ZONING ORDINANCE TO ALLOW INTERNALLY LIGHTED WALL MOUNTED SIGNS – APPROVED.**

Reading by Title and Presentation – City Manager: this ordinance is recommended by the Planning Commission.

Open/Close Public Hearing (State name and address for record) – Mayor Pro-Tem McFarland Teresa Mack, 426 Sumter Avenue, asked if this will do away with “shingle signs”.

Vern Myers, Planning Commission Chair, no, all signs do not have to be mounted.

Teresa Mack asked if signs can be black and white.

Vern Myers stated signs can be black and white as long as there is an opaque background.

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

**PUBLIC HEARING AND FINAL READING ORDINANCE 3091: AN ORDINANCE TO AMEND CHAPTER 74 “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES” ARTICLE IV “STREET NAMES AND PROPERTY ADDRESSES” DIVISION 3 “ADMINISTRATION AND IMPLEMENTATION” SECTION 74-156 “NAMING OF NEW STREETS” OF THE HARTSVILLE CITY CODE – APPROVED.**

Reading by Title and Presentation – City Manager: the code is currently in violation of the new state code on planning which states the Planning Commission is responsible for naming streets; this amendment updates the code to meet the state regulation.

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

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

**PUBLIC HEARING AND FINAL READING ORDINANCE 3092: AN ORDINANCE AUTHORIZING THE SALE OF APPROXIMATELY 3 ACRES (+/-) OF CITY PROPERTY LOCATED EAST OF FOURTH STREET AND NORTH OF RAILROAD AVENUE (WESTERNMOST PORTION OF THE CITY’S “VISTA PROPERTY”) TO BALAJI, II, LLC FOR PURPOSES OF BUILDING A HAMPTON INN AND SUITES HOTEL ON THE SOUTHERNMOST PORTION OF THE SITE AND COMMERCIALLY DEVELOPING THE REMAINDER – APPROVED.**

Reading by Title and Presentation – City Manager: introduced DJ Desai, principal agent of Balaji, II, LLC.

DJ Desai stated he is excited to bring a 73 room hotel with a 2500 square foot meeting/banquet space and outdoor recreation area with a pool to downtown Hartsville.

Mayor Pro-Tem McFarland welcomed Mr. Desai. We are happy to have you in Hartsville.

Open/Close Public Hearing (State name and address for record) – Mayor Pro-Tem McFarland Teresa Mack, 426 Sumter Avenue, asked if the facility will have Wi-Fi.

DJ Desai stated this will be a state of the art facility and includes a Wi-Fi connection.

John Jewell, 108 Gandy Drive, asked does this involve a land swap. If so, has the piece of property the City will receive been appraised and what is its value?

City Manager Pennington the property was purchased in 2007 for \$288,000. There is no way to compare the two properties because they are two different types of land with two different uses.

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

**NEW BUSINESS**

**FIRST 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: this is the new rate structure recommended after a rate study by BP Barber. This will set out rates for the next five years. It will cause an increase in rates but we must have it in order to protect bond covenants.

Councilmember Andrews asked if this will grandfather us in for five years if the legislature passes a law to prevent cities from using water/sewer services for annexation and charging more for out of town customers.

City Manager Pennington hopefully bond covenants and requirements will give us a legal leg.

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

**FIRST 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 fund is balanced and includes fund and capital reserves.

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

**FIRST READING ORDINANCE 3094: AN ORDINANCE TO AMEND THE CEMETERY LOT RATE STRUCTURE IN ACCORDANCE WITH SECTION 2-107 AND 22-6 OF THE HARTSVILLE CITY CODE - APPROVED.**

Reading by Title and Presentation – City Manager: this updates the cemetery lot rates. There is no difference between the lot prices of Greenlawn and Magnolia Cemeteries.

City Clerk Skipper the prices recommended tonight are still below the average of other area cemeteries.

Councilmember Graham asked if there will still be a difference in the appearance of the cemeteries.

City Clerk Skipper stated many improvements have been made to the cemeteries' appearance but we need money in order to continue to improve and upgrade. We're running out of lots at Magnolia and need a survey done in order to section off the final section of lots. A percentage of the price of each lot is put into a perpetual care fund.

Councilmember Graham noted that the Greenlawn lot price increase is more than the increase at Magnolia. She asked for an explanation of the late arrival fee.

City Clerk Skipper there is a larger increase because Greenlawn prices historically are lower and this recommendation makes the prices at the cemeteries the same. There is a late arrival fee because we have had instances where people were scheduled to be at the cemetery at a certain time and don't show up until two hours later. This ties up staff and if there is a funeral following the time of the one that's late it causes staff and scheduling conflicts.

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

**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) – TABLED UNTIL THE JUNE 9, 2009 COUNCIL MEETING.**

Reading by Title and Presentation – City Manager: this is a pre-requisite of the rental housing program ordinance. This repeals the exemption for real estate landlords and lessors – nothing else changes.

Councilmember Wilson so anyone who has a rental unit has to pay a business license fee?

City Manager Pennington yes.

Approval of First Reading and Waiving of Complete Reading: Motion to table until the June 9, 2009 Council Meeting: Andrews; Second: Braddock; Carried: All ayes.

**FIRST 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: we were unable to accomplish the budget without a transfer from the fund reserve of \$75,000. This budget is minimal with no wage increases, no employee bonuses, and with operations trimmed back.

Councilmember Andrews feels we are strait jacketed by state law and instead of “cutting down to the bone” we are cutting bone.

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

**FIRST 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: the capital line only maintains our current equipment. There are no fee increases.

Councilmember Andrews what is county recycling assistance?

Finance Director Douglas this is money we get based on the number of yellow bags sold inside the City. There is no way to accurately project this number, we use the amount received from the County for the previous budget year.

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

**FIRST 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: most of the expense of this fund is the bond payments.

Finance Director Douglas this budget includes the bond payment, lighting lease, and the required reserve of 1.25 payments. The allocations are for same programs as last year. She suggested any outgoing hospitality programs follow the same process as the State-Local Accommodations Tax program funds which include an application, review, approval by Council, and follow-up. The City is allowed to use twenty-five percent of the previous year’s revenue amounts for operational costs. The fund has declined and the budget reflects it.

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

**FIRST READING ORDINANCE 3099: AN ORDINANCE TO ADOPT AND APPROPRIATE THE FISCAL YEAR 2009 – 2010 ACCOMMODATIONS FUND BUDGET – APPROVED.**

Reading by Title and Presentation – City Manager: we are beginning to see a decrease in this fund. The projected revenue is \$102,046.

Finance Director Douglas this includes funding for some of the people usually funded out of the general fund such as HDDA, the Chamber, Cotton Trail and others. This fund shows the bond payment transfer. Revenues are down approximately fifteen to twenty percent, larger than the hospitality fund decline.

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

**FIRST 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 is the last budget ordinance and is also a new fund. This fund reflects the fees for the storm water quality study.

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

**FIRST 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 Attorney Driggers: The Northern League has been using these fields. In past discussed leasing the fields but approving a permit reduces the City’s liability.

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

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

Reading by Title and Presentation – City Manager: in going through the code of ordinances staff found that a specific number was shown in the code. This ordinance changes it to be set by Council during the budget process.

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

**RES 15-09: APPROVAL OF USER FEES FOR THE COACH T.B. THOMAS SPORTS CENTER – APPROVED.**

City Manager Pennington it was previously discussed Council wanted resident/non-resident fees. There is a two month discount if you pay an annual membership fee instead of monthly. The fees go into effect on July 1<sup>st</sup>.

Teresa Mack, 426 Sumter Avenue, would disabled and social security recipients be considered for the senior citizens rate?

City Manager Pennington if we have to start verifying those types of things we will have to raise the fees.

Councilmember Wilson you can't beat \$5 a month for a senior citizen.

Councilmember Braddock is the only payment method bringing the payment into the Sports Center?

City Manager Pennington yes, but we are in the beginning stages.

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

**RES 18-09: APPROVAL OF USER FEES FOR MOBILE AMPHITHEATRE – APPROVED.**

City Manager Pennington people are very willing to pay these fees.

Councilmember Wilson what are the current charges?

City Manager Pennington the fees set out in the resolution are the current charges, they just have not been adopted by Council.

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

**RES 19-09: APPROVAL OF USER FEES FOR PARKS AND LEISURE SERVICES AND BYERLY PARK PROGRAMS – APPROVED.**

City Manager Pennington these fees have been used for some time but not adopted by Council.

Parks & Leisure Services Director Gardner the fees are in line with other complexes. We do not rent out fields to associations because we get gate fees; if we charge them for the fields they will ask for a portion of the gate fees. If a tournament wants a portion of the gate fee we raise the fee by \$1.

John Jewell, 108 Gandy Drive, how can we charge locals but not associations?

Parks & Leisure Services Director Gardner there has been no charge for events such as Relay for Life and for Red Cross events. Adult league fees are paid by a sponsor or the team members.

Teresa Mack, 426 Sumter Avenue, what would the charge be if the South Hartsville Neighborhood Association wanted to use the facility?

City Manager Pennington any event must meet regulations and be approved by the City Manager.

John Jewell how much are soccer leagues charged?

Parks & Leisure Services Director Gardner there is a per child fee per an agreement.

John Jewell there is no charge for regional use but locals are charged?

Finance Director Douglas people coming from out of town pay a gate fee and use the concessions stand. For local recreation programs we do not charge a gate fee.

Councilmember Andrews we still have to make money to support the facility.

Parks & Leisure Services Director Gardner the fees charged for local recreation program teams pays for umpires, T-shirts, etc. and is pretty much a wash.

Councilmember Wilson it has been like this since my boys were playing recreation ball.

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

**RES 20-09: APPROVAL OF BID AWARD FOR STREET SWEEPING SERVICES – APPROVED.**

City Manager Pennington the only bid received was from the current contractor and is for the same amount as last year.

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

**RES 21-09: APPOINTMENT TO THE STATE-LOCAL ACCOMMODATIONS TAX ADVISORY COMMITTEE – APPROVED.**

City Manager Pennington there is a vacancy for a lodging representative on the committee. The previous manager of the Fairfield Inn held this position and the new manager is willing to serve in this capacity.

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

#### **COUNCIL COMMENTS**

Councilmember Wilson we are trying to handle things the best we can for the City and the citizens. We don't want citizens stressed because of our actions but the City still has to work; this is tough on all of us. We hope the citizens understand.

Councilmember Braddock congratulated Sergeant Peavy. The first weekend of May was a great weekend in Hartsville with many activities. These are tough but necessary decisions; this is our least favorite time of the year.

Councilmember Andrews the benefits of downtown events may not be seen monetarily but we're branding Hartsville as a place with events going on.

Councilmember Graham we hate to see increases but we have to do what we have to do.

Councilmember Shirley thanked staff. We'll do the best we can, carry on, and do it again next year.

Mayor Pro-Tem McFarland thanked everyone for being here.

Judi Haenni, Black Creek Arts, thanked staff for their help with the Blue Jean and BBQ event. Black Creek spent \$4500 locally, \$200 was spent by out of town teams, and \$125 was spent by local teams. There were also twelve hotel rooms rented and money spent in local restaurants and stores.

John Jewell, 108 Gandy Drive, asked if there is any progress on outdoor basketball courts at Byerly Park.

Mayor Pro-Tem McFarland we will be discussing the issue but a decision has not been made at this time.

Councilmember Andrews even if someone is giving us the money to build the courts we have to pay to maintain the courts.

Teresa Mack, 426 Sumter Avenue, thanked City staff for their help with the Great American Clean Up. Mayor Pro-Tem McFarland noticed an improvement after the Great American Clean Up.

**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 THE CITY ATTORNEY CONTRACT - APPROVED.**

Motion: Andrews; Second: Braddock; 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.

**MOTION TO ADJOURN – APPROVED.**

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

**Adjournment at 7:40pm.**

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**Michael S. Holt, Mayor**

**ATTEST:** \_\_\_\_\_  
**Sherron L. Skipper, CMC**  
**City Clerk**