

**CITY OF HARTSVILLE, SOUTH CAROLINA
PUBLIC HEARING AND REGULAR COUNCIL MEETING MINUTES
OCTOBER 13, 2009**

Present: Mayor McFarland
Mayor Pro-Tem Andrews
Councilmember Braddock
Councilmember Graham
Councilmember Shirley
City Attorney Driggers

Press

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

Absent: Councilmember Wilson

PURSUANT TO FREEDOM OF INFORMATION ACT SC CODE 30-4-80: WRITTEN NOTICE WAS DELIVERED TO THE PRESS BY EMAIL ON OCTOBER 12, 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 McFarland called the meeting to order and asked Mayor Pro-Tem Andrews lead in the invocation and 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 SEPTEMBER 8, 2009; SECOND: GRAHAM; CARRIED: ALL AYES.

PRESENTATIONS

Proclamations were presented declaring October 2009 as “Toastmaster’s Month” and proclaiming each September 16th as “American Legion Day”.

Dr. Mac Chapman, Museum Commission Chair, gave the Commission’s annual update to Council. The Museum has come a long way from its beginnings in the depot to now planning for an annex. The plans for the annex were approved at the September 16th Design Review Board meeting, concept pictures were given to Council. This year the Museum has received 5,000 guests, hosted the Artful Bras, Kolb’s excavation, the quilters and other great exhibits, and brought four Governor’s School interns on board. Reminded everyone of the new postcard book that will be out in November.

Ruth Iseman, Chair, gave the Design Review Board’s annual update to Council. The Board has reviewed thirty applications this past year including Louchi’s, Bank of America, Hartsville Museum Annex, Hylex-Poly, the new First Citizens building, and the site plan for the new Hampton Inn and Suites. She thanked City and HDDA staff for their assistance and invited everyone to attend the monthly Design Review Board meetings.

Vern Myers, Planning Commission Chair, gave the Quarterly 2020 Comp Plan Progress Report. Due to the importance of and time requirements related to preparing and adopting a budget and the change in the Mayoral position the emphasis on the 2020 Comp Plan has been somewhat diminished but progress was made in several areas. A summary of the progress under the following areas of the plan was given:

Housing – Paint the Town initiative underway, rental ordinance under review, and approval of Lincoln Village Apartment re-development;

Community Facilities – Veteran’s Memorial installation design in final stages, Railroad Avenue re-routed, Vista beautification continues, Hartsville Municipal Airport management and future improvements addressed;

Cultural and Recreational Resources – Selling Hartsville initiative hired a full time professional, success of the Good Living Marketplace and Hartsville Idol, use of Coach T.B. Thomas Sports Center growing, work is in progress on final baseball quad at Byerly Park;

Economic Development – Hampton Inn and Suites began work on their Vista site and potentially includes a new restaurant, the former rail station was demolished;

Land Use – the Extra Territorial Jurisdiction Area was approved by City and County Councils, draft document to use as path forward on annexation presented, the Butler High School and Sixth Street Corridor Neighborhood Plan was completed.

A lot of initiative in moving forward has come from citizens and he encouraged continued citizen involvement. The Planning Commission feels the current broadband presentation by the Planning Commission is very important and urged Council to act upon it. A retreat after the November election between the new Council and the Planning Commission was suggested.

Judi Elvington, HDDA, gave an update to Council on recent events. Hartsville Idol was a success; organizers were overwhelmed by the participation. Thanked City staff for their help, they had to ask for extra everything by the end of the event. Rock the Block, held at Burry Park, was very successful. The Cotton Harvest Bluegrass Festival is scheduled for October 24th as a complement to Renofest. This is the third annual event and the SC Cotton Trail has partnered with HDDA for the event. Event attendees can pick cotton at Coker Farms as well as enjoy good, music, tractor rides and more. On October 3rd the Good Living Marketplace celebrated its first anniversary and hosted over 70 vendors. Two more Marketplace events will be held in 2009, November 7th and December 5th, from 9am to 1pm. The downtown Christmas Open House, when stores will stay open until 9pm, will be held on November 19th. The 12th Annual Jazz!Carolina with the Latin American jazz music theme was a success. Next year’s event may have more of a tie in with Coker College’s Homecoming. Hartsville has had a great summer and fall; we will be busy through the end of the year.

The Annual Financial Report doubled in size this year. The report will be submitted to the Governmental Finance Officer’s Association by December 31st and will be considered for a certificate of excellence. The audit showed a clean report. The Finance Director’s narrative in the report pulls all the information together and puts it in every day language. The capital outlays exceeded budgeted figures; some of this is from the hospitality fund and some is from SCDOT mandated projects which are required but not reimbursed. The City currently has a \$1,044,902 fund reserve balance and the long term debt decreased. The notes to the financial statements have a lot of good information and background information. The statistical section begins on page 53; please go through this section as there are some good numbers and information. The auditor’s report on internal controls begins on page 78, there were no findings. There were very few journal entries with this audit, which means the numbers Council gets through the year are as close as can be.

MANAGEMENT UPDATE

The audit shows the City has been very conservative.

The Forest Ridge project continues and going by the results of the recent rainfall does hold water. Staff is also working on the drainage issue at Greenlawn Cemetery, work is almost complete.

Councilmember Wilson has been released from the hospital to go home to recover. Hopes he can rejoin us soon.

Reminded Council of the City/County/School Board Dinner Meeting on October 15th to discuss changes mandated by the FCC.

After the upcoming election a retreat will be scheduled, tentatively looking at November 20th. Among other topics is the budget as staff is already reviewing the current budget.

Mayor McFarland recommended and Council approved scheduling a special called meeting to hear information on the proposed fiber optic system on October 19th at 4:30pm.

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 4006: AN ORDINANCE TO AMEND THE HARTSVILLE CITY CODE BY REPEALING CHAPTER 22 “CEMETERIES” ARTICLE I “ESTABLISHMENT” AND ADOPTING CHAPTER 22 “CEMETERIES” ARTICLE I “BURIAL OF HUMAN REMAINS” – APPROVED.

Reading by Title and Presentation – City Manager: this is a clean up to clarify the issue of burial because the City of Darlington had an issue approximately two years ago where someone wanted to buried in their backyard. We think the current code is clear but want to be certain.

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: Graham; Carried: All ayes.

NEW BUSINESS

FIRST READING ORDINANCE 4007: AN ORDINANCE TO ANNEX AN APPROXIMATELY 2.30 (+/-) ACRE PARCEL OF LAND, TAX MAP NUMBER 057-06-02-029, LOCATED ON HEATLEY DRIVE 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 tract of land purchased by Habitat for Humanity and they would like to annex the property into the City. The plans are for residential units. Mayor Pro-Tem Andrews this tract will be subdivided into smaller lots?

City Manager Pennington yes, but DHEC will have to be involved because of the small acreage and drainage issues in the surrounding areas. Habitat for Humanity is aware DHEC will have to be involved.

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

FIRST READING ORDINANCE 4008: AN ORDINANCE TO APPROVE A ONE YEAR LEASE RENEWAL OF THE OLD RAIL PASSENGER STATION TO THE OLD DARLINGTON DISTRICT CHAPTER OF THE SOUTH CAROLINA GENEALOGICAL SOCIETY– APPROVED.

Reading by Title and Presentation – City Manager: the Genealogical Society has been leasing this building for several years and wishes to continue to do so. We wish we could do more with the building. The Genealogical Society is a historical chapter and brings in a number of out of area visitors when it is open. Staff recommends approval.

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

Mayor Pro-Tem Andrews abstained from discussion on or voting upon the issue due to his involvement with the Genealogical Society.

RES 39-09: TO ALLOW AN EXEMPTION FROM THE SOUTH CAROLINA BLUE LAWS PURSUANT TO SC CODE SECTION 53-1-10(B) – APPROVED.

City Manager Pennington the City received a request from the Chamber of Commerce for a change in business hours on Sunday in November and December 2009 to open at 10am.

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

RES 40-09: APPROVAL OF CHANGE TO THE CITY OF HARTSVILLE RETIREE BENEFITS POLICY – APPROVED.

City Manager Pennington this resolution relates to the GASB45 discussion from the Worksession. Council indicated the desire to grandfather employees with ten years of service as of 06/30/09 but require all others to have 25 years of service in order to receive retiree benefits. This change will result in savings of \$10,997 annually.

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

RES 41-09: AUTHORIZING PARTICIPATION IN THE SOUTH CAROLINA OTHER RETIREMENT BENEFITS EMPLOYER PROGRAM – APPROVED.

City Manager Pennington this implements GASB45 as it relates to benefits for retirees. The money has to be held by a third party.

Mayor Pro-Tem Andrews there will be a new actuary study every two years?

City Manager Pennington yes.

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

TAXI CAB LICENSE APPEAL HEARING

Kenneth Wilds appeared before Council to appeal the denial of the renewal of his taxi cab license, he was not represented by an attorney.

The Mayor called the hearing to order and announced the purpose of the hearing was to hear evidence and testimony, then make a decision on the appeal of Kenneth Wilds concerning the denial of his taxi cab driver's license.

The City Attorney read the code section relating to the appeal and on the requirements for renewal of a taxi cab driver's license. The HPD found Mr. Wilds had traffic violation on 04/16/09 for parking, 12/18/08 for speeding, and 11/28/06 for speeding. In addition Mr. Wilds pled guilty to a shoplifting offense on 05/18/09, which is a "crime of moral turpitude". SC holds that theft and burglary are crimes of moral turpitude. Based on the three traffic violations and a crime of moral turpitude the license was denied.

Kenneth Wilds stated the parking violation on 04/16/09 was received when he picked up a child to drop off at the high school and pulled onto the side of the road to let the child out the car. He did not believe this situation warranted a parking ticket because he was not parked, just pulled over on the side of the road. He admitted the shoplifting charge. He is a diabetic and was sick because he did not eat when he took his medicine. He had to get an over the counter medicine and did not have enough money to pay for it so he took some out of the box. He stated it was wrong but he had to do it. He loves to drive, enjoys helping his customers, and hopes Council will allow him to continue to do so.

Council deliberated the information received in the hearing in the adjoining Conference Room.

RES 42-09: DECISION ON APPEAL OF KENNETH WILDS CONCERNING DENIAL OF TAXI CAB DRIVERS LICENSE – APPROVED.

The Appeal of Kenneth Wilds is hereby denied and the decision of the City is sustained.

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

COUNCIL COMMENTS

Councilmember Braddock thanked everyone for the reports, anytime someone feels the need to give an update please come to Council. He enjoyed the Good Living Marketplace in October. He wishes Councilmember Wilson a speedy recovery.

Mayor Pro-Tem Andrews encouraged everyone to shop in Hartsville often during the holiday season. Every dollar spent in Hartsville comes around six or eight times. He has served on the Planning Commission and thanks all the volunteers who serve on City boards.

Councilmember Graham commended the Planning Commission on the 2020 Report and their work on it. We all still have a lot of issues to work on.

Councilmember Shirley thanked the Planning Commission, please continue the good work. The artist rendering of the Museum Annex looks good and will anchor that area. Thanked everyone who worked on this project.

Mayor McFarland thanked all who came; these meetings would not be the same without you.

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 APPOINTMENTS TO VARIOUS BOARDS, COMMITTEES, COMMISSIONS, AND TASK FORCE - 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; Second: Graham; Carried: All ayes.

RES 37-09: APPOINTMENTS TO VARIOUS CITY BOARDS, COMMITTEES AND COMMISSIONS – APPROVED.

Motion to appoint Gregory Rogers to the Hartsville Housing Authority: Andrews; Second: Shirley; Carried: All ayes.

RES 43-09: CREATION OF AND APPOINTMENTS TO A CLEMSON BUTLER PROJECT TASK FORCE – APPROVED.

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

MOTION TO ADJOURN – APPROVED.

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

Adjournment at 8:00pm.

David L. McFarland, Mayor

ATTEST: _____
Sherron L. Skipper, CMC
City Clerk