

**REGULAR MEETING OF CITY COUNCIL
CITY OF GEORGETOWN, SC
OCTOBER 12, 2006**

Notices of this meeting have been made in accordance with the 1976 Code of Laws of South Carolina Freedom of Information Act.

The Regular Meeting of City Council was held this date in the Council Chambers at City Hall with Mayor Lynn Wood Wilson presiding.

MEMBERS PRESENT:

| | | |
|--------------------------------------|------------------------|-------------------------------------|
| | Mayor Lynn Wood Wilson | |
| Councilmember Brendon M. Barber, Sr. | | Councilmember Jack M. Scoville, Jr. |
| Councilmember Rudolph A. Bradley | | Councilmember Clarence C. Smalls |
| Councilmember Paige B. Sawyer, III | | Councilmember Peggy P. Wayne |

ALSO PRESENT:

Mr. Steven E. Thomas, City Administrator
Mrs. Elise Crosby, City Attorney
Mrs. Ann U. Mercer, City Clerk
Mr. Glenn Dixon, Fleet Maintenance Superintendent
Chief Dan Furr, Georgetown Police Department
Mr. Sterling Geathers, Public Works Director
Mrs. Jessica Miller, Finance Director
Mr. Lane Mixon, Manager of Water/Wastewater/Stormwater
Mrs. Sabrina Morris, Director of Development
Chief Joey Tanner, Georgetown Fire Department

NEWS MEDIA

Georgetown Times – Scott Harper
Sun News – Kelly Fuller

REGULAR MEETING OF CITY COUNCIL (2) OCTOBER 12, 2006

Mayor Lynn Wood Wilson opened the Regular Meeting of City Council at 5:30 PM.

Call to Order

Councilmember Bradley rendered the invocation and led the Pledge of Allegiance.

Invocation and Pledge

Mayor Wilson asked that all non-emergency electronic devices be turned off during the Council Meeting.

Mayor Wilson opened the Public Comment Section at 5:35 PM and recognized Mr. Dennis Space. Mr. Space said he has been a resident of the City of Georgetown for the last six months and owns a business at 2431 Highmarket Street. He expressed his concerns of the requested major zoning change, the developer's financial statement, traffic flow, parking, upgrading city utilities and height as they relate to the Willow Bank condos.

Open Public Comment Section

Mr. Dennis Space

Mayor Wilson recognized Mrs. Pat Smith. Mrs. Smith said she has lived in Georgetown for 35 years. There is a unique quality here with a comfortable small town feel with an historic background. She said the project (Willow Bank condos) being considered tonight will not enhance Georgetown in any way and she wants to voice her opposition.

Ms. Pat Smith

Mayor Wilson recognized Ms. Minnie Kennedy. Ms. Kennedy expressed her concerns about the Willow Bank condos. She is worried about the young children and senior citizens. The traffic is a big problem. She said there is not a moment when a car is not traveling on Church Street.

Ms. Minnie Kennedy

Mayor Wilson asked if there was any one else who wanted to speak. Ms. Rebecca Young said she lives on Queen Street and wants to know if there is going to be a traffic light installed and if this new development will affect her taxes.

Ms. Rebecca Young

Ms. Ruthena Alston told City Council she lives at 915 Church Street. She voiced her concerns about the traffic and taxes.

Ms. Ruthena Alston

Ms. Barbara Bush expressed her thoughts against the proposed development.

Ms. Barbara Bush

Ms. Fran Grant said she lives at 613 Church Street. She addressed City Council with her concerns about the traffic flow and asked for consideration.

Ms. Fran Grant

Mayor Wilson closed the Public Comment Section at 5:53 PM.

**Close Public
Comment Section**

City Council viewed the character trait of the month video on Loyalty.

**Character Trait of
the Month Video**

Mayor Wilson congratulated Mrs. Katrina Lawrimore on the birth of her grandson, James Eugene born October 11, 2006 at 8:37 PM, 9 pounds 7 ounces, 21 inches long.

Chief Dan Furr presented Officer Justin Parker with a Certificate of Commendation for his exemplary performance on September 19, 2006 by apprehending a subject who had burglarized two separate businesses; over \$6,000 in stolen property was recovered. Subsequently, this subject was identified potentially responsible for multiple burglaries in three separate states. Officer Parker thanked Mayor Wilson, City Council and Chief Furr for the opportunity to work for the City of Georgetown.

**Certificate of
Commendation**

Chief Furr introduced Ms. Chanda Robinson, the new Victim Advocate for the City of Georgetown.

**Ms. Chanda
Robinson – New
Victim Advocate**

Mr. Steve Thomas introduced Ms. Debra Mumford, the new Human Resource Manager.

**Ms. Debra
Mumford – New
Human Resource
Manager**

Mayor Wilson recognized Councilmember Wayne who announced that the Christmas Parade would be held Sunday, December 3, 2006 at 3:00 PM.

Christmas Parade

COUNCILMEMBER BRADLEY MOVED TO APPROVE A PROCLAMATION PROCLAIMING OCTOBER 19, 2006 AS ALPHA DELTA KAPPA DAY IN THE CITY OF GEORGETOWN, SOUTH CAROLINA, SECONDED BY COUNCILMEMBER WAYNE. Mayor Wilson asked for discussion. Mayor Pro Tem Barber called for question. **THE MOTION WAS UNANIMOUSLY CARRIED 7-0.**

**Proclamation –
October 19, 2006
Alpha Delta Kappa
Day**

Chief Joey Tanner presented the City's 2005 Life Safety Achievement Award for no fire deaths or injuries in the City. This is the 8th consecutive year the Georgetown Fire Department has received this honor. He thanked City Council for their support in the fire prevention program.

**Life Safety
Achievement
Award**

Mayor Wilson announced that Item 13 B has been deferred.

Item 13B Deferred

Mayor Wilson passed a memo out to each member of City Council and read aloud the message to the citizens of Georgetown: from Lynn Wood Wilson, Mayor regarding Willowbank Condominiums, October 12, 2006:

“Prior to Council’s first reading consideration of the above referenced proposed development, I contacted Mr. Herbert Hayden of the State Ethics Commission to seek his advice regarding a possible conflict of interest. After I explained my potential relationship with this development; Mr. Hayden advised that although there might be an appearance issue, he could see no legal conflict of interest on my part. He further advised that because there was no apparent legal conflict, the decision on whether to vote was mine to make. At that time, I decided to recuse myself from participation in the first reading consideration to avoid even the appearance issue.

After first reading approval of the development, I have seen community support of the proposed development grow. The developer has taken extraordinary measures to receive input from our citizens regarding his plans. He also received support from the City’s Architectural Review Board after several plan modifications even though this board’s review was not required. City Council also requested that the developer take his modified plans back to the Planning Commission and the plans received almost unanimous approval. Tonight the development is before Council again for second reading consideration.

I firmly believe that this development, as planned, will be of great benefit to our City. It makes sense financially. I believe it is the best possible project for this site with respect to quality because the current zoning allows for almost any type of commercial development. Most other development possibilities for this site could potentially result in greater traffic.

I have contacted Mr. Hayden of the Ethics commission a second time about my possible participation in second reading consideration of this development and he offered the same advice. He saw no legal conflict of interest even stating that potential interest creates no current conflict of interest. He did suggest that I may have to deal with the appearance issue. I have decided that I am willing to deal with the appearance issue because my greatest fear is that this development will fail to receive Council approval without my support and consequently be detrimental of the City of Georgetown. Staff members also consulted with Howard Duvall of the Municipal

Association of South Carolina regarding the legality of recusing myself at first reading and voting in favor of at second reading. He indicated that the voting course of action is appropriate and permissible. Additionally he expressed the similar opinions of the Ethics Commission in that there is no violation as long as there is not direct economic interest. I have therefore decided to participate in the consideration of this issue.”

Councilmember Wayne asked Mayor Wilson if she could make a comment regarding his statement. She told the Mayor his statement was just given to Council to look at and she resents the fact that he said, because it looks as though its going to fail then that is why you now want to vote. If you have recused yourself every time, she thinks he should recuse himself tonight also. The Mayor thanked Mrs. Wayne and said the reason he did this was because Council has gone in the paper and already voted; it's on record in the paper. He said he is perfectly legal in what he is doing, he feels it for the best interest of the City, and it's his right and duty to do this whether Council agrees with it or not. It is the right thing to do. Councilmember Wayne said she does not have a vote in the paper and she does not think the Mayor should be voting. The Mayor said he can, and he will and it's legal. Councilmember Wayne said “that's your choice.” Councilmember Bradley called Point of Order. Mayor Wilson recognized Mr. Bradley who called for the Order of the Day so Council can continue. He said “the Mayor has submitted the paper as prescribed by law, he has given his reasons and we are doing the public a discourtesy. By rules that operate the meeting (Mr. Bradley) called for the Order of the Day which means we are suppose to move on with the agenda item.”

Mrs. Morris presented an ordinance for second reading to rezone approximately 3.53 acres owned by JASDIP Properties, SC, LLC and Richard Stewart located on Church Street from General Commercial (GC) to Planned Development (PD).

COUNCILMEMBER BRADLEY MOVE TO APPROVE SECOND READING TO REZONE APPROXIMATELY 3.53 ACRES OWNED BY JASDIP PROPERTIES, SC, LLC AND RICHARD STEWART LOCATED ON CHURCH STREET FROM GENERAL COMMERCIAL (GC) TO PLANNED DEVELOPMENT (PD), SECONDED BY MAYOR PRO TEM BARBER. Mayor Wilson asked for discussion. Councilmember Scoville asked Mayor Wilson about his relationship with the developer. Councilmember Bradley called for Point of Order. Mayor Wilson said he has a relationship with the

developer on something completely different. Councilmember Scoville asked if Prudential was going to be the listing agent on this project. Mayor Wilson said he did not know. Mr. Blackburn told Council part of the property is listed with Burroughs and Chapin Prudential, Mayor Wilson works for Source One Prudential. He said they have received several proposals to list the condos if the project is approved. At this point the developer has not signed any contracts or responded to any proposals. Councilmember Sawyer said all the comments tonight and the letters to the Editor have all been negative to the project and he thinks the concerns are legitimate, the density, the traffic and the taxes. His belief is this is a bad project for the future of Georgetown and will open the door for more bad projects. He said Georgetown has a charm and character that needs to remain. Councilmember Bradley pointed out that the county assessor determines the value of property which will decide if taxes will increase or decrease. He also noted that Church Street is Highway 17 and traffic is going to increase regardless of what is developed on the property. He asked the Mayor to direct Chief Furr to contact DOT to see what can be done to resolve the issue. Mayor Wilson called for the question. Mayor Wilson, Mayor Pro Tem Barber and Councilmembers Bradley and Smalls voted in favor. Councilmembers Sawyer, Scoville and Wayne voted against. **THE MOTION CARRIED 4-3.**

Mrs. Jessica Miller presented an ordinance for second reading relating to the recovery of collection costs as part of delinquent debts collected pursuant to the Setoff Debt Collection Act for the City of Georgetown, SC. She told Council as of the last audit the outstanding collections for all funds was a little over \$800,000.

COUNCILMEMBER BRADLEY MOVED TO APPROVE SECOND READING TO AN ORDINANCE RELATING TO THE RECOVERY OF COLLECTION COSTS AS PART OF DELINQUENT DEBTS COLLECTED PURSUANT TO THE SETOFF DEBT COLLECTION ACT FOR THE CITY OF GEORGETOWN, SC, SECONDED BY MAYOR PRO TEM BARBER. Mayor Wilson asked for discussion. Mayor Wilson called for the question. **THE MOTION WAS UNANIMOUSLY CARRIED 7-0.**

Mrs. Miller presented an ordinance for second reading to amend the Business License Ordinance by removing in its entirety Section 13-36. Classification; Rates from Chapter 13, Article II, Business Licenses from the City of Georgetown Code of Ordinances and instead reference Section 13-36 under Appendix "A" of said

**2nd Reading -
Rezone
Approximately
3.53 Acres Owned
By JASDIP
Properties, SC,
LLC And Richard
Stewart Located
On Church Street
From GC To PD**

**2nd Reading -
Recovery of
Collection Costs
Pursuant to Setoff
Debt Collection**

ordinance.

MAYOR PRO TEM BARBER MOVED TO APPROVE SECOND READING TO AN ORDINANCE TO AMEND THE BUSINESS LICENSE ORDINANCE BY REMOVING IN ITS ENTIRETY SECTION 13-36. CLASSIFICATION; RATES FROM CHAPTER 13, ARTICLE II, BUSINESS LICENSES FROM THE CITY OF GEORGETOWN CODE OF ORDINANCES AND INSTEAD REFERENCE SECTION 13-36 UNDER APPENDIX "A" OF SAID ORDINANCE, SECONDED BY COUNCILMEMBER BRADLEY. Mayor Wilson asked for discussion. Mayor Wilson called for the question. Mayor Wilson, Mayor Pro Tem Barber and Councilmembers Bradley, Sawyer, Scoville and Smalls and voted in favor. Councilmember Wayne voted against. **THE MOTION CARRIED 6-1.**

Mrs. Miller presented an ordinance for first reading to override the millage rate limitation contained in Section 6-1-320 of the South Carolina Code of Laws 1976 in order to increase the millage rate above the preceding year plus CPI as a result of newly established assessed values for property taxation based upon reassessment for the City of Georgetown, South Carolina. Mrs. Miller gave an informative presentation to Council on how she arrived at the calculations, and included different scenarios. She also reviewed the spreadsheets included in the agenda packets. Staff is requesting a millage rate for first reading of 79.4 mills or \$.0794 per \$1,000 upon every dollar of taxable property. City Council could decide (1) to apply only the rollback mill rate (72.3) plus the CPI (3.4%) to the assessed value and try to make up for the shortfall of \$109,039 in other revenue lines or (2) decide to use a rollback mill rate of 79.4 to the assessed value that currently implies a positive budget variation of \$57,711. Staff recommends City Council opt to pursue a scenario that is revenue positive. In addition, although first reading is required at this time, staff would like to ask permission to continue to research the provided numbers in order to minimize the margin of error in the calculation. The City is dependent on the County Assessor and Auditor for the validity of the assessed values provided. Councilmember Scoville asked if Items 14C, 14D and 14E all pertained to the same issue and Mrs. Miller answered yes.

COUNCILMEMBER SCOVILLE MOVED TO GIVE FIRST READING TO THREE ORDINANCES TO (1) OVERRIDE THE MILLAGE RATE LIMITATION CONTAINED IN SECTION 6-1-320 OF THE SOUTH CAROLINA CODE OF LAWS 1976 IN ORDER TO

2nd Reading –
Remove Business
License Ordinance
from City Code of
Ordinances and
Reference under
Appendix A

1st Reading –
Three Ordinances
Dealing with
Reassessment

INCREASE THE MILLAGE RATE ABOVE THE PRECEDING YEAR PLUS CPI AS A RESULT OF NEWLY ESTABLISHED ASSESSED VALUES FOR PROPERTY TAXATION BASED UPON REASSESSMENT FOR THE CITY OF GEORGETOWN, SOUTH CAROLINA, (2) TO AMEND THE TAX MILLAGE FOR THE FISCAL YEAR ENDING JUNE 30, 2007 FOR THE CITY OF GEORGETOWN, SOUTH CAROLINA AND (3) TO AMEND THE TAX MILLAGE FOR THE FISCAL YEAR ENDING JUNE 30, 2007 FOR THE CITY OF GEORGETOWN, SOUTH CAROLINA, SECONDED BY COUNCILMEMBER BRADLEY. Mayor Wilson asked for discussion. Mayor Wilson called for the question. THE MOTION WAS UNANIMOUSLY CARRIED 7-0.

Mr. Thomas presented an ordinance for second reading to approve a Joint County Industrial and Business Park in conjunction with and between Georgetown and Horry Counties. International Paper Company desires to designate their property as a multi-county industrial park so they can obtain state incentives. One of the parcels of property located in the proposed park is located within the City limits. In order to allow for inclusion of municipal property within a joint county industrial and business park, consent of the municipality must be attained according to the Park Act (Article VIII, Section 13 of the South Carolina Constitution and S. C. Code Ann. Sec. 4-4-170.)

COUNCILMEMBER SCOVILLE MOVED TO APPROVE SECOND READING TO AN ORDINANCE TO APPROVE A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK IN CONJUNCTION WITH AND BETWEEN GEORGETOWN AND HORRY COUNTIES, SECONDED BY MAYOR PRO TEM BARBER. Mayor Wilson asked for discussion. Mayor Wilson called for the question. THE MOTION WAS UNANIMOUSLY CARRIED 7-0.

2ND Reading -
Joint County
Industrial And
Business Park

COUNCILMEMBER WAYNE MOVED TO APPROVE MINUTES OF REGULAR MEETING OF CITY COUNCIL DATED SEPTEMBER 21, 2006 SECONDED BY COUNCILMEMBER BRADLEY. Mayor Wilson asked for discussion. Mayor Wilson called for the question. THE MOTION WAS UNANIMOUSLY CARRIED 7-0.

Minutes – Regular
Mtg. 9/21/05

MAYOR PRO TEM BARBER MOVED TO ADJOURN REGULAR MEETING OF CITY COUNCIL AND GO INTO EXECUTIVE

SESSION PURSUANT TO FOIA 30-4-70(a)(1) TO DISCUSS CITY ADMINISTRATOR EMPLOYMENT AGREEMENT AND 30-4-70(a)(2) TO DISCUSS NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND RECEIVE LEGAL ADVICE CONCERNING EPA ACTION RE. CAROLINA TRANSFORMER CERCLA SITE, SECONDED BY COUNCILMEMBER BRADLEY AND UNANIMOUSLY CARRIED 7-0.

Adjourn Regular Meeting and Go into Executive Session

The Regular Meeting of City Council adjourned at 6:52 PM.

MAYOR PRO TEM BARBER MOVED TO REOPEN REGULAR MEETING OF CITY COUNCIL, SECONDED BY COUNCILMEMBER BRADLEY AND UNANIMOUSLY CARRIED 7-0.

Reopen Regular Meeting

The Regular Meeting of City Council was reopened at 7:30 PM.

Mayor Wilson announced that no formal action was taken in Executive Session.

MAYOR PRO TEM BARBER MOVED TO ADJOURN REGULAR MEETING OF CITY COUNCIL, SECONDED BY COUNCILMEMBER BRADLEY AND UNANIMOUSLY CARRIED 7-0.

Adjourn Regular Meeting

The Regular Meeting of City Council was adjourned at 7:31 PM.

Ann U. Mercer
Certified Municipal Clerk

DATE APPROVED: 11-16-06

VERIFYING INITIALS: _____

