

**REGULAR MEETING OF CITY COUNCIL
CITY OF GEORGETOWN, SC
OCTOBER 16, 2008**

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
Mayor Pro Tem 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:

Mrs. Elise Crosby, City Attorney
Ms. Ann U. Mercer, City Clerk

DEPARTMENT HEADS:

Mr. Glen Dixon, Fleet Maintenance Superintendent
Mr. Paul Gardner, Chief of Police
Mr. Sterling Geathers, Public Works Director
Mrs. Cindy Kinder, Interim Kaminski House Director
Mr. Alan Loveless, Electric Utility Manager
Mrs. Jessica Miller, Finance Director
Mr. Lane Mixon, Public Water Utilities Director
Mrs. Sabrina Morris, Director of Development
Mr. Joey Tanner, Fire Chief
Mr. Keith Wilson, Keep Georgetown Beautiful Director

NEWS MEDIA

Georgetown Times – Mr. Tommy Howard

REGULAR MEETING OF CITY COUNCIL (2) OCTOBER 16, 2008

Mayor Wilson opened the Regular Meeting of City Council at 4:30 PM. Councilmember Sawyer introduced Reverend Eddie Usher, the new minister at Duncan Memorial United Methodist Church. He and his wife, Peggy, moved to Georgetown in June. Reverend Usher rendered the invocation. Mayor Wilson led the Pledge of Allegiance.

**Call to Order,
Invocation and
Pledge**

Mayor Wilson opened the Public Comments Section at 4:30 PM.

Public Comments

Mr. Don Smith addressed Council concerning zoning and re-inspection fees. He asked Council to 'advise the City zoning officer to place his request for a variance on the next agenda for the Board of Zoning Appeals, or the soonest that it could be heard.' He also asked Council to review the criteria for charging a \$75 re-inspect fee. Mr. Smith does not believe the ordinance is being carried out with the intent that Council approved.

Mr. Don Smith

Mr. Dan Stacy told Council he and Mr. Jack Grimes were present on behalf of item 9A and are prepared to speak on this in Public Comments but would also be prepared to address the matter during Council discussion.

Mr. Dan Stacy

The Public Comments Section closed at 4:40 PM.

**Public Comments
Closed**

Mayor Wilson announced the character trait of the month is Obedience. Quickly and cheerfully carrying out the direction of those who are responsible for me.

**Character Trait Of
The Month**

Mr. Keith Wilson announced that Georgetown has won a national award for Keep America Beautiful, in the category of 50,000 population and under. This was for the river cleanup and other efforts over the past two years in helping keep our waterways clean and clear.

**KAB National
Award**

Mr. Wilson welcomed Ms. Lois Edwards representing the South Carolina Forestry Commission and the National Arbor Day Foundation. Ms. Edwards presented the Tree City USA Award to the City of Georgetown for the 16th year. She thanked Council for their support of the Urban Tree Program and noted that city staff does an excellent job taking care of the trees in Georgetown.

Tree City Award

The update on Morgan Park was deferred until next month.

**Defer Morgan Park
Update**

Mr. Sterling Geathers introduced Mr. Bryan Hendricks of PinPoint GeoTech in Clemson, SC. Mr. Hendricks gave a presentation on their GPS System that has been deployed in dozens of cities to be utilized for debris removal. It enables sanitation truck drivers to proactively mark and categorize curbside debris piles that await pickup by simply pressing a screen button on a small computer device in their truck. Data is then transmitted wirelessly to a dispatcher, who then outputs the data in the form of daily maps and route lists for debris crews to follow while collecting curbside debris. The System can also be used in code enforcement, waterworks and emergency preparedness applications. The return on investment is generally less than one year. This is achieved by less fuel being burned, less wear and tear on equipment, reduces on the job risks from heavy equipment operation and less man-hours for debris operations, which enables crews to be reassigned to do tasks that were tough to get to in the past.

**PinPoint GeoTech
GPS System
Presentation**

Ms. Sabrina Morris presented second reading of an ordinance to rezone approximately 5.15 acres of land owned by WKG Land Partners, LLC and EEW Dev. LLC located on Marina Drive from High Density Residential (R-4) to High Density Residential (R-5) and amend the Future Land Use Map to reflect such a change. The Planning Commission did review the request in September and unanimously recommended approval of the rezoning. She noted at last month's Council Meeting, Mayor Pro Tem Barber reminded Council there is only one R-5 zoning in the City, which is the West End. A study was conducted before the rezoning of the West End because of the smaller lots and that is how the R-5 district was created. The project proposes multi-family units and R-5 would allow additional units. The current R-4 zoning allows for multi-family but limits the density.

COUNCILMEMBER SAWYER MOVED TO APPROVE SECOND READING OF AN ORDINANCE TO REZONE APPROXIMATELY 5.15 ACRES OF LAND OWNED BY WKG LAND PARTNERS, LLC AND EEW DEV. LLC LOCATED ON MARINA DRIVE FROM HIGH DENSITY RESIDENTIAL (R-4) TO HIGH DENSITY RESIDENTIAL (R-5) AND AMEND THE FUTURE LAND USE MAP TO REFLECT SUCH A CHANGE, SECONDED BY COUNCILMEMBER SMALLS.

Mayor Wilson called for discussion. Councilmember Bradley said the Comprehensive Plan calls for the property to be zoned commercial. He questioned the purpose of the future land use if Council is going to be an adversary. Ms. Morris stated the Comprehensive Plan is currently being updated and will be

**2nd Reading –
Rezone 5.15 Acres
on Marina Dr. from
R-4 to R-5**

presented to Council very soon. When the Comprehensive Plan was written a group of citizens, City Council, the Planning Commission and staff looked toward the 10 years ahead and in that area they saw growth being commercial in that district. Staff would never recommend Council go against the Comprehensive Plan. If you rezone this property from Commercial to R-5, staff would request, as the Planning Commission requested, that you update the Future Land Use Plan to reflect the change. Councilmember Bradley said in the area there is a restaurant, a fast food eatery, a hardware store which seems to be predominately commercial and he can see no justification in rezoning. He wants the record to reflect he does not have a problem with an individual using their property for economic means; he is not a proponent for strict regulations but believes in regulations when necessary. He looks at this as being irresponsible if Council goes opposite of what is on the books. He is concerned with the R-5 and read 'it is the intent of this district to promote and enhance the development and redevelopment of certain existing neighborhoods provided for single and multi-family dwelling and maintaining open areas.' He does not see this area as a neighborhood and thinks it would be incumbent upon Council not to allow it as it is. We should not circumvent our own ordinance. As Councilmembers, we are getting a black eye because we are circumventing too much and we shouldn't be. Councilmember Bradley said he does not feel comfortable approving this until he receives some clarity. Mayor Pro Tem Barber agreed with Councilmember Bradley and wanted to clarify that staff from Building and Planning did not make this recommendation. He stated the whole intention of the R-5 was to promote the West End, create and encourage single family and multi-family in that area and does not see R-5 being utilized by developers just to create more density. He asked if there have been any other developers requesting R-5 who have been turned down. Ms. Morris indicated there have been. Councilmember Smalls asked if this ordinance was going to affect the West End in any way, shape or form. Ms. Morris said the West End will remain as is. He asked if the City has received any complaints about the requested rezoning. Ms. Morris stated a Public Hearing was held, everyone within 200 feet of the property has been notified and there have been no negative comments. Councilmember Smalls does not want to interfere with anything that has been created for the West End or any other area in the town. Councilmember Sawyer said Mr. Buddy McCutcheon at Schofield Hardware told him he did not have any problems with the rezoning and didn't know of anyone along the area who had concerns. Mayor Wilson said this will be a quality

development, a great increase in the City's tax base and utility base and is in favor of giving second reading. Councilmember Wayne asked if there is a time frame for construction to start. Mr. Stacy answered the potential party wanting to do this is certainly not willing to expend all the resources necessary to go forth with construction drawings; certainly the capital markets and borrowing money is a little different now than it was even a month ago. This is actually the preliminary step to allow them to feel like they can expend the monies to go to that next step to move forward towards the actual drawings and sales and ultimately construction. Councilmember Smalls asked the City Attorney for comments. Mrs. Crosby said she was at the Planning Commission meeting and this is completely up to City Council for second reading. Mayor Pro Tem Barber stated he is pro development, just against the intended use of R-5. Mayor Wilson called for the questions. **MAYOR WILSON AND COUNCILMEMBERS SAWYER, SCOVILLE, SMALLS AND WAYNE VOTED IN FAVOR. MAYOR PRO TEM BARBER AND COUNCILMEMBER BRADLEY VOTED AGAINST. THE MOTION CARRIED 5-2.**

Ms. Morris presented first reading of an ordinance to rezone approximately 1 acre of land owned by Trinity Lutheran Church located on Charleston Highway from Low Density Residential (R-1) to General Commercial (GC) in order to allow for additional signage on property and further amend the Future Land Use Map of the Comprehensive Plan to reflect the change.

COUNCILMEMBER WAYNE MOVED TO APPROVE FIRST READING OF AN ORDINANCE TO REZONE APPROXIMATELY 1 ACRE OF LAND OWNED BY TRINITY LUTHERAN CHURCH LOCATED ON CHARLESTON HIGHWAY FROM LOW DENSITY RESIDENTIAL (R-1) TO GENERAL COMMERCIAL (GC) AND FURTHER AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO REFLECT THE CHANGE, SECONDED BY COUNCILMEMBER SAWYER. Mayor Wilson called for discussion. Councilmember Bradley asked if there is a street between the two churches located on the highway. Ms. Morris answered this church abuts two streets on a stand alone block. Mayor Wilson called for the question. **THE MOTION UNANIMOUSLY CARRIED 7-0.**

Ms. Morris asked for Item 9C to be removed from the agenda.

**1ST Reading –
Rezone 1 Acre
Owned by
Lutheran Church
from R-1 to GC
and Amend Future
Land Use Map of
Comprehensive
Plan**

**Item 9C Removed
from Agenda**

Ms. Morris requested purchase of Ford F150 ½ ton pickup from Vic Bailey Ford in the amount of \$15,248.00, tax included. This is a budgeted item and under State contract.

COUNCILMEMBER BRADLEY MOVED TO APPROVE PURCHASE OF FORD F150 ½ TON PICKUP FROM VIC BAILEY FORD IN THE AMOUNT OF \$15,248.00, TAX INCLUDED, SECONDED BY MAYOR PRO TEM BARBER. Mayor Wilson called for discussion. Councilmember Sawyer questioned the type of vehicle being requested for the purpose it will serve. Mr. Glen Dixon said Ford no longer offers a V6 engine. This was bid out to local vendors; however, their prices were higher. Mayor Wilson called for the question. **MAYOR WILSON, MAYOR PRO TEM BARBER AND COUNCILMEMBERS BRADLEY, SCOVILLE, SMALLS AND WAYNE VOTED IN FAVOR. COUNCILMEMBER SAWYER VOTED AGAINST. THE MOTION CARRIED 6-1.**

Approve Purchase of Ford Pickup Truck

Mrs. Jessica Miller announced the City has received an award for outstanding achievement and popular annual financial reporting from the GFOA for fiscal year 2006/2007.

GFOA Award

Mrs. Miller presented a Resolution to adopt an amendment to Financial Policy 10 Debt Policy and Financial Policy 11 Debt Limit, as recommended by the Government Finance Officers Association. When the financial policies were originally adopted not every small detail was addressed. Given the fact that a debit millage was approved and the City will be issuing a very small General Obligation Bond, Mrs. Miller wanted to go back, have some review and make it a little more comprehensive. It has received legal review from our bond attorney and city attorney.

COUNCILMEMBER BRADLEY MOVED TO APPROVE A RESOLUTION TO ADOPT AN AMENDMENT TO FINANCIAL POLICY 10 DEBT POLICY AND FINANCIAL POLICY 11 DEBT LIMIT, AS RECOMMENDED BY THE GOVERNMENT FINANCE OFFICERS ASSOCIATION, SECONDED BY MAYOR PRO TEM BARBER. Mayor Wilson called for discussion. Councilmember Wayne stated she was inclined to think that Council should wait and let the new interim administrator look over this Resolution before she votes. Councilmember Scoville said this is just a resolution. Mrs. Miller said Council could amend it at any time. Mayor Wilson called for the question. **MAYOR WILSON, MAYOR PRO TEM BARBER AND COUNCILMEMBERS BRADLEY, SAWYER, SCOVILLE AND SMALLS VOTED IN FAVOR.**

Resolution – Amend Financial Policies 10 and 11

COUNCILMEMBER WAYNE VOTED AGAINST. THE MOTION CARRIED 6-1.

Mrs. Miller requested approval of budget amendment in the amount of \$46,700 (0032-18-900.3700 Wastewater Collection Systems, 0032-18-9999.9999 Wastewater Assets Reclassified and 0010-22-750.150 General Fund nonrecurring transfers) for upgrade to Bayview Lift Station. This project was presented and approved last month. Council was informed additional monies were needed for the project and the funds are coming from the fund balance in the General Fund.

COUNCILMEMBER SMALLS MOVED TO APPROVE BUDGET AMENDMENT IN THE AMOUNT OF \$46,700 (0032-18-900.3700 WASTEWATER COLLECTION SYSTEMS, 0032-18-9999.9999 WASTEWATER ASSETS RECLASSIFIED AND 0010-22-750.150 GENERAL FUND NONRECURRING TRANSFERS) FOR UPGRADE TO BAYVIEW LIFT STATION, SECONDED BY COUNCILMEMBER SAWYER. Mayor Wilson called for discussion. Mayor Wilson called for the question. **THE MOTION UNANIMOUSLY CARRIED 7-0.**

**Budget
Amendment –
Bayview Lift
Station**

Mrs. Miller presented a Resolution to amend the West Georgetown County Regional Treatment Facility agreement based upon purchase of capacity from the Town of Andrews. This has been presented to the Oversight Committee of the plant and approved.

COUNCILMEMBER WAYNE MOVED TO APPROVE A RESOLUTION TO AMEND THE WEST GEORGETOWN COUNTY REGIONAL TREATMENT FACILITY AGREEMENT BASED UPON PURCHASE OF CAPACITY FROM THE TOWN OF ANDREWS, SECONDED BY COUNCILMEMBER BRADLEY. Mayor Wilson called for discussion. Councilmember Bradley noted an error in the wording of the resolution: word contacted, should be contracted. Mrs. Miller thanked Mr. Bradley and let him know that has been corrected in the revised copy. Mayor Wilson called for the question. **THE MOTION UNANIMOUSLY CARRIED 7-0.**

**Resolution –
Amend Regional
Treatment Facility
Agreement**

Mrs. Miller requested approval of FY 08/09 Accommodations Tax funding in the amount of \$46,269 as recommended by the ATAX Committee.

Councilmember Sawyer recused himself because his wife works part time for the Georgetown County Museum which receives ATAX

funding and Councilmember Wayne recused herself because she is director of Harborwalk which also receives ATAX funding. Mayor Wilson called for the question.

MAYOR PRO TEM BARBER MOVED TO APPROVE FY 08/09 ACCOMMODATIONS TAX FUNDING IN THE AMOUNT OF \$46,269 AS RECOMMENDED BY THE ATAX COMMITTEE, SECONDED BY COUNCILMEMBER BRADLEY. Mayor Wilson called for discussion. Mayor Wilson called for the question. **MAYOR WILSON, MAYOR PRO TEM BARBER AND COUNCILMEMBERS BRADLEY, SCOVILLE AND SMALLS VOTED IN FAVOR. COUNCILMEMBERS SAWYER AND WAYNE RECUSED. THE MOTION CARRIED 5-2.**

**Approve ATAX
Funding**

Mr. Lane Mixon presented an engineering services contract with JJ&G for Maryville Area Fire Protection Improvements in the amount of \$39,700. This will be for 32 new fire hydrants in Maryville and upgrade of some line sizes.

COUNCILMEMBER SAWYER MOVED TO APPROVE AN ENGINEERING SERVICES CONTRACT WITH JJ&G FOR MARYVILLE AREA FIRE PROTECTION IMPROVEMENTS IN THE AMOUNT OF \$39,700, SECONDED BY MAYOR PRO TEM BARBER. Mayor Wilson called for discussion. Councilmember Smalls asked where the hydrants would be located. Mr. Mixon said they will be scattered throughout Maryville, from the Sampit River to Dawson Street. Mayor Wilson called for the question. **THE MOTION UNANIMOUSLY CARRIED 7-0.**

**Approve Contract
JJ&G for Maryville
Area Fire
Protection
Improvements**

Mr. Mixon presented a construction contract with Davis & Brown/North American Construction Company for short-term improvements at Wastewater Treatment Plant in the amount of \$562,550. Last month all bids on this project were over budget. Staff met with the second lowest bidder and was able to reduce the costs by \$116,000.

COUNCILMEMBER SAWYER MOVE TO APPROVE A CONSTRUCTION CONTRACT WITH DAVIS & BROWN/NORTH AMERICAN CONSTRUCTION COMPANY FOR SHORT-TERM IMPROVEMENTS AT WASTEWATER TREATMENT PLANT IN THE AMOUNT OF \$562,550, SECONDED BY COUNCILMEMBER WAYNE. Mayor Wilson called for discussion. Councilmember Sawyer asked about the shortfall. Mr. Mixon said it would be divided amongst the partners. Mrs. Miller stated at the end of the

**Approve Contract
with Davis &
Brown for Short-
term
Improvements at
WWTP**

year...however the bottom line comes out of the Fund, the decision will be made as to where to charge the City's portion of the shortfall. Mayor Wilson called for the question. **THE MOTION UNANIMOUSLY CARRIED 7-0.**

Mr. Mixon requested approval of a budget amendment to the Wastewater Fund (0032-34-900.3900 Wastewater Treatment Plant capital improvements and 0032-34.9999.9999 Assets reclassified) in the amount of \$119,550.00. This is directly related to the contract with Davis & Brown/North American Construction Company for short-term improvements at Wastewater Treatment Plant.

MAYOR PRO TEM BARBER MOVED TO APPROVE BUDGET AMENDMENT TO THE WASTEWATER FUND (0032-34-900.3900 WASTEWATER TREATMENT PLANT CAPITAL IMPROVEMENTS AND 0032-34.9999.9999 ASSETS RECLASSIFIED) IN THE AMOUNT OF \$119,550.00, SECONDED BY COUNCILMEMBER BRADLEY. Mayor Wilson called for discussion. Mayor Wilson called for the question. **THE MOTION UNANIMOUSLY CARRIED 7-0.**

Budget Amendment - Short-term Improvements at WWTP

Mrs. Cindi Howard presented the 3rd Quarter Departmental Safety Award to the Electric Utility Department. She congratulated Alan Loveless and his entire staff.

3rd Quarter Departmental Safety Award

Mrs. Howard shared an article that was published in the Municipal Association Risk Letter spotlighting Georgetown. Mr. Loveless and Mrs. Howard submitted an article relating to the City's implementation of a fall protection device to protect employees when climbing poles. This was also highlighted at the SCAMPS Annual Summer Meeting.

Electric Department Spotlighted

COUNCILMEMBER WAYNE MOVED TO APPROVE MINUTES OF CITY COUNCIL WORKSHOP DATED 9/11/08 AND CITY COUNCIL WORKSHOP AND REGULAR MEETING DATED 9/18/08, SECONDED BY MAYOR PRO TEM BARBER. Mayor Wilson called for the question. **THE MOTION UNANIMOUSLY CARRIED 7-0.**

Minutes – 9/11/08 Workshop & 9/18/08 Workshop & Regular Meeting

COUNCILMEMBER SAWYER MOVED TO ADJOURN REGULAR MEETING OF CITY COUNCIL AND GO INTO EXECUTIVE SESSION PURSUANT TO 30-4-70(A)(2) TO RECEIVE LEGAL UPDATE, SECONDED BY MAYOR PRO TEM BARBER. Mayor Wilson called for the question. **THE MOTION UNANIMOUSLY**

Adjourn Regular Meeting And Enter Executive Session

CARRIED 7-0.

The Regular Meeting was adjourned at 5:25 PM.

COUNCILMEMBER WAYNE MOVED TO REOPEN REGULAR MEETING OF CITY COUNCIL, SECONDED BY MAYOR PRO TEM BARBER. Mayor Wilson called for the question. THE MOTION UNANIMOUSLY CARRIED 7-0.

Reopen Regular Meeting

The Regular Meeting was reopened at 6:16 PM.

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

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

Adjourn Regular Meeting

The Regular Meeting was adjourned at 6:17 PM.

Ann U. Mercer
City Clerk

DATE APPROVED: 11-20-08

VERIFYING INITIALS: _____

