



**PUBLIC HEARING & REGULAR MEETING
OF CITY COUNCIL
JULY 12, 2018 – 5:30 PM
MUNICIPAL COURTROOM
GEORGETOWN, SOUTH CAROLINA**

1. CALL TO ORDER

Notice of this meeting has been made in accordance with the South Carolina Code of Laws as amended.

MEMBERS PRESENT

Mayor Brendon M. Barber, Sr.
Mayor Pro Tempore Rudolph A. Bradley
Council Member Sheldon A. Butts
Council Member Carol R. Jayroe
Council Member Al Joseph
Council Member Clarence C. Smalls

ABSENT

Council Member Tupelo Humes

ALSO PRESENT

Mr. Carey F. Smith, Interim City Administrator
Mrs. Elise Crosby, City Attorney
Ms. Ann U. Mercer, City Clerk
Mrs. Suzanne Anderson, HR Manager
Mr. Tim Chatman, Streets and Sanitation Manager
Mr. Will Cook, Water Utilities Director
Chief Charlie Cribb, Georgetown Fire Department
Mr. Alan Loveless, Director of Electric Utilities
Mr. Rick Martin, Building Official/Zoning Administrator

ABSENT

Mr. Orlando Arteaga, Engineer
Mrs. Debra Bivens, Director of Finance
Chief Kelvin Waites, Georgetown Police Department
Mr. Isaac Williams, Fleet Superintendent

MEDIA

Georgetown Times - Mr. David Purtell

2. ANNOUNCEMENT CONCERNING ELECTRONIC DEVICES

Mayor Brendon M. Barber, Sr. called the Public Hearing and Regular Meeting of City Council to order at 5:30 PM and requested all cell phones or electronic devices be

turned off or placed on mute, with the exception of first responders, so as to not interrupt the meeting.

3. PUBLIC HEARING

A. The purpose of the Public Hearing will be to receive citizen input concerning an ordinance establishing a fee for harborwalk hospitality.

Mayor Barber opened the Public Hearing to receive citizen input and recognized Ms. Lisa Haus. Ms. Haus requested Council reconsider a recyclable container to serve beverages on the harborwalk. She does not like plastic. The Public Hearing concluded.

4. INVOCATION & PLEDGE OF ALLEGIANCE

Fire Chief Charlie Cribb rendered the invocation. Mayor Pro Tempore Bradley led the Pledge of Allegiance.

5. PUBLIC COMMENTS

Mayor Barber opened the Public Comment portion of the meeting and recognized Ms. Michelle Cox. Ms. Cox addressed Council concerning the parking and lack of handicap parking on Front Street. She stated there needs to be more and larger handicap parking spaces. Mayor Barber directed Mr. Smith and staff to look into this matter.

Mayor Barber recognized Brother Willie. Brother Willie addressed Council concerning code enforcement and stated a recently hired employee in the Housing and Community Development Department has been dealing with dilapidated houses. He said state law does not allow any citizen, employee other than a state licensed building official to write a letter or inspect dilapidated houses. He questioned letters mailed out from that Department ordering demolition of buildings that included court cost. He also noted the City wanted him to have a survey of property he owns at the corner of Merriman and Emanuel. He said records indicate property next to him was not surveyed. Mayor Barber directed Mr. Smith to look into this matter with staff.

Mayor Barber commended the City emergency responders practicing with the active shooter drills.

6. INTRODUCTION OF NEW EMPLOYEES

Mr. Rick Martin introduced the City's new Code Enforcement Officer, Ms. Tracy Gibson and Mr. Ryan Call the new Building Inspector.

7. HOUSING AND COMMUNITY DEVELOPMENT

A. Motion to approve second reading on an Ordinance Amending Chapter 16, Article I, Section 16-1 Alcoholic Beverages on Public Property of the Code of Ordinances.

Council Member Joseph moved, seconded by Mayor Pro Tempore Bradley. Mr. Rick Martin presented the ordinance for approval. Only businesses adjacent to and that maintain connection to the Harborwalk may utilize this ordinance. He noted this will be reviewed in six months for compliance. Council Member Jayroe said the City should be discouraging single use plastic in the City. She is in favor of the motion with the exception of plastic cups. Mr. Martin said the clear plastic could help law enforcement determine what is in the cups. Council Member Joseph encouraged the use of recyclable cups. Mr. Martin met with the restaurant and bars owners that could utilize the ordinance. He said there are only three or four and he received mixed reviews. This ordinance mirrors what is required of the businesses serving adult beverages on the sidewalks. Council Member Butts stated it will be a challenge to determine what type of drink is in the cup. Mayor Pro Tempore Bradley requested exploring types of clear plastic as soluble as paper. After further discussions, Council Member Joseph agreed to move forward and continue to look for environmentally friendly alternatives.

Mayor Barber called for the vote.

RESULT:	ADOPTED AS AMENDED [4 TO 2]
MOVER:	Al Joseph, Council Member
SECONDER:	Rudolph A. Bradley, Mayor Pro Tempore
AYES:	Barber Sr., Bradley, Butts, Joseph
NAYS:	Jayroe, Smalls
ABSENT:	Humes

B. Motion to approve second reading an Ordinance Amending Chapter 20 Article IX, Outdoor Cafe and Harborwalk Hospitality, Section 20-130 through 20-135 of the Code of Ordinances for the City of Georgetown.

Council Member Butts moved, seconded by Council Member Joseph. Mr. Martin explained this ordinance pertains to the previous agenda item and amends the Outdoor Café ordinance.

Mayor Barber called for the vote.

RESULT:	ADOPTED AS AMENDED [4 TO 2]
MOVER:	Sheldon A. Butts, Council Member
SECONDER:	Al Joseph, Council Member
AYES:	Barber Sr., Bradley, Butts, Joseph
NAYS:	Jayroe, Smalls
ABSENT:	Humes

C. Motion to approve second reading of an Ordinance Establishing a Fee for Harborwalk Hospitality in the City of Georgetown.

Council Member Butts moved, seconded by Mayor Pro Tempore Bradley. Mr. Martin stated this establishes a \$100.00 annual fee for businesses adjacent to the harborwalk that wish to utilize the harborwalk hospitality ordinance.

Mayor Barber called for the vote.

RESULT:	ADOPTED [4 TO 2]
MOVER:	Sheldon A. Butts, Council Member
SECONDER:	Rudolph A. Bradley, Mayor Pro Tempore
AYES:	Barber Sr., Bradley, Butts, Joseph
NAYS:	Jayroe, Smalls
ABSENT:	Humes

D. Motion to approve first reading of an ordinance annexing 2.21 acres off South Fraser Street, for Applecool Storage, LLC, into the corporate limits of the City of Georgetown.

Council Member Butts moved, seconded by Council Member Joseph. Mr. Martin presented the annexation request from Applecool Storage.

Mayor Barber called for the vote.

RESULT:	FIRST READING [UNANIMOUS]	Next: 8/16/2018 5:30 PM
MOVER:	Sheldon A. Butts, Council Member	
SECONDER:	Al Joseph, Council Member	
AYES:	Barber Sr., Bradley, Butts, Jayroe, Joseph, Smalls	
ABSENT:	Humes	

E. Motion to approve first reading of an ordinance to rezone approximately 2.21 acres, owned by Applecool Storage, LLC, located off South Fraser Street, from Residential (R1) to General Commercial (GC).

Council Member Joseph moved, seconded by Council Member Butts. Mr. Martin presented the rezoning request from Applecool Storage. Upon annexation, the property is automatically annexed in as Residential and would need to be rezoned as General Commercial.

Mayor Barber called for the vote.

RESULT:	FIRST READING [UNANIMOUS]	Next: 8/16/2018 5:30 PM
MOVER:	Al Joseph, Council Member	
SECONDER:	Sheldon A. Butts, Council Member	
AYES:	Barber Sr., Bradley, Butts, Jayroe, Joseph, Smalls	
ABSENT:	Humes	

F. Motion to approve first reading of an ordinance to rezone approximately .21 acre, owned by Pasty Ethridge, located off South Fraser Street near the Maryville Pines community, from Residential (R1) to General Commercial (GC).

Council Member Joseph moved, seconded by Council Member Jayroe. Mr. Martin presented the rezoning request. This is a small area of land located between the General Commercial and Residential zoning districts. Ms. Ethridge owns the

property for the entire block. There are two residential rental houses on this location. Proposed zoning would run in line with other GC zoning, both north and south. The Planning Commission held a public hearing on June 26, 2018 and voted in favor of the rezoning request.

Mayor Barber called for the vote.

RESULT:	FIRST READING [UNANIMOUS]	Next: 8/16/2018 5:30 PM
MOVER:	Al Joseph, Council Member	
SECONDER:	Carol R. Jayroe, Council Member	
AYES:	Barber Sr., Bradley, Butts, Jayroe, Joseph, Smalls	
ABSENT:	Humes	

8. ADMINISTRATION

A. Motion to approve first reading of an ordinance amending Article XXI, Section 2171.3 (1), Abandonment and Loss of Nonconforming Status, of the Zoning Ordinance for the City of Georgetown.

Council Member Smalls moved, seconded by Council Member Jayroe. Mr. Carey Smith presented the amendment for approval. He highlighted the following six conditions in the ordinance that define abandonment 1. The cessation of production or processes for which the nonconforming use was intended; or 2. The vacating of the premises; or 3. Failure to secure or maintain licenses, permits, or regulatory approvals necessary for operation; or 4. Disconnecting utility service, such as water, gas, or electric service, serving the nonconforming use or property; or 5. Removal of buildings, equipment, or fixtures which are necessary for the operation of the nonconforming use; or 6. Any structure containing a nonconforming use that has fallen into disrepair and has been deemed unfit for occupancy by the building official, fire marshal, or other competent authority. The text amendment will extend the cessation period of the abandonment clause if there is any form of official labor action. The first condition will be amended to include **“unless cessation is due to an official labor action including a labor lockout or labor strike”** and will read: 1. The cessation of production or processes for which the nonconforming use was intended, unless cessation is due to an official labor action, including a labor lockout or labor strike; or... The Planning Commission held a public hearing and reviewed this text amendment on June 26, 2018 and unanimously voted to add the text amendment to the REDD.

Mayor Barber called for the vote.

RESULT:	FIRST READING [UNANIMOUS]	Next: 8/16/2018 5:30 PM
MOVER:	Clarence C. Smalls, Council Member	
SECONDER:	Carol R. Jayroe, Council Member	
AYES:	Barber Sr., Bradley, Butts, Jayroe, Joseph, Smalls	
ABSENT:	Humes	

B. Resolution to Authorize State Revolving Fund or SRF Loan Application for West End Sewer Rehabilitation Project in the amount not to exceed \$2,950,000.

Council Member Joseph moved, seconded by Council Member Butts. Mr. Smith stated this authorizes himself to complete, and the Mayor to execute and submit an application to the State Authority for a loan in the amount of \$2,950,000 to finance the West End Sewer Rehabilitation Project. Council Member Butts noted the City should communicate this and other projects to the community to bring awareness.

Mayor Barber called for the vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Al Joseph, Council Member
SECONDER:	Sheldon A. Butts, Council Member
AYES:	Barber Sr., Bradley, Butts, Jayroe, Joseph, Smalls
ABSENT:	Humes

C. Motion to Approve Memorandum of Understanding Naming Georgetown County Chamber of Commerce as the City's Designated Marketing Organization, and Budget for DMO for Fiscal Year 2018/2019.

Council Member Smalls moved, seconded by Mayor Pro Tempore Bradley. Mr. Smith stated the Georgetown Business Association notified the City of their desire to be relieved of the responsibility for being the Designated Marketing Organization. The City approached the Chamber of Commerce about their interest in becoming the DMO. They submitted a proposal, which was previously reviewed with Council, in the amount of \$150,000.

Mayor Barber called for the vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clarence C. Smalls, Council Member
SECONDER:	Rudolph A. Bradley, Mayor Pro Tempore
AYES:	Barber Sr., Bradley, Butts, Jayroe, Joseph, Smalls
ABSENT:	Humes

D. Motion to approve Contingent Fee Retainer Agreement between the City of Georgetown and Walker Morgan LLC, Johnson, Toal & Battiste PA, Griffin & Davis LLC, D Treasurer LLC, Peter T Phillips, ESQ Spangenberg Shibley & Liber, Schochor Federico & Staton PA.

Council Member Joseph moved, seconded by Council Member Butts. Payment of fees outlined in the Agreement are entirely contingent upon the Applicant Team recovering money for the City. Mr. Smith stated the legal actions the Team will perform involve potential claims for damages arising out of the manufacture, distribution and sale of opioid drugs. If no recovery is made, the City does not pay any fee to the Applicant Team. There is no restriction on the City terminating the Agreement.

Mayor Barber called for the vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Al Joseph, Council Member
SECONDER:	Sheldon A. Butts, Council Member
AYES:	Barber Sr., Bradley, Butts, Jayroe, Joseph, Smalls
ABSENT:	Humes

E. Motion to Approve a Resolution Authorizing Brokerage Agreements between the City of Georgetown and Avison Young-South Carolina, Inc. for Marketing City Property.

Mayor Pro Tempore Bradley moved, seconded by Council Member Jayroe. Mr. Smith stated in accordance with recent City Council guidance to 'test the market' for potential sale or lease of Eagle Electric property, he is recommending to use the services of Avison Young-South Carolina, Inc. for marketing the property. He said this will enhance the opportunities for sale and/or lease and expedite the process. We will piggyback on an agreement that Georgetown County has with this Company. Their fee is 6%.

Mayor Barber called for the vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rudolph A. Bradley, Mayor Pro Tempore
SECONDER:	Carol R. Jayroe, Council Member
AYES:	Barber Sr., Bradley, Butts, Jayroe, Joseph, Smalls
ABSENT:	Humes

F. Motion to Approve Intergovernmental Agreement between the City of Georgetown and Georgetown County.

Council Member Joseph moved, seconded by Council Member Jayroe. Mr. Smith said this type of agreement is designed to promote cooperation between two or more governments in undertakings. The parties would agree to collaborate together in all aspects of a feasibility study led by Coastal Carolina University to develop a strategy to overcome Georgetown Harbor silting. The study is intended to identify a lasting and sustainable solution to address the silting problem in the Sampit River's waterfront loop for recreational boating. The collaboration would include but not be limited to financial support, planning support, engaging necessary consulting support, accessing available human and other government resources on a local,

state, and national level, support for the technical approach for the study, and legal assistance. The parties would agree jointly to provide necessary staff and/or financial support for staff. The City and County would agree the costs of the study will be shared equally. The estimated cost is approximately \$85,352. He added there have been efforts to dredge the commercial shipping channel; however, the cost has doubled and at this point the Port and the State government are not giving encouragement for a dredging operation to restore commercial shipping into the harbor. Council Member Butts is in favor of the intergovernmental agreement between the City and County to accomplish having the port dredged. He would like the study to focus on dredging for commercial purposes in addition to recreational boating. He stated our state representatives need to be aware what needs to be done for the Port of Georgetown. Discussions followed. Mayor Pro Tempore Bradley said the dredging for the recreational sea vessel will serve as a catalyst to go farther. Mayor Barber said it is important that we have some research to back us up when we talk to federal and state officials. We have to find out what we can do to make the port viable.

Mayor Barber called for the vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Al Joseph, Council Member
SECONDER:	Carol R. Jayroe, Council Member
AYES:	Barber Sr., Bradley, Butts, Jayroe, Joseph, Smalls
ABSENT:	Humes

9. CITY ADMINISTRATOR REPORT

Mr. Smith reported Mr. Slavin has closed the recruitment phase of the professional search and has received interest from very qualified applicants. He will begin screening and narrowing the applicant list and plans to meet with Council in the near future.

10. OLD BUSINESS

Mayor Pro Tempore Bradley asked about the status of the meeting with the City, County and School District. Mr. Smith stated he and Mr. Hemingway have been working on this. On August 7, 20128 he (Mr. Smith) will make a presentation on Tax Increment Financing to the School Board.

Council Member Smalls stated the missing stop signs near Belk and on Ridge Street have not been replaced. Mr. Smith said he will look into the matter.

11. NEW BUSINESS

Council Member Butts stated the logo on the new water tower behind Georgetown High and Middle Schools is bringing a lot of buzz on social media. The "G" is creating a lot of pride among the students and community.

12. DEPARTMENT MONTHLY REPORTS

Mayor Barber noted the department monthly reports are included in the agenda packet.

- A. **June 2018 GPD Report**
- B. **June 2018 Municipal Court Report**
- C. **June 2018 Fire Report**
- D. **June 2018 Public Works Department Report**
- E. **June 2018 Fleet service Report**
- F. **June 2018 Electric Utility Department Report**
- G. **June 2018 Water Utilities Report**
- H. **June 2018 Engineering Report**
- I. **June 2018 Housing & Community Development report.**

13. EXECUTIVE SESSION

Motion to enter Executive Session pursuant to Section 30-4-70(a)(1) to discuss reappointment to COAST RTA Board and Sec. 30-4-70(a)(2) to receive legal advice related to potential resolution of cost overruns and damages to City facilities relevant to 2014-CP-22-0863.

Council Member Joseph moved, seconded by Mayor Pro Tempore Bradley.

Mayor Barber called for the vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Al Joseph, Council Member
SECONDER:	Rudolph A. Bradley, Mayor Pro Tempore
AYES:	Barber Sr., Bradley, Butts, Jayroe, Joseph, Smalls
ABSENT:	Humes

The Regular Meeting of City Council was adjourned at 6:45 pm.

Motion to adjourn Executive Session and reconvene the Regular Meeting.

Council Member Butts moved, seconded by Council Member Jayroe.

Mayor Barber called for the vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sheldon A. Butts, Council Member
SECONDER:	Carol R. Jayroe, Council Member
AYES:	Barber Sr., Bradley, Butts, Jayroe, Joseph, Smalls
ABSENT:	Humes

Executive Session was adjourned and the Regular Meeting was reconvened at 7:12 pm.

NO FORMAL ACTION WAS TAKEN IN EXECUTIVE SESSION.

Mayor Barber announced no formal action was taken in Executive Session

14. COUNCIL MAY TAKE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION.

Motion to allow the City Administrator or Mayor to sign settlement documents accepting \$1.35 million for damage to the City's property to include any loss of use and to direct the City's attorneys to prepare and negotiate the wording of the settlement documents.

Council Member Joseph moved, seconded by Council Member Butts.

Mayor Barber called for the vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Al Joseph, Council Member
SECONDER:	Sheldon A. Butts, Council Member
AYES:	Barber Sr., Bradley, Butts, Jayroe, Joseph, Smalls
ABSENT:	Humes

Motion to reappoint Mr. Joseph Lazzara to represent the City of Georgetown on the Waccamaw Regional Transportation Authority d/b/a The Coast RTA Board of Directors.

Council Member Joseph moved, seconded by Mayor Pro Tempore Bradley.

Mayor Barber called for the vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Al Joseph, Council Member
SECONDER:	Rudolph A. Bradley, Mayor Pro Tempore
AYES:	Barber Sr., Bradley, Butts, Jayroe, Joseph, Smalls
ABSENT:	Humes

15. ADJOURNMENT

Motion to adjourn the Regular Meeting of City Council.

Council Member Jayroe moved, seconded by Council Member Joseph.

Mayor Barber called for the vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carol R. Jayroe, Council Member
SECONDER:	Al Joseph, Council Member
AYES:	Barber Sr., Bradley, Butts, Jayroe, Joseph, Smalls
ABSENT:	Humes

The Regular Meeting of City Council adjourned at 7:14 pm.

Ann U. Mercer
City Clerk

Date Approved: 10/18/18