



**PUBLIC HEARING AND REGULAR MEETING  
OF CITY COUNCIL  
APRIL 17, 2014 – 5:30 PM  
COUNCIL CHAMBERS  
GEORGETOWN, SOUTH CAROLINA**

**1. CALL TO ORDER**

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

**MEMBERS PRESENT**

Mayor Jack M. Scoville, Jr.  
Council Member Brendon M. Barber, Sr.  
Council Member Rudolph A. Bradley  
Council Member Carol R. Jayroe  
Council Member Edward S. Kimbrough, Jr.  
Council Member Clarence C. Smalls  
Mayor Pro Tempore Peggy P. Wayne

**ALSO PRESENT**

Mr. Chris Carter, City Administrator  
Mrs. Elise Crosby, City Attorney  
Ms. Ann U. Mercer, City Clerk  
Mrs. Debra Bivens, Finance Director  
Chief Paul Gardner, Georgetown Police Department  
Mr. Jonathan Heald, Public Services Director  
Mr. Alan Loveless, Electric Utility Manager  
Mr. Rick Martin, Building Official/Zoning Administrator  
Assistant Chief Charlie Cribb, Georgetown Fire Department

**MEDIA**

Georgetown Times - Ms. Eileen Keithly  
WGTV/WLMC - Mr. Rod Stalvey

**2. ANNOUNCEMENT CONCERNING ELECTRONIC DEVICES**

Mayor Jack M. Scoville, Jr. called the 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.

**3. PUBLIC HEARING**

- A. Receive input concerning an Ordinance to amend the Ground Lease Agreement between the City Of Georgetown, SC and SCANA Communications, Inc.**

Mayor Scoville opened the Public Hearing at 5:31 PM to receive citizen input concerning an Ordinance to amend the Ground Lease Agreement between the City of Georgetown, South Carolina and SCANA Communications, Inc.

**B. Conclude Public Hearing and enter Regular Meeting.**

No one appeared in support of or in opposition to the ordinance and the Public Hearing was concluded at 5:31 PM.

**4. INVOCATION & PLEDGE OF ALLEGIANCE**

Council Member Rudolph Bradley rendered the invocation. Mayor Scoville led the Pledge of Allegiance.

**5. PUBLIC COMMENTS**

Mayor Scoville recognized Mr. Richard Powers. Mr. Powers addressed City Council and asked that they consider the importance of a nonpartisan election method for the City of Georgetown. He feels this will be the first step that will bring new business to the City.

Mayor Scoville recognized Ms. Whittany Johnson. Ms. Johnson introduced her sister Brittany Johnson and informed Council their new business, Carefree Canvas located at 129 King Street, has recently opened and offers art classes and private lessons for children and adults, private birthday parties and bridal showers.

Mayor Scoville recognized Ms. Jean Brown. Ms. Brown addressed City Council regarding the partisan/nonpartisan election methods. She asked that they not change the method of election. If it is a problem she asked that it be placed on a referendum and allow the citizens of Georgetown to decide the method.

Mayor Scoville recognized Mr. Morris Johnson. Mr. Johnson agreed with Ms. Brown's comments. He said partisan elections have been working for many years and questioned why we would want to change the method. He said if this goes to a referendum he would pursue single member districts.

**6. INTRODUCTION OF NEW EMPLOYEES**

There were no new employees.

**7. PROCLAMATION**

**A. Motion to Proclaim May 2014 as Mental Health Month in the City of Georgetown.**

Mayor Scoville asked for comments or discussion. Mayor Scoville called for the question.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                         |
| <b>MOVER:</b>    | Peggy P. Wayne, Mayor Pro Tempore                                   |
| <b>SECONDER:</b> | Clarence C. Smalls, Council Member                                  |
| <b>AYES:</b>     | Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne |

**8. HOUSING AND COMMUNITY DEVELOPMENT**

**A. Motion to approve first reading to enact an Ordinance of Reversion for Georgetown Yacht Club Planned Development back to General Commercial zoning.**

Mr. Rick Martin referred Council to the information in their agenda and stated this property is located on the west side of the County's boat landing in Maryville. It was rezoned from General Commercial (GC) to Planned Development (PD) on September 18, 2008 to allow for high boat stack storage. The Zoning Ordinance states construction must begin within six months of the rezoning and completed within two years or the property reverts back to General Commercial. Because construction never began, this matter was presented to the Planning Commission on March 25, 2014 and the vote was 7-0 in favor of initiating the reversion proceedings. A letter from the new property owner's attorney indicates plans for the property are marine related but will not encompass dry boat stack storage.

Mayor Scoville asked for comments. Mayor Scoville called for the question.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS] Next: 5/15/2014 5:30 PM</b>                 |
| <b>MOVER:</b>    | Clarence C. Smalls, Council Member                                  |
| <b>SECONDER:</b> | Rudolph A. Bradley, Council Member                                  |
| <b>AYES:</b>     | Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne |

**B. Motion to approve first reading of an ordinance to amend the Code of Ordinances by Deleting Chapter 20, Article IX, Section 20-133(9).**

Mayor Scoville asked for discussion. Council Member Barber expressed his concerns with the City allowing glass containers on public sidewalks and wants to limit the City's liability. Council Member Jayroe stated businesses that rent the space from the City for public dining are required to have a general liability policy naming the City as an additional insured. She referred to a letter from the Municipal Association underwriters, who hold the City's insurance, which stated with the liability policy in place the City should be largely shielded from assuming the liability. Council Member Bradley expressed his concerns with allowing glass containers on sidewalks. He is concerned how well the City will be protected and covered by the insurance. Mr. Martin answered Council Member Kimbrough stating that it is his responsibility to monitor and ensure the property owner's general liability policy is up-to-date. He explained the process. Council Member Smalls stated he could not support glass containers being allowed. Mr. Martin answered Mayor Pro Tempore Wayne's question stating this pertains only to the permitted restaurants with tables on the sidewalk. This would be enforced by law enforcement. Discussions continued.

Mayor Scoville asked for further comments or questions. Mr. Martin answered Council Member Bradley noting the only proposed change to the ordinance would allow any beverage to be served in a glass bottle or container in the public right-of-way. Council Member Barber stated safety was the reason for prohibiting glass containers in the public right-of-way. He reiterated the City will put itself at risk by knowing there is a possible risk that injury could occur if the risk is created.

Mayor Scoville called for the question.

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| <b>RESULT:</b>   | <b>APPROVED [4 TO 3]Next: 5/15/2014 5:30 PM</b>                           |
| <b>MOVER:</b>    | Carol R. Jayroe, Council Member                                           |
| <b>SECONDER:</b> | Rudolph A. Bradley, Council Member                                        |
| <b>AYES:</b>     | Carol R. Jayroe, Edward S Kimbrough, Jack M. Scoville Jr., Peggy P. Wayne |
| <b>NAYS:</b>     | Brendon M. Barber Sr., Rudolph A. Bradley, Clarence C. Smalls             |

**C. Resolution authorizing acceptance of a Quitclaim Deed to a lot on Emanuel Street.**

Mr. Martin stated Mr. Frank Swinnie approached the City Attorney offering to donate a lot located on Emanuel Street to the City. Currently there is no structure on the property which is approximately 50 feet wide and 222 feet deep. He said the property could be used for a park or Habitat. The ordinance is contingent upon assurance of clear title. Mayor Scoville said the title is being examined for any problems. Council Member Jayroe wanted to know if a clear title is obtained can staff work with Habitat. Mrs. Crosby stated that would be a policy decision by Council. After discussions the consensus was to postpone action until confirmation of a clean title.

**Mayor Scoville called for a motion to continue.**

Mayor Scoville called for the question.

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| <b>RESULT:</b>   | <b>APPROVED (UNANIMOUS)</b>                                         |
| <b>MOVER:</b>    | Peggy P. Wayne, Mayor Pro Tempore                                   |
| <b>SECONDER:</b> | Clarence C. Smalls, Council Member                                  |
| <b>AYES:</b>     | Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne |

**9. FINANCE**

**A. Motion to approve second reading of an ordinance to Approve a FY 2013/14 Budget Amendment to the Hospitality Fund in the amount of \$235,000 for East Bay Boat Landing Project.**

Mrs. Bivens stated the budgeted amount for this project was \$515,000; however the lowest bid was \$750,000. At the June 27, 2013 Special Meeting the decision was to go with the bid and complete the work. The project has been completed and this will be second reading to approve the budget amendment.

Mayor Scoville asked for questions or comments. Mayor Scoville called for the question.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                          |
| <b>MOVER:</b>    | Rudolph A. Bradley, Council Member                                  |
| <b>SECONDER:</b> | Edward S Kimbrough, Council Member                                  |
| <b>AYES:</b>     | Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne |

- B. Motion to approve second reading of an ordinance to approve FY 2013/14 Budget Amendment for the following expenses to the General Fund: 1) Relocation of antennas from the City Hall Water Tank in the amount of \$24,270 and 2) Sidewalk repairs project in the amount of \$75,000.**

Mrs. Bivens stated it was necessary (for public safety reasons) to remove the water tank at City Hall and the antennas on the tank had to be removed and new antennas relocated. Also, in FY 2012/2013 budgeted funds for sidewalk repairs were not expended and were placed in reserves. This is a request to spend these funds (budgeted in previous year) in the current year for general sidewalk repairs.

Mayor Scoville called for the question.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                          |
| <b>MOVER:</b>    | Clarence C. Smalls, Council Member                                  |
| <b>SECONDER:</b> | Rudolph A. Bradley, Council Member                                  |
| <b>AYES:</b>     | Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne |

- C. Motion to approve second reading of an ordinance to approve a FY 2013/2014 Budget Amendment to the Electric Fund in the amount of \$60,000 for the Peak Shaving Generation Project.**

Mrs. Bivens stated this request is for engineering costs and a feasibility study for the temporary generation planned for FY 2014/2015.

Mayor Scoville called for the question.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                          |
| <b>MOVER:</b>    | Carol R. Jayroe, Council Member                                     |
| <b>SECONDER:</b> | Edward S Kimbrough, Council Member                                  |
| <b>AYES:</b>     | Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne |

## **10. ELECTRIC UTILITIES**

- A. Motion to approve purchase of a 40 ft bucket truck from Altec Industries in the amount of \$86,500.**

Mr. Alan Loveless stated this request is to replace a 1999 model bucket truck used by the City's tree crew which had to be taken out of service due to cracks in the aerial lift boom. This purchase is for a demo unit with approximately 7,500 miles which will come with a full standard warranty and a lifetime warranty on the structural components of the lift system. This is a budgeted item. The Water Department is using the 1999 truck as a service vehicle. Mr. Loveless said the

bucket trucks and line trucks have extensive hydraulic systems to operate the equipment. The engines have to idle for long periods of time to keep the systems pressurized. Gasoline engines do not perform very well when idling for any length of time; therefore diesel engines are used rather than natural gas for the heavy equipment.

Mayor Scoville asked for comments or questions. Mayor Scoville called for the question.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                         |
| <b>MOVER:</b>    | Clarence C. Smalls, Council Member                                  |
| <b>SECONDER:</b> | Edward S Kimbrough, Council Member                                  |
| <b>AYES:</b>     | Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne |

**B. Motion to approve purchase of regulator controls from Schweitzer Engineering Laboratories in the amount of \$29,732.**

As discussed at the Council Capital Improvements Plan workshop, Mr. Loveless said reliability issues with some of the 20-plus year old regulator controls have developed and he would like to replace all 24 controls before voltage reliability is further affected. The controls proposed for purchase are sole-sourced because they are manufactured by the same company as our existing protective equipment controls and our SCADA system. The voltage regulator controls can be integrated into our SCADA system for additional control capabilities and data collection. Although it is not included in the current budget, Mr. Loveless said there is sufficient funding available in the current capital budget.

Mayor Scoville asked for comments or questions. Mayor Scoville called for the question.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                         |
| <b>MOVER:</b>    | Brendon M. Barber Sr., Council Member                               |
| <b>SECONDER:</b> | Rudolph A. Bradley, Council Member                                  |
| <b>AYES:</b>     | Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne |

**C. Motion to approve purchase of Engineering Services from Schweitzer Engineering Laboratories in the amount of \$42,359.**

Mr. Loveless stated this request is in conjunction with the approval of the purchase of voltage regular controls. It will upgrade the SCADA system so the controls can be integrated into the system for additional capabilities and data collection. The upgrade also includes supplemental software which will enhance the performance of the SCADA system in conjunction with the regulator controls.

Mayor Scoville asked for questions or discussion. Mayor Scoville called for the question.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                         |
| <b>MOVER:</b>    | Peggy P. Wayne, Mayor Pro Tempore                                   |
| <b>SECONDER:</b> | Rudolph A. Bradley, Council Member                                  |
| <b>AYES:</b>     | Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne |

**11. ADMINISTRATION**

- A. Motion to approve second reading of an ordinance to amend the current ground lease agreement between the City of Georgetown and SCANA Communications Inc. dated March 20, 1998 for property at 120 North Congdon Street.**

In consideration for the City locating two antennas on the SCANA power, Mr. Carter said they requested an extension of their current agreement for 15 years. Council Member Smalls requested staff notify the neighboring church.

Mayor Scoville asked for comments. Mayor Scoville called for the question.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                          |
| <b>MOVER:</b>    | Peggy P. Wayne, Mayor Pro Tempore                                   |
| <b>SECONDER:</b> | Edward S Kimbrough, Council Member                                  |
| <b>AYES:</b>     | Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne |

- B. Motion to approve first reading of an ordinance amending Chapter 6 of the City of Georgetown Code of Ordinances to change the method of electing the Mayor and City Council from partisan election to the non-partisan election method and run-off method as authorized by Section 5-15-62, S.C. CODE OF LAWS.**

Mr. Carter stated at the February workshop the consensus of City Council was to place this item on the agenda once the South Carolina Attorney General's opinion was received. He yielded to the City Attorney. Mrs. Crosby referenced the Opinion dated March 31, 2014 in which the Assistant Attorney General, Mr. Harrison Brant, opined that City Council is not required to call for a referendum to change municipal elections from partisan to nonpartisan. Municipalities have the power to effectuate such a change via ordinance. Mrs. Crosby said in South Carolina law there is a referendum method. Electors of a municipality may propose an ordinance by petition by fifteen percent. If the ordinance submitted by petition fails, then it must go to referendum.

Council Member Bradley expressed in detail his adamant opposition to changing the present form of election process. He detailed this as an effort by the elite in Georgetown to seize political power by splitting black votes.

Council Member Kimbrough read a prepared statement in which he stated only eight of the 270 municipalities in South Carolina conduct partisan elections. He asked that the citizens be trusted to make the right decisions at the polls and vote for the person rather than the party.

Council Member Smalls said all cities are different and should not be compared. He cannot support this change.

Council Member Barber said he has spoken with individuals on the local, state and national levels. He stated during the last national election there was a strategy put in place for voter suppression. It was unsuccessful at the national level so the strategy moved to start at the grassroots level. Mr. Barber said looking at the demographics in Georgetown, excluding the mayor, the six council members equally represent all citizens. He asked why *you* would want to make change when change is not necessary. He questioned why a staff member from the local election commission was present at the Council workshop in February and spoke to Council. "She is supposed to be a neutral party." Mrs. Jayroe said she understood Ms. Mahn gave Council pros and cons and did not make a recommendation either way.

Mayor Scoville said he does not think Mr. Kimbrough or Mrs. Jayroe have any ulterior motive in supporting this change other than their sincere belief that this is in the best interest of the City. After researching the matter, he said it seems to be clear that it does tend to discourage minority and lower income voters in a nonpartisan election. He said it is a very controversial issue and could drive a wedge between the community. Under no circumstances does he feel that such an important and controversial issue can be decided by just four members of Council.

Mrs. Crosby answered Council Member's Jayroe question by referring to the Attorney General's conclusion that that ordinance (sic) (Statute) does not apply to changing the method of election. As she interprets, there is no other way to get a referendum other than using the petition.

Mayor Pro Tempore Wayne said at the February workshop she conducted, she invited Ms. Donna Mahn to attend and inform Council of the process necessary for this matter to come before Council. She stated she has run for office since 2000 and every year she has to run in a primary, which costs as much as an election. She disagreed to the references of nonpartisan election being discriminatory and said she represents everybody in the City in everything she does. She votes for what she thinks is right and said that's what Council should do.

Mayor Scoville called for the question.

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| <b>RESULT:</b>   | <b>DEFEATED [3 TO 4]</b>                                                            |
| <b>MOVER:</b>    | Edward S Kimbrough, Council Member                                                  |
| <b>SECONDER:</b> | Carol R. Jayroe, Council Member                                                     |
| <b>AYES:</b>     | Carol R. Jayroe, Edward S Kimbrough, Peggy P. Wayne                                 |
| <b>NAYS:</b>     | Jack M. Scoville Jr., Brendon M. Barber Sr., Rudolph A. Bradley, Clarence C. Smalls |

- C. **Motion to approve an application to the SC Insurance Benefits Program on behalf of the City of Georgetown.**

Chris Carter said negotiations are proceeding with our current medical insurance carrier to lower the proposed rate increase for the FY 2014/2015 budget. He would like to consider the South Carolina Employee Insurance Benefits Program and explained authorization by City Council is required to make application. The Plan covers all public employees and teachers in South Carolina. There is a \$500 application fee and the process takes about eight weeks. This application would not commit the City to join.

Answering Council Member Barber's question, Mr. Carter said the same consultant the City used two years ago is currently researching the most comprehensive plan at the best cost.

Mayor Scoville called for the question.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                         |
| <b>MOVER:</b>    | Carol R. Jayroe, Council Member                                     |
| <b>SECONDER:</b> | Edward S Kimbrough, Council Member                                  |
| <b>AYES:</b>     | Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne |

**12. CITY ADMINISTRATOR REPORT**

Mr. Carter said Mr. Danie Devapiriam, General Manager of ArcelorMittal Georgetown, has offered to give City Council a tour of the mill. He asked Council to check their calendars for the weeks of May 4<sup>th</sup> and May 18<sup>th</sup> and let him know a convenient date. Mr. Carter noted a proposed agenda for the April 22<sup>nd</sup> workshop was made available. He will be attending a meeting in Charleston concerning the Boating Infrastructure Grant on the same day as the workshop and requested Council change the time of the workshop from 4:00 PM to 5:30 PM. Council had no problem changing the time. Mr. Carter stated during a phone call this afternoon it was indicated the Merriman Road railroad crossing will reopened Monday afternoon.

**13. MINUTES APPROVAL**

**Motion to approve minutes of Special Meetings/Workshops dated February 27, 2014 and March 27, 2014 and Regular Meeting dated March 20, 2014.**

Mayor Scoville asked for any additions, comments, discussions or amendments. Mayor Scoville called for the question.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                         |
| <b>MOVER:</b>    | Peggy P. Wayne, Mayor Pro Tempore                                   |
| <b>SECONDER:</b> | Edward S Kimbrough, Council Member                                  |
| <b>AYES:</b>     | Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne |

**14. OLD BUSINESS**

Council Member Jayroe addressed an issue from last summer when City Council voted to release all documents to Mr. Rothrock relating to the ARB matter. She asked if the City can give him the unredacted documents. Mayor Scoville said this

needs to be discussed in Executive Session because it involves matters of attorney-client privilege.

**15. NEW BUSINESS**

Council Member Barber stated he was going to bring up the same matter and wants to make sure under the Freedom of Information Act that we act accordingly and properly and make it as easy as possible for our citizens to obtain information.

**16. DEPARTMENT MONTHLY REPORTS**

Mayor Scoville noted the department reports are included in the agenda packet.

**A. Finance and IT Monthly Reports - March 2014**

**B. Police Department March Monthly Report**

**C. March 2014 Fire Report**

**D. Public Services March 2014 Monthly Report**

**E. Electric Department Monthly Report**

**F. Housing & Community Development Monthly Report for March 2014**

**17. KAMINSKI HOUSE ANNUAL REPORT**

**A. Annual Report of Oversight Committee of Kaminski House**

**18. EXECUTIVE SESSION**

**Motion to enter Executive Session to discuss appointment of Assistant Municipal Court Judge and receive legal update on pending litigation.**

Mayor Scoville called for the question.

**RESULT: APPROVED [UNANIMOUS]**

**MOVER:** Rudolph A. Bradley, Council Member

**SECONDER:** Jack M. Scoville Jr., Mayor

**AYES:** Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne

The Regular Meeting was adjourned at 6:54 PM.

**Motion to adjourn Executive Session and return to Regular Session.**

Mayor Scoville called for the question.

**RESULT: APPROVED [UNANIMOUS]**

**MOVER:** Peggy P. Wayne, Mayor Pro Tempore

**SECONDER:** Rudolph A. Bradley, Council Member

**AYES:** Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne

Executive Session was adjourned and the Regular Meeting was reopened at 7:58 PM.

**NO FORMAL ACTION WAS TAKEN IN EXECUTIVE SESSION.**

Mayor Scoville announced no formal action was taken in Executive Session.

**Motion to terminate contract with JMD Contractor at the Rainey Park renovation project and direct the Administrator to proceed with remedies and corrections, etc and so forth.**

Mayor Scoville called for the question.

**RESULT: APPROVED**

**MOVER:** Jack M. Scoville, Jr., Mayor

**SECONDER:** Rudolph A. Bradley, Council Member

**AYES:** Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne

**19. APPOINTMENTS**

**Motion to appoint Amy Armstrong as Assistant City Judge.**

Mayor Scoville asked for discussion. Mayor Scoville called for the question.

**RESULT: APPROVED [UNANIMOUS]**

**MOVER:** Jack M. Scoville Jr., Mayor

**SECONDER:** Rudolph A. Bradley, Council Member

**AYES:** Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne

**20. ADJOURNMENT**

**Motion to adjourn the Regular Meeting of City Council**

Mayor Scoville called for the question.

**RESULT: APPROVED [UNANIMOUS]**

**MOVER:** Brendon M. Barber Sr., Council Member

**SECONDER:** Jack M. Scoville Jr., Mayor

**AYES:** Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne

The Regular Meeting was adjourned at 8:00 PM.

Ann U. Mercer  
City Clerk

Date Approved: 05/15/14