REGULAR MEETING OF CITY COUNCIL
NOVEMBER 16, 2017 – 5:30 PM
MUNICIPAL COURTROOM
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.
Mayor Pro Tempore Brendon M. Barber, Sr.
Council Member Sheldon A. Butts
Council Member Carol R. Jayroe
Council Member Al Joseph
Council Member Edward S. Kimbrough, Jr.
Council Member Clarence C. Smalls

ALSO PRESENT
Mr. Paul A. Gardner, City Administrator
Mrs. Elise Crosby, City Attorney
Ms. Ann U. Mercer, City Clerk
Miss Suzanne Abed-El-Latif, HR Manager
Mr. Orlando Arteaga, Engineer
Mrs. Debra Bivens, Director of Finance
Mr. Tim Chatman, Streets and Sanitation Manager
Mr. Will Cook, Water Utilities Director
Chief Charlie Cribb, Georgetown Fire Department
Mr. Glen Dixon, Fleet Superintendent
Mr. Alan Loveless, Director of Electric Utilities
Mr. Rick Martin, Building Official/Zoning Administrator
Mrs. Gloria Bromell-Tinubu, Economic Development Director
Chief Kelvin Waites, Georgetown Police Department

MEDIA
Georgetown Times - Mr. David Purtell
GAB News - Mr. Scott Harper

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 so as to not interrupt the meeting.

3. INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Sheldon A. Butts rendered the invocation. Mayor Scoville led the Pledge of Allegiance.

4. PUBLIC COMMENTS

Mayor Scoville opened the Public Comments and recognized Mr. Paul Gardner. Mr. Gardner stated the City has been negotiating with Liberty since May. He said the rezoning being presented does not limit the ability of the steel mill to operate as long as it wants to. Liberty presented three divisions for the City to review. Mr. Gardner said the City has accommodated them at every level. If the mill is idle for 365 days or more, the zoning will take effect. Staff met with Mr. Gordon Spelich and counsel for Liberty and they indicated the document is acceptable. Details will be presented during the agenda item presentation.

Mayor Scoville recognized Mr. Bill Holley, an attorney representing ArcelorMittal. It was announced last spring an agreement in principle to sell the mill to Liberty House Group had been reached. ArcelorMittal learned of the new rezoning effort in recent days from a third party. He said it is unclear why the City seeks to move forward with the alternative rezoning effort that continues to be incompatible with the goal of reopening the mill. Mr. Holley stated the Company, as the property owner, continues to oppose the rezoning. "It is important to go on record that in addition to the negative impacts on workers in the local economy, if this ordinance is passed the City will have forced the Company's hand to pursue all of its legal rights, including an action for inverse condemnation damages, if any, it suffers as a result of the rezoning." Mr. Holley requested City Council defer consideration of the zoning of the property until the recently elected City Council Members have taken their positions, or until a new operator of the mill can coordinate with the City in the rezoning effort. Mayor Scoville stated the City has repeatedly reached out to ArcelorMittal over the last year and a half but have received no cooperation.

Mayor Scoville recognized Mr. Willie Singleton, who requested a moratorium on the issue of the rezoning of the steel plant property. He referred to statement that Liberty, the prospective buyer of the property, stated they do not have a problem with the rezoning. He said unless Liberty has certified documents showing ownership or documents giving them the right to lead the City in that direction, their words are null and void. While negotiation of the sale of the property is in process, the rezoning could advocate a lawsuit against the City of Georgetown and Liberty. If a negotiation of sale is void, the rezoning could deny ArcelorMittal the right from selling the property to another prospective buyer. A moratorium is requested on the rezoning until the new governing body has a chance to investigate the liability of the rezoning.

Mayor Scoville recognized a group from Optimism Preventive Services, Inc. Miss Makala Wright, President of Optimism Preventive Services Club, addressed Mayor and Council on behalf of the organization. She thanked Mayor and Council, Chief Waites and the Police Department, Mr. Tim Chatman and the Public Works Department, Fire Chief Charlie Cribb and all the citizens for support during the 4th

annual anti-bullying parade. She said Optimism Preventive Services, Incorporated prevents violence from happening, before it happens.

Mayor Scoville recognized Mr. Gordon Spelich. Mr. Spelich stated Liberty has been working for about a year to try to close a transaction to acquire the Georgetown steel mill with the intent of restarting it, hiring people and running the business going forward. Throughout that time, they have negotiated with ArcelorMittal. Liberty has been aware of the REDD amendment being discussed tonight and wanted to make sure they would not have anything to preclude them from running the business for a long term, should they be successful in acquiring the property. They are hopeful to have the transaction completed by the end of the year. The Company is working to secure incentives from the State and the County. Mr. Spelich stated they received a modified version of the amendment for the rezoning, reviewed it and met with the Mayor and City Administrator earlier in the week to discuss their concerns. Those issues were addressed and Liberty 'can live with' the amended document. He said they look forward to finalizing the details, acquiring the facility and creating jobs in 2018.

Mayor Scoville recognized Mr. George Davies, an attorney representing the United Steel Workers International Union and Steel Workers Local 7898. He expressed the steel workers opposition to the proposed rezoning of the steel mill property. The steel workers believe that current developments are revitalizing the domestic steel production and that the steel mill will shortly prove once again to be a valuable asset to the community, creating good paying jobs with benefits. They understand that Liberty's purchase of the mill from ArcelorMittal is nearly complete and the parties in the near future will be able to close on the deal. The Union and Liberty have been in lengthy discussions about their relationship. Mr. Davies said should City Council proceed with rezoning of the property it will interfere with contractual rights of the Union, the employees it represents, as well as the rights of the Union and the employer they have under the Federal Labor Law. The zoning proposal would directly interfere with those rights. He said any limitation City Council would try to impose on the federal rights would be met with immediate resistance by the union and Company. The proposed rezoning regulation runs the risk of violating the Constitution against the taking of private property for public use without just compensation.

5. INTRODUCTION OF NEW EMPLOYEES

Mr. Tim Chatman introduced Mr. Larry Elder, Grounds Maintenance Technician.
Mr. Will Cook introduced Mr. Thomas Bardon, Wastewater Treatment Plant Supervisor. Mr. Glen Dixon introduced Mr. Tyson Marlowe, Mechanic II.

Mr. Paul Gardner announced Mr. Glen Dixon is retiring from the City of Georgetown after 33 years of service.

6. HOUSING AND COMMUNITY DEVELOPMENT

A. Motion to approve an ordinance amending the 2011 Comprehensive Plan (Economic Development, Housing, & Transportation Elements and Plan Implementation) and the 2016 Land Use Element.

Council Member Kimbrough moved, seconded by Council Member Jayroe. Mr. Matt Millwood presented the ordinance for first reading. This is the first step in the process of rezoning of property; the Comprehensive Plan must be concurrent to the ordinance. This was presented to the Planning Commission in March 2017. A Resolution recommending adoption of the amendments to the Comprehensive Plan was approved 6-0, which is now presented to Council. Mayor Pro Tempore Barber said the rezoning plays a key part in the negotiation between Liberty and ArcelorMittal. His concern is possible litigation; the burden would fall back on the citizens through utility rates and property taxes. Council Member Butts questioned the Planning Commission's vote not to approve the rezoning but approve the Comprehensive Plan. Mayor Scoville said there can be a specific zoning amendment that the members have problems with that is still consistent with the Comp Plan. Mr. Millwood said Planning Commission voted on the Resolution in March and the recommendation for rezoning was voted on it April. Council Member Smalls asked if this was to be presented to the Planning Commission before being presented to Council. City Attorney, Elise Crosby, stated this has been to the Planning Commission and they recommended transmittal to City Council, which is before you tonight. The Comp Plan doesn't specifically address the rezoning; it lays the foundation for any other rezoning presented to Council. Mrs. Crosby stated the Plan stands on its own, whether Council approves the rezoning or not.

Mayor Scoville called for the question.

RESULT:	**FIRST READING [4 TO 3] Next: 12/21/2017 5:30 PM**
MOVER:	Edward S Kimbrough, Council Member
SECONDER:	Carol R. Jayroe, Council Member
AYES:	Scoville Jr., Jayroe, Joseph, Kimbrough
NAYS:	Barber Sr., Butts, Smalls

B. Motion to approve an ordinance amending the City of Georgetown Zoning Ordinance to add Article XXI, Redevelopment District (REDD); and furthermore supplemental amendments to Article V Section 514, Article XIII Section 1301, and Article XV Section 1504.

Council Member Joseph moved, seconded by Council Member Kimbrough. As a result of negotiations with Liberty, Mr. Paul Gardner presented and reviewed the most current amendments to the REDD District. Liberty only had issue with Division I, Division 5 and Division 7. Their comments were incorporated 100% in Division I (items in red and items stricken).

Mayor Scoville made a **Motion to amend the main motion to incorporate the amendments as presented to Council by staff, and to refer the matter to Planning Commission for its recommendation prior to second reading,** seconded by Council Member Kimbrough.

Liberty's concerns with Division 5, Section 2151 were clarified by the City that no additional, expensive screening for the mill is required. The current screening is acceptable. No change in that language was needed. Division 7 addressed nonconforming uses and had the most changes (items in red and items stricken). Mr. Gardner explained the abandonment clause of 365 days serves the public interest in terms of protecting the City's interest going forward. The amended document presented is acceptable to Liberty House Group. Mayor Pro Tempore Barber stated as the current property owner ArcelorMittal should have received the revised and modified documents and he expressed concern of possible litigation referred to in earlier comments. Council Member Jayroe asked if it could be verified that the City has reached out to ArcelorMittal. Mr. Gardner said they have been a part of this all along; they have filed restrictive covenants on the deed.

Mayor Scoville said the deal is supposed to close by December according to Mr. Spelich. He stated this ordinance would not take effect until January 2019. The City has repeatedly reached out to ArcelorMittal; they have not agreed to participate in any way. The City is dealing with Liberty because they are most affected by this and we are trying to help them reopen the mill. At the same time we have to look out for our long-term best interest. The mill has already closed three times in one decade. It would be great for our community if this becomes a successful wire mill with high paying jobs. When this process began the City met with ArcelorMittal at City Hall. Their governmental affairs agent flew in from Washington and there was a conference call with their real estate people in Ohio. They told the City at that time they would never sell this mill to a competitor, they would never reopen it themselves, and they would not sell their equipment to a competitor. The City spent the next nine months working on the ULI Study trying to come up with a suitable alternative. Liberty Home came on the scene in March and since then we have worked with them. This would not affect the reopening of the mill in any way, but protects the community if it were to shut down again. It would be zoned to allow the mill to reopen and the buyers are okay with this. Mayor Scoville said the rule on 'taking' is very clean. As long as you have a reasonable use for the property, you can zone it and there is no taking involved. Attorneys for the City have reviewed this and we are very comfortable in the position that we can rezone the property and it will not amount to a taking because there are a tremendous amount of uses left for the property owners.

Mr. Gardner said if first reading is approved tonight, it will go to the Planning Commission for a public hearing and they will make recommendations to Council. The ordinance would then be presented for second reading. Council Member Smalls questioned the reasoning for rezoning now if the effective date is a year away. Mayor Scoville said it will not affect the reopening. It would protect the City if the mill did reopen and close. Mayor Pro Tempore Barber said he had a conversation with Congressman Rice concerning the rezoning and the Congressman advised "I caution you to be cautious" from a litigation standpoint.

Mayor Scoville called for the question to amend.

RESULT:	**FIRST READING [4 TO 3] Next: 12/21/2017 5:30 PM**
MOVER:	Jack M. Scoville, Jr., Mayor
SECONDER:	Edward S Kimbrough, Council Member
AYES:	Scoville Jr., Jayroe, Joseph, Kimbrough
NAYS:	Barber Sr., Butts, Smalls

Mayor Scoville called for the question on the main motion to amend.

RESULT:	**FIRST READING [4 TO 3] Next: 12/21/2017 5:30 PM**
MOVER:	Al Joseph, Council Member
SECONDER:	Edward S Kimbrough, Council Member
AYES:	Scoville Jr., Jayroe, Joseph, Kimbrough
NAYS:	Barber Sr., Butts, Smalls

C. Motion to approve an ordinance rezoning twenty (20) parcels from Heavy Industrial (HI), Limited Industrial (LI), and Core Commercial (CC) to Base Redevelopment District (REDD-B); and furthermore amend the Official Zoning Map of the City of Georgetown.

Council Member Jayroe moved, seconded by Council Member Joseph. Mr. Gardner said this will set in motion the process of rezoning. It will involve notification to owners of the parcels as well as posting of the property subject to rezoning.

Mayor Scoville called for the question.

RESULT:	**FIRST READING [4 TO 3] Next: 12/21/2017 5:30 PM**
MOVER:	Carol R. Jayroe, Council Member
SECONDER:	Al Joseph, Council Member
AYES:	Scoville Jr., Jayroe, Joseph, Kimbrough
NAYS:	Barber Sr., Butts, Smalls

7. ENGINEERING

A. Motion to approve bid and make payment to Hydrostructures, PA for the cleaning and televising inspection of approximately 40,000 feet of the sanitary sewer system in the West End District for a not to exceed amount of $114,135.00.

Council Member Smalls moved, seconded by Council Member Kimbrough. Mr. Orlando Arteaga stated this is the first part of the West End Sewer Rehab Project.

Mayor Scoville called for the question.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Clarence C. Smalls, Council Member
SECONDER:	Edward S Kimbrough, Council Member
AYES:	Scoville Jr., Barber Sr., Butts, Jayroe, Joseph, Kimbrough, Smalls

B. Motion to approve bid and make payment to Waccamaw Landscaping and Construction, Inc. for a not to exceed amount of $62,905 for the landscape improvements at Highway 17 median.

Council Member Joseph moved, seconded by Council Member Jayroe. Mr. Arteaga said this is landscaping for the median in front of the new fire station in Maryville. The original bid was $70,905 which included watering the landscaping for one year. This cost exceed the budget. The bidder was asked to revise the amount with the City assuming the watering responsibilities. The plantings are under warranty for 75 days. The City will request instructions on watering to maintain the landscaping in good condition. Council Member Jayroe noted $60,000 was budgeted for this project and asked if the cost could be reduced by $2,905. Mr. Arteaga said he could speak with the contractor but could not guarantee. Council Member Kimbrough asked if the budgeted amount was included in the total budget for the new fire station. Mr. Gardner said this was in support of the Main Street design team to beautify our southern entry way. Mr. Arteaga added this is not part of the fire station budget. He addressed Council Member Butts' question and said he did reach out to the second bidder. They did not provide the full complete form of the bid. No unit prices were provided nor did they acknowledge addendum #1 which included liquidated damages and the retention of 5%. Council Member Butts said the difference in the two bids received is a significant amount and asked that this be sent back to the contractor. Mr. Gardner stated the City has a bidding process and the bids are opened in public. If one is noncompliant it is not considered. Staff felt the original bid of $70,905 was too far over budget. The bidder was asked to remove the $8,000 cost and extend the warranty on the plants. If Council wants staff to negotiate the bid amount down it will delay the project. Discussions followed.

Mayor Scoville called for the question.

RESULT:	**APPROVED [6 TO 1]**
MOVER:	Al Joseph, Council Member
SECONDER:	Carol R. Jayroe, Council Member
AYES:	Scoville Jr., Barber Sr., Jayroe, Joseph, Kimbrough, Smalls
NAYS:	Butts

8. ELECTRIC UTILITIES

A. Motion to Approve Purchase Order With Wolf Tree Services of Knoxville, Tennessee and Payment in the Amount of $140,000 for Contract Tree Clearance Services.

Council Member Butts moved, seconded by Council Member Joseph. Mr. Alan Loveless stated the City has used contract tree services in past years to assist our tree crew with maintaining tree clearance around electric distribution lines. If we use a contractor for several consecutive years, our clearance is to a point that we can skip a year. That was the case last year. This is a vital part of maintaining the safety and reliability of our electric system. Maintaining tree clearance made a big difference in the outages experienced during the last two hurricanes. Council Member Kimbrough expressed concern with bringing in an outside tree company; he does not want to see trees butchered. Mr. Loveless agreed and stated he has had discussions with the company to ensure they use correct pruning procedures and the City's tree crew supervisor will work closely with them. References were checked. If approved a crew should be in place in January.

Mayor Scoville called for the question.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sheldon A. Butts, Council Member
SECONDER:	Al Joseph, Council Member
AYES:	Scoville Jr., Barber Sr., Butts, Jayroe, Joseph, Kimbrough, Smalls

Mayor Scoville asked Mr. Loveless to have someone look at the two large live oak trees on City property next to his property on Highmarket Street. The trees have dead limbs and need attention.

9. ADMINISTRATION

A. Motion to approve a $175 Year-end Bonus for FT/Employees & $87.50 for PT/Employees.

Mayor Scoville moved, seconded by Council Member Butts.

Mayor Scoville called for the question.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jack M. Scoville Jr., Mayor
SECONDER:	Sheldon A. Butts, Council Member
AYES:	Scoville Jr., Barber Sr., Butts, Jayroe, Joseph, Kimbrough, Smalls

10. CITY ADMINISTRATOR REPORT

Mr. Gardner reported the year-end bonus was less this year due to Workers Comp claims. ~Fire Station 2 is 50 percent complete. ~ Christmas decorations are going up around town. A 25-foot tree has been ordered for downtown. ~ December 2 will be a big day. Breakfast with Santa, parade at 11 am, the Embers will perform, and the tree lighting will take place after the boat parade. ~ The Christmas party for City employees is December 8.

Council Member Butts said he has received calls from residents in the area of Merriman Road. The Christmas lights stop at the corner of Gilbert and Merriman and they are requesting the City add lights further south on Merriman.

Mr. Gardner said $500,000 is budgeted this year, with hopes to budget in upcoming years, to upgrade all City street lights to LED. Beginning in the West End five lights of different sizes have been installed on poles on south Merriman Road. A survey will be posted online to receive input from the citizens on their preference.

11. MINUTES

Motion to approve minutes of Council meetings dated October 19, 2017, October 26, 2017 and November 3, 2017.

Council Member Kimbrough moved, seconded by Council Member Jayroe.

Mayor Scoville called for the question.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Edward S Kimbrough, Council Member
SECONDER:	Carol R. Jayroe, Council Member
AYES:	Scoville Jr., Barber Sr., Butts, Jayroe, Joseph, Kimbrough, Smalls

12. OLD BUSINESS

No old business.

13. NEW BUSINESS

No new business.

14. DEPARTMENT MONTHLY REPORTS

A. **October 2017 GPD Report**
B. **October 2017 Municipal Court Report**
C. **October 2017 Public Works Department Report**
D. **October 2017 Fleet Services Report**
E. **October 2017 Electric Utility Department Report**
F. **October 2017 Water Utilities Report**
G. **October 2017 Engineering Report**
H. **October 2017 Housing & Community Development Report**
I. **October 2017 Economic Development Report**
J. **October 2017 Finance & IT Reports**

15. EXECUTIVE SESSION

Motion to adjourn Regular Meeting and enter Executive Session pursuant to Section 30-4-70 (a)(1) to discuss appointment to the Keep Georgetown Beautiful board, Sec. 30-4-70(a)(2) to receive legal advice related to potential resolution of 2014-CP-22-0863 and Sec. 30-4-70(a)(5) to discuss matters relating to proposed location, expansion, or provision of services encouraging

location or expansion of industries or other businesses in the area served by the public body.

Council Member Butts moved, seconded by Council Member Jayroe.

Mayor Scoville called for the question.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sheldon A. Butts, Council Member
SECONDER:	Carol R. Jayroe, Council Member
AYES:	Scoville Jr., Barber Sr., Butts, Jayroe, Joseph, Kimbrough, Smalls

The Regular Meeting was adjourned at 6:53 pm.

Motion to adjourn Executive Session and reconvene to Regular Meeting.

Council Member Smalls moved, seconded by Council Member Butts.

Mayor Scoville called for the question.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Clarence C. Smalls, Council Member
SECONDER:	Sheldon A. Butts, Council Member
AYES:	Scoville Jr., Barber Sr., Butts, Jayroe, Joseph, Kimbrough, Smalls

Executive Session was adjourned and the Regular Meeting was reconvened at 7:29 pm.
Mayor Scoville announced no formal action was taken in Executive Session.

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

17. APPOINTMENTS/OTHER

Motion to appoint Melanie P. Daniels, Jackie Hoelscher, Maxine M. Johnson and Peggy T. Nagy, as members at-large; Robert E. Quinn, Master Gardener; Lisa Ballard and Patrick Causey representing the business industry; Ron Charlton and Paul Smith representing a civic organization as members to the Keep Georgetown Beautiful Board.

Mayor Scoville moved, seconded by Council Member Joseph.

Mayor Scoville called for the question.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jack M. Scoville Jr., Mayor
SECONDER:	Al Joseph, Council Member
AYES:	Scoville Jr., Barber Sr., Butts, Jayroe, Joseph, Kimbrough, Smalls

Motion to approve purchase and payment to National Development Council to perform a fiscal and financing analysis of the waterfront hotel project for a cost not to exceed $20,000.

Council Member Smalls moved, seconded by Council Member Kimbrough.

Mayor Scoville called for the question.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Clarence C. Smalls, Council Member
SECONDER:	Edward S Kimbrough, Council Member
AYES:	Scoville Jr., Barber Sr., Butts, Jayroe, Joseph, Kimbrough, Smalls

18. ADJOURNMENT

Motion to adjourn the Regular Meeting of City Council

Mayor Scoville moved, seconded by Mayor Pro Tempore Barber.

Mayor Scoville called for the question.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jack M. Scoville Jr., Mayor
SECONDER:	Brendon M. Barber Sr., Mayor Pro Tempore
AYES:	Scoville Jr., Barber Sr., Butts, Jayroe, Joseph, Kimbrough, Smalls

The Regular Meeting was adjourned at 7:31 pm.

Ann U. Mercer
City Clerk

Date Approved: 12/21/17