



**REGULAR MEETING OF CITY COUNCIL
OCTOBER 21, 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
Mr. Tee Miller, Assistant to the City Administrator for Economic Development
Chief Joey Tanner, Georgetown Fire Department

MEDIA

Georgetown Times - Ms. Taylor Griffith

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, other than first responders, be turned off or placed on mute so as to not interrupt the meeting.

3. INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Carol Jayroe rendered the invocation. Mayor Scoville recognized the Georgetown High School Varsity Cheerleaders and asked them to come forward and lead the Pledge of Allegiance.

4. PUBLIC COMMENTS

Mayor Scoville recognized Mr. Tom Rubillo. Mr. Rubillo provided Mayor and Council Members a copy of his prepared comments along with a copy of a letter he sent to the City Administrator. He stated, "Mr. Scoville spoke some harsh words about me to the newspaper. He is an office holder and what he said was printed and widely circulated, identifying him as Mayor of Georgetown. Under those circumstances the question becomes whether he was speaking on behalf of the City or solely on his own behalf. Local voters and taxpayers have a right to know. If he was speaking on behalf of the City, then the City will have to pay to defend what he said and any judgment that is rendered against him because I do plan to sue. If he is speaking for himself he has to pick up his own tab. It would be improper for him to participate in any discussion about this. It would be a direct conflict of interest." Mr. Rubillo said he does not want to sue the City of Georgetown. "The way to avoid it is an affirmative vote by this Council to say nothing more than when he spoke, he spoke for himself, he didn't speak for the citizens of Georgetown, he didn't speak for the City of Georgetown. I don't want the City of Georgetown to be a defendant."

Mayor Scoville recognized Mr. Charles P. Grant. Mr. Grant presented a letter to City Council along with a list of 446 signatures of people he stated care about the City and want the 700 block of Front Street cleaned up. He said the September 25, 2013 fire has left an eyesore on Front Street and questioned why Sections 11-26 (7) and 11-42 of the City Code of Ordinances are not being enforced.

5. INTRODUCTION OF NEW EMPLOYEES

Mr. Jonathan Heald introduced two recently hired Facilities Maintenance Technicians, Mr. Terry Forysthe and Mr. Michael Miller.

6. PRESENTATION

A. Winyah Auditorium Corporation

Dr. Jerry Crosby addressed City Council on behalf of the Winyah Auditorium Corporation Board of Directions. The current Board, appointed in August, raised \$9,000 in four weeks to pay the delinquent taxes. They believe they can successfully operate the Auditorium; however; it will require assistance from the City, the County and supporters of the Auditorium. Dr. Crosby presented Council a calendar of events at the Auditorium for the next nine months and reviewed the schedule which continues to be updated. The lease agreement the City had with the Auditorium Board which expired June 30, 2014 provided \$25,000 a year for three years and they are requesting the City consider renewing the lease. A list of proposed expenses and revenues was passed out. Mayor Scoville thanked Dr. Crosby and recognized the Board's hard work in a short amount of time. He said Council will review the request and include it on the agenda for the next meeting. Board members Debby Summey and Thom Martin were also present at the meeting.

7. **PROCLAMATION**

A. **Motion to approve Proclamation proclaiming October as Breast Cancer Awareness Month.**

Council Member Jayroe moved, seconded by Mayor Pro Tempore Wayne.

Mayor Scoville called for the question.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carol R. Jayroe, Council Member
SECONDER:	Peggy P. Wayne, Mayor Pro Tempore
AYES:	Scoville Jr., Barber Sr., Bradley, Jayroe, Kimbrough, Smalls, Wayne

8. **HOUSING AND COMMUNITY DEVELOPMENT**

A. **Motion to approve bid & payment to Linen Landscaping for the demolition of 5 previously approved dilapidated structures in the amount of \$23,500.**

Council Member Smalls moved, seconded by Mayor Pro Tempore Wayne. Mr. Rick Martin explained this request will begin the process of taking down the five dilapidated structures. Four bids were received and Linen Landscaping was the low bidder. This is a budgeted item. Mayor Scoville asked for comments or questions. Mr. Martin said the properties will be cleaned and leveled allowing the owners to maintain the area. Council Member Kimbrough questioned if a lien would be placed on the properties. Mr. Martin noted this is the last process in the Ordinance and is subject to Mayor and Council's approval and directive. Liens have not been issued in the past. Previously people were volunteering to allow the City to demolish and clean the property. Council Member Jayroe stated she sees no reason why we don't follow the ordinance. Council Member Bradley asked the record to reflect that such decisions are not subject to Mr. Martin's answer. The answer lies with Council and he should not be subjected to that type of question. Mayor Scoville said he understands that Council makes the decision whether to file a lien or not. When asked, the City Attorney said Section 5-109 (I) of the Ordinance states the City is to determine the City's cost of work and file municipal lien with Register of Deeds and/or Georgetown County Treasurer. Staff is to present the draft complaint petition to City Council for approval to proceed. There is not another opportunity in the Ordinance for discussion. Member Bradley recalled when this checklist for unfit dwellings was first discussed, there was controversy; some Council Members wanted the lien, others did not. He said, although it is not written, this Council stipulated the decision regarding the lien would be determined by Council. Council Member Barber questioned the procedure moving forward and asked who will be the agent selling the properties if liens are filed. Mr. Martin said if we put a lien on the property it will remain for ten years. If the property sells we would be the first in line to recoup our costs. A real estate agent would sell the property. Mr. Barber said he asked because there are two real estate agents on Council and he is not sure if there is a conflict of interest with them looking at property that is going to be demolished by the City. Council Member Jayroe said when a lien is placed on property it does not have to be sold. If a person chooses to sell their property, they

can sell it with a real estate agent or individually. She stated she would never sell a piece of property in the City of Georgetown that has been under demolition. Mrs. Crosby pointed out if matters are settled before the end of the process (checklist) there will be no lien. She also noted the lien provision is included in the ordinance because it is in the State law.

Mayor Scoville called for the question.

RESULT:	APPROVED [4 TO 3]
MOVER:	Clarence C. Smalls, Council Member
SECONDER:	Peggy P. Wayne, Mayor Pro Tempore
AYES:	Scoville Jr., Jayroe, Kimbrough, Wayne
NAYS:	Barber Sr., Bradley, Smalls

Under a point of personal privilege and clarification, Council Member Bradley asked the City Attorney to confirm the length of a lien and report back to Council.

B. Motion to Proceed with the Complaint Petitions from the Unfit Dwelling Ordinance.

Council Member Smalls moved, seconded by Council Member Kimbrough. Mr. Martin said approval of this request will allow staff to begin the process, Section 5-109 (c) present a draft complaint petition to City Council for approval to proceed, to remove five residential structures. Discussions followed.

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., Bradley, Jayroe, Kimbrough, Smalls, Wayne

9. FINANCE DEPARTMENT

A. Motion to adopt an Unclaimed Property Policy to comply with the South Carolina Uniform Unclaimed Property Act.

Council Member Barber moved, seconded by Council Member Bradley. Mrs. Debra Bivens explained the State of South of Carolina has a Uniform Unclaimed Property Act which states that the holder of abandoned property must report the property held as of June 30th to the Office of the State Treasurer by November 1st of each year. Outstanding checks issued for refunds that have not cleared the bank and are deemed abandoned should be removed from the City's books and escheated to the State Treasurer and they will maintain the funds. The auditors have noted we should be sending these funds to the State.

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brendon M. Barber Sr., Council Member
SECONDER:	Rudolph A. Bradley, Council Member
AYES:	Scoville Jr., Barber Sr., Bradley, Jayroe, Kimbrough, Smalls, Wayne

10. PUBLIC SERVICES

- A. Motion to amend the Pre-treatment Ordinance to reflect updates as required by the South Carolina Department of Health and Environmental Control as a condition of the City's 2013 NPDES Wastewater Permit and to establish a Fats, Oils and Grease Section.**

Council Member Bradley moved, seconded by Council Member Barber. Mr. Jonathan Heald stated the terms of our 2013 NPDES Permit require the amendments to this ordinance.

Mayor Scoville called for the question.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rudolph A. Bradley, Council Member
SECONDER:	Brendon M. Barber Sr., Council Member
AYES:	Scoville Jr., Barber Sr., Bradley, Jayroe, Kimbrough, Smalls, Wayne

- B. Motion to amend the contract with Seven Seas Marine Construction, Inc., for the renovations of the City's Day Docks from the previously approved one-hundred and fourteen thousand dollars (\$114,000) to a final amount of one-hundred and thirty-one thousand, three-hundred and sixty-four dollars (\$131,364).**

Council Member Jayroe moved, seconded by Council Member Barber. As discussed at a previous meeting, when the contractors removed the existing decking on the Screven Street dock they discovered the substructure was rotten. Seven Seas reviewed a change in the scope of their work and submitted a proposal of \$20,114 to replace the stringers and supports. Approval of the motion will incorporate this change order and other change orders for additional work not included in the original Scope of Services.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carol R. Jayroe, Council Member
SECONDER:	Brendon M. Barber Sr., Council Member
AYES:	Scoville Jr., Barber Sr., Bradley, Jayroe, Kimbrough, Smalls, Wayne

11. ELECTRIC UTILITIES

A. Motion to approve purchase of 3-phase padmounted transformers.

Council Member Barber moved, seconded by Mayor Pro Tempore Wayne. Mr. Alan Loveless provided Council with a bid evaluation sheet and stated the transformers will be available to provide service to medium-sized commercial customers. Currently the inventory on these units is very low.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brendon M. Barber Sr., Council Member
SECONDER:	Peggy P. Wayne, Mayor Pro Tempore
AYES:	Scoville Jr., Barber Sr., Bradley, Jayroe, Kimbrough, Smalls, Wayne

12. FIRE DEPARTMENT

A. ISO Classification Letter

Chief Tanner reported the City of Georgetown Fire Department has achieved an ISO Class 2 rating. He was not sure how this will relate to insurance rates, but noted commercial properties locating in the City limits will have the largest benefit.

B. Motion to approve a Resolution adopting the Georgetown County Hazard Mitigation Plan.

Mayor Pro Tempore Wayne moved, seconded by Council Member Bradley. Chief Tanner explained every five years the Georgetown County Hazard Mitigation Plan must be adopted as an official plan. As a partner with Georgetown County, the Town of Andrews and the Town of Pawleys Island we identify any hazard mitigation issues and ways to address them. Each partner must adopt the five year update by Resolution after which it is approved by FEMA.

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

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

Council Member Kimbrough asked Chief Tanner the status on fire protection on the boardwalk. Chief Tanner said he is currently working to finalize his recommendation to present to City Council.

13. ADMINISTRATION

A. Motion to approve a Resolution on the current EPA rule regarding CO2 discharges from existing power generation plants.

Council Member Barber moved, seconded by Council Member Bradley. Mr. Carter said Santee Cooper has requested City Council pass a Resolution asking that EPA not consider the effects of nuclear generation in their upcoming goal. This was discussed at the September 25, 2014 City Council Special Meeting/Workshop.

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

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

B. Motion to approve a Resolution supporting passage of the Nov. 4th referendum authorizing a one cent Capital Project Sales Tax in Georgetown County.

Council Member Smalls moved, seconded by Council Member Bradley. Mayor Scoville asked for comments or questions. Mayor Scoville stated he hopes the citizens of Georgetown will actively support this; it is very important for our future. Council Member Barber said he voted for this because of the Port (Winyah Bay dredging).

Mayor Scoville called for the question.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clarence C. Smalls, Council Member
SECONDER:	Rudolph A. Bradley, Council Member
AYES:	Scoville Jr., Barber Sr., Bradley, Jayroe, Kimbrough, Smalls, Wayne

14. CITY ADMINISTRATOR REPORT

As a follow-up to the reverse E-911 system notification used earlier this year when the water main break occurred, Mr. Carter called on Ms. Bivens and Chief Tanner to update Council on efforts being made to encourage citizens to sign up through the County Emergency Operation System on Code Red and register their mobile device and email address. Ms. Bivens said the Revenues Department has been working diligently to collect telephone numbers for utility customers. In a database of 6300 they had approximately 4000 numbers. After a concerted effort they have 5900 numbers. Preparations are being made to send these numbers to the County to update their database. Chief Tanner reported, according to the County, since July 411 people have signed up (business and residence) for the Code Red System, 317 are located in the City.

Mr. Carter noted a draft copy of the October 30, 2014 agenda was provided to Council and asked if they had any comments to let him know.

15. MINUTES

Motion to approve minutes of Special Meeting/Workshops dated August 28, 2014 and September 25, 2014 and Regular Meeting dated September 18, 2014.

Council Member Jayroe moved, seconded by Mayor Pro Tempore Wayne.

Mayor Scoville asked for any amendments or corrections. There being none, Mayor Scoville called for the question.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carol R. Jayroe, Council Member
SECONDER:	Peggy P. Wayne, Mayor Pro Tempore
AYES:	Scoville Jr., Barber Sr., Bradley, Jayroe, Kimbrough, Smalls, Wayne

16. OLD BUSINESS

There was no old business.

17. NEW BUSINESS

- A. Motion to approve an ordinance calling for a special election to change the form of governance in the City of Georgetown per SC Code of Laws § 5-5-20.**

Mayor Pro Tempore Wayne moved, seconded by Council Member Jayroe.

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

RESULT:	DEFEATED [3 TO 4]
MOVER:	Peggy P. Wayne, Mayor Pro Tempore
SECONDER:	Carol R. Jayroe, Council Member
AYES:	Carol R. Jayroe, Edward S Kimbrough, Peggy P. Wayne
NAYS:	Scoville Jr., Barber Sr., Bradley, Smalls

18. DEPARTMENT MONTHLY REPORTS

Mayor Scoville noted the Department Monthly Reports are included in the agenda packet.

- A. Finance & IT Department Report for September 2014**
- B. Georgetown PD Monthly letter September 2014**
- C. Fire Department September Report**
- D. Public Services Monthly Report August 2014**
- E. Electric Department Monthly Report**
- F. Housing & Community Development September Monthly Report**

As a point of personal privilege, Council Member Bradley said he felt he was being threatened by the comment made by Mr. Rubillo. He said what the Mayor does in his

free time is his business. If he chooses to put something in the paper and sign it Jack Scoville, that's his business. Mr. Bradley said he did not see Council having a need to reprimand the Mayor. We (Council) did not make any suggestions to the Mayor nor encourage him to do that.

Under a point of personal privilege, Council Member Jayroe agreed with Council Member Bradley and stated Mr. Scoville writes his own letters, he does not get our approval for those letters. In his role as Mayor, he writes them and those letters were not written on behalf of Council.

Mayor Scoville said the newspaper asked him why he removed Mr. Rubillo's portrait. He responded as Mayor; it was not the comments of this Council. Council can only act as a body.

19. EXECUTIVE SESSION

Motion to enter Executive Session to discuss appointments to the Police Community Advisory Board, discuss a personnel matter, discuss proposed contract and economic development and receive legal advice.

Council Member Kimbrough moved, seconded by Council Member Barber.

Mayor Scoville called for the question.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Edward S Kimbrough, Council Member
SECONDER:	Brendon M. Barber Sr., Council Member
AYES:	Scoville Jr., Barber Sr., Bradley, Jayroe, Kimbrough, Smalls, Wayne

The Regular Meeting was adjourned at 6:45 PM.

Motion to adjourn Executive Session and return to Regular Meeting

Council Member Bradley moved, seconded by Mayor Scoville.

Mayor Scoville called for the question.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rudolph A. Bradley, Council Member
SECONDER:	Jack M. Scoville Jr., Mayor
AYES:	Scoville Jr., Barber Sr., Bradley, Jayroe, Kimbrough, Smalls, Wayne

Executive Session was adjourned and the Regular Meeting was reopened at 7:20 PM.

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

20. APPOINTMENTS

Motion to appoint Rena Dennison, Robert Maslowsky and David Essex to the Police Community Advisory Board.

Mayor Scoville moved, seconded by Council Member Bradley.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jack M. Scoville Jr., Mayor
SECONDER:	Rudolph A. Bradley, Council Member
AYES:	Scoville Jr., Barber Sr., Bradley, Jayroe, Kimbrough, Smalls, Wayne

As a point of personal privilege, Council Member Barber stated for the record and for the media the letter written and the comments made by Mayor Scoville to the newspaper concerning past Mayor Mr. Tom Rubillo, I would just like to say that I as a City Council Man for the City of Georgetown, that's the Mayor's right but he did not on that particular letter or comment represent me as a member of this Council. That was solely and individually his remarks.

Mayor Pro Tempore Wayne agreed and said he (Mayor Scoville) did not represent her with his comments.

Council Member Kimbrough agreed and stated he (Mayor Scoville) did not represent him with the comments.

21. ADJOURNMENT

Motion to adjourn the Regular Meeting of City Council

Council Member Jayroe moved, seconded by Council Member Barber.

Mayor Scoville called for the question.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carol R. Jayroe, Council Member
SECONDER:	Brendon M. Barber Sr., Council Member
AYES:	Scoville Jr., Barber Sr., Bradley, Jayroe, Kimbrough, Smalls, Wayne

The Regular Meeting was adjourned at 7:21 PM.

Ann U. Mercer, CMC
City Clerk

Date Approved: 11/20/14