REGULAR MEETING OF CITY COUNCIL
MAY 15, 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, Economic Development Director
Chief Joey Tanner, Georgetown Fire Department

MEDIA
Georgetown Times - Eileen Keithly
WGTN/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 placed on mute or turned off.

3. INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Rudolph Bradley rendered the invocation. Mr. Rick Adell with the US Coast Guard led the Pledge of Allegiance.

4. PUBLIC COMMENTS

Mayor Scoville recognized Mr. Lee Padgett. Mr. Padgett requested City Council, in the near future, to include on the agenda a vote for referendum to change the form of government from Mayor/Council to Council/Manager.

5. INTRODUCTION OF NEW EMPLOYEES

Mr. Chris Carter introduced Ms. Suzanne Abed-el-Latif, the new Human Resources Manager for the City of Georgetown. She was previously employed by Mercom, is a USC graduate and a native of Georgetown County. Chief Paul Gardner introduced Officer Ryan Call. Ryan, Lauren and their six week old daughter live in Georgetown. He will be attending the academy in June.

6. PRESENTATION OF EXECUTIVE FIRE OFFICER CERTIFICATE FROM NATIONAL FIRE ACADEMY TO BATTALION CHIEF DAVID HOLCOMBE

Fire Chief Joey Tanner presented an Executive Fire Officer Certificate to Battalion Chief David Holcombe. The National Fire Academy Executive Fire Officer Program is the fire services equivalent to the FBI National Academy. Mr. Holcombe thanked Mayor and Council and Chief Tanner for allowing him the opportunity to pursue this higher education.

GFOA AWARDS

Mayor Scoville announced that Mrs. Debra Bivens has received the Government Finance Officers Association Award of Financial Reporting Achievement from the Government Finance Officers Association of the United States and Canada. Also, the Certificate of Achievement for Excellence in Financial Reporting has been awarded to the City of Georgetown Finance Department by GFOA of the United States and Canada for its comprehensive annual financial report (CAFR) for fiscal year ending June 30, 2013. Mayor Scoville said the auditors have raved about the City's Finance Department. He said all of our citizens have reason to be proud as well. Mrs. Bivens recognized and thanked her Accounting Manager and Revenues Manager for their hard work.

7. PROCLAMATION

A. Motion to approve Safe Boating Week Proclamation.

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

Mayor Scoville called for the question.

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

Mayor Scoville said he was informed Georgetown County has more registered boats than registered vehicles. He encouraged everyone to be extra careful on the water. Georgetown is one of the premier Coast Guard Stations in the Country.

8. HOUSING AND COMMUNITY DEVELOPMENT

A. Motion to Approve an Ordinance to Amend the City of Georgetown's Permit Procedures for the Special Area Management Plan (SAMP) to be Consistent with Army Corps of Engineers Permit No. 2004-1E-386.

Mayor Pro Tempore Wayne moved, seconded by Council Member Jayroe. Mr. Rick Martin stated in June 2005 the Army Corps of Engineers issued a permit to the City regarding the boardwalk which we operated under. In August 2005 a second permit was issued which included revisions that placed a 50-foot setback off the edge of the channel.

At the August 1, 2013 City Council Workshop Mr. Martin told Council that in *2010 the City was preparing to renew the boardwalk permit; however, the Army Corps said they could not issue a permit because Pecan Partners had been issued a permit simultaneous to ours. With the City Attorney's assistance, we were able to renew the permit until 2015. Unbeknown to the City and the Army Corps, two permits were issued for the boardwalk by the Corps, one in June 2005 and one in August 2005. The August permit included revisions that placed a 50-foot setback off the edge of the channel. The setback clips the City's dock at the Rice Museum, finger piers behind the Fogel Building, Chuck Richardson's property and Pecan Partners (Coastal Carolina), as well as the City's permit for a finger pier for the fire boat behind the group of buildings where the dance studio is located. When the Army Corps issued the permit for the fire boat they were not aware that the channel extended that far.*

At the request of the Corps, in March 2013 Rick Martin and Matt Millwood met with representatives in Charleston. As a result of the meeting the Corps agreed to a variance to the 50 foot setback. This ordinance will help us acquire the variance on the Sampit River by-pass channel so certain docks and piers will be legal. The 30 foot variance will allow for the new fire boat lift and dock to be placed at the end of the boardwalk near the Kaminski House. This will not amend the SAMP, only the permitting procedure.

Mayor Scoville asked for questions or comments. Mr. Martin said currently there is no plan to build a finger pier. Mayor Scoville called for the question.

RESULT:	**APPROVED [UNANIMOUS] Next: 6/19/2014 5:30 PM**
MOVER:	Peggy P. Wayne, Mayor Pro Tempore
SECONDER:	Carol R. Jayroe, Council Member
AYES:	Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne

B. Motion to Enact an Ordinance of Reversion for Georgetown Yacht Club Planned Development back to General Commercial zoning.

Council Member Bradley moved, seconded by Council Member Kimbrough. The property is located to the west of the Carroll Campbell Boat Landing. It is zoned General Commercial (GC) except for a small section which is zoned Planned Development (PD). The rezoning to PD was approved by Council in September 2008 to allow for a dry stack storage boat lift type facility. The (new) property owners have expressed a desire not to pursue this; however their plans are marine related which are allowed under GC zoning. 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.

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

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

C. Motion to Amend the Code of Ordinances by Deleting Chapter 20, Article IX, Section 20-133(9).

Council Member Jayroe moved, seconded by Mayor Pro Tempore Wayne. Mr. Martin stated this ordinance would delete Section 20-133 Prohibited Acts number *(9) serve any beverage in a glass bottle or container in the public right of way*. Mayor Scoville asked for any questions. Council Member Barber noted there was no staff recommendation. He stated when the City had the Risk Manager position there was a recommendation which ensured the City was protected from a risk standpoint. He said this is a risk to the City. He expressed his concern with allowing glass containers on public sidewalks. Mayor Scoville pointed out everyone is required to have a minimum of $1 million liability insurance with the City as a named insured. Mr. Martin said all policies are up to date. Council Member Smalls said he read that the City could still be held liable. The Mayor said if someone had a horrible accident they could sue the City along with the property owner. In a letter from the Municipal Association underwriters, who hold the City's insurance, it states with the liability policy in place the City should be largely shielded from assuming the liability. Council Member Bradley stated he is very uncomfortable with the idea of glass on the sidewalks.

Mayor Scoville asked for any other comments or questions. Mayor Scoville called for question.

RESULT:	**ADOPTED [4 TO 3]**
MOVER:	Carol R. Jayroe, Council Member
SECONDER:	Peggy P. Wayne, Mayor Pro Tempore
AYES:	Carol R. Jayroe, Edward S Kimbrough, Jack M. Scoville Jr., Peggy P. Wayne
NAYS:	Brendon M. Barber Sr., Rudolph A. Bradley, Clarence C. Smalls

9. ECONOMIC DEVELOPMENT

A. Motion to Approve a Resolution in Support of Georgetown's Main Street SC Application.

Council Member Kimbrough moved, seconded by Council Member Bradley. Mr. Tee Miller said this is a basic resolution other communities use to show support for the Main Street application. This is a Municipal Association of South Carolina requirement for the Main Street SC application. MASC provides support to guide us to form programs that are sustainable and achieve what we are trying to do that have results that benefit the greater community. Being a Main Street community opens the door to grants. We will be eligible for federal and state grants that might not be available otherwise. Every community that has stayed with the program has seen demonstrated results. Others that leave the program and stop paying the dues keep practicing the formula. The dues structure would be $10,000 for the first year, $7,500 the next year and $5,000 a year for every year after. Mr. Miller's expenses will be covered. The goal is to create a program, take and leverage the investment the City will receive to obtain much more than our investment, as well as the benefits of the organization. Council Member Wayne recalled a time when the City was in the Main Street Program. One person was in charge of the program and met weekly with the merchants downtown to keep them informed. She asked Mr. Miller if he would be able to do the same along with Economic Development. Mr. Miller said this will help focus his downtown work into the program and allow him to perform his other duties. The application has taken a great deal of work. The organizational structure does empower a lot of people, being built on volunteers, a chairman, and different ad hoc committees. Fifty or sixty people could be actively involved. This program is not limited to the downtown area. Discussions continued. Once the program is in place Mr. Miller will be a liaison between the City and the committee and the City controls the purse strings.

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

RESULT:	**APPROVED [5 TO 2]**
MOVER:	Edward S Kimbrough, Council Member
SECONDER:	Rudolph A. Bradley, Council Member
AYES:	Jayroe, Kimbrough, Scoville Jr., Bradley, Wayne
NAYS:	Brendon M. Barber Sr., Clarence C. Smalls

10. FINANCE

A. Motion to Approve an Ordinance to Amend the Water Utility Rates Contained in the City Clerk's Official Record of Utility Rates, Deposits, and Miscellaneous Fees and Charges for the City of Georgetown, South Carolina - Effective July 1, 2014.

Council Member Jayroe moved, seconded by Council Member Smalls. Mrs. Debra Bivens stated last budget year staff proposed a rate increase and Council decided to defer. The revenue will cover the debt (SRF loan) we have entered into for the Maryville water tank and Historic District water line replacement. With a rate increase of 6 ½%, a customer using approximately 3,000 gallons per month, the monthly effect would be $ .82, $9.84 yearly. Mayor Pro Tempore Wayne asked about the water tank that was moved from City Hall. Mrs. Bivens said that is not covered in this debt service. Council Member Bradley was under the impression the Maryville water tank would compensate for the loss of the tank that was at City Hall. Mr. Jonathan Heald said the primary purpose of the new water tank in Maryville which has 250,000 gallons of storage was designed to replace the existing 75,000 gallon tank in Maryville. This will go a long way in helping to supply the entire City. He said in the near future we need to address the loss of the water tank at City Hall.

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

RESULT:	**APPROVED [UNANIMOUS] Next: 6/19/2014 5:30 PM**
MOVER:	Carol R. Jayroe, Council Member
SECONDER:	Clarence C. Smalls, Council Member
AYES:	Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne

B. Motion to Approve an Ordinance to Amend the Wastewater Utility Rates Contained in the City Clerk's Official Record of Utility Rates, Deposits, and Miscellaneous Fees and Charges for the City of Georgetown, South Carolina - Effective July 1, 2014.

Council Member Smalls moved, seconded by Council Member Bradley. Mrs. Bivens stated an 8 ½% increase is being proposed. The effects of a customer with an average use of 3,000 gallons would be $1.13 per month, $13.56 per year. The revenues generated from this rate adjustment would fund the Historic District manhole rehabilitation project and the West End sewer rehabilitation projects. Mayor Scoville asked for questions.

Mayor Scoville called for the question.

RESULT:	**APPROVED [UNANIMOUS] Next: 6/19/2014 5:30 PM**
MOVER:	Clarence C. Smalls, Council Member
SECONDER:	Brendon M. Barber Sr., Council Member
AYES:	Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne

C. Motion to Approve an Ordinance to Adopt a Budget and Raise Revenue for the City of Georgetown, South Carolina for the Fiscal Year Ending June 30, 2015.

Council Member Jayroe moved, seconded by Council Member Kimbrough. Mrs. Bivens stated the amount of the budget as presented, $36,356,824, is balanced. A power point presentation of the budget was presented to Council on April 8th, followed by two workshops on April 22nd and May 6th. The largest difference in the budget is the capital portion, approximately $8.8 million, which has been discussed in detail. The GO Bond and proposed Capital Reserve Fund will fund a portion of the capital items. The compressed natural gas project, $200,000, has been removed from the proposed budget. Mayor Scoville asked for any questions. Council Member Barber asked if the current insurer (BCBS) premiums are included in the proposed budget. Mrs. Bivens stated the premiums currently included are approximately $225,000. If City Council decides to fund the total BCBS increase, $150,000 needs be to be added. Mr. Barber questioned the impact of the State Plan on employees, particularly the low and mid level employees. He understood this would be presented to Council. Discussions followed.

At this point in the meeting, Council decided to hear the presentation of agenda item 14B.

14. ADMINISTRATION

B. Motion to Enroll City of Georgetown as a participant in the State of South Carolina Health Plan offered by the Public Employee Benefit Authority.

Ms. Suzanne Abed-el-Latif explained if the City joins the State Health Plan we have to participate for four years. If after the four years we decide not to stay on the Plan, we could not rejoin for another four years. The City would contribute to a life insurance policy and long term disability insurance. There is a monthly tobacco surcharge of $40 for single coverage and $60 for family coverage which would be added to employee premiums every month. She provided a premium comparison for the current premium vs. the State Plan and reviewed examples of employee paycheck analysis for the different types of coverage. A medical insurance reimbursement is being proposed to help ease the premium increase to employees. This would be a type of earning given to employees in their paycheck and would cover the difference between the State Health Plan premium and the current BCBS premium. Currently the annual cost to the City is $1.2 million. The State Plan annual cost, without any medical insurance reimbursement, would be roughly $1.1 million. The State Plan annual cost including the medical insurance reimbursement would be $1.3. If the City continues with the current plan (BCBS) the annual cost would be $1.6 million plus $128,000 to keep the health reimbursement account. Mr. Barber said he is concerned with the out-of-pocket costs before the 80%/20% kicks in. Ms.

Abed-el-Latif reviewed the co-pays, hospital visits and out-of-pocket costs. As previously discussed, she noted the standard State Plan does not cover preventive care benefits. In order for this to turn over by July 1, the State needs a decision by tomorrow. Mrs. Wayne said Council has not had time to review and discuss the information to make a decision by tomorrow. Mr. Barber stated the last time there was a benefits change there was no rush. It took about four months reviewing different plans with the consultants. This was not handled in a timely manner to meet the deadline and has not been explained to Council as it should have been. Discussions continued. Mayor Scoville said the issue before Council now is *do we want to join the State Health Plan or not*.

Mayor Scoville called for a motion to enroll the City of Georgetown as a participant in the State of South Carolina Health Plan offered by the Public Employee Benefit Authority. Details will be worked out and the budget will determine the City's contribution. Mayor Scoville asked for any comments. Council Member Barber stated some employees don't have to worry about premiums because Council negotiated to pay for theirs.

RESULT:	**APPROVED [5 TO 2]**
MOVER:	Rudolph A. Bradley, Council Member
SECONDER:	Jack M. Scoville Jr., Mayor
AYES:	Jayroe, Kimbrough, Scoville Jr., Bradley, Smalls
NAYS:	Brendon M. Barber Sr., Peggy P. Wayne

Mayor Scoville referred back to the motion on the budget. He stated the budget as we go forward is going to include information with the State Health Plan. Mayor Scoville asked for comments. Council Member Smalls expressed his concerns with the Economic Development position. He said he was in favor of economic development but was not aware of the salary for the position nor that it would be a standalone department. Mr. Carter stated in December 2012 an ordinance was passed that established three positions, Public Services, Economic Development, and Housing and Community Development. They would be free standing departments. Mr. Smalls said he is concerned about the cost to the City. It is his opinion the Economic Development Director can be a part of Building and Planning. Council Member Jayroe asked if there is a downside of a one-person department: he reports directly to the Administrator. Mr. Smalls said he is not concerned about who he reports to. Council Member Barber said when the position was approved he understood the City was supposed to see some dividends within six months. Mayor Scoville suggested Mr. Miller update Council with a report noting that some things may be confidential. Mr. Smalls reiterated he is concerned with the finances, the cost to the City. Mrs. Jayroe asked if the Archer Company can classify and make a recommendation on the Economic Development Director position. Council Member Bradley said he was not in favor of the position; however, he shares Mr. Smalls' concerns. Council Member Kimbrough said economic development is a slow, slow process. He asked Council to be patient, stay the course and give the economic development person a chance. Discussions continued. Mayor Scoville asked for any other questions. Council Member Bradley asked if funds are included for the new fire station. Mr. Carter said that is in the proposed budget. Mr. Bradley reminded Council that in an earlier meeting he said the Department of Commerce of South Carolina has a list of all commercial and potential properties in the State and they are there to help. He does not feel the City took advantage of the help and he does not see the need for that kind of fire department in a small town like Georgetown. He said that property can be used for a greater economic benefit.

Mayor Scoville called for the question.

RESULT:	**FAILED [3 TO 4] Next: 5/30/2014 4:00 PM**
MOVER:	Carol R. Jayroe, Council Member
SECONDER:	Edward S Kimbrough, Council Member
AYES:	Carol R. Jayroe, Edward S Kimbrough, Jack M. Scoville Jr.
NAYS:	Brendon M. Barber Sr., Rudolph A. Bradley, Clarence C. Smalls, Peggy P. Wayne

11. POLICE

A. Update on changes to animal control ordinance.

Chief Paul Gardner stated when this was last discussed at a workshop he was directed to present an ordinance for first reading. Throughout the process he has been meeting with Saint Frances Animal Center. At this point, they have indicated they like the ordinance but they are not ready to proceed. They will need four to six months to gear up and be responsive to the citizens. Chief Gardner stated we want to put the City's best foot forward and he proposed to bring an amended ordinance back to Council in four to six months for first reading. Some ideas discussed were a great public education program and then taking the process to the citizens in zones and areas of the City. Chief Gardner asked Council Members to send him any individual comments or citizen concerns they may have.

12. PUBLIC SERVICES

A. Motion to approve an agreement with Coastal Structures for the repair of decorative brick curbs and pavers along Front Street in the amount not to exceed sixty-five thousand dollars ($65,000).

Council Member Jayroe moved, seconded by Mayor Scoville. Mr. Jonathan Heald stated last month Council re-appropriated $35,000 for repair of sidewalks. This would address the broken brick curbs and pavers along Front Street. After soliciting several vendors, Coastal Structures was the lowest responsive contractor. They have estimated it will take up to ten weeks to complete the work and propose $6,500 a week for the ten week period. Mayor Scoville asked if this was through competitive bidding. Mr. Heald stated up to six or eight contractors were solicited; a lot responded and indicated they did not wish to quote the project, only three submitted bids. Council Member Bradley questioned the statement on the agenda item that staff recommendation was to approve and waive the competitive bidding requirement as outlined in the City's purchasing policy. Mr. Heald stated this was not listed on the website as a competitive bid. Contractors were solicited for quotes…which is under the policy. It is very simple work and staff felt this was the best way to get the work completed. Council Member Kimbrough feels this is a huge cost and the City will supply the bricks. Mr. Bradley said he is concerned standard procedures were not followed. If this is a project that should be bid out, he would feel comfortable doing so. If no bids are received, we can look at alternatives at that time. Mr. Kimbrough asked about the other quotes. Mr. Heald said the next lowest quote was $124,000. He reiterated more contractors said they did not wish to quote. Mayor Scoville does not have a problem bidding it out; however, he does not know how staff would prepare specifications on the repair work. Discussions continued. Because of his concerns and reservations, Mr. Bradley asked to hear from the City Attorney. While looking through the purchasing policy Mrs. Crosby said it appears the threshold is $25,000 for department head discretion and the quote is not over this amount, it is incremental. She asked Council to get back to her once she locates the section. When questioned, Mr. Heald said he believes this is a very pressing matter. Multiple sections of brick curb have been damaged and present a trip hazard. The area is primarily on Front between Wood and Queen Streets. The 700 block of Front Street where the fire occurred is excluded from the work. Council Member Barber said the action item requested $65,000. Within the proposal it states this work could take up to 10 weeks at a weekly rate of $6,452. He stated he has to follow policy and does not feel comfortable voting on this because according to our purchasing policy, after a certain amount it has to be bid out. Mayor Scoville said the rule is Council has to approve anything over $25,000, he doesn't think the rule is it has to be bid out in every circumstance. Mayor Scoville recognized the City Attorney. Mrs. Crosby reference and read Section 2-184 of the Purchasing Ordinance. Sole Source Purchases: A bid or contract may be awarded for a supply, service, or equipment without competition when it is determined that there is only one feasible source available for purchase that exists, and that the normal procurement process is not appropriate. Sole source purchasing serves a proper corporate and public purpose. The determination as to whether procurement shall be made as a sole source shall be made by the City Administrator and the Director of Finance. Such determination and the basis therefore shall be in writing. In the case of reasonable doubt, competition should be solicited. Any request by a department that procurement be restricted to one potential contractor shall be accompanied by an explanation as to why no other will be suitable or acceptable to meet the need. Section 2-193 Exemptions. The following goods and services may be exempt from the standard procurement process as could be considered to be in the best interest of the City: 15. City Administrator or designee directed contracts for professional services or employment when the provider is customarily employed on a fee basis rather than through competitive bidding and it is determined that such contract(s) are in the best interest of the City of Georgetown. (Examples: architects, attorneys, accountants, auditors, appraisers, engineers, physicians, etc.) Mayor Scoville stated the first part seems to be applicable and asked if everything has been done in writing. Mr. Carter stated this has been ongoing for months and it has been difficult trying to find people interested in the work. The project is not confined to one site; it's up and down the street, two or three bricks here, working in traffic.

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

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

Council Member Bradley wanted the record to reflect and emphasize that he is not against the project. He questions the appropriateness and the correction of the mechanism, mannerism and procedures we are following.

B. Motion to Amend the Contract with STV to include additional engineering services not previously covered and to adjust the total fee by twenty-six thousand, five hundred and twelve dollars and eight cents ($26,512.08) for a revised not to exceed total of one-hundred and forty-five thousand, seven hundred and sixty-three dollars and fifty-six cents ($145,763.56).

Council Member Kimbrough moved, seconded by Mayor Pro Tempore Wayne. Mr. Heald stated STV is our contractor working with the utility relocation associated with the 17/701 project (five points intersection). There have been some changes; one being the City will not be covered under the DOT contract. Also, different routes have been selected. STV requested additional survey information which increased their design services.

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

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

13. ELECTRIC UTILITIES

A. Update on Peak-Shaving Generation Project.

At the request of Chris Carter Mr. Loveless updated Council on the energy audit program. He has a list of customers who have requested audits and (he) has completed five in the last few weeks.

Regarding the peak shaving generation project, Mr. Loveless said the cost projections have increased due to more firm equipment prices received from potential vendors along with some recent regulatory changes. This is still a viable project and an excellent payback period. Representatives from Utility Technology will be in town week after next to search for potential sighting to determine exactly where to locate the generation. Plans are to present a lease agreement to Council at the June meeting for the temporary generation equipment. Mr. Loveless introduced

Mr. Ted Orrell with Utility Technology, the engineering consultant on the project who has primarily been involved with the conceptual design of the projects and the economic feasibility. The plan is to have permanent generation facilities installed by January 2016. By quickly obtaining a lease for mobile engine generators and having them installed, the City can begin saving money immediately. If Council approves, he said this can be accomplished by July 1, 2014. Mr. Orrell reviewed a power point presentation for Council. UTEC has been working on cost opinions for the projects ranging from $4.2 million to $4.9 million. Two primary manufacturers of the equipment are being considered and they have two different ranges of cost. Currently contractors are working to provide updated costs on any buildings. He noted this is a conservative range of numbers for the project. Looking at temporary generation the rental cost would be around $25,000 a month and the operating cost would be around $19,000 a month. Operating cost would include fuel and the activity to monitor the power supplier's loads and know when to operate the generators. There is some initial one-time cost to prepare the sites for the temporary generators, and setup and removal of the units have a one-time cost of $19,000. One site being focused on in the numbers is the Georgetown sub-station where two engine generators would be installed. Because of the negotiations on the power supply contract, Georgetown has the authority to install up to 3800 KW, which would be two 1800 KW engines. Locating one engine generator at the wastewater treatment plant and one at the water treatment plant are also being considered. This is all being considered in the preliminary design. The numbers presented are for the permanent facilities to be installed at the Georgetown substation. The temporary units are just icing on the cake. Parameters used to prepare the economic feasibility study include: 20 year economic evaluation period and term for capital recovery calculations; 4% annual interest rate for money; 2% inflation rate for variable cost or projected Consumer Price Index cost. The 20 year total savings on the power cost is $20.7 million. The net savings would be between $6.4 million and $7.5 million. This is a payback for the pessimistic costs between 6.2 years and 7.2 years. Discussions followed.

14. ADMINISTRATION

A. Motion to approve a Resolution to establish a Capital Reserve Fund for the City of Georgetown.

Council Member Bradley moved, seconded by Council Member Kimbrough. Mr. Carter said during the audit presentation last year, Mr. David Phillips with Greene, Finney and Horton recommended the City establish a Capital Reserve Fund. This will identify and reserve funds for future capital needs and facilitate implementing the capital planning process. He stated as long as the Resolution remains in effect, the intention would be to set aside funds each year in the Capital Reserve Fund and reserve them for future use for that purpose only. Once in the Capital Reserve Fund, the funds are restricted to fund items of $5,000 or more and a useful life of five years or more. Mayor Scoville asked for comments or questions. Council Member Kimbrough asked where the money is coming from. Mr. Carter stated if the Fund is established tonight, a budget amendment will be presented at next month's meeting initially requesting 45% of the undesignated General Fund balance and 45% of the retained earnings that exist in the Water and Sewer Fund be allocated to the Capital Reserve Fund. After that, if the enterprise funds operate where there is net income or, if at a future date, revenues exceed expenditures in the General Fund, it will be requested that anything exceeding 55% of the undesignated fund balance be allocated. He said some money is set aside for a catastrophic fund [*sic*] [*recte* event] which is in the fund balance of the General Fund. This was another recommendation made by the auditor.

Mayor Scoville called for the question.

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

B. Motion to Enroll City of Georgetown as a participant in the State of South Carolina Health Plan offered by the Public Employee Benefit Authority.

Item 14B was moved to Item 10C.

C. Motion to Approve an Agreement with Coastal Structures Inc for the restoration of the fountain, and other repair and site clean-up at Rainey Park in the amount of $72,038.

Council Member Jayroe moved, seconded by Council Member Kimbrough. This item is presented as a result of action taken by Council at the April meeting to terminate the agreement with JMD Contractor for work at Rainey Park due to contractor default. Currently, the City has $39,392 left to pay $42,000 owed to vendors and suppliers. The City requested Kellahan and Associates, the engineer on the project, to find a contractor to step in and make the fountain repairs and any unfinished work associated with Rainey Park. Coastal Structures submitted a bid of $72,038; $58,355 for the repair of the fountain specifically. The remaining balance is to wash and repair brick, repair brick pavers where sand has washed from beneath, drill holes in brick wall to allow for drainage and haul all dirt and debris offsite. In the 2013/2014 Hospitality tax budget $315,000 was set aside for Rainey Park Improvements. The lowest bid received was $84,000 with the next highest bidder $305,000. Because of the huge difference, staff consulted with the lowest bidder and they (JMD) were comfortable with the price. Mr. Carter said a premium was paid for a bond and noted this may need to be discussed in an Executive Session. His recommendation to Council is that they pursue the sole source and approve the motion with the idea that the City try and recoup any cost as if there was a payment and performance bond outstanding. Mayor Scoville said Council needs to be made aware of the ramifications and potential litigation and asked to postpone action until after Executive Session. Council indicated this work has to be done and they were comfortable going ahead with the vote. Council Member Barber questioned the recommendation to waive the competitive bidding requirement outlined in the City's purchasing policy. Mr. Carter stated for the sake of time he made the recommendation.

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

RESULT:	**APPROVED [6 TO 1]**
MOVER:	Carol R. Jayroe, Council Member
SECONDER:	Edward S Kimbrough, Council Member
AYES:	Jayroe, Kimbrough, Scoville Jr., Bradley, Smalls, Wayne
NAYS:	Brendon M. Barber Sr.

For the record Council Member Barber stated "as long as I've been on Council, there're some things that are not just quite clear to me as far as this bidding process."

D. Motion to approve negotiations with LS3P for a contractual fee to perform professional services related to the Front Street Redevelopment Plan Project.

Council Member Kimbrough moved, seconded by Council Member Bradley. At a City Council workshop held on April 24, 2014 LS3P, a firm out of Charleston, made a presentation on providing consulting services for the Redevelopment Plan for the 700 block of Front Street. Mr. Carter said if Council wishes to proceed, the next step would be to authorize the negotiation phase for fees. Council Member Bradley said the fire site is private property. He asked where the City's obligations begin and end. He does not have a problem if it is legal and right. Mayor Scoville said City property is intimately involved in the redevelopment because it will affect the sidewalk and the street in front of the redevelopment. Also, the legislature gave us ownership of the mean high water mark out to the middle of the river. Anything built over the water is affecting our property, so we are involved as a property owner also. As the City we are in charge of regulation through the ARB, building codes, etc. There was a meeting with the property owners in November and the overwhelming majority asked for help. The idea is to bring this group in to meet with property owners to get a consensus from each owner as to where they want to go, what they are able to do and come up with a conceptual plan. The whole point to having this group come in is to help the property owners get the ball rolling. Mr. Bradley's concern was if the property owners are sharing the cost. Mayor Scoville said "I think right now we're looking at possibly the City picking up the tab. Now there's no commitment on our part to pay any money at this point." Planning grants are available that can pick up some of the cost and some private investment type people from out of town indicate they are willing to help. Once we have an idea of the cost, we'll have to look at funding sources. Council Member Barber stated there is no financial commitment at this point; all we're doing is talking. Mayor Scoville confirmed. Council Member Jayroe agreed with Mr. Bradley and said we need to be very careful about where we're starting and where we end with private property. Discussions followed.

Mayor Scoville called for the question.

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

15. CITY ADMINISTRATOR REPORT

Mr. Carter asked Jonathan Heald to give an update on Ben Cooper Park. Mr. Heald stated the last piece of equipment was delivered and installation is scheduled to begin tomorrow. Council decided to schedule the grand opening for the splash park on Friday, May 23, 2014 at 4:00 PM.

Mr. Carter presented a County Transportation Committee resurfacing priority list and said they will meet Monday night at 5:30 PM and discuss whether to recommend Broad Street for resurfacing. This is important to the City; Broad Street streetscape is included in our Capital Improvement Plan. He encouraged Council to contact members of the CTC and urge them to approve the resurfacing of Broad Street.

Mr. Carter reported the City's community rating system achieved a score of Class 7 which could mean a 15% decrease in flood insurance premiums for renewals that occur after May 1, 2014. This was due to changes implemented in the City's floodplain management practices.

Mr. Carter announced Chief Paul Gardner earned the United Way Silver Award for increasing employee's donations over the prior year.

16. MINUTES

Motion to approve minutes of a budget presentation dated 4/8/14 and a Public Hearing/Regular Meeting dated 4/17/14.

Council Member Bradley moved, seconded by Council Member Kimbrough. Mayor Scoville called for the question.

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

17. OLD BUSINESS

There was no old business.

18. NEW BUSINESS

Mayor Scoville stated individuals continue to park in front of a fire hydrant located on Front Street in front of Alfresco and asked that staff take appropriate action to prohibit any parking that blocks the fire hydrant.

Council Member Barber commended Chief Gardner on Officer Tim Burroughs. He recovered a laptop that was left by a school teacher at a car wash on Highmarket Street and she was able to pick it up today.

19. DEPARTMENT MONTHLY REPORTS

A. Finance and IT Monthly Report

B. Georgetown PD - Monthly Report April 2014

C. April 2014 Fire Report

D. Housing & Community Development Department April Monthly Report

20. EXECUTIVE SESSION

Motion to adjourn Regular Meeting and enter Executive Session to receive legal advice.

Council Member Smalls moved, seconded by Council Member Bradley. Council Member Wayne asked what the legal advice concerned. Mayor Scoville said it involved the Rainey Park situation and to discuss your motion for the attorney client stuff. Council Member Wayne moved to *amend the motion not to discuss that: that it be discussed in open session*, seconded by Council Member Kimbrough. Council Member Bradley said that is a legal issue and we are seeking legal advice. Mayor Scoville said there are matters that need to be discussed relevant to that issue that don't involve Mrs. Wayne's motion directly but involve personnel matters involving former and present city employees and criminal investigations that cannot be discussed in open session. Council Member Wayne withdrew her motion.

Mayor Scoville called for the question.

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

The Regular Meeting was adjourned at 8:26 PM.

Motion to adjourn Executive Session and reopen Regular Meeting.

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

Executive Session was adjourned and the Regular Meeting was reopened at 9:10 PM.

NO FORMAL ACTION WAS TAKEN IN EXECUTIVE SESSION.

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

21. WAIVER OF ATTORNEY/CLIENT PRIVILEGE

A. Motion to release all written records previously withheld by the City of Georgetown by claim of attorney-client privilege as a result of any specific Freedom of Information Act request submitted by either Steve or Jean Rothrock. (Councilwoman P. Wayne).

Mayor Scoville proposed a motion and asked Mrs. Wayne to listen carefully and ensure he states it correctly.

I make a motion that we waive the attorney-client privilege as it pertains to any Freedom of Information request previously made by Steve or Jean Rothrock pertaining to the eight lawsuits they have filed against the City or its officials or agents since 2008 that have previously been withheld on the grounds of attorney-client privilege. He asked Mrs. Wayne if that sounded right. Mrs. Wayne was inaudible. This would not include matters involving personnel, personal information involving City employees or whoever might be included in the information, or matters involving contractual relations or other exemptions under the Freedom of Information Act. Seconded by Council Member Bradley. Mayor Scoville asked for discussion. Mayor Scoville commented there have been over 135, I think, to date, Freedom of Information requests made by the Rothrocks or their agents. We have tried in good faith to respond to them. The exemptions claimed were, I think, all done properly. There are matters that, of clients and their attorneys need to be able to discuss. These lawsuits have been resolved and we are willing now to release the information as previously been withheld from them. We hope this will put the matter to bed, *although I kinda find that that's probably wishful thinking but nevertheless Council wants to move forward and get this behind us*.

Mayor Scoville asked for any 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:	Jayroe, Kimbrough, Scoville Jr., Barber Sr., Bradley, Smalls, Wayne

Mayor Scoville directed Chris Carter to get with Mrs. Crosby, go through the documents and make the documents available.

22. ADJOURNMENT

Motion to adjourn the Regular Meeting of City Council.

Mayor Scoville called for the question.

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

The Regular Meeting adjourned at 9:12 PM.

Ann U. Mercer
City Clerk

Date Approved: 07/17/14