

REGULAR MEETING OF CITY COUNCIL ON MONDAY, MARCH 9, 2009 AT CITY HALL. MEMBERS PRESENT: Mayor Alton McCollum. COUNCILPERSONS: Buddy Sandifer, Ella Bamberg, Janeth Walker, Buck Fralick, and Nancy Foster. CLERK: Bruce Watson. VISITORS: Amy Sawyer Ely, Wilmer Wright, Modestine Wright, Jerry Halmon, Phyllis Overstreet, Dr. Mike Watson, Fire Chief Timmie Taylor, Chief George Morris, Gene Schwarting, Jr., Gene Schwarting, III, Elizabeth Moody, Franklin Bamberg, Mary Broxton, Carlisle Brabham, Betty Brabham and Bo Griffin.

Mayor McCollum called the meeting to order and Councilperson Bamberg gave the invocation.

Clerk Watson took the roll with everyone being present except Councilperson Teresa Hannibal who she said had called to say she would be out of town.

Councilperson Foster made the motion to approve the agenda as received. Councilman Fralick made the second. All approved. The motion carried.

Mrs. Amy Ely presented Council with the 2007-2008 audit report which she said was a good report which was considered a clean report with no findings. She told Council the report was the best report you could receive. Mrs. Ely went over the report with Council in some detail. She explained that the report showed assets exceeded liabilities to give the City a \$2,926,051.00 net worth. Mrs. Ely informed Council that expenses had exceeded revenues by \$130,380.00 which was mainly due to capital outlays which were not included in the budget but approved by Council outside the budget.

Mrs. Ely informed Council that the Board Of Public Works had assets that exceeded liabilities to give them a net worth of \$26,052,584.00. She told Council the Board of Public Works expenses exceeded their revenues by \$718,659.00 for the year which was mainly due to their depreciation expense.

Councilman Sandifer asked Mrs. Ely to explain the BPW lost.

Mrs. Ely explained that the BPW had \$1,401,680.00 in depreciation for the year and said if you looked at the cash in and cash out the BPW broke about even. Mrs. Ely said this was ok but they you needed to plan for the future.

Council thanked Mrs. Ely for the report.

Mayor McCollum began the hearing for Mr. Wilmer Wright.

Chief Morris told Council that the denying Mr. Wrights' business license due to his business being a nuisance was not a happy task. Chief Morris informed Council that Mr. Wright was normally six months late in renewing his business license and that he had a warrant for him to appear in court at this time for his license. He said the problems with Mr. Wright's business has been building for years with the City, the Sheriff and the

County Magistrate. Chief Morris presented Council with pictures of Mr. Wright's business and told them citizens were complaining that their cars had not been fixed for six months with other complaining that parts were missing from their cars. Chief Morris said this was really a civil matter in which the magistrate could take out a judgement which meant nothing since Mr. Wright had nothing to take. Chief Morris told Council that elderly people were crying to him that they did not know what to do. Chief Morris informed Council that Mr. Wright had six process through the magistrates' court, four warrants issued against him in the magistrate court and ten cases filed against with the city.

Chief Morris told Council people were asking how Mr. Wright was allowed operate in the city. He said Mr. Wright did not know how to operate a business properly. Chief Morris said he was tired of chasing him to get him to acquire a business license and that enough was enough. Chief Morris told Council the sheriff, the judge, the magistrate and himself were all tired of dealing with Mr. Wright.

Chief Morris told Council that Mr. Wright was taking parts off one person's car to place on another person's car which was a civil matter. Chief Morris said he was recommending that Mr. Wright not be allowed to renew his business license.

Councilperson Bamberg asked Chief Morris when the business licenses were due?

Chief Morris and Clerk Watson informed Council that the licenses were due August 1st but the license ordinance allowed until November before they began enforcing compliance.

Councilperson Walker asked Chief Morris what could be done to reverse what has happened. She told Council they did not need to run a business away. Councilperson Walker said it was not appropriate to shut down a business due to how he conducts his business.

Chief Morris voiced that the city had to protect their citizens. He told Council that he had told Mr. Wright that it was nothing he could recommend to change the situation. Chief Morris said Mr. Wright's word was no good and that he was not going to change. Chief Morris said the rest of the law enforcement agencies wanted to know why he had waited so long to deal with Mr. Wright.

Mr. Wright told Council he was late with renewing his business license but that Chief Morris was not around when he made deals with his customers. He said things needed to be investigated. Mr. Wright said people could always find issues. He admitted to breaking the ordinance by not renewing his license but said the other complaints were baloney. Mr. Wright said people steal every day. He told Council he was not stealing parts and said he could not be at work 24 hours a day 7 days a week.

Councilman Sandifer asked Mr. Wright if he had liability insurance and if he had a secure place to lock his customers' cars?

Mr. Wright told Council he had a fenced area but that people knocked the fence down. He said you could not stop a thief. Mr. Wright told Council that someone stole the tires off an auto last week which he had to cover. He explained that some people ask to have their cars repaired only to learn they do not have the money to continue making the repairs. He said it was not right to put a man out of business.

Councilman Sandifer voiced that Mr. Wright broke 20 ordinances, operated with no license and had junked cars at his place of business.

Chief Morris asked Mr. Wright if he had shop insurance.

Mr. Wright told Council he had shop insurance but that he did not like to let the public know what he had.

Councilperson Foster voiced that it didn't look good.

Mr. Wright told Council that jobs were very hard to come by and that he needed his job.

Councilperson Walker told Mr. Wright that the chief and magistrate were asking that his license not be renewed and that he had substantial complaints against him. She asked Mr. Wright what he could do to help the situation.

Mr. Wright suggested he be given a second chance and be given a business license on a trial basis. He said he was not all bad.

Councilman Sandifer, saying these were tough times, told Council the chief had done his job. Councilman Sandifer said he would like to see stiff stipulations put on Mr. Wright if a license is renewed and if he broke them then Mr. Wright would have done it to himself. Councilman Sandifer said he would recommend this.

Councilperson Foster voiced that the chief had given him a chance and that they must follow through.

Councilperson Foster said she did not agree. She voiced that they should give Mr. Wright a time frame and if he broke it then close the business. She told Council she did not have enough opportunities to review the complaints. She told them she agreed with Councilman Sandifer and said Mr. Wright should be put on probation.

Councilperson Bamberg voiced that he should be given a fresh start. She said if parts are missing he must replace them. She told Mr. Wright to get the cars out as soon as possible and let the people know if he was backed up with business.

Councilman Sandifer said he would like for the Police Commission to meet with Chief Morris in order to come up with something so Mr. Wright could stay in business.

Mayor McCollum saying he would like to give anyone a chance asked them to come back to Council with recommendations only with the understanding that his license could be pulled at anytime.

Councilman Sandifer told Council the Police Commission would meet this week.

Councilperson Foster asked that Councilperson Bamberg be allowed to sit in on the meeting since she was the licensing commissioner.

Councilperson Walker asked that Mr. Wright not be allowed to operate until Council heard from the Police Commission.

Council agreed.

Mr. Gene Schwarting, Jr., Chairman of the Planning Commission, informed Council that he was there to explain the mission and purpose of the Planning Commission. He told Council the Planning Commission developed the present Comprehensive Plan and Zoning Ordinance for the City of Bamberg. He told Council the Comprehensive Plan and Zoning Ordinance were very good plans which they had been using for 10 years. Mr. Schwarting told Council that they were using consultants from the LSCOG to help update the Comprehensive Plan and Zoning at this time. He said they used other cities to gain information in their decision making process. Mr. Schwarting said their decisions were not arbitrary decisions. He explained that members of the Planning Commission were required to be certified and said they wanted what was best for the city.

Mr. Schwarting, saying they did not make the final decisions concerning the Comprehensive Plan and Zoning Ordinance, told Council they made the final decisions. Mr. Schwarting said the Planning Commission was concerned when they go through the process and send it to Council and then Council does not act. He said that was like a slap in the face. He asked them to consider this and asked Council if they really needed the Planning Commission.

Mr. Schwarting told Council proposed Ordinance 09-1 involved his son and that he had recused himself from the discussion of Ordinance 09-1. He said each member of the Planning Commission was in support of Ordinance 09-1. He asked them to please consider the Planning Commission's time and efforts.

Mr. Gene Schwarting, III informed Council that he was there in support of Ordinance 09-1 since it specifically addressed the old homes on Railroad Avenue. He said by allowing other uses they would be opening up other window of opportunities in order to protect the old homes. Mr. Schwarting said he had gone to the Planning Commission recommending that professionals be allowed to use the old homes. He said he wished to protect his home as well. Mr. Schwarting told Council the ordinance required the homes to be of certain size and of a certain age to address the old homes. He assured Council that the ordinance would allow tasteful things to be done to the old homes. He urged Council to approve Ordinance 09-1.

Clerk Watson explained the amendment process.

Councilman Sandifer made the motion to approve on first reading ordinance 09-1 to amend the Zoning Ordinance to allow professional offices in the residential areas as special exceptions. Councilperson Foster made the second.

During the discussion, Councilperson Foster, saying she knew Mr. Schwarting would do a good job with his home, said she was concerned about the parking and extra buildings requirement at one time said she now was pretty good with the ordinance.

All approved of the motion. The motion carried.

Councilperson Foster made the motion to approve the minutes of the February 9, 2009 meeting as received. Councilperson Walker made the second. All approved. The motion carried.

Councilman Sandifer made the motion to approve the Budget and Finance Reports as presented. Councilperson Walker made the second. All approved. The motion carried.

Under Commission Reports:

Commissioner Sandifer informed Council that the BCEDC met today but that he had no report. He told Council that everything was going along just fine in the Police Department.

Chief Morris told Council he had a healthy crew but that they were awfully busy. He explained that due to the economic times stealing was picking up. He said the department was also having trouble collecting fines.

Co9mmissioner Bamberg reported everything was going well with licensing. She told Council delinquent licenses had been turned over to Chief Morris and informed Council she would be beating the streets to check on business licenses in the near future.

Commissioner Walker made Council aware of the newly revised Family Medical Leave Act provisions by reading the new provisions to them.

Commissioner Fralick informed Council that the Sanitation Commission would be interviewing candidates for the Sanitation Department position on Monday.

Fire Chief Timmie Taylor informed Council that the Fire Department received the new service truck on February 13th and that the old truck had been sold this Saturday with the funds received being used to outfit the new truck.

Commissioner Foster informed Council that the coaches kick off event would be held on March 26th at Councilman's Sandifer's home on Clear Pond. She invited council to

attend. She told Council they were reworking some of the ball fields, replanting the planter boxes, and placing safety covers on the fencing rails and safety screening on the fencing. She told Council that Robert Williams and Buzzy Bunch were doing a good job.

Commissioner Foster told Council they needed to replace some palmetto trees downtown.

Under Old Business:

Dr. Watson presented to Council a letter to the editor he had written and then read the letter to Council concerning second hand smoke. He informed Council that many private businesses were going smoke free and finding that they were attracting more business. He said Dot and Floyd's Restaurant in Bamberg had gone smoke free and urged Council to make Bamberg A Smoke Free Community.

Mr. Carlisle Brabham began to speak up and Mayor McCollum asked him to wait his turn. Mr. Brabham began to say a few words and Chief Morris called him down. Mr. Brabham left the council chambers immediately.

Councilperson Walker, Chairperson of the Smoke Free City Committee, informed Council that she had contacted Greenville and Sumter officials concerning their cities becoming smoke free. She said they must take time to educate the public. Councilperson Walker said she and Council had also received information from Dr. Watson concerning the hazards of second hand smoke.

Councilperson Walker informed Council that the Smoke Free Cit Committee had met on March 6th to discuss how to get the information out to the public. She told Council the Committee recommended sending mailouts in the BPW bills and doing editorials in the newspapers. She told Council that Manager Ellis agreed to let them send mailouts in the BPW billings. Councilperson Walker informed Council that public meetings have been scheduled on April 14th and 23rd at the Civic Center at 7:00 p.m. to receive more public comments. Councilperson Walker said she was recommending that the Committee meet again on May 4th after the meetings and editorial in order to come back to Council with a recommendation.

Mr. Bamberg informed Council that he was concerned with the idea of a smoke free city because it meant he could not smoke in his own yard.

Mayor McCollum told Mr. Bamberg that the details of the ordinance had not been worked out at this time.

Councilperson Walker told Mr. Bamberg the ordinance had not been written yet and said Council would decide on the wording of the ordinance. She assured him the ordinance would be addressing smoking at businesses and public places and would not restrict smoking at the home.

Under New Business:

Mayor McCollum informed Council that the MASC has partnered with a company called eCivis to provide cities the ability to gain access to eCivis programming to learn of grants that are available to municipalities. He explained that by joining the program it could give the city opportunities for grants, provide the needed information and would save the city time. He explained the program would allow them to search for matching grants as well as grants that were 100% free.

Clerk Watson explained how the program worked and said the annual cost would be around \$800.00 to \$900.00 depending on what you needed.

Phyllis Overstreet, a grant writer, told Council that to be able to gain access to eCivis software to find potential grants would be well worth the costs.

Councilperson Foster made the motion to join the eCivis program offered by the MASC. Councilman Sandifer made the second. All approved. The motion carried.

Councilperson Walker made the motion to go into executive session to discuss negotiations incident to the purchasing of properties. Councilperson Foster made the second.

Councilperson Walker made the motion to come out of the executive session. Councilman Fralick made the second. All approved. The motion carried.

Councilperson Foster made the motion to purchase a half acre of land from Mr. Danny Covington known as the former Cooner Funeral Home Property for \$4,500.00. Councilman Sandifer made the second. All approved. The motion carried.

During the announcements, Mayor McCollum informed Council that this could possibly be the last council meeting for Councilman Sandifer and Councilman Fralick. Mayor McCollum said he appreciated all the work they had done while serving on Council and thanked them for serving.

Councilperson Foster reminded Council of the Story Telling Festival that will be held on March 13th. She urged them to attend.

Phyllis Overstreet informed Council they may want to consider sponsoring a community shred festival or electronic shred festival. She explained the concept.

With no further business, Councilman Sandifer made the motion to adjourn. Councilperson Walker made the second. All approved. The motion carried.

The motion was adjourned at 7:25 p.m.

ATTEST:

Clerk

Mayor