

MINUTES OF MARION CITY COUNCIL REGULAR MEETING  
CITY COUNCIL CHAMBERS  
DECEMBER 10, 2013  
6:30 P.M.

A regular meeting was held by City Council on December 10, 2013 at 6:30 p.m. over which Mayor Bobby L. Davis presided. Council members Michael Baker, Ronald Atkinson, Ralph Atkinson, Odessa Gregg, Emerson Hunt and Joseph Frazier were present. Also present were City Administrator Alan Ammons, City Treasurer Patricia Brown, City Clerk Pam Jones, and Attorney Kenneth Davis.

Mayor Davis called the meeting to order and Councilwoman Gregg gave the opening prayer. Mr. Ammons led the Pledge of Allegiance. Mayor Davis welcomed citizens, guests and the press. (Hometown TV)

Mayor Pro-tem Ronald Atkinson made a motion to accept the minutes from the regular meeting on December 10, 2013, seconded by Councilman Joseph Frazier; motion carried.

Mayor Davis presented the Mayor's Monthly Beautification Award to Mr. Wesley Finklea and Mr. Arthur Edwards for their efforts in helping keep the City of Marion beautiful.

City Clerk Pam Jones read the special recognition/presentation presented by Mayor Davis and Recreation Director Russ Smith to Peyton Britt and Lacy Johnson for their participation in the Carolina Panthers' Championship Round of the Punt, Pass and Kick competition, both finishing in 2<sup>nd</sup> place in their respective categories. The City of Marion was well represented by these two outstanding young people.

Mayor Davis recognized Mr. Al Blake who will be taking over the unexpired term of Mr. Chuck Wiegert on the Historic Commission (term to expire December 2015). Mr. Blake will also be assuming the position of Executive Director of HMRA/Olde Towne Marion. Mayor Davis expressed his thanks for Mr. Blake's lifetime involvement in participating in City events and is looking forward to great things happening.

Mayor Bobby Davis requested a resolution for Mrs. Judy Johnson, who is retiring as Executive Director of the Marion Chamber of Commerce and also for Mr. Chuck Wiegert, Executive Director of HMRA/Ole Towne Marion, who is resigning and will be moving to Charlotte, NC. Councilman Ralph Atkinson made a motion to approve the resolutions for Mrs. Johnson and Mr. Wiegert, honoring their service to the City of Marion, seconded by Councilwoman Odessa Gregg; motion carried.

Mayor Bobby Davis would like to establish a Fire Department Committee and asked that Mayor Pro-tem Ronald Atkinson and Councilman Michael Baker be appointed to that committee. Councilman Joseph Frazier made a motion to appoint Mr. Atkinson and Mr. Baker to the Fire Department Committee, seconded by Councilwoman Odessa Gregg; motion carried.

Councilman Michael Baker made a motion to accept the renewal of the Memorandum of Understanding between the City of Marion and Pee Dee Workforce Investment Board (PDWIB) - Swamp Fox Higher Education Center, seconded by Mayor Pro-tem Ronald Atkinson; motion carried.

Ms. Justine Roberts of the Performing Arts & Science Academy was present to request funding for her After School and Summer Science Academy in the amount of \$15,000. Mayor Davis stated that this request will be taken under advisement.

Mayor Pro-tem Ronald Atkinson made a motion to allow a movie production company use of the Opera House for auditions on December 13<sup>th</sup> and 14<sup>th</sup>, seconded by Councilman Joseph Frazier; motion carried.

### ADMINISTRATOR'S REPORT

Regarding the update to capital projects, the pool at Grice's received a favorable report from DHEC, but recommended that another light be located where you enter the boys and girls locker room and also add a timer to the pump system. With the remaining funds, the engineers have put on bid a roof at the Grice's building. As a first step, it is currently going through the County procurement process. In their (engineers) opinion there will be enough funds to get the roof done if the scope of work is approved by Council. If there is money remaining, another scope of work will be brought before Council for their approval at another time. Councilman Ralph Atkinson made a motion to authorize the engineering firm to move forward with the scope of work on the Grice's roof, seconded by Councilman Michael Baker; motion carried.

There have been issues in the past with (18-wheeler) truck parking in residential areas, but we have gotten this under control with our Zoning Ordinance. Now, there has become a problem with 18-wheelers parking in commercial areas where they butt up to residential areas and also with sidewalks being broken from the weight of the trucks being driven over them. Councilman Michael Baker made a motion to allow the Administrator be given the authority to work with the Attorney in crafting an Ordinance and brought back to Council for review, seconded by Councilman Joseph Frazier; motion carried.

Mr. Ammons offered information to Council that the City would be closed for the Christmas holidays on December 24, 25 and 26 and garbage services would only be closed on Christmas Day and would run one day behind.

Fireman Josh Brown was named *November Employee of the Month* and presented with a gift certificate.

#### CITY ATTORNEY'S LEGAL UPDATE

Attorney Kenneth Davis had nothing to report at this time.

#### DEPARTMENTAL REPORTS

Mayor Davis commented that the Department Reports were in Council's packets. Police Chief Jim Gray reminded that with Christmas approaching everyone should be extra cautious and not leave any packaging out by the street that would indicate there are new electronics at your house and be careful getting in and out of your cars after dark. Recreation Director Russ Smith commented that things are going well and that basketball season will be starting at the first of the year. Fire Chief Trey Cooper asked that everyone be careful and have a safe holiday. Mr. Hezekiah Norman (Housing Authority) commented that things were ok. Ms. Tassie Lewis (Recreation Advisory) commented that they would be holding their first fundraiser on February 8 and will give further details later. Mr. Al Blake (HMRA) invited everyone to the "Shop Downtown" event being held Thursday, December 12<sup>th</sup> from 6 - 8 p.m. He encouraged everyone to come out and do their Christmas shopping with our downtown merchants. He also invited everyone to attend the next Rise & Shine on January 8<sup>th</sup> at LUNCH. Mr. William Campbell (Senior Council) stated that the Senior Council would not have meetings in November or December. He asked for a moment of silence in recognition for Mr. Nelson Mandela. Mrs. Eileen Powell (Diversity Committee) commented that they are planning a march on Martin Luther King's birthday and would like to have a massive turnout.

#### DISTRICTS AND CITY UPDATE FROM COUNCIL AND MAYOR

Councilman Emerson Hunt had no comment at this time.

Councilwoman Odessa Gregg thanked the City workers and expressed her appreciation for their hard work on the City-Cleanup Day. She also congratulated and thanked City Clerk Pam Jones for organizing the "Coats for Kids" coat drive and to Mrs. Vickie Nichols who has written a grant for the City. She thanked Chief Gray for keeping the public informed as to what is going on. She thanked everyone for everything that was done to make the parade and tree lighting a huge success and has received many positive comments. She thanked Mr. Alan Ammons for all he does to help her in District 5 and also thanks to all City employees for the great job they do. Councilwoman Gregg wished everyone a Merry Christmas and Happy New Year.

Councilman Ralph Atkinson had no comment at this time.

Mayor Pro-tem Ronald Atkinson had no comment at this time.

Councilman Joseph Frazier commented that he rode on "half-pint's" truck for cleanup day and enjoyed working on the cleanup day. He thanked Mr. Ammons for his help in District 4. Two of the speed limit signs he requested are in place and a 3<sup>rd</sup> sign for McEachern Heights is being worked on. He wished everyone a Merry Christmas and Happy New Year and may God bless each and every one, and God Bless America.

Councilman Michael Baker commented that signs throughout District 6 had been repaired and been put back up and thanked everyone for that. He commented that all City employees were doing a wonderful job and wished everyone a Merry Christmas.

Mayor Bobby L. Davis asked Ms. Justine Roberts come forward and accept a *Letter of Support* from the Mayor and Council for the SEMAA (Science, Engineering, Mathematics and Aerospace Academy) program for our kids. Mayor Davis remarked that he is very impressed with work effort put forth by all of the City employees. He thanked Chief Trey Cooper, Mrs. Vickie Nichols and Mr. William Sanders for helping set up the Opera House for the 2<sup>nd</sup> State of the City address and appreciates the support of all our departments. We will hold our 2<sup>nd</sup> Employee Fellowship Dinner on Wednesday, December 18<sup>th</sup>, which gives us some time to get to know each other and enjoy fellowship with our co-workers. At a future date we plan to extend this fellowship

to the employees of the municipalities of Mullins, Nichols and Sellers, so that we can become familiar with each other. Council members are invited to attend the lunch. Mayor Davis thanked Mr. Morris Ward for his hard and excellent work in putting together this year's Christmas program. Mayor Davis also thanked Pastor Joshua Nelson, City Chaplain Odessa Gregg, Marion Baptist Church Quartet, and the Easterling School Primary choir for their outstanding participation in the Tree Lighting ceremony. He also thanked Reverend Allen Black and staff and Nikki Ward and EJ Favor for their respective excellent performances. Mr. Bob Henry and the cast of *Scrooge*, along with the Marion County Mass Choir were thanked for their outstanding performance. After the lighting of 10,000 lights on the Christmas tree, residents were treated to a fireworks spectacular at Withlacoochee Park. Mayor Davis also thanked Mrs. Judy Johnson at the Chamber of Commerce for organizing the outstanding Christmas parade. Mayor Davis remarked that weather permitting next year, there would be fire truck rides for the kids. When asked for any further comments, Councilman Frazier wanted to offer thanks to Mrs. Vickie Nichols for the recent grant she acquired for the City, and Mayor Davis thanked her for her success in acquiring numerous financial donations for the food boxes. Mayor Davis commented that the food boxes will be passed out by the Fire Department and Police Department and thanked all who are concerned with the poor and needy.

#### EXECUTIVE SESSION

Councilman Joseph Frazier made a motion to enter Executive Session to discuss (a) Legal Advice - Personnel; Police Department and Council Members, (b) Legal Advice - Council Voting Procedures, (c) Legal Advice - Pending Lawsuit, (d) Legal Advice - Council Code of Conduct, - Contractual Matters. The motion was seconded by Councilman Michael Baker; motion carried. After returning from Executive Session, Mayor Davis stated that no action was taken in Executive Session. Councilman Michael Baker made a motion to enter open session, seconded by Councilman Joseph Frazier; motion carried.

## PUBLIC COMMENTS

Reverend Matt Croshaw of Imagination Production Company spoke regarding the ministry they are trying to provide to the residents of the City and want to partner with the City in their efforts to bring live performances here. Their desire is to bring together and unite the citizens of Marion. As to use of CD Joyner Auditorium, Rev. Croshaw stated they were not aware that they were operating out of proper procedure and had to come before Council again, after being told by former Administration they could use it. Rev. Croshaw assured Council they would abide by the Ordinances in place. Rev. Croshaw begs that Council remember that the mission statement of the City speaks about pursuing partnerships that will benefit Marion and believes this partnership fits that bill.

Attorney Kenneth Davis commented that it appears the City has a policy and an interest in promoting live theater, and the City should adopt an ordinance to formalize the process whereby non-profit theater groups may submit proposals to Council for approval for use of the facilities, with the fees being waived. With an ordinance of that nature in place, you can approve this proposal. The ordinance will have to have two readings six days apart and, with the idea that this proposal falls within the strength of that ordinance, Attorney Davis commented that Council could go ahead with the vote. Councilman Ralph Atkinson made a motion to allow Imagination Production Company, Inc. to move forward with their plans for 2014 and we continue to allow them to use Joyner Auditorium rent-free for 2014. They can move forward with their grant and the City can move forward with drafting an ordinance that will accommodate the use of our facilities rent-free pursuant to a content neutral policy which does not favor religion and keep us in good graces with federal laws. Councilman Michael Baker seconded the motion; motion carried. Councilman Ralph Atkinson made a motion to hold a Special Meeting on Monday, December 16, 2014, at 5:15 p.m. for 1<sup>st</sup> Reading on the ordinance for use of public facilities, seconded by Councilman Emerson Hunt; motion carried. Mayor Davis commented that after reviewing the

ordinance at the 1<sup>st</sup> Reading, a meeting would be scheduled six days later for the 2<sup>nd</sup> reading, at which time Council would vote.

Councilman Michael Baker made a motion to authorize the Treasurer to make the necessary financial arrangements from the fund balance to take care of the settlement and also allow us to place a letter in the personnel file. In addition, change the separation of Willie Smith to retired. Councilman Joseph Frazier seconded the motion. The motion carried by a 4-3 vote, with Mayor Bobby L. Davis, Councilman Michael Baker, Councilwoman Odessa Gregg and Councilman Joseph Frazier voting **yes** and Mayor Pro-tem Ronald Atkinson, Councilman Ralph Atkinson and Councilman Emerson Hunt voting **no**.

There was no other action taken regarding legal advice from the Attorney.

#### ADJOURNMENT

With no further business to discuss, Councilman Michael Baker made a motion to adjourn, seconded by Mayor Pro-tem Ronald Atkinson, motion carried.

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Mayor Bobby L. Davis

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City Clerk Pam Jones

Taped December 10. 2013