

MINUTES

MARION CITY COUNCIL
PUBLIC HEARING - REDISTRICTING
SEPTEMBER 11, 2012 – 6:15 p.m.

REGULAR MEETING
SEPTEMBER 11, 2012 6:30 P.M.

A Public Hearing for Redistricting was held by City Council on Tuesday, September 11, 2012 in the Council Chambers at City Hall at 6:15 p.m. over which Mayor Rodney Berry presided. Council members Michael Baker, Ronald Atkinson, Bobby Davis, Ralph Atkinson, Betsy Atkinson and Odessa Gregg were present. Present were City Administrator Alan Ammons, City Treasurer Patricia Brown, City Clerk Pam Jones and City Attorney Robert Lee. Also in attendance were local media and numerous residents.

Mayor Berry called the Public Hearing to order and opened the floor for comments regarding the proposed redistricting in the City of Marion. Several residents took this opportunity to express their concern and displeasure at the proposed changes for the district lines. Many felt that the changes were being made for self-serving reasons and not for public service. Mayor Berry stated that these comments were for information purposes only and that nothing will pass without the Justice Department's approval. With no further comments, Mayor Berry brought the Public Hearing to a close.

At 6:30 p.m., Mayor Berry called the regular meeting to order and Councilwoman Gregg gave the opening prayer. Mr. Ammons led the Pledge of Allegiance and a moment of silence was observed in memory of the lives lost on 9/11/01. Mayor Berry welcomed all guests and the press (Star/Enterprise and Hometown TV) and thanked them for their faithfulness in covering the meetings.

Councilwoman Betsy Atkinson made a motion to approve the minutes from the Regular Meeting on August 14, 2012, seconded by Councilman Ronald Atkinson; motion carried.

Mayor Berry asked for a Resolution for Nikki Ward who was named *South Carolina's Outstanding Teen*. Councilwoman Betsy Atkinson made a motion to approve the Resolution, seconded by Councilman Bobby Davis; motion carried.

City Clerk Pam Jones read a Proclamation for *Arts in Education Week*. The Proclamation was presented to Linda Wiegert by Mayor Berry on behalf of City Council and the citizens of Marion. Also, Tom Griggs gave a short presentation on some projects the Arts Council is currently working on.

Regarding the bids of the Repaving of North Pine Street, Mr. Ammons commented that this was CTC funds we requested and recommended accepting the low bid of \$30,457.70 from Palmetto Paving. Also, Mr. Ammons needs authorization from Council to request an additional \$6,000 from the CTC that would come from the project on Withlacoochee, which was completed under budget. He has

spoken with Mr. Coleman and Chairperson Page and, with a Letter of Approval from Council, they will approve this. Councilman Ralph Atkinson made a motion to award Palmetto Paving, with the low bid of \$30,457.70, the Repaving North Pine Street Project and to allow Mr. Ammons to talk to the CTC about transferring funds from the Withlacoochee Project, seconded by Betsy Atkinson; motion carried.

Regarding the bids for a scoreboard at Watsonia football field, Mr. Ammons commented that this was PARD grant money (\$5,900) that the City of Marion received. At the recommendation of the Recreation Director, Mr. Ammons suggested that the City accept the low bid of \$5,485.76 from NEVCO. Councilman Ralph Atkinson made a motion to accept the low bid from NEVCO in the amount of \$5,485.76, seconded by Councilman Bobby Davis; motion carried.

Mr. Ammons stated that our moratorium on the sweepstakes machines runs out next month and we currently have several businesses in the City of Marion that only pay a minimal business license fee, no matter how many machines are in their establishment. Mr. Ammons further stated that we need to adopt some type of business license fee because now it's only a \$35 fee regardless how many machines are located at the business. Attorney Lee has reviewed what some other cities are doing in regards to the internet sweepstakes machines. Attorney Lee suggests that we follow the City of Darlington's ordinance and charge \$500 per machines, as some of these places take in \$16,000 a week. If they don't have the appropriate sticker from the City, the machines would be confiscated or charge them \$250 per day for each day they don't have a sticker. The City would make the decision on which direction to take on this. Councilman Baker inquired as to what areas other than Darlington were surveyed and how comparable was the \$500 fee. Councilman Baker and Councilman Davis requested that Attorney Lee provide background information/surveys to support what was being presented to Council. Attorney Lee responded that he had spoken with Florence and Hartsville who were both getting ready to do this. Mayor Berry commented that if this was postponed til the next meeting, the moratorium would run out and these sweepstakes could open all over the City. Mr. Ammons responded that it does run out the day after our next meeting and at this time the Legislature still has not a made a decision on their legality so they could pop up everywhere. Councilman Baker inquired as to whether the moratorium could be extended, to which Mr. Ammons replied that it could not. After some further discussion regarding the fee charges, Councilman Davis stated that since this was the 1st reading and it is not locked in, any desired changes can be made before the 2nd reading. Mayor Pro-tem Ronald Atkinson made a motion to accept 1st Reading on Ordinance 12-07, an *Ordinance to Establish Fees of \$500 for Sweepstakes Machines Located in the City of Marion*, seconded by Councilman Ralph Atkinson; motion carried.

Councilwoman Betsy Atkinson made a motion to accept 2nd Reading of Ordinance 12-06, an *Ordinance Altering the District Boundaries for the six Single Member District for the City of Marion*, seconded by Councilman Ralph Atkinson. Councilman Baker commented that a letter was sent to the

Ethics Committee yesterday (September 10) from the City Attorney asking for an opinion from Councilman Davis' request at the meeting last month. Councilman Baker suggested that since we asked for an opinion from the Ethics Committee, we should wait and see what their opinion is. Councilman Davis stated that if this was approved tonight, a packet must go to the Justice Department, and during the Public Hearing it was asked if the Justice Department drew these lines, to which Councilman Davis commented they were not. Every 10 years there should be a census count and based on the census count, we receive one benchmark map and statistics with the City's current districts overlay with 2010 census numbers; Plan 1 shows adjustments to the benchmark that reflects a more equal distribution of the City's population between the 6 districts. Due to minor population changes in the last 10 years, only slight adjustments were made to Districts 1, 4, and 5 and Districts 2, 3, and 6 were unchanged, per the Board of Statistics. On Plan 1, Councilman Davis and Councilwoman Gregg were inadvertently put in the same district, so they properly made the correction and put Councilman Davis back in his District 4 on Plan 2. Councilman Davis further stated that this is the plan they offered the City of Marion initially and said after the census was conducted we had 4,820 black persons and 1,908 whites in the City of Marion. The state drew up 4 districts with minorities in those districts being the majority, which is required. Two districts, Mr. Ronald Atkinson and Mr. Ralph Atkinson's are majority white. Councilman Davis stated that the 3rd and 4th maps came along when Ralph Atkinson D-1 and Betsy Atkinson D-3 requested changes to plan 2, which resulted in Plan 3 and reduced the VAP in District 3 from 67.9% to 64.1%. On Plan 3B, you will see the reduction in those percentage points could mean the difference in an election. The numbers on Plan 2 show that there were 287 whites and 807 blacks in District 3; Plan 3B now has 375 whites and 759 blacks in District 3 and reduced the black VAP down to 60.9%. Councilman Davis commented that maybe it was about looking out for others in the district, it could have been about moving some property out of Mrs. Atkinson's District into Mr. Atkinson's District, but the bottom line is the VAP was reduced from 67.9% down to 60% and that is huge when it comes to an election. Councilman Ronald Atkinson commented that the Justice Department would make the final decision, that no one here could make that decision, and if they think it's unfair, they're going to turn it down. Mayor Berry stated that it's within the guidelines, so it will be up to the Justice Department to approve or not approve. With no further discussion, the motion carried 4-3; Mayor Berry, Councilman Ralph Atkinson, Councilwoman Betsy Atkinson and Mayor Pro-Tem Ronald Atkinson voted **yes**, Councilman Bobby Davis, Councilman Michael Baker and Councilwoman Odessa Gregg voted **no**.

ADMINISTRATOR'S REPORT

Mr. Ammons updated the storm water repairs and informed everyone that the project on Bobby L. Davis Blvd. should be completed and repaved in the next couple of weeks. The North Withlacoochee project has been completed. Mr. Ammons commented on the massive amount of rain (8 inches) that poured here over the weekend, similar to the flooding Hurricane Hannah caused several years ago. Mayor

Berry publicly acknowledged Winky and Ronnie and their crews who stayed out all night to help and also thanked Captain Jackie Yates for being there to help. Catfish Creek overflowed its banks and covered our discharge pipes; at this point there is nothing we can do until Catfish goes down as the City discharges into Catfish and also Smith Swamp (Bluff Road) which had also overflowed up to the highway. Councilman Ronald Atkinson asked if Mr. Ammons would send someone to Evans St. (Bethlehem St.) to check on that area.

There will be a Stormwater Study workshop before our next Council meeting at 5:45 p.m. on October 9. There are 3 potential engineering firms that want to present a proposal to Council on what their company has to offer and what they think the City needs to do. Each company needs approximately 45 minutes, so we can schedule the other presentations before the meeting at 5:45 p.m. on November 13 and at 5:45 p.m. on December 11. After all 3 proposals are presented, each company will send a formal bid on the cost of their proposed job. Councilman Ronald Atkinson suggested that in order to be fair, all 3 presentations be made before any company gives the price for their job. Mr. Ammons commented that may give a price range at their presentation, but not an actual quote.

Mr. Ammons stated that in our 2012 Budget, Council made and approved several adjustments to the budget. Councilman Michael Baker made a motion to accept this for the record for Mrs. Brown, seconded by Councilman Ronald Atkinson; motion carried.

Mr. Ammons stated that the letter from Mrs. Finklea was in regard to using the Municipal parking lot behind Remcare for a food bank. A couple of churches wanted to do this on the 3rd Saturday for 3 months, from 10 a.m. to 2 p.m. Mr. Mason, owner of Remcare, was in the audience and told Mr. Ammons he had no objection to them using the parking lot at that time. Councilman Bobby Davis made a motion to allow the use of the parking lot for the food bank during the times specified, seconded by Councilman Michael Baker; motion carried.

Grant Writer/Publicist Dianne Owens was named August Employee of the Month and presented with a gift certificate.

On behalf of Mrs. Ellen Baldwin, Mr. Ammons thanked City Council and the City employees who helped with the School Supplies Giveaway and cookout held at Pop Dorsey's Park.

CITY ATTORNEY'S LEGAL UPDATE

Mr. Lee commented that he would discuss agenda items 16, 17, and 19 in Executive Session. Councilman Davis asked that if Attorney Lee has not done so, please send corresponding e-mails that were sent with each map (from State Budget & Control Board) to the Ethics Commission; they clearly state that Mr. Ralph Atkinson and Mrs. Betsy Atkinson were the ones who asked for this and the Ethics Commission needs to see everything. Attorney Lee replied that he would send copies of the e-mails tomorrow.

DEPARTMENTAL REPORTS

Departmental reports are included in Council's packet each month. Mayor Berry has made available a report from the Marion County Drug Task Force, along with the Marion Police report for the public's perusal.

ACCOUNTABILITY OF CITY OFFICIALS/COMMENTS FROM CITY COUNCIL AND MAYOR

Councilman Baker commented that he and Mr. Ammons had been through his district several times during the month and there was still a lot of work to do in that area, especially the bordering area. Councilman Baker received several calls from residents in District 3 and he contacted Mr. Ammons to go with him and take care of those things. He reminded the residents that Mrs. Atkinson is their representative, but they felt more comfortable calling him, for whatever reason and they also expressed that to Mr. Ammons. Mayor Berry gaveled down the audience and commented that he thought that comment was a fairly cheap shot, to which Councilman Baker stated that it was not a cheap shot, but what those residents told him. Councilman Baker further stated that it was that they didn't want to call her, but they felt more comfortable calling him because they were closer to his district. Councilman Baker asked if Mayor Berry understood better, to which Mayor Berry responded he would treat Councilman Baker with respect but he finds exception with the "do I understand better?" comment and thinks that could have been handled better. Councilman Baker commented that's what happened and he and Mr. Ammons took care of it.

Mayor Pro-Tem Ronald Atkinson thanked the City employees for the great job they did in cleaning up after the storm last Saturday night.

Councilman Bobby Davis received 2 calls Sunday morning that were not in his district, but went to look at the problem. On Georgetown Street, the City had 2 trucks and 2 crews working to clean out the drains and he thought it good that the employees didn't have a problem going out to help on Sunday morning. Councilman Davis commented that it looks like the drainage problem on Bobby L. Davis. Blvd. is coming along fairly well and hopefully it will work. Councilman Davis thanked Mrs. Baldwin and those who helped her for all of her work with the kids and making sure they went back to school with supplies. Councilman Davis stated that he almost ran into a huge hole on Eutaw Street near Ronnie Davis' house, at least a foot deep, and if someone hits the hole, will tear their car up. Councilman Davis further stated that's District 3 and that's not a cheap shot.

Councilman Ralph Atkinson had no comment at this time

Councilwoman Betsy Atkinson had no comment at this time.

Councilwoman Odessa Gregg noted that there was information in their packet regarding Kaboom (which deals with playground equipment) and asked if we will be doing additional information to apply for a grant so that we might be able to get something from the Kaboom Company. Mayor Berry commented that the grant writer was working on that. Councilwoman Gregg asked for a suggested timeline on when we will hear if the grant has been completed or submitted. Mayor Berry responded that it may have already been submitted, but the only reason we're considered at all is because of work we've done in the City of Marion. Mayor Berry stated that there are only 5 cities in South Carolina that can even submit and we are very blessed to have Dianne get us in that category to start with and he will get Mrs. Gregg the information she asked for. In a past meeting, Councilwoman Gregg talked about Kaboom and the company having playground equipment and she was familiar with a city (Camden) less than 100 miles from here that had benefitted from this. This was the reason she was asking that a grant be done so that our children can be in the running; if you don't write a grant or request anything, you don't get anything. Mayor Berry commented that Camden was the other city that received the same Kaboom award as Marion, to which Councilwoman Gregg replied that she was aware of that the first time she mentioned it.

Mayor Berry commented that we received a PARD grant which is being used for the scoreboard at Watsonia. He encouraged everyone to pick up a copy of the Swamp Fox Scene which is placed in numerous locations around the City. Mayor Berry stated that we are putting on a Jumpstart (Entrepreneurship) class at Francis Marion. There is no cost to the citizens of Marion, but the first 25 have to sign up. The Healthcare Foundation funded this program at a cost of \$3,800. A *Run at Work Day* is scheduled for September 20th at 6:30 a.m., 12:00 noon and also 4:00 p.m. Also, Allison Floyd will be the keynote speaker at the United Fund Gala on Thursday, September 20th at the Marion Baptist Church Fellowship Hall. *Play Day* will be held Saturday, September 15th which will include a Punt, Pass & Kick competition, table tennis tournaments, and Irish Stackhouse will give tennis lessons. Mayor Berry thanked Fred Gause for his well attended annual event held at MHS. Fred Gause is a special person who has a way with kids and adults alike and we thank him for all he does. Mayor Berry told Council members that the City would have a table at Rev. Hemingway's Woman-to-Woman conference, with Congressional candidate Tinubu as the keynote speaker and to let him know if they plan to attend. Also, the City has a table at the United Fund Gala and if any Council members would like to attend please let Mayor Berry, Alan or Patricia know. Mayor Berry offered congratulations to Councilman Ralph Atkinson, whose father, Mr. E. J. Atkinson, was recognized for his many contributions made during his lifetime, by naming the bridge at Highway 501 and Ariel Crossroad in his memory. He was also recognized by a Senate Proclamation from Senator Kent Williams, letters from Governor Nikki Haley, Congressman James Clyburn, Senator Lindsay Graham and Speaker of the House Bobby Harrell.

Mr. Ammons stated that Mr. Webb should be town to make some adjustments on a couple of playground pieces at Grice's that he and Councilman Davis looked at. Also, the trash receptacles at

Grice's will be taken care of. Councilman Davis asked Mr. Ammons to check the track field at Grice's for holes. Mr. Ammons also commented that the City sprayed for mosquitoes 3 or 4 nights last week, before the rain, and will start back again. Councilman Davis expressed his appreciation to Fred Gause for all he does for our community.

PUBLIC COMMENTS

Pamela McRae spoke on the State of the City of Marion and issues with City Council. She commented that although the people in the seats had changed, she still saw politics as usual and is concerned that people are not being properly represented. She stated that we need people with integrity on Council and encouraged everyone to vote to make changes for the betterment of the City.

Next, Joe Frazier commented on the fact that the current Police Chief was not present at the Council meetings and in the past, Chief Smith was required to attend and he thinks it is racial. He further commented that any Police Chief should attend the meeting to let the residents know what is going on, rather than putting a report out to read. Mayor Berry stated that according to the Municipal Association, and he would read verbatim, "Mayor-Council Form of Government, the Mayor issues reports to Council on operation of departments". The written reports we get are well within a Mayor's power to do so and we are not violating anything. Mayor Berry further commented that there is a form to fill out stating your problem and if you've talked to your Council member or the Mayor. Mayor Berry is available all the time to discuss issues and encourages resident to contact him.

EXECUTIVE SESSION

Councilman Ralph Atkinson made a motion to enter Executive Session to discuss: Marion County Tax Collection Agreement, Proposal for Purchase of Real Property, Legal Advice/Pending Lawsuit-City Attorney, Contractual Matter-GSWA, Personnel Matter-Police Department, seconded by Councilman Bobby Davis; motion carried. Upon returning from Executive Session Mayor Berry stated that no action was taken. Councilman Bobby Davis made a motion to Enter Open Session, seconded by Councilwoman Betsy Atkinson; motion carried.

The Tax Collection Agreement was tabled until Attorney Lee receives the agreement from the County attorney.

The Proposal for Purchase of Real Property was tabled at this time.

Regarding the Request from Robert L Jolly to exchange grass cutting for use of parking spaces, Mr. Ammons commented that the consensus of Council is to continue with the grass cutting fee.

Mr. Ammons will contact Mr. Jolly in writing and let him know there is a policy in place and Council's decision to continue charging a fee.

Councilwoman Betsy Atkinson made a motion to have Mr. Ammons get proposals on the Splash Pad, seconded by Mayor Pro-tem Ronald Atkinson; motion carried.

ADJOURNMENT

Having no further business, Councilwoman Betsy Atkinson made a motion to adjourn, seconded by Councilman Bobby Davis; motion carried.

Mayor Rodney Berry

City Clerk Pam Jones
Taped September 11, 2012