

**HAMPTON COUNTY COUNCIL'S MEETING MINUTES
MONDAY; AUGUST 3, 2009; 6:00 P. M.
COUNCIL CHAMBERS, B. T. DeLOACH BUILDING
201 JACKSON AVENUE, WEST, HAMPTON, SC**

Hampton County Council held its regularly scheduled meeting on Monday, August 3, 2009, 6:00 p. m., Council Chambers, B. T. DeLoach Building, Hampton, South Carolina. Council Member(s) present: Hugh B. Gray, Chairman; Virgin Johnson, Sr.; Margaret S. "Peggy" Parker, Vice Chairman; Charles H. "Buddy" Phillips and Willard E. Wilson. Staff present: Sabrena Posey Graham, Administrator; Aline Newton, Clerk to Council and A. G. Solomons, Jr., County Attorney. Media present: Michael DeWitt, The Hampton County Guardian and Shellie Murdaugh, LowcountryUs.Net. The meeting was advertised as prescribed by law.

CALL MEETING TO ORDER

CALL TO ORDER:

Chairman Gray called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION:

Pastor Byrd gave the invocation.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairman Gray.

PUBLIC HEARING(S)

There were no public hearing(s).

PUBLIC COMMENT(S)

MRS. MARY ANN DUNCAN, CITIZEN, REGARDING BIG MAMA'S ROAD:

Mrs. Duncan came before council regarding Big Mama's Road. She stated that the residents of Big Mama's Road have been trying to get the road paved, and the Transportation Committee has agreed to pave it, but Mr. Viola will not give the right-of-way. She stated that things have escalated that there is no reasoning. Mrs. Duncan stated that Mr. Viola requested \$10,000 for the property (right-of-way) on Big Mama's Road. She stated that Mr. Viola made the telephone company dig up cable that was on his property (right-of-way dispute). She stated that he has now increased the price to \$15,000 for the right-of-way. Mrs. Duncan read a letter from Mr. Charlie Crews, Chairman, Hampton County Transportation Committee, asking that the property be condemned in order for the road to be paved. Chairman Gray stated that council had the letter that was cited. Chairman Gray asked if the mailman, school bus, etc. traveled the road. Mrs. Duncan stated that they did. Council asked County Attorney Solomons what would be the steps for a legal condemnation. Mr. Solomons stated that the question is the amount of money being asked for the property, can the money from the CTC be used for purchasing the property?

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etc. Council Member Parker wanted to know how much property they were talking about. Blake Hodge, Public Works Director, stated that he had the information. She stated that she would like to have that information, along with the research from the County Attorney before discussing condemnation. Council Member Wilson stated that this has been going on for quite some time. He stated that council needed to go ahead and proceed with condemnation. **Moved** by Council Member Wilson, seconded by Council Member Johnson, to go ahead and proceed with the condemnation process. Council Member Phillips stated that he would abstain, because his brother was married into the family. Council Member Parker stated that she was not aware of all the facts and was not ready to try and resolve tonight. She wanted to know if the CTC money could be used to pay the court fees. Motion carried with Council Member Johnson and Wilson voting in favor and Council Member Parker voting in opposition. Council Members Gray and Phillips abstained.

ADOPTION OF THE AGENDA

ADOPTION OF THE AUGUST 3, 2009 COUNTY COUNCIL MEETING AGENDA:
Chairman Gray asked if there were any changes to the agenda. **Moved** by Council Member Phillips, seconded by Council Member Johnson, to adopt the agenda with the following revision(s): (1). Add Item #7.4, Watermelon Festival Committee Regarding Use of Courthouse Grounds (Mr. Chris Haulsee, Chairman, Watermelon Festival Committee), (2) Add Item #7.5, General Use of the Courthouse Grounds (Mrs. Betty Ruth Crews, (3) Add Item #7.6, Mr. Paul Shepherd, Regarding 2010 US Census, (4) Add Item #14.2, Personnel Matter, (5) Add Item #10.2.1, Estill. Motion carried unanimously.

PRESENTATIONS

PRESENTATION OF CERTIFICATES TO APPOINTEES:

Chairman Gray presented Certificates of Appointment to Ernie Avant and Beth McNeer, Tax Appeals Board.

GRANT FUNDS FROM (CSX CORPORATION FOR RURAL RECREATION PROJECTS (VICTORIA TUTEN, DIRECTOR, RECREATION DEPARTMENT):

Mrs. Tuten came before council to explain the grant funds that were awarded by CSX Corporation. She explained that CSX chose the project areas for the grant which was Estill, Scotia and Yemassee. She stated that former Council Member Lee Bowers was instrumental in Hampton County being chosen to receive the funds.

HAMPTON COUNTY FIRE/RESCUE 2008 ANNUAL REPORT (GENE RUSHING, FIRE CHIEF):

Mr. Rushing came before council and presented the 2008 Fire/Rescue Annual Report. (See Attachment #1 – 2008 Fire/Rescue Report)

WATERMELON FESTIVAL COMMITTEE REGARDING USE OF THE COURTHOUSE GROUNDS (MR. CHRIS HAULSEE, CHAIRMAN, WATERMELON FESTIVAL COMMITTEE):

Mr. Haulsee came before council and voiced the Watermelon Festival Committee's desire to

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return the festival activities, etc. to the courthouse grounds. (See Attachment #2- Presentation)

GENERAL USE OF THE COURTHOUSE GROUNDS (MRS. BETTY RUTH CREWS):
Mrs. Crews stated that she had spoken to Martha Bee Anderson and Martha Bee's desire was in support of her concerns. Mrs. Crews came before council to ask that the general use of the courthouse grounds be granted to the public. She recalled historical events and activities that were held on the grounds. Mrs. Crews reflected on the sentiment that she and others felt for the courthouse and the events held there. (See Attachment #3)

MR. PAUL SHEPHERD, REPRESENTATIVE, US CENSUS BUREAU, REGARDING THE 2010 CENSUS:

Mr. Shepherd came before council to discuss the 2010 census. He explained the importance of the census and stated that Terri had spoken to them earlier regarding the census. He asked that council sign a partnership agreement with the census bureau stated that they would encourage citizens to participate in the 2010 census and also appoint a Complete Count Committee. Administrator Graham stated that she believed council had already adopted the proclamation, etc. Mr. Shepherd asked Administrator Graham to send him a copy of the Proclamation adopted by Hampton County. Council thanked Mr. Shepherd.

APPOINTMENTS TO BOARDS AND COMMISSIONS

HAMPTON COUNTY GRIEVANCE COMMITTEE:

Moved by Council Member Parker, seconded by Council Member Phillips, to accept the recommendation of Administrator Graham and appoint Mary Ann Lerch to the Hampton County Grievance Committee.

RESOLUTION(S)

There were no resolution(s).

ORDINANCE(S)

SECOND READING TO ORDINANCE #2009-007, DECLARATION OF RESTRICTIVE COVENANTS OF THE ESTILL INDUSTRIAL PARK:

Moved by Council Member Phillips, seconded by Council Member Johnson, to give second reading to the Declaration of Restrictive Covenants of the Estill Industrial Park. Motion carried.

SECOND READING OF ORDINANCE #2009-008, AN ORDINANCE TO ESTABLISH THE KEEP HAMPTON COUNTY BEAUTIFUL BOARD:

Moved by Council Member Parker, seconded by Council Member Wilson, to give second reading to Ordinance #2009-008, an ordinance to Establish the Keep Hampton County Beautiful Board. Motion carried unanimously.

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FIRST READING TO ORDINANCE BY TITLE ONLY TO RE-IMPOSE, SUBJECT TO REFERENDUM APPROVAL AND PURSUANT TO THE CAPITAL PROJECTS SALES TAX ACT, A ONE PERCENT (1%) SALES AND USE TAX (THE 'TAX') WITHIN HAMPTON COUNTY FOR NOT MORE THAN SEVEN (7) YEARS; TO ORDER A COUNTY-WIDE REFERENDUM OR THE QUESTION OF RE-IMPOSING THE TAX AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS (THE 'BONDS'); TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTION; TO SPECIFY THE PURPOSES FOR WHICH THE PROCEEDS FROM THE TAX ARE TO BE USED, THE MAXIMUM TIME FOR THE IMPOSITION OF THE TAX AND CERTAIN PROVISIONS RELATING TO THE ISSUANCE OF THE BONDS, IF APPROVED BY REFERENDUM, BY SUBSEQUENT ACTION OF COUNCIL; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO:

Moved by Council Member Phillips, seconded by Council Member Johnson, to give first reading by title only to Ordinance to re-impose, subject to referendum approval and pursuant to the Capital Project Sales Tax Act, a one percent (1%) Sales and Use Tax (The "Tax") within Hampton County for not more than seven (7) years; to order a county-wide referendum on the question of re-imposing the tax and authorizing the issuance of General Obligation Bonds (The "Bonds"); to prescribe the contents of the ballot question; to specify the purposes for which the proceeds from the tax are to be used, the maximum time for the imposition of the tax and certain provisions relating to the issuance of the Bonds, if approved by referendum, by subsequent action of council; and to provide for other matters relating thereto. Motion carried unanimously.

BID(S)

There were no bid(s).

COUNCIL'S BRIEFING(S)

CHAIRMAN'S UPDATE (CHAIRMAN GRAY):
Chairman Gray gave his update. (See Attachment #4)

COUNCIL'S DISCUSSION POINT(S):
There were no discussion point(s).

REPORTS TO COUNCIL

**ADMINISTRATOR'S REPORT:
Hampton County Grants Administration**

Administrator Graham provided, as information, the award of the Justice Assistance Grant (JAG) grant for an additional Gang Investigator. She stated they have received bids for a vehicle for the officer and recommends that council accept the lowest bidder which is Love Chevrolet for \$24,096 (twenty-four thousand, ninety-six dollars). **Moved** by Council Member Phillips,

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seconded by Council Member Wilson, to accept the lowest bid from Love Chevrolet of \$24,096 for the sheriff's department vehicle (Gang Grant). Motion carried unanimously.

EXECUTIVE SESSION

Moved by Council Member Phillips, seconded by Council Member Wilson, to go in to executive session to discuss a personnel matter and a legal matter. Motion carried. **Moved** by Council Member Phillips, seconded by Council Member Parker, to come out of executive session. Motion carried unanimously. After coming out of executive session, Chairman Gray stated that council discussed a personnel concern regarding a board member and a legal matter with the County Attorney. Council took the following action:

Legal Fees Reimbursement

Moved by Council Member Parker, seconded by Council Member Johnson, to take the opinion of Martin Harvey who was hired by council to reimburse Mr. Willard Wilson according to what the statue requires which is \$10,067.23 (ten thousand, sixty-seven dollars and twenty-three cents); this pertained to the lawsuit of Steven J. Lewis and Willard E. Wilson. Motion carried with Council Member Wilson abstaining.

Courthouse Project

Administrator Graham stated that she needed guidance on the Courthouse Project and contract. She stated that she received the final request from Moseley for the payment of Brunson. She wanted to know what council wanted to do regarding the liquidated damages (\$10,500). Council stated that Brunson performed some work that saved the county money. **Moved** by Council Member Parker, seconded by Council Member Phillips, to reduce the liquidated damages by half, since the contractors assisted in correcting problems that would have cost the county more money if the plans were followed as drawn. Motion carried unanimously.

ADJOURNMENT

Moved by Council Member Johnson, seconded by Council Member Parker, to adjourn the meeting. Motion carried unanimously. Chairman Gray adjourned the meeting at 8:15 p. m.