

**MINUTES
COLLETON COUNTY COUNCIL
REGULAR MEETING
TUESDAY, JUNE 2, 2015
6:00 P.M.
COUNTY COUNCIL CHAMBERS, OLD JAIL BUILDING**

Colleton County Council met in Regular Session on Tuesday, June 2, 2015 at 6:00 PM, at the County Council Chambers, Old Jail Building. Steven Murdaugh called the meeting to order with Council Members, Gene Whetsell, Dr. Flowers, Evon Robinson in attendance. Phillip Taylor, absent

Others present included: Kevin Griffin, Ruth Mayer, Sean Thornton, Pete Anderson, George Brothers, Denny Conley, Isreal Hodges, Sr. Eleanor Hodges, Karla Daddieco, S.G. Drew, Becky Hill, Frank Newman, Jamie Frost, Akacia Chase, Clarence Albright, Andrew Commodore, Agnes Mack, Margie Edwards, James Rutledge, Roy Williams

Mr. Robinson gave the invocation and led the Pledge of Allegiance.

Appearances & Public Presentations

First Choice Academy – Dr. Yvonne Commodore

Ms. Margie Edwards gave everyone an overview of what their charter school provides and asked everyone for their support in opening a school in Walterboro.

Approval of Minutes

Regular Meeting May 5, 2015

A motion to approve the minutes was made by Dr. Flowers and seconded by Mr. Robinson.

The motion carried unanimously.

Awards & Recognitions

None

Administrator's Briefing

Mr. Griffin said I think all of you have been contacted by our Clerk to Council in regards to our July meeting. That has been moved as we generally do during the summertime from the 7th of July to July 28th and we will cancel the August meeting because of the statewide SCAC meetings which are the 1st part of August. I just wanted to note that for the record.

Mr. Griffin said this month we have been extremely busy trying to put the finishing touches on a tough budget year. We also got the Capital Projects Sales Tax Bond closed this month. We got a very favorable rate and rating in regards to that. You have a resolution 15-R-60 on the agenda tonight. This is to take those funds that are now held in the Treasurer's Office and reinvest those to try to get a good investment rate as we draw those down. That is what you will have before you tonight in that regard.

Mr. Griffin said we do plan to have final reading on the budget June 19th. I have a few more personnel items that I will update you on tonight in executive session in regards to the budget.

Mr. Griffin said we had a lot of project activity this month ...inaudible...One other thing I did want to point out to you is we had just of 60 teams this weekend at the ballpark. Chris and his folks continue to do an outstanding job of keeping that going and it has been very busy and have a pretty big summer planned out there as well.

Public Hearing

Colleton County proposes to file an application for a grant with Rural Development Community Facilities. The purpose of this public meeting is to give an opportunity to become acquainted with a proposed Community Facilities project, consisting generally of the purchase of bathroom fixtures/equipment related to the impending improvements at the Hampton Street Auditorium.

Citizens will have the opportunity to comment on such items as economic and environmental impacts, service area, and alternatives to the project.

Projects funded by Rural Development are equal opportunity programs and discrimination in the program is prohibited by Federal Law.

No comments were made.

Old Business

2nd Reading Ordinance 15-O-07, Granting Easement No. 893051 to South Carolina Electric and Gas Across a Portion of Property Owned by Colleton County Located along Robertson Boulevard between North Jefferies Boulevard and Colleton Loop in or near the City of Walterboro, County Colleton, SC; Such Easement is to be Used for the Installation, Operation and Maintenance of Electrical and Gas Facilities within Colleton County, SC; to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto

A motion to approve 2nd reading was made by Mr. Whetsell and seconded by Dr. Flowers.

The motion carried unanimously.

New Business

1st Reading Ordinance 15-O-08, To Enact Regulations Regarding Smoking in Public Places in order to Protect the Public Against the Harmful Effects of Secondhand Smoke.

A motion to approve 1st reading was made by Mr. Whetsell and seconded by Dr. Flowers.

Mr. Murdaugh said I know this is 1st reading, but I have a couple of things I would like to point out. This is not the 1st time this has been before us and I traditionally have been opposed to this because I think it should be the citizen's choice and not the government imposing; however, I realize things change, the environment has changed and I believe the will of council is to pass this, but I would like to go through and make a couple of observations and a couple of points. The 1st one 808010 Findings & Determinations, I think the council with passing were really doing it based on our own determining. I think that listing all these specific studies, because there are a bunch of different studies out there. I think we could do our own and not list any specific studies because they can change. 808090 Declaration of Establishment as Nonsmoking, that section gives any establishment the right to declare not only the things that are prohibited in this particular ordinance as a non-smoking area, but they can declare their entire grounds as a non-smoking area. I guess my question is and it doesn't state if they make that declaration, I am just wondering, does that mean we will then have the enforcement in the area that is not included in this prohibited section. If it is, then I think it just needs to be clarified. The other thing is if you are going to require them to have these signs and do these things, you need to give them some sort of leeway as far as time and enforcement. 808110 Nonwaiver of Rights where it says no person or employer shall discharge, refuse to hire, I think we start to get into employment law and I am not sure because it is an At Will Employment State we can dictate some of the things that are in here. You can't dictate those things to all businesses. Item "b" in this section, I am not sure what that means. 808120 item "f" notwithstanding any other provision of this article, an employee or member of the public may bring legal action against a person, business, or organization in violation of this article to enforce the article. I'm not sure that we are attempting to give them standing in the court and Mr. Counsel, I'll ask you to look further into that. Same thing with "g". 808130 Violations & Penalties item "c" I guess if you have a repeat offender of this ordinance, it talks about the fact that we can suspend or revoke the occupancy permit. I guess they are talking about the CO, but I'm not sure that that would necessarily be related ...inaudible... own the facility. We need to see legally if that would stand. The enforcement of this still falls with the County Administrator, I guess that is fine he can delegate that authority out I guess to anybody under his supervision. We need to find out how this enforcement is going to work. Is that going to fall within a certain department of the administrator or how are we going to do that.

Mr. Whetsell said I got to call the Attorney General for an opinion I guess.

Murdaugh said I think we certainly need to figure out how it is going to work.

Dr. Flowers said he thought there was plenty of precedence of governmental agencies passing such as this notwithstanding the fact that I think some of our counties passing. City of Walterboro has. Hasn't Edisto Beach passed it also? I think there is plenty of precedence here that we can ...inaudible... I think this is a public issue and something we need to address at this point and time. It is a real issue from a medical standpoint, I see it every day.

Mr. Robinson said having heard our chairman here from a legal aspect of this ordinance; I don't know that we may be ready to move forward with it until we have gotten some clarity as he said from our attorney and some direction in which he thinks we need to go. That is my position on it.

Dr. Flowers said this is 1st Reading of the ordinance and you can certainly amend the ordinance, we can pass it with those caveats in there and certainly look at it at our next meeting.

Mr. Robinson said he concurred with that.

Mr. Murdaugh said I concur with that also. In fact I intended to support the 1st reading, but there are some issues I would like for legal counsel to at least call me about.

The motion carried unanimously.

Resolution 15-R-55, To Authorize the Submittal of a Grant Application for the FY 2015 Local Emergency Management Performance Grant.

A motion to approve the resolution was made by Mr. Whetsell and seconded by Mr. Robinson.

The motion carried unanimously.

Resolution 15-R-56, To Approve the Use of the County Parking Lot by the Friends of the Colleton County Animal Shelter for the Second Annual Walk and Wag on September 19, 2015.

A motion to approve the resolution was made by Dr. Flowers and seconded by Mr. Whetsell.

The motion carried unanimously.

Resolution 15-R-57, To Appoint Members to the Colleton County Safety Committee.

A motion to approve the resolution was made by Mr. Whetsell and seconded by Dr. Flowers.

Mr. Murdaugh said for the record he would read the names: Wanda Grooms Animal & Environmental Control, Robbie Williams Facilities Maintenance, Polly Riley Clerk of Court, Jamie Gahagan Library, Helen Bowers Roads & Bridges, Jack Wright Fleet Management, Scott Feather Fire-Rescue, Buddy Hill Sheriff's Office, Sirena Meminger EPA/VA/Coroner, Theodore Reed Harrelson Building Complex, Sylvia Singleton Solid Waste, Deagdrea Sadler Human Resources, Phyllis Green Risk Management.

The motion carried unanimously.

Resolution 15-R-58, To Award the Contract for Architectural and Engineering Services for the Hampton Street Auditorium.

A motion to approve the resolution was made by Mr. Whetsell and seconded by Dr. Flowers.

The motion carried unanimously.

Resolution 15-R-59, To Reschedule the July County Council Meeting and Cancel the August County Council Meeting.

A motion to approve the resolution was made by Mr. Whetsell and seconded by Mr. Robinson.

The motion carried unanimously.

Resolution 15-R-60, To Acknowledge the Authority of the County Treasurer to Invest the Proceeds of the County's General Obligation Capital Project Sales Tax Bonds and to Provide the County Council's Consent.

A motion to approve the resolution was made by Dr. Flowers and seconded by Mr. Whetsell.

The motion carried unanimously.

Resolution 15-R-61, To Award the Contract for Architectural and Engineering Services for the Colleton County Recreation Center Gymnasium Expansion Project.

A motion to approve the resolution was made by Mr. Whetsell and seconded by Mr. Robinson

The motion carried unanimously.

Resolution 15-R-62, To Authorize Renewal of the Lease Agreements by and between Colleton County and Colleton Genealogy Society and by and between Colleton County and the Lowcountry Community Action Agency (LCAA) for the Use of County Facilities Located on Black Street in Walterboro.

A motion to approve the resolution was made by Mr. Whetsell and seconded by Dr. Flowers.

The motion carried unanimously.

Resolution 15-R-63, To Appoint Members to Board Vacancies.

A motion to approve the resolution (as shown below) by acclimation was made by Dr. Flowers and seconded by Mr. Whetsell.

Edisto River Canoe & Kayak Trail Committee: Charles Sweat, Jr., Gary Hermann (At-Large)

Colleton County Resource & Development Board: Lawton Huggins

Colleton County Commission of Alcohol & Drug Abuse: Henry Pinckney, Kevin Baker

The motion carried unanimously.

Items for Information and Public Record

None

Public Comments

Mr. Pete Anderson introduced George Brothers (Chief of Police) and Denny Conley (Fire Chief)

Council Time

Dr. Flowers said he noticed they had a letter from Mr. Hitt that we have received a \$500,000 grant for the airport water & waste water improvements. Glad to see us getting that grant and appreciate all the hard work our people did in helping us get it. We also have a lot of openings on boards we haven't filled and would like to have people come forward and apply for these vacancies.

Mr. Murdaugh said we have a letter from the School District about the millage for the upcoming year. There are a couple of items we want to inquire about with the School Board so rather than taking that up this evening we will probably take that up at our next meeting. If council members remember we asked to try to come up with two names to appoint to the Affairs Commission. I did not remember to be honest and I think Councilman Robinson has his two, but I have not had time to pick those.

Mr. Whetsell said two? We were supposed to come up with one.

Mr. Robinson said one from each district, but I volunteered to give you a name from the Ministry Alliance.

Mr. Murdaugh said so we should be prepared at the next meeting.

Mr. Whetsell said I am prepared.

Mr. Murdaugh said, well you and Councilman Robinson are prepared, but Dr. Flowers and I are not. We will bring those names.

Mr. Whetsell said we talked about eleven didn't we? Each one of the council people, a mayor from each one of the municipalities

Mr. Griffin said he could not tell them exactly how we set the menu up, but it was one from each municipality, ministerial alliance, and then we had an allotment.

Mr. Murdaugh said in any event we are going to do it next month.

Mr. Griffin said we are going to hold executive session in this room tonight. We have a rather large crowd for Economic Development Presentation and will be a little bit too large for the conference room.

Mr. Murdaugh said okay.

Executive Session

- a) Personnel – Fire-Rescue
- b) Economic Development
 - a. Project Global

Regular Session

Mr. Murdaugh said all the items were discussed in executive session.

No further actions were taken.

The meeting was adjourned.

Date: _____

Steven D. Murdaugh, Chairman

ATTEST:

Ruth Mayer, Clerk to Council

******* NOTICE OF THIS MEETING WAS GIVEN IN ACCORDANCE WITH THE PROVISIONS OF THE FREEDOM OF INFORMATION ACT**