

CITY OF BARNWELL, SOUTH CAROLINA

**MINUTES of the MEETING of BARNWELL CITY COUNCIL
March 5, 2018– 5:30PM**

MEETING LOCATION:
130 Main Street, Barnwell, SC 29812

REGULAR SESSION

Barnwell City Council met in Regular Session with Mayor Edward Lemon presiding.

Council Members Present: Mayor Edward Lemon, Mayor Pro Tem Pickens Williams Sr., Harris T. Barker, W.C. Black, Robert Pattillo, Steve Walling and Billy Dozier

Others Present: City Administrator John Zawacki, Clerk & Treasurer Kim Vargo, City Attorney Thomas Boulware, Police Chief Brian Johnson, Fire Chief Tony Dicks, Director of Public Works Philip Stanley, Recreation Director Pamela Davis, and Community and Development Director Lynn McEwen

Mr. Jonathan Vickery of the People Sentinel was also present.

PUBLIC HEARING

**ORDINANCE 2018-1 AMENDING THE ZONING OF LOTS ON 320 REYNOLDS ROAD
FROM R-12 TO NEIGHBORHOOD COMMERCIAL**

Mayor Lemon opened the Public Hearing and Councilman Barker led with a prayer.

Mr. Daniel Packer –Mr. Packer, Commander of American Legion Post 46 Richardson Walsh, spoke against the zoning change for the property at 320 Reynolds Rd. He stated that the American Legion Post 46 Richardson Walsh acquired that property in 1952 to provide a place for Veterans to gather in comradeship to be honored for their service to the Country and to provide a place for service to the community. Through the years the number of veterans decreased, and the post could no longer survive independently. The Barnwell Presbyterian Church offered to accept the property from American Legion Post 46 to operate a soup kitchen in July 2008. The building was remodeled and outfitted with equipment and supplies for the operation of the soup kitchen through charitable donations. The Post feels that it would be a shame to take that valuable resource that could be used as a service to the community for a commercial purpose.

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Mr. Dean Hartzog – Mr. Hartzog spoke against the zoning change. He said he was also speaking for Vickie Sorrell who could not make it to the meeting. Both of their properties are next to the property to be rezoned. He believes that the intent of the zoning ordinance is to keep residential districts together and not be busted up. He knows that the purpose of the rezoning is to put in a restaurant but once the property is rezoned other types of businesses could locate there if the restaurant didn't make it. The noise, lights, food smells, and traffic would be in his backyard. His property value will decrease. He wanted to know if Council would like that in their backyard. There are also a lot of empty lots on Reynolds Rd that are already zoned neighborhood commercial.

Delia McCormack - Ms. McCormack spoke in favor of the zoning change. She said she has been in the restaurant business for 18 years and knows what she is doing. Also, she believes that the zoning ordinance states that if the property isn't used for a restaurant, it would have to be brought back for zoning approval. Her restaurant is family oriented and there is no loud music. She plans to improve the property, so the property value goes up. If it sits there, it will deteriorate, and the value will go down. She wants to be part of the neighborhood, not destroy it. As far as the Legion Hut being used for charitable purposes, it was given to the Church and they are going to sell it. You can't regulate who they sell the building to. She needs a different building and it is a great location. She loves Barnwell and small towns are great, but you can't stop progress.

Ms. Elaine Hiers – Ms. Hiers spoke against the zoning change. The property joins her property. She has some of the same concerns as far as the noise, people wandering around, traffic, and decrease in property values.

REGULAR SESSION CALL TO ORDER

Mayor Lemon called the meeting to order.

PUBLIC COMMENTS

Mr. Ron Shuler – Mr. Shuler, President of the Barnwell Baseball Softball Association, came before Council concerning the fees the City charges the Association for use of the Lemon Park Sports Complex. The Council reduced the fees last year, but it was not clear on whether it was for that year only or a longer period of time. This year the fees went up and the Association would like to ask for the fees to remain as they were. If they had to go up, then they would like for the fees to gradually go up over a period of time. Mayor Lemon stated that he had hoped for this to be an agenda item. Council can only vote on agenda items. He informed Mr. Shuler that he needs to contact the recreation committee and get a proposal to them with hard figures and then the recreation committee will bring it to Council, if they agree, as an agenda item.

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Mr. Michael King – Mr. King stated that there is an issue with trash being dumped on Charles St. Mayor Lemon stated that he had gone down to Charles St. the last time Mr. King had notified the City of the problem and the street was clean at the time. Mayor Lemon suggested that Mr. King try to take a picture of the problem and stated that he will talk to the Chief of Police and see if there is anything that can be done. Mayor Lemon told Mr. King to get in touch with Administrator Zawacki to try to get the issue resolved.

PRESENTATION ON THE 2017 CITY OF BARNWELL AUDIT- MCGREGOR & COMPANY LLP

Mr. Jim McGuire of McGregor & Company presented Council with the fiscal year ending September 30, 2017 financial statements. This year they performed a single audit because of the amount of federal funds received. He referred to the independent auditor's report and informed Council that there were no findings. The auditor's report presented a clean opinion-they found the financial statements were presently fairly in all material respects. He explained the Management's Discussion and Analysis section and recommended that Council read this section for an overview of the financial activities for the year. He then reviewed the various sections of the statements with Council. The General Fund had an increase in fund balance of \$140,562. The Water & Sewer Fund had an operating loss of \$398,689 including depreciation expense of \$678,360 but an increase of \$885,103 in net position due to grant proceeds. Mayor Lemon thanked him for his presentation. Mayor Pro Tem Williams made a motion to accept the audit. The motion was seconded by Councilman Barker and unanimously approved.

PRESENTATION OF PROPOSED POLICE BUILDING-TILDEN HILDERBRAND

Mr. Tilden Hilderbrand and his consultants Mr. McDonald Law and Mr. Michael Jordan presented Council with the schematic design and floor plan for the new police department building. The building will be located across the street from the current police department building. They must get approval from review agencies, primarily SCDOT, for the driveways. Mayor Lemon and the building committee thanked them for working diligently with city staff throughout this design phase.

APPROVAL OF THE MINUTES OF THE FEBRUARY 5, 2018 REGULAR SCHEDULED BARNWELL CITY COUNCIL MEETING

Councilman Pattillo made a motion to approve the minutes of the February 5, 2018 regular scheduled Barnwell City Council meeting. The motion was seconded by Councilman Black and unanimously approved.

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**APPOINTMENT OF MRS. GARNETTE ALEXANDER AND MR. SHERIDAN BOLEN
TO CITY OF BARNWELL PLANNING COMMISSION**

Mayor Pro Tem Williams made a motion to appoint Mrs. Garnette Alexander and Mr. Sheridan Bolen to the City of Barnwell Planning Commission. The motion was seconded by Councilman Dozier and unanimously approved.

**REQUEST AND OFFER FROM THE ELKO FIRE DEPARTMENT FOR FIRE CHIEF'S
OLD TRUCK**

Councilman Walling made a motion to sell the 2004 Ford F250 pickup used by Fire Chief Dicks to the Elko Fire Department for \$7,000. The motion was seconded by Councilman Barker and unanimously approved.

**FIRST READING OF ORDINANCE 2018-1 AMENDING THE ZONING OF LOTS AT
320 REYNOLDS ROAD FROM R-12 TO NEIGHBORHOOD COMMERCIAL**

Mayor Lemon stated that situations like this are always tough because everyone will not go away happy. We just try to do the best we can. The planning commission's recommendation is to approve the request to change the zoning from R-12 to neighborhood commercial. Mayor Pro Tem Williams made a motion to read the ordinance by title only. The motion was seconded by Councilman Black and unanimously approved. Administrator Zawacki read the ordinance by title only. Councilman Barker made a motion to accept the first reading of Ordinance 2018-1. The motion was seconded by Councilman Black. Discussion followed. Mayor Lemon said he felt that the City appointed a planning commission for a reason and they are expected to do their due diligence. He finds it hard to appoint them and then say they are wrong. Mayor Pro Tem Williams said that several years ago the corner where Collins Park is now had a request to change the zoning so a restaurant could be put there. Everybody on Main St was against it. This is pretty much the same thing. He wouldn't want a restaurant to be put in his backyard for the reasons that have been mentioned. The motion passed 5 to 2 with Mayor Pro Tem Williams and Councilman Dozier voting against the motion.

ADMINISTRATOR'S UPDATE

- Work on refurbishing the Rose St. water tank started today and is expected to take 6 weeks if there are no weather-related issues.
- On April 5th SCDNR Flood Mitigation specialists will be at City Hall reviewing our Floodplain Management Ordinance and building permits that the City issued in the flood hazard areas for the past 5 years.
- The construction permit application for the new digester will be submitted to DHEC this week. It will take 4 to 6 weeks to receive the permit from DHEC. We will then be able to go out for

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bids. Bids need to be advertised for 30 days. It will most likely be 2 1/2 to 3 months before construction can begin.

-We will be meeting with the parks and recreation committee this week to review the drawings for the restrooms and concession stand for Lemon Park. Funding for this project is in hand, and we hope to order the building once we get approval from the parks and recreation committee and the building committee.

-Little Caesars Pizza construction is in progress at Tractor Supply Plaza.

COMMITTEE REPORTS

Water and Sewer (Councilmen Black and Dozier) – No Report

Sanitation and Streets (Mayor Pro Tem Williams and Councilman Walling) - No Report

Recreation and Parks (Councilmen Pattillo and Walling) – Director Pamela Davis provided Council with an update on upcoming events.

Police (Councilmen Black and Barker) – Police Chief Brian Johnson thanked the building committee for their work on the new police building. He informed Council that the badges and vehicle decals with the new design have been ordered.

Fire (Councilmen Barker and Walling) – No Report

Finance and Salary (Mayor Pro Tem Williams and Councilman Pattillo) –No Report

Building and Planning (Councilmen Black and Dozier) – No Report

Community Development & Tourism (Mayor Pro Tem Williams and Councilman Pattillo) – Director Lynn McEwen updated Council on the City Clean Up that will be on April 7th and the upcoming Business After Hours meeting this Thursday.

EXECUTIVE SESSION

Mayor Pro Tem Williams made a motion to go into executive session for discussion of status of litigation with Barnwell County. The motion was seconded by Councilman Pattillo and unanimously approved.

Council returned to regular session.

Mayor Pro Tem Williams made a motion to accept the City Attorney's recommendation on the status of litigation with the County based upon the resolution to remain confidential until signed. The motion was seconded by Councilman Black and unanimously approved.

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ADJOURN

There was no further business and the meeting was adjourned.

Submitted by:

Kim Marie Vargo, Clerk & Treasurer

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