

**CITY OF LIBERTY COUNCIL MEETING
ROSEWOOD CENTER
MAY 12, 2008 - 6:00 P.M.
MINUTES**

CALL TO ORDER:

Mayor Deese called the meeting to order at 6:00 p.m.

Present: CM Walt McJunkin, CM Brian Petersen, CM Josh Harrison, CM Rick Clark, CM Dwight Yates, and CM Michael Sheriff.

INVOCATION

CM Walt McJunkin gave the invocation

PLEDGE OF ALLIGENCE

CM Josh Harrison led the Pledge of Allegiance

APPROVAL OF MINUTES:

Approval of April 14th, 2008 City Council Minutes

- CM Brian Petersen made motion to approve 04/14/08 City Council minutes
- CM Michael Sheriff seconded the motion
- Vote: All in favor

Approval of May 5th, 2008 Work Session Minutes

- CM Dwight Yates made motion to approve 05/05/08 City Council minutes
- CM Rick Clark seconded the motion
- Vote: All in favor

TOPICS FROM THE PUBLIC:

Four citizens from Golden Springs Subdivision spoke regarding the two rezoning applications presented to council. They all asserted they did not want the two lots rezoned General Commercial. The general consensus of all four speakers was they did not want a convenient store on one of the lots that would cause a lot more traffic and would be selling beer. They also stated they thought it would not be a good idea to have fuel there when the planes from the Pickens County Airport are flying over that area regularly. The citizens also were concerned on what the rezoning would do to their property values. Concerns were voiced on the possibility of leaking gas tanks.

OLD BUSINESS:

2nd Reading of Ordinance No. 08-0401, An Ordinance to Adopt Changes to the Official Zoning Ordinance.

- *CM Michael Sheriff made motion to approve Ordinance No. 08-0401*
- *CM Dwight Yates seconded the motion*
- *Vote: All in favor*

Discussion:

CM Clark stated it has come to his attention that apparently there was a snafu in number 603 regarding the maximum size of political signs, it was not put in the right

**THE CITY OF LIBERTY COMPLIES WITH THE FREEDOM OF INFORMATION ACT IN
SCHEDULING AND CONDUCTING MEETINGS.**

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place. Do we need to fix that before we go through all of this or just go back and change 1201? CM Sheriff stated this ordinance has already been adopted, that would have to be another procedure. CM Clark stated as long as we make it right.

NEW BUSINESS:

1st Reading of Ordinance No. 08-0501, An Ordinance Adopting and Enacting A Budget For The City Of Liberty, South Carolina, For The Fiscal Year Ending June 30, 2009

- *CM Dwight Yates made motion to approve Ordinance No. 08-0501*
- *CM Rick Clark seconded the motion*
- *Vote: Five in favor*
- *Opposed: CM Walt McJunkin*

Discussion:

CM McJunkin stated he would be voting against passing the 1st Reading of the Budget until after the next work session. He stated he might still have changes to the Budget he wanted to see implemented.

1st Reading of Ordinance No. 08-0502, An Ordinance rezoning property from Low Density Residential to General Commercial: 102 Golden Springs Lane; Tax Map No. 4098-05-18-2683

- *CM Walt McJunkin made motion to accept the Planning and Zoning Commission's Recommendation to not approve the rezoning application*
- *CM Rick Clark seconded the motion*

Discussion:

Mayor Deese stated the Planning and Zoning Commission did not approve this rezoning request. CM Sheriff stated he has had some additional conversations with our Building and Zoning Official and we have tried to contact the owner of the property to address some of the concerns that you folks have. If, in fact, if this was to be rezoned General Commercial, we would have no control over what would be built there within the confines of what General Commercial allows. There is an ordinance in place where it would have to be buffered between the houses. I would like to make a motion that we table the vote on this issue until we get some answers to the issues regarding the covenants of Golden Springs Subdivision.

- *CM Michael Sheriff made motion to table Ordinance No. 08-0502*

Discussion:

CM Petersen stated the reason we believe that is because at the Planning and Zoning Commission hearing that was held regarding the rezoning of these two properties, we were told there are covenants with deed restrictions that comply within the subdivision. We have not had an opportunity to have those presented either at the Planning and Zoning Commission hearing or here to council as well. As councilman Sheriff has

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identified, it would very much behoove the council before we were to make a definitive decision to be able to have that kind of information. So if that is something one of you could provide, that would help us and you at the same time. I also might want to further reiterate his statement that we as a council cannot mandate or make a decision based on the intended usage of that property. All we can approve it for is to be whatever that zoning classification is, because then we would be looking at things with partiality and so forth.

- *CM Brian Petersen seconded the motion to table 08-0502*

Discussion:

CM McJunkin stated he felt that Planning and Zoning Commission knew this before they made their recommendation and he thought council should accept their recommendation. CM Petersen stated we have a 1st and a 2nd so I call for the question.

- *Vote: Five in favor*
- *Opposed: CM Walt McJunkin*

1st Reading of Ordinance No. 08-0503, An Ordinance rezoning property from Low Density Residential to General Commercial: 105 Golden Springs Lane; Tax Map No. 4098-05-18-2902

- *CM Rick Clark made motion to accept the recommendation from the Planning and Zoning Commission to not approve rezoning this property*
- *CM Walt McJunkin seconded the motion*

Discussion

CM Clark stated he would like to ask a question before he got tabled on this one, if we just turn it down, why can't we just turn it down and be done with it? If they come back with all the covenants, so, we are done with it. CM Sheriff stated since an application has been made we need to follow through with the process of determining if we even need to vote on it or not. We don't need to vote on it if it is already in the covenants. CM Clark asks how that would moot his application. Mayor Deese stated because he would be in error applying for it. CM Yates asked why we are voting on this one when we tabled the other one. CM Clark stated because he did not get his question in beforehand.

CM Sheriff made a motion to table Ordinance No. 08-0503

Discussion

CM Sheriff stated he still held that we should get a copy of the covenant and find out what the restrictions, if any, are. CM Clark stated but we could kill it now and be done with it.

- *CM Clark seconded the motion to table Ordinance No. 08-0503*

Discussion

CM Petersen stated it is not about you as individuals or whether we believe in it or we don't. We need to follow a specific line of protocol so that you and the individual

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applying for this have equal rights. CM Clark stated he thought it would be alright to go through another step to make sure everything was alright.

- *Vote: All in favor*

1st Reading of Ordinance No. 08-0504, An Annexation Ordinance 100 Percent Petition Method: Annexation of 0.07 acres, Parcel A; Tax Map No. 4097-11-76-2534

- *CM Brian Petersen made motion to approve Ordinance No. 08-0504*
- *CM Rick Clark seconded the motion*
- *Vote: All in favor*

PROCLAMATION:

Mayor Deese read the proclamation he received from the Mental Health Association. He informed everyone that he has signed this proclamation proclaiming May as Mental Health Month.

PERSONNEL MANUAL REVIEW COMMITTEE:

Mayor Deese stated there has been some discussion on our personnel manual and there are some things missing from it that need to be put back into it. Each councilman has a copy of the old personnel manual along with the new one. Mayor Deese appointed CM Brian Petersen, CM Walt McJunkin and CM Josh Harrison to this committee. This committee will make recommendations for items to be placed in the personnel manual and review those with council. Mayor Deese stated he would like to have the 1st vote on this in August. CM McJunkin stated that we should be sure when we are reviewing our personnel manual that there are stated laws and a state ethics committee and we need to have as much information as possible on each one of these items.

CHAMBER OF COMMERCE

Dean Thomas stated he thought Melanie Ginn had forwarded the minutes of the last board minutes. Mayor Deese stated he received a call from the Chamber indicating that the county has recommended a \$4500 grant to the Chamber and I will be seeing Neil Smith tomorrow and asking him if there is any way they can increase that a little bit.

DEPARTMENT HEAD REPORTS

Police Department

Police Chief Miller reported the following:

APRIL	
Warnings Issued:	41
Citations Issued:	90
Patrol Activities	119

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Auto Accidents:	8
Juveniles Housed:	26
Arrests	9
Code Enforcement	37
Public Service Calls	40
Total Fines Collected	\$3,015.75

Chief Miller reported Detective Adam Gilstrap' has been promoted to the position of Administrative Assistant. If you need help or assistance and Chief Miller is not available, you can contact Detective Gilstrap' for help. Chief Miller gave a report on Liberty High School and Liberty Middle School. Mayor Deese stated he has spoken with Barry Chappell, Code Enforcement Officer, as well as Chief Miller regarding our political sign ordinance. As we indicated we approved some time ago Ordinance No. 06-1201, sign ordinance change and of course it's not written that way in here about the size of the sign. Everything else was fine. Mayor Deese stated he wanted to bring to attention that before we go out and enforce these campaign sign ordinances, I want to make you aware of them. Now if we are going to enforce them, we are going to enforce them, but if we are going to be lax on it, you need to let me know, because you know how politics can get. CM Sheriff asked "the sign size is not in the ordinance"? Mayor Deese stated "well, it's the improper size that is in there, and I thought this was right, but evidently, it has been brought to my attention that it wasn't...but the person who recommended the change..... " CM Sheriff stated the size of the sign cannot exceed 6 square feet? Mayor Deese stated well six square feet is not very large. CM Petersen stated that is the size of a real estate sign. Mayor Deese stated it doesn't allow for any larger signs. If we look at the old ordinance it's probably in there. I would recommend that we change that just to yard signs. I have gotten a couple of calls about some larger signs being placed around the community and it is my opinion if that is the law on the books then that is what we should be following. I just want to get approval from council, I don't want you getting calls about somebody not being fair. This is the law on the books and we are going to enforce them and I am telling Corky to go ahead and enforce them. CM McJunkin stated he saw signs not in compliance on Hwy 178 and Hwy 93. CM Yates stated there is no need in passing the ordinance if we are not going to enforce it. Chief Miller stated we have already had some people apply for permits, but we need you to set how much the bond for the permit will be. Mayor Deese stated he has already indicated to Sue that the sign permit is \$35.00. If they pick up their signs within the 7 day period this money is reimbursed. The two permits we have issued will not have to pay this since us already since we already issued them a permit. Chief Miller stated he was in agreement with Mayor Deese that if a political sign is not in compliance and it is on private property, the violation is to the property owner not the candidate. Chief Miller stated he would give home owners the chance to right the wrong before showing up with a ticket.

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Fire Department

APRIL	
City:	7
County:	16

Chief Sargent stated the following: We have one job opening since Jimmy Powell has resigned to go to work for the security force at Duke Power. We are accepting applications until Friday, May 16th at 4:00 pm. James Jackson and Pierce Womack attended a four day Educators Conference in April. This was geared toward fire prevention for the local schools and training explorers in the department. We have received all turnout gear ordered on the FEMA grant except for three sets. One is for the new firefighter once the position is filled. One is for Chris Parker when he returns from Iraq in about two weeks and one set is waiting for the LFD lettering. The V-Safe grant for the 5" supply line and the air packs for the ladder truck is complete except for the piston intake valve which is back ordered. This valve connects the supply hose to the fire engine pump. One has been loaned from Safe Industries until ours arrives. Six firefighters completed the 16 hr. auto extrication class in April. We now have six firefighters taking the Emergency Vehicle Driving Training Class. We require this class before they can apply for their CDL's. We tested all the fire engine pumps including the ladder truck and all trucks passed the test. The county council is looking at other sites for the county training center. Paul Masterson with the building codes department called last week and was inquiring about the water flow rates adjacent to the county landfill. I heard the county was to give 15 acres for the training center. I gave the Mayor a copy of the quote for the ladder truck repairs but I have not discussed the valves the fire department will replace. We've ordered and received two repair kits for the valves. One is the tank to pump valve and the other is the tank fill valve. We will install these kits at a total costs of \$236.29 and save \$375 in labor. I am now waiting on direction from the council as to the repairs needed on the ladder truck waterway. Without these repairs the ladder cannot be raised or used on a fire scene due to liabilities of not being tested. The quote is \$27,423.42. The amount to be approved by council will now be \$26,822.65

Public Works Department

Director, Ray Clark did not have a report. Mayor Deese gave an update on the progress on the new water line. Mayor Deese also reported they are replacing the railroad ties and that may be a little rough for a few days.

Recreation Department

CM Sheriff reported they have gotten the quotes in on the air conditioning at the gym and would now be moving forward with that. We are trying to work out how we are going to support the equipment on the roof. Mayor Deese stated he wanted to invite all councilmen to the dedication services for Bobby Morris field on Saturday May 17th at 12:00 noon at the park. Mayor Deese stated he has asked CM McJunkin to speak at the dedication. He stated CM McJunkin used to play ball with Bobby Morris.

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CITY COUNCIL REPORTS

CM Walt McJunkin

CM McJunkin – no report.

CM Brian Petersen

CM Petersen stated he would like to applaud the fact that we have so many concerned citizens here. He stated this is what makes the community work and we appreciate your being here. He added an invitation to the Liberty Idol.

CM Michael Sheriff

CM Sheriff asked that Mayor Deese or Chief Miller update everyone on how the Idol went.

CM Dwight Yates

CM Yates – no report.

CM Rick Clark

CM Clark – no report.

CM Josh Harrison

CM Harrison asked do we sign up warning about the loose gravel areas on the streets. He stated it was not very safe. Mayor Deese stated he would make a comment about that tomorrow and see if they can remedy that. CM Sheriff stated he had some concerns about the lack of traffic control.

Mayor Deese reported we are now into the audience voting on Liberty Idol. This past weekend we had in excess of 2000 people in attendance and it is growing. That means we are bringing into Liberty over 50,000 people over a 13 week period. It means a lot to our businesses downtown. It is a great family outing. I want to thank Chief Miller for getting the mobile command post because it gives us eyes where we can't see and it is free to us for this type of event. The entertainment this past weekend was awesome. Come out and help our sponsors. The City is a big sponsor of this event and this is how we need to spend our hospitality tax funds is bringing people to Liberty. I want to thank everyone who is involved in it and council for supporting it. I also want to thank the newspapers for writing good comments about it, and the Chamber's support. The Chamber has supported us through Charter cable. That is a big expense and the Chamber has footed that bill.

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Adjourn

- CM Dwight Yates made motion to adjourn.
- CM Brian Petersen seconded the motion.
- All voted in favor.

V. Sue Woods, Clerk

Approval Date

Verification/Mayor