

City of New Ellenton
Regular Meeting of City Council
City Hall Council Chambers
Minutes

Monday, March 16, 2009

Welcome

Mayor Vernon Dunbar called the meeting to order at 7:00 pm.

Invocation

Daniel Braswell

Pledge of Allegiance

Roll Call for the Record

Present: Eartha Rodgers, Terence Williams, Vernon Dunbar, Debbie Maddox, Daniel Braswell

Others Present

City Clerk Vernel Sanders, City Administrator L.C. Greene, Recreation Director Donald Perry, Police Chief Alicia Parks, inaudible, Vicki Simons, Charlie Duvall, Rex Nordeen, Jackie Keenan, Kelly Keenan, Clifford Downs, inaudible, Anthony Shaw, Cheryl Braswell, inaudible, Tommy Braswell, Harold Craig, inaudible, Scott Singer, Doris Bing, Bob Ray, Dan Garmin

Mayor Dunbar again welcomed everyone and called for a motion to amend the agenda to include the Commission of Public Works (CPW). *Motion to amend the agenda under Presentation to add the Commission of Public Works by Councilman Braswell, second by Councilman Williams. All in favor. Approved.*

Presentations

Mayor Dunbar asked if Ms. Simons would like to go first, and she indicated that the CPW could. *Commission of Public Works* – Mr. Craig stated that on March 13th during its meeting, the City's requests had been discussed. Mr. Craig stated that the first item was to get a current list of the inside-the-city-limits water customers and that the CPW had voted to give the list to the City, but to also give it to their attorney to see if it is legal. Mr. Craig stated that the attorney had indicated that it is legal, and the Commissioners had voted to give the City the list, but that terms of the agreement were needed. Mr. Craig stated that the CPW had discussed assisting the City with collection of delinquent utility bills and that the CPW was requesting that the Council give the Mayor authority to sign the CPW's loan resolution and if signed, the CPW would like to have the Mayor, City Clerk, CPW Chairman and a USDA representative meet tomorrow to sign the documents. Mr. Craig stated that was all he had. Mayor Dunbar stated that during the Work Session Mr. Craig had brought up some things and would like him to state the reasons for the request of the money/bond. Mr. Craig stated that the original bond was \$464,000.00 which was signed in 2006 by Council. Mr. Craig stated that there was some confusion about the bond and that the original bond was to put in a well in order to not buy water from Aiken or pump chemicals so far. Mr. Craig continued that there is a Consent order for lead and copper, for which the lime slurry system was added, but since bids were accepted in 2004, everything has doubled, which is why an additional \$421,000.00 has been requested. Mayor Dunbar asked if the initial bond in 2006 was \$464,000.00. Mr. Craig affirmed stating it was just for a well and treatment. Mayor Dunbar asked if it was the new system. Mr. Craig stated that it was just for a well. Mayor Dunbar stated that he thought it was for the entire thing to not be dependent on Aiken. Mr.

Craig stated that if there is a line break on Highway 19, the CPW would not have to buy water from Aiken. Mr. Craig continued that if there were a leak on Highway 19 now, it would have to be isolated, and that there is no way to pump water to the tank on Dry Branch. Mayor Dunbar asked if customer's water bills will go up when the money is received from the bond for upgrading the system. An unidentified person responded that it would not. Councilman Williams asked for an explanation of the type of bond. Mr. Craig stated that it was not GOV bond, but rather a Revenue Bond, adding that the USDA has looked at revenue statements and determined that the CPW can afford to pay the bond back. An unidentified woman asked if this was without raising rates. Mr. Craig replied that it was without raising rates. Mr. Keenan asked if the City signs the bond, and if so, did the City have any obligation to pay back the bond. Mr. Craig stated that the City would not. Councilwoman Rodgers asked what happens if the CPW defaults. Mr. Keenan asked if the CPW folded tomorrow. Mr. Craig responded that the City still is not liable. Inaudible. Mayor Dunbar stated that he did not know about that part. Inaudible. Mayor Dunbar continued that he thought it was just like a co-signer on a car loan, and this was his opinion, but that this was outside the scope of the conversation. Mayor Dunbar continued that with the water rates not going up, the lime slurry system for Talatha Gardens, but was interrupted. Mr. Craig stated that this would make the CPW in compliance with the lead and copper and that the problem with lead and copper was at this location. Mr. Craig continued that there were high levels at the end of Woodland where there were pH problems which is why a lime slurry system was added in town. Mayor Dunbar asked if there were additional questions. Terry Sharp asked if any other bonds have been defaulted on as it specifically applies to the wastewater treatment plant or anything related to the CPW. Mayor Dunbar replied that there had not been to his knowledge. Mr. Sharp asked if there was a default to Regions Bank for a multi-million dollar bond. Councilman Braswell and Mayor Dunbar replied that there had not been for the CPW. Mr. Sharp clarified that he meant for the wastewater treatment plant. Mayor Dunbar stated that it had happened in 1991 and he guessed that one could say the City defaulted on it. Mr. Sharp asked what would happen if this bond were defaulted on. Mayor Dunbar stated that this conversation was outside the scope of this meeting as everyone has varied opinions on it and what would happen if the CPW defaulted on the bond. Mayor Dunbar continued that, in his opinion, because the responsibility of the debt would fall on the City if the CPW defaulted, but that the language of the bond says that the City is not obligated. Mr. Sharp stated that the concern is for those inside the City, and for those outside of the City, it would be possible that water rates would have to increase to compensate for that. Mr. Sharp stated that no one ever plans a default, but that in uncertain times, he was curious how it would be addressed, desiring contingency plans. Mayor Dunbar indicated that he understood. Mayor Dunbar asked Mr. Craig if there were any contingencies if the bond defaults. Mayor Dunbar also asked Mrs. Keenan. Mrs. Keenan stated that as long as the CPW pays the bond, there is no reason for concern and added that the bond is based off of the revenue statements and unless something changes there is no need for concern. Mrs. Keenan added that unless the revenue is cut in half, it should not matter, adding that if the CPW revenue is halved, the CPW will not be able to pay any of its bills. Mrs. Keenan concluded that it is based on current revenue, none added and none removed. Mr. Keenan asked if there is an attorney on retainer for the City, and then stated that he knew that question had been asked before. Mr. Keenan continued by asking for the attorney's opinion. Mayor Dunbar stated that he did not know what he said. Mr. Keenan stated that it should be on paper. Mayor Dunbar stated that the resolution for the other bond had been signed in 2006. Mr. Keenan stated that 2006 was a totally different Council. Mayor Dunbar disagreed stating that the current Council was there. Mr. Keenan asked if it was the same lawyer. Mr. Keenan stated that when he talks to his lawyer he gets an answer. Mayor Dunbar stated that if he had asked yesterday or last week, he would remember, but that three years had passed. Mr. Keenan asked if Council had not asked the attorney since the latest issues had come up. Mayor Dunbar stated that Council had not. Mr. Craig stated that the CPW bond attorney had contacted the City bond attorney. Inaudible. Mr. Duvall stated that the revenues of the CPW have been more than adequate and that a slow increase in revenue is expected making the entire system work better. Mr. Duvall continued that the question about the City's responsibility will be in the documents signed, and Mr. Craig could show them to anyone present, which clearly states that the City is not responsible and there is no such thing as a co-signer on this. City Clerk Sanders asked as a citizen, what the reason was for raising rates two to three months earlier if the CPW has more than enough revenue. Mr. Duvall stated that he was not there then and not sure if rates had gone up. City Clerk Sanders stated that rates had definitely gone up. Mr. Duvall stated that Mr. Craig would have to be asked. City Clerk Sanders said that Mr. Craig had not made the statement about more than enough revenue, Mr. Duvall

had. Inaudible. Mayor Dunbar asked to get back to the subject at hand and asked for additional questions of Mr. Craig. Mr. Keenan asked why the bond was not being signed if the same Council signed the previous bond. Councilman Braswell and Mayor Dunbar stated that Council was getting ready to. Councilman Braswell asked for the proper protocol to make a motion. Inaudible. City Administrator Greene stated that a motion should be made to put it under New Business and then a motion could be made on it then. *Motion to add to the agenda under New Business voting to approve or disapprove the CPW bond resolution by Councilman Braswell, second by Councilman Williams. All in favor. Approved.*

Ms. Vicki Simons – Ms. Simons greeted Mayor Dunbar and Council and thanked Mr. Singer for his attendance. Ms. Simons expressed her appreciation for the opportunity to speak. Ms. Simons stated that since her presentation on August 18, 2008 presentation, she has researched many documents provided by the City which had been requested under the Freedom of Information Act of South Carolina. Ms. Simons stated that she spent parts of six days last November and December to obtain the information including the City Code of Ordinances, the City's Comprehensive Plan, agendas, minutes and other documents. Ms. Simons stated that during the meeting she would reveal part of what she found, share concerns and ask questions. Ms. Simons stated that she trusted her concerns would be addressed and questions answered as she continues her presentation. Ms. Simons stated that some of the things would provoke comments from the audience and respectfully requested that the audience refrain from making comments or asking questions until she was finished. Ms. Simons stated that she hoped as City Council members, she hoped each would be as concerned as she about the City's government and documentation. Ms. Simons polled the Council members about their thorough knowledge of the City's Codes and Ordinances. Councilman Braswell asked for clarification of thoroughly. Mayor Dunbar asked if there was a quiz forthcoming. Inaudible. Mayor Dunbar stated that he felt he reasonably knew and understood the City's Codes and Ordinances. Mayor Dunbar stated that with prior notification, he could have studied up. Ms. Simons countered by asking if three years in office was insufficient. Mayor Dunbar stated that it depended. Ms. Simons stated that she found the Code of Ordinances to be poorly kept and in need of re-typing, re-formatting, and being digitized and continued that its contents are not in consecutive or dated order. Ms. Simons furthered that there were numerous copies of the same document in multiple places. Ms. Simons also stated that there are at least two sections of the Code listed under different numbers, meaning, according to Ms. Simons, that there is inconsistency. Ms. Simons continued that elected officials' signatures were missing from some ordinances. Ms. Simons stated that to save the clerk and assistant clerk time, she as supplied with two bins of agendas and minutes. Ms. Simons stated that after reviewing the material, she compiled a list of missing minutes including from 2006: January 17, March 20, April 25, May 15, July 17 and August 3. Ms. Simons also stated that minutes from 2007: March 19 and September 17, were missing. Ms. Simons referenced City Code of Ordinances 2-28 titled "Taking Official City Records Without Authority" and proceeded to read it. Ms. Simons stated that she encouraged Council to direct the City Police to pursue an investigation of the person responsible. Mayor Dunbar asked for the dates again, and Ms. Simons replied that she would supply him with a copy. Ms. Simons continued by referring to City Code of Ordinances Section 2-31 titled "Days of Regular Meetings, Called Special Meetings, Meetings Open" and reading from it. Ms. Simons asked when Council revised the Code to hold meetings on the third Monday of the month rather than the second. Mayor Dunbar stated that as long as he has been on Council, the meetings have been on the third Monday, admitting that it was not a good answer, but emphasizing that he believed the practice was 10 or 11 years old. Ms. Simons stated that a new Code needs to be reflected in the notebook. Ms. Simons thanked Mayor Dunbar. Ms. Simons referred to Section 2-51 titled "Duty to Keep Records of Minutes, Rules, By-Laws and Ordinances" and read from it. Ms. Simons stated that, although the SC Attorney General says otherwise, Council differentiates meetings and work sessions, such that the Clerk records and minutes are drafted for meetings, but not work sessions. Ms. Simons called for a show of hands from Council of agreement that since the clerk is required to attend all meetings and keep minutes and that neither a tape is recorded nor minutes written from proceedings of a work session, that no vote can be cast and no official business conducted. Mayor Dunbar and Councilman Braswell agreed. Ms. Simons stated that Council may go into Executive Session for reasons provided for by law, and before going into Executive Session the mayor is to put forth the question of whether to be in Executive Session to a vote, and that if the vote is favorable, the mayor is to announce the specific purpose of the Executive Session. Ms. Simons continued that Council is not to take formal

action including a vote committing Council to a specific course of action. Ms. Simons stated that Council is to neither take a vote nor poll its members during Executive Session, except to return to Public Session. Ms. Simons stated that since the motion, second and vote to go into Executive Session must be recorded in the meeting minutes and no minutes are taken at work sessions, no public body may go into Executive Session from a work session. Ms. Simons continued that if Council was a Council of honor, which she would like to believe, Council must cease and desist the practice of going into Executive Session from a work session. Ms. Simons furthered that during a joint meeting between the City Council and the CPW which was held on Thursday, February 26th, the Mayor supplied a list of terms that must be met before the City would approve the bond that the CPW is seeking. Ms. Simons stated that this list of terms was derived outside of a regular or special meeting of Council. Ms. Simons continued that since it is Council's duty to abide by the SC Code of Laws and the City's own Codes and Ordinances, Council must cease and desist this practice immediately. Mayor Dunbar asked for clarification. Ms. Simons replied that 1) Council cannot go into Executive Session from a work session, and 2) Council cannot develop a list outside of a regular, open session. Mayor Dunbar stated that he can have notes if he wants to. Ms. Simons asked if Mayor Dunbar had Council's approval for all of it. An unidentified person stated that the mayor cannot help it if all of the other Council members agree. Mayor Dunbar stated that he would not argue the point, but added that he likes his stuff typed and in a list and revealed that he had a list for tonight. Mayor Dunbar stated that it was just how he likes to do it. Ms. Simons stated that all of it was presented in a work session. Mayor Dunbar stated that it would come up in the meeting. Ms. Simons stated that on the 26th it was a work session. Mayor Dunbar stated that it was his list and did not see the unlawfulness. Ms. Simons stated that there was no kind of vote, but that it was insisted that the CPW meet those terms. Councilman Williams stated it was not insisting action. Ms. Simons stated that it needed to be done in an open session and not a work session, and it should be recorded with minutes. Inaudible. Ms. Simons stated that 3) regarding the City's publication of its meeting schedule for the year, the first part of the SC Code of Laws Section 30-4-80 addresses it, then read from it, and stated that the City is non-compliant. Mayor Dunbar stated that the City does do that. Ms. Simons countered that it was not on the bulletin board. City Clerk Sanders stated that the newspaper was notified in December. Ms. Simons reiterated that it was not on the bulletin board. City Clerk Sanders asked which bulletin board Ms. Simons was referring to. Ms. Simons identified the board. City Clerk Sanders stated that she did not know if it had to be and referred a question to City Administrator Greene. Ms. Simons referenced public notice. Inaudible. Ms. Simons stated that it was her personal opinion that the City Council holds many special meetings and often at odd hours, either because its members fail to plan adequately or does not for its actions to come under the scrutiny of or subject to the criticisms of the public. Ms. Simons reminded Council that its members are elected to serve the citizens and not to rule over them and do what the Council members want. Ms. Simons then stated that 4) regarding the City's definition of a quorum, although the SC Attorney General says otherwise, the Code of Ordinances Section 2-34 titled "Quorum," which she read, necessitates four members, and Code of Ordinances Section 2-35 titled "Role Call," which she read, requires announcing whether a quorum is present, and Code of Ordinances Section 2-36 titled "Procedure in Absence of Quorum," which she read, requiring a quorum within half an hour or adjournment, City Council held a meeting on December 15, 2008 without what its own Code of Ordinances defines as a quorum. Ms. Simons stated that the members present at that meeting were Mayor Dunbar, Councilman Braswell, and Councilwoman Rodgers. Ms. Simons continued that because only three members were present, the Clerk and Treasurer should have announced based on the City's Code of Ordinances Adjournment on the consequence of no quorum, however the Council met and two votes were taken including appointing two new members to the Planning Commission. Ms. Simons asserted that all votes, appointments and recommendations taken at this meeting are invalid, and all votes in meetings in which improperly appointed persons presided are invalid and all recommendations upon which Council acted on as the result of meetings involving improperly appointed persons are also invalid. Ms. Simons stated that in order to comply with the City's Code of Ordinances, she recommended that all decisions from the December 15th meeting and resulting therefrom, be revisited at the April 2009 meeting including the approval of the PUD. Ms. Simons further stated that the Council members that did not attend the 12/15 meeting were not off the hook, because neither of them caught the problem when abstaining from the vote for approval. Ms. Simons continued with a discussion of the City's Fiscal Year by referencing Code of Ordinances Section 8-1 titled "Fiscal Year" and reading it. Ms. Simons stated that although the Section defines the Fiscal Year as the calendar year, for the past

three years and possibly four more, were done July 1 through June 30. Ms. Simons then asked when the ordinance changed or admission that the Council has breached its own Code of Ordinances. Inaudible. Mayor Dunbar stated that Council's Fiscal Year has been July 1 through June 30 since before he was elected in 1997. Ms. Simons stated that the Code of Ordinances needs to reflect that. Ms. Simons then discussed the City's Business License Ordinance, Code of Ordinances Section 12-6 titled "Purpose and Duration," which she read, Code of Ordinances Section 12-15, or 12-44 depending on where one looks, and titled "Denial of License," which she read, and Code of Ordinances Section 12-16, or 12-45, titled "Suspension or Revocation of License," which she read. Ms. Simons then stated that Code of Ordinances Section 9-6 titled "Fireworks," which she read, had been violated by allowing the sale of fireworks in the City. Ms. Simons stated that Council must revise Section 9-6 or revoke the business license for the fireworks business. Ms. Simons continued with a discussion of the City's finances and referenced Code of Ordinances Section 2-58 titled "Duty to Keep Account of City's Monies, Make Fiscal Reports to Council," which she read. Ms. Simons stated that the June 2008 financial statement was never prepared or presented to Council for approval, adding that the reason given was the information was in the annual audit, which should have been completed by October. Ms. Simons asked if the audit for Fiscal Year 2007-2008 had been completed. Councilwoman Rodgers asked for the date of the minutes in which it was not approved. Ms. Simons replied that it was June 2008. Mayor Dunbar replied that it was not complete yet. Ms. Simons asked why it was not. Mayor Dunbar replied that Council would have to check with the auditor. Ms. Simons stated asked how could financial statements for months since then be approved if no financial statement was provided in June 2008 and no audit including June's numbers was made available. Inaudible. Ms. Simons polled the Council for the number of members who were aware that the financial statements that Council approves do not show all of the transactions in the City's general ledgers. City Clerk Sanders stated that they constitute a financial statement. Ms. Simons stated that it was not complete. City Clerk Sanders stated that a financial statement does not have to include the items that Ms. Simons was referring to. Mayor Dunbar asked for clarification. Ms. Simons stated that she was referring to all of the transactions in the general ledger. Ms. Simons stated that the budgets for the City of New Ellenton for the last few years list allocations of funds for vehicle fuel, propane or mileage reimbursement budgeted for the Fiscal Year 2006-2007 as Streets and Roads \$4,500.00, Fire Department \$15,000.00, Police Department \$17,000.00 and Administration \$0.00 for a total of \$36,500.00. Ms. Simons stated that for Fiscal Year 2007-2008, the values were: Streets and Roads \$4,000.00, Fire Department \$15,000.00, Police Department \$19,000.00 and Administration \$0.00 for a total of \$38,000.00. Ms. Simons stated that this was an increase of \$1,500.00 from the previous year. Ms. Simons stated that for Fiscal Year 2008-2009 the values were: Streets and Roads \$10,000.00, Fire Department \$12,000.00, Police Department \$32,800.00 and Administration \$1,200.00 for a total of \$56,000.00 which represented an increase of \$18,000.00 from the previous year. Ms. Simons continued that she had examined the financial information by way of the Freedom of Information Act including how much money was spent under category 5120 of the City's budget which is titled "Mileage Reimbursement" or "Vehicle Fuel" depending on which City department it is being drawn from. Ms. Simons stated that for the 12 months from 1 July 2007 and 30 June 2008, the City spent \$61,581.47 from category 5120 even though \$38,000.00 had been budgeted. Ms. Simons stated that this was an overage of \$23,581.47. Mayor Dunbar commented that gas was high. Ms. Simons continued that for the four months between 7 July 2008 and 30 October 2008, all category 5120 expenses totaled \$28,442.92 and stated that if the spending during those four months is representative of the entire year, the City is on track to spend \$85,328.76 this Fiscal Year even though it had budgeted \$56,000.00. City Clerk Sanders stated that there was no way for the City to know that gas was going to hit about \$4.00 per gallon and diesel fuel was even higher than that, when Council was preparing the budget. City Clerk Sanders also stated that the City is not on track to spend the same amount of money for the next four months, because both gas and diesel have gone down. Ms. Simons continued that it was a projected overage of \$29,328.76. City Clerk Sanders stated that it could be. Ms. Simons suggested that the City move its bank accounts back to New Ellenton if reimbursements are being made the City Clerk and Assistant City Clerk to make daily bank deposits. Ms. Simons pointed out that the Fiscal Year (FY) 2008-2009 budget shows Parks and Recreation has no line item for gas reimbursement, but hundreds of dollars have been reimbursed to the Recreation Director for gas, travel and a zoo field trip. Ms. Simons stated that it is totally inappropriate to pay two expenditures labeled as bonus to the Clerk and Assistant Clerk. City Clerk Sanders questioned the bonus. Ms. Simons reiterated that it was listed as bonus. City Clerk Sanders stated that she would like to see it. Ms. Simons referenced Code of Ordinances Section 8-50

titled "Use of Proceeds," which she then read from. Ms. Simons asked for confirmation or denial of a rumor about the City delaying paying some bills until property tax revenue comes in. City Clerk Sanders denied the rumor. Ms. Simons thanked her and proceeded to ask if bills due during FY 2008-2009 are being paid with money designated for FY 2009-2010. City Clerk Sanders asked for clarification. Ms. Simons restated her question. City Clerk Sanders stated that the City is on governmental accounting where there is no such thing as dollars received in a specific period. City Clerk Sanders stated that there is a certain amount of money that come in whenever it comes in, but bills are due when they are due. City Clerk Sanders illustrated that an influx of funds may come in January which could be used to pay December's bills if the bills are not due until January. City Clerk Sanders also stated that there are times that some funds may have to carry the City the rest of the year. City Clerk Sanders stated that just for budget purposes, it is broken down into monthly increments, but that the funds do not actually work that way in a governmental accounting system, adding that the bulk of the funds are received from January to about April or May. Ms. Simons thanked her. Ms. Simons stated regarding the 1¢ sales tax money, according to the county-wide referendum no money was to be used for New Ellenton City operations. Ms. Simons asked if New Ellenton had ever paid for City operations out of the 1¢ sales tax account. City Clerk Sanders stated that the City had not. Ms. Simons asked if she was sure. City Clerk Sanders stated that she was positive. Ms. Simons stated that among the information provided under the Freedom of Information Act request were New Ellenton general funds journal, general ledger and 1¢ sales tax account information for specified dates. Ms. Simons continued that one source showed on 2 May 2008, a transfer of \$18,560.00 was made from the local option sales tax account to the sewer department. City Clerk Sanders stated that this was true. Ms. Simons stated that on 31 May 2008, that money was split to pay for salaries and wages, health insurance, utilities, postage meter, payroll tax expense, inaudible. City Clerk Sanders denied this saying that she did not know what Ms. Simons had read or seen, but that this was not correct. Ms. Simons stated that as a taxpayer, she would be negligent if she did not turn this information over to the appropriate authorities for investigation. City Clerk Sanders stated that this was fine and Ms. Simons did not pay taxes in the City anyway. Mr. Sharp stated that it was 1% sales tax. City Clerk Sanders stated that the City is not the County and the City's funds were its allocation. Ms. Simons asked if the City had refunded business license revenue to the contractors who built homes in the subdivision since a judge ruled that the subdivision was illegally annexed and the annexation is void from the beginning. City Clerk Sanders stated that she had no idea what Ms. Simons was talking about. Inaudible. Mayor Dunbar stated that he did not think the City planned to refund that. Ms. Simons quoted "no plans to do it" and thanked him. Ms. Simons stated that at the January 15th work session there was talk of closing down the Technology Center including contacting the City's attorney about getting out of the lease and disconnecting the internet connection. Ms. Simons stated that she was surprised to learn that not long after that meeting the Technology Center received a partial shipment of computers. Ms. Simons asked what the City planned on doing with the computers and when since the City's subcontractor had resigned. Mayor Dunbar stated that it was not the City's concern anymore, stating that someone else was running it. Ms. Simons asked if someone else was running the Technology Center. Mayor Dunbar affirmed stating that he is waiting on a signed agreement any day. Ms. Simons asked if the person has a business license, if they are doing it, but do not have a contract signed. Mayor Dunbar stated that the person did not at this time. Ms. Simons asked why the computers are there. Mayor Dunbar stated that the person who is running the Technology Center has shipped the computers in and he is getting ready for their distribution and reiterated that the City is not running the Technology Center. Ms. Simons asked if that person was on the agenda tonight to get a business license. Mayor Dunbar stated that he or she is not. Ms. Simons asked when that person would be coming forward to get a business license. Mayor Dunbar stated that he did not know and assumed when the person started selling computers. Inaudible. Ms. Simons asked what was happening up there right now. Mayor Dunbar stated that there are computers up there. Ms. Simons asked if the City was paying the lease. Ms. Simons thanked someone and continued that regarding the City's website, newellentonsc.com, it was her understanding that the City had hired a webmaster at the rate of \$50.00 per month. Ms. Simons stated that she observed little changes to the webpage and added that the pictures of Council and the City Clerk are badly out-of-date. Ms. Simons stated that the website is a perfect place for the City to post its Code of Ordinance, meeting schedule, minutes, agendas, and install a program for emailing newsletters. Ms. Simons asked who was assigning and overseeing the webmaster's work. Mayor Dunbar stated that no one was doing that, adding that the last update was to add the new Chief's picture and change the Mayor's picture about a week ago. City Clerk Sanders

corrected that it was two weeks ago. Ms. Simons thanked him. Ms. Simons read from Code of Ordinances 8-25 titled "Financial Interest of City Official and Employees Prohibited." Ms. Simons charged the citizens of New Ellenton with reading from Title 5 of the SC Code of Laws about the forms of government stating that she thought the City had a council-mayor form of government, but that the City's charter has a council form of government. Ms. Simons stated that this is the citizens' City and that the citizens have a responsibility to hold elected officials responsible. Ms. Simons continued that since she has never lived in the City limits, there is little she can do other than to bring these issues to the forefront. Ms. Simons stated that it is now the citizens' turn to take over where she is leaving off. Ms. Simons encouraged the citizens to study, learn and take action. Ms. Simons stated that as she had written, the problems in New Ellenton are neither democrat versus republican nor black versus white in nature. Ms. Simons stated that the problems in New Ellenton are a matter of right versus wrong and added that now is the time for truth, righteousness and justice to prevail in New Ellenton. Ms. Simons thanked Mayor Dunbar and Council for the opportunity to speak and asked for permission to approach and deliver copies, obtained at her own expense, of the SC Attorney General's Public Official's Guide to Compliance with SC Freedom of Information Act [inaudible]. Mayor Dunbar asked to address some things that Ms. Simons had talked about. Mayor Dunbar stated that perhaps Ms. Simons did not have an updated version of the Ordinances, because the Fireworks ordinance was amended to allow the sale and use of fireworks within the City. Ms. Simons stated this was incorrect based off of the information she was given. Mayor Dunbar stated that this was why he was telling her this, and perhaps what she had was erroneous. Mayor Dunbar stated that he specifically remembered it coming up and being voted on, because he had just had a conversation with the Chief about doing something about codifying the ordinances because there were lots of versions floating around. Mayor Dunbar stated that he thought the Assistant Clerk had the most recent copy, but that he knows for a fact that the fireworks ordinance has been amended to allow the sale and use. Mayor Dunbar stated that it could be the same with the FY and with the meeting dates. City Administrator Greene asked Ms. Simons about four people forming a quorum, and stated that this is only when there is a full Council of seven members, adding that there are only five current Council members and it has been this way for months. Ms. Simons began to speak, but was interrupted by City Administrator Greene stating that a quorum of five is three and quoted from SC Code of Law. Ms. Simons stated that the Code of Ordinances does not make an allowance for it. Inaudible. City Administrator Greene stated that SC Law overrides. Ms. Simons stated that the point she is making is that the Code of Ordinances needs to be updated. City Clerk Sanders and City Administrator Greene stated that they were not denying that. Ms. Simons requested that it take place immediately. Mayor Dunbar stated that the City is looking into it. Mayor Dunbar stated that regarding the issue of going to Executive Session from a work session was checked by the attorney before it was done, and that from any called meeting, Council can go into Executive Session. Mayor Dunbar asked Mr. Singer. Inaudible. Mayor Dunbar stated that at regular and special meetings tapes are recorded and minutes are made. Mayor Dunbar stated that from his conversation with the attorney, recording was not a prerequisite for Executive Session, as long as there was a legal called meeting. Ms. Simons stated that meetings are when the clerk is there is take minutes and stated that Council was using it to get out of Freedom of Information Act requirements. Mayor Dunbar disagreed. An unidentified man stated that a work session is to not vote on anything and Council cannot vote to go into Executive Session. Mayor Dunbar stated that he had consulted the attorney. Ms. Simons asked for the attorney to be referred to the SC Attorney General. Mayor Dunbar stated that Ms. Simons gave him the Public Official's guide. City Clerk Sanders stated that Mayor Dunbar already has it. Ms. Simons asked that it be read.

Ms. Jeanette Bates (Business License) – Mayor Dunbar stated that a representative of Ms. Bates was here to request a business license. Mayor Dunbar asked who B&B carwash was. An unidentified person stated that B&B stood for Bates and Bates. Mayor Dunbar asked what they wanted to do. Inaudible. Mayor Dunbar asked if the carwash was near Mr. Jones. An unidentified person replied that they were. Mayor Dunbar stated that it was right next to the barber shop. Mayor Dunbar asked for hours. The person stated that the carwash would operate Monday through Saturday from 8:00 to 6:00. Mayor Dunbar asked about rates. The person stated about \$15.00-\$20.00. City Administrator asked how much a Crown Victorian would be. Inaudible. An unidentified woman asked where the water was coming from. Inaudible. An unidentified person stated the City of New Ellenton. Inaudible. The person stated that B&B has a water bill which has already been obtained. Councilwoman Rodgers

asked if B&B applied for the water bill, and the person affirmed. Mr. Shaw asked what business it was of Council to ask how much B&B will charge. Mayor Dunbar stated that he could ask whatever he wanted to ask. Mr. Shaw stated that it was none of the Mayor's business if B&B wanted to charge \$200.00. Inaudible. Mr. Shaw asked if the Mayor had asked Dollar General how much they would charge for dog food when they applied for their license. Mayor Dunbar stated that he was not sitting there then. Mr. Shaw stated that it was ridiculous. Mayor Dunbar asked what business it was of Mr. Shaw's. Mr. Sharp stated that he was there when a soul food restaurant asked to open up and the Mayor did not ask how much they would charge for collard greens. City Clerk Sanders stated that the last time someone applied for a license for a carwash, they were asked how much they were charging because people on Council were interested in knowing. Inaudible. Mayor Dunbar asked if someone was offended because he asked. Mr. Shaw stated that he did not think it was appropriate, stating that it was B&B's business how much they would charge. Mr. Shaw added that the Mayor did not ask him how much he was going to charge for an oil change. Mayor Dunbar stated that he did not want to know that. Mr. Sharp stated that all the Mayor asked of the soul food restaurant was whether they delivered and would they deliver to City Hall. Inaudible. Mayor Dunbar stated that if he was asking about the charge for a serious reason, he would not ask him in public, adding that he likes to keep things light. Mayor Dunbar stated that if Mr. Shaw could not take a joke, he was sorry, but that he did not mean to offend anyone. Councilwoman Rodgers stated that Council should move on and Mayor Dunbar did not have to explain anything. Mr. Shaw stated that he did, because he represents the people. Mayor Dunbar called for order and asked to move on. Mayor Dunbar asked for other questions. City Clerk Sanders asked how B&B will fair with its competition. Inaudible. Mr. Keenan asked if there was another carwash in town. Mayor Dunbar stated there was not to his knowledge. Mr. Keenan asked if there was a carwash with a business license, and Mayor Dunbar repeated his previous answer. Inaudible. Mayor Dunbar called for a motion. *Motion to approve a business license for B&B Carwash by Councilman Williams, second by Councilwoman Rodgers. All in favor. Approved.* Mayor Dunbar stated that the business license would be ready tomorrow.

Approval of Council Minutes

Regular Council Meeting February 23, 2009: *Motion to approve the February 23, 2009 Regular City Council Meeting Minutes by Councilman Braswell, second by Councilwoman Maddox. All in favor. Approved.*

Old Business

Final Reading: An ordinance amending Fiscal Year 2008-2009 Budget Ordinance - *Motion to approve an ordinance amending Fiscal Year 2008-2009 Budget Ordinance on final reading by Councilman Braswell, second by Councilman Williams. All in favor. Approved.*

Final Reading: An ordinance approving the rezoning of property on White Pond Road from R-10 to PD – Mayor Dunbar stated that the property was 107.59 acres on White Pond Road. *Motion to approve the rezoning of property on White Pond Road from R-10 to PD on final reading by Councilwoman Maddox, second by Councilwoman Rodgers. All in favor. Approved.*

New Business

Mayor Dunbar asked if Council wanted to move the CPW bond to first. Councilman Braswell stated that he thought so.

Bond for Commission of Public Works – Mayor Dunbar stated that there was a request for the City to enter into a bond for the CPW. Mayor Dunbar asked for the total. Mr. Craig asked if the mayor wanted the total for both. Mayor Dunbar affirmed. Mr. Craig stated that the total for the one that was already signed was \$421,000.00. Inaudible. Mayor Dunbar stated that he understood. *Motion to allow the mayor's signature to approve the bond resolution requested by the Commission of Public Works by Councilman Braswell, second by Councilwoman Maddox. 4 in favor. Approved with Councilwoman Rodgers opposed because she felt the public should be informed before the bond is approved as the public will be the ones paying the bond.* Mayor Dunbar asked Councilwoman Rodgers what she wanted done. Councilwoman Rodgers replied that it should be advertised. Mayor Dunbar stated that he did not think that was the normal process. An unidentified woman asked if it was

approved on Council's signature or the mayor's signature. Councilman Braswell replied that it was on the mayor's signature, but that Council was authorizing him to do it.

Janitorial Service – Mayor Dunbar stated that the City was looking into hiring a person to perform the services and asked how Council how they would like to proceed. Councilwoman Rodgers stated that there were 20 plus applications received since several months ago that were down to five. Inaudible. Councilwoman Maddox asked for the name of the lady doing it now. City Clerk Sanders replied that her name is Mildred Cummings. Councilwoman Rodgers asked when she started. City Clerk Sanders replied that she was just filling in until Council makes a decision. Councilwoman Rodgers asked why Council did not know. City Clerk Sanders stated that she had no idea. Councilwoman Rodgers stated that someone had to approve it. Mayor Dunbar stated that City Clerk Sanders has the authority to seek out people to clean the building. Councilwoman Rodgers asked who gave her the authority. Mayor Dunbar stated that City Clerk Sanders is a department head. Councilwoman Rodgers acquiesced. Mayor Dunbar asked if Councilwoman Rodgers thought there should be a meeting. Councilwoman Rodgers stated that each time someone came in there was a meeting. Mayor Dunbar and City Clerk Sanders disagreed. Councilwoman Rodgers asked who had come in without a meeting. Mayor Dunbar stated that he thought there had been a couple of people, and City Clerk Sanders agreed. Mr. Shaw asked if the person was on City payroll or an independent contractor. City Clerk Sanders stated that the person is independent and will be paid on a 1099. Mr. Shaw asked if the person has a business license. City Clerk Sanders replied that if they are paid on a 1099, they do not have to have one. Mr. Keenan asked if the City's workman's compensation and general liability is still responsible if the individual does not have it even if they are on a 1099. Mayor Dunbar stated that the City should look into it. Mr. Keenan stated that he thought the person should be bonded as well, and City Clerk Sanders agreed. Mayor Dunbar asked if Council wanted to have a meeting to go over the five applications. Inaudible. Mayor Dunbar announced a meeting scheduled for 5:00 pm on March 23rd to go over the cleaning position. An unidentified person asked if this was being done by a contract. Mayor Dunbar stated that the City took applications several months ago, but had not acted on them yet. The person asked how it was decided how they would be paid, and if there was a contract or by hour, adding that paying on a 1099 could be hourly or salaried. Mayor Dunbar stated that based on the previous cleaning service, Council would figure out how many hours it would take per week and then set a weekly salary. Inaudible. City Administrator Greene asked if Council wanted to table this. *Motion to table hiring a janitor for the City of New Ellenton by Councilman Williams, second by Councilwoman Maddox. All in favor. Approved.*

Discussion of Replacing Heating and Air System at City Hall – Mayor Dunbar stated that a bid had been received from Holley Heating and Air to replace the 7 ½ ton split system. Mayor Dunbar asked if it was appropriate to discuss the dollar amount. City Administrator Greene affirmed. Mayor Dunbar stated that Holley came in at \$9,080.00, New Ellenton HVAC came in at \$9,600.00 and Consolidated Mechanical came in at \$7,500.00. Mr. Keenan asked if it was to replace the unit only, or whether it included the ductwork. Mayor Dunbar stated that it was just the unit. Councilman Braswell added that all three bids were for just the unit. Mr. Keenan stated that there were a lot of losses due to condensation in the ductwork. Inaudible. An unidentified man asked if all of the bids were for equal units. Mayor Dunbar stated that Holley was for a 7 ½ ton Carrier unit, New Ellenton HVAC was 7 ½ ton Goodman and Consolidated was a Carrier. Inaudible. Mr. Sharp asked if the other two businesses had been in business as long as Holley, which had been in business for 85 years. Councilman Braswell stated that they had been in business a pretty long time. Mayor Dunbar stated that New Ellenton HVAC was probably 20 years or more and Consolidated about the same. City Clerk Sanders stated that it was long enough to be reputable. Mr. Keenan stated that over the last few years he had 15 units installed in the City if New Ellenton and Consolidated had done all of his work. Inaudible. City Clerk Sanders stated that the most important thing was that Consolidated is local, and Mrs. Keenan stated that Consolidated had excellent customer service. City Clerk Sanders agreed and added that Consolidated had installed 18 years ago the unit that was presently in the building. Mayor Dunbar asked for other questions and stated that the money would come from the local options sales tax, reading from the 2004 referendum. Ms. Simons stated that the referendum had two sections related to City Hall, which she read from, stating that the money is gone. Councilman Braswell stated that there is over \$400,000.00 in there. Inaudible. Mr. Sharp asked if there were liens placed against the fire equipment to

protect the City's interest in the over \$900,000.00 spent to build it. Inaudible. Mr. Keenan asked if an agreement was made with the Fire Department and stated that the first payment was not due yet. Inaudible. Mayor Dunbar again read from the 2004 referendum and the 2000 referendum. Mr. Keenan asked what was wrong with the current air conditioning system. City Clerk Sanders replied that it broke. Inaudible. City Clerk Sanders stated that the condenser was broken, and it did not make sense to replace it, because if anything else broke, it would have to be replaced entirely because regulations are changing. Mrs. Keenan stated that if the City got 18 years out of it, it had done its job. *Motion to replace heating and air system at City Hall at lowest bid of \$7,500.00 by Consolidated from local options sales tax by Councilman Braswell, second by Councilwoman Maddox. All in favor. Approved.*

Report from Police Chief

Chief Parks stated that for the month of February, there were 130 cases, [inaudible], assisted another agency, one aggravated assault, four simple assaults, one burglary, one larceny, two [inaudible], four vandalism, one violation of [inaudible] offender, one leaving the scene of an accident, one family offense non-violent, one liquor law violation, one missing person, [inaudible] suicide attempts, three criminal domestic violence, one [inaudible], one harassment and one disturbance. Chief Parks stated that there were 81 traffic cases, [inaudible] operating a motor vehicle, 25 speeding, one no right-of-way, two passing a stopped school bus, one driver's license violation, one vehicle license violation, two driving under suspension, one DUI, 38 careless driving, one [inaudible]. Chief Parks stated that there were 10 arrests, 11 [inaudible] which lead to the total of 130. Chief Parks stated that the Police Department had also gone to Faith Christian School to talk on career day. Mr. Keenan congratulated the chief on being the first woman police chief in the City of New Ellenton and then stated a concern about a situation with one of his employees and a County officer. Inaudible. Mr. Keenan asked about the law regarding stopped school buses on four-lane roads. Chief Parks replied that on a four-lane, if one is traveling in the opposite direction of the bus, one does not have to stop. Mayor Dunbar agreed. Mr. Keenan asked if Chief Parks was aware of the raid during which his employee was stopped. Chief Parks responded that the City still falls under the County, and the sheriff's department had decided to work warrant service without informing her and stated that she did not find out until the next morning. Mr. Keenan stated that he did not know that the County could come in without letting someone know. Chief Parks stated that they could adding that there is a mutual aid agreement in effect. Mr. Sharp began stating that an off-duty reserve officer for New Ellenton who also works for Cedar Creek, but was interrupted by several people. Mr. Sharp continued that he was pulled over and told if he did not "shut the F up," he would be taken to jail. Mr. Sharp continued that there may be a written or unwritten situation between the City and Cedar Creek, but when one is pulled over in front of their home and told to "shut the F up; I'll throw your butt in jail. I'm a police officer," it cuts both ways. Mr. Sharp stated that he can see how the County can come in the City, but he just did not want Mr. Keenan to feel bad. Mr. Keenan stated that it did not happen to him, but that he knows about it from one of his employees. Inaudible. Councilman Williams asked about the abandoned house status. Chief Parks stated that she was over it under former Chief Hamilton, and it was getting ready to start back up. Councilman Williams thanked Chief Parks. Mr. Gene Smith asked about a program under former Chief Hamilton. Chief Parks stated that it was not being done right now. Mayor Dunbar asked if there were additional questions for the chief.

Report from Fire Chief

Mayor Dunbar stated that the Fire Chief was not present.

Report from Recreation Director

Mr. Perry stated that in September of last year, he and Councilman Williams attended a meeting of the Aiken Football League and came upon a gentleman's agreement that in order to get back into the Aiken league, it would cost \$500.00 a game for two games which would allow New Ellenton to get five home games. Mr. Perry stated that the Aiken League was now asking for payment of \$1,000.00. Mr. Perry stated that he was asking Council to approve the funds. Mr. Perry stated that before, New Ellenton had its own league which required a lot of traveling, and everyone complained about the travel and wanted to get back into the Aiken League. Mr. Perry stated that returning to the Aiken League brought in an additional 30 football players and 20 cheerleaders. Mr. Perry stated that the money is well-spent and well worth it. Mr. Perry stated that Recreation also had Pony League

Dixie Baseball coming up for 13-14 year olds to be played at Gregg Park at a cost of \$475.00 for league fees. Mr. Perry stated that since New Ellenton did not have the facilities to house 13-14 year old baseball, this is the first time 13-14 year old baseball was being offered in about 10 years. Mayor Dunbar asked how many 13-14 year old players there were. Mr. Perry stated that there were 12 players, and no more than 15 can be on the team. An unidentified person commented that it was up. Mr. Perry stated that an increase in number of baseball, teeball and softball of about 30 kids. Mayor Dunbar asked for the total numbers. Mr. Perry stated that as of today, there were 176 children. Councilman Williams stated that Aiken League only wanted to give New Ellenton three home games, and they tried to explain to the Aiken League that the New Ellenton program would not be supported with three home games. Councilman Williams stated that Aiken League wanted to take the gate proceeds from the two biggest draws of the season, knowing that these games would bring in \$700.00 to \$1200.00 just off of the gate. Councilman Williams stated that having five games would have done no good if the two biggest gates were gone, so he and Mr. Perry decided that it would be better to give \$500.00 for two games than to have the Aiken League take all of the proceeds off of the gate. Councilman Williams stated that Aiken League guaranteed five home games which would help fund the program. Councilman Williams stated that all teams in the league have to give a certain amount back to the league and this was not different than what any other team was doing. Councilman Williams stated that the agreement was made to protect New Ellenton's financial situation. Mr. Perry stated that after the North Aiken game, which was one of the games in question, after paying officials, \$800.00 was brought in and after the Aiken Tigers game, the other gate proceeds in question, \$750.00 was brought in after paying the officials. Mr. Perry stated that New Ellenton had been able to keep about \$250.00 and \$300.00 from these games due to the agreement. Councilman Williams said that Recreation would have been paying \$1,500.00 instead of \$1,000.00. An unidentified person asked if the City had something planned out showing how long it would take before Youth Sports could fund itself. Mr. Perry stated that Youth Sports was funding itself. The person stated that Youth Sports did not need the City to pay the \$1,000.00. Councilman Braswell stated that Council would approve the \$1,000.00, but that the money was already in the Youth Sports account from the funds. Inaudible. The man asked if Youth Sports was going to carry itself. Mayor Dunbar stated that for auditing purposes, funds would still have to go through the City. The man asked if Youth Sports had the money, but just needed the City to let it be spent. Inaudible. Councilman Williams stated that approval was needed. Mr. Smith stated that it sounded like an agreement was entered into without the approval with Council, and he thought one could not do that. Mr. Smith stated that two people could not act independently. Inaudible. Mr. Perry stated that the money was already there. Mr. Smith stated that an agreement cannot be entered into without Council's approval. Ms. Simons stated that her understanding from a previous meeting was that it was going to cost in excess of \$40,000.00 to upgrade local fields and asked if that was where the home games would be played. Councilman Braswell stated that was for baseball and not the football being discussed. Mr. Perry stated that if Recreation money is separated, Recreation can cover the agreement, but it was under the City and money went to the City so that a ledger could be kept. Inaudible. Mr. Smith stated that one could not enter into an agreement on the City's behalf. Mayor Dunbar stated that Council did not look at it as a financial agreement, but rather a league fee. An unidentified person asked where money comes from. Mayor Dunbar stated that Youth Sports holds registration. The person asked if Youth Sports pays for its own. Mr. Perry stated that Youth Sports pays for insurance, lights, water, whatever. Inaudible. Mr. Keenan asked if the City had provided any money to Youth Sports. Mayor Dunbar stated that it had not put any money into the program, but pays the Director. Mr. Keenan stated that the program itself, is funded itself. Inaudible. Mayor Dunbar agreed. Mr. Keenan stated that whatever money is donated and registration fees cost the City nothing, and only brings good times. Inaudible. Mr. Perry stated that Recreation is paying for itself and not asking the City for anything. Mayor Dunbar stated that since Recreation is in its first year, Mr. Perry can come to Council present what money has been raised and ask to spend it. Mayor Dunbar added that this was the way the Fire Department and Police Department did it. Mayor Dunbar asked who the gentleman's agreement was between. Mr. Perry stated that Jackson and Ridge Spring have to pay as well. Councilman Williams stated that he thought it was a stipulation to get in the league. Mayor Dunbar stated that it was a league fee. Mr. Keenan asked if Youth Sports was a separate fund or if it went into the general fund. City Clerk Sanders explained that the general fund has a number of accounts under its umbrella, and that there are only two recognized funds, general and sewer, and everything other than sewer falls under the general fund. City Clerk Sanders continued with her umbrella analogy stating that Recreation has its own spoke just like Fire and Police.

Inaudible. City Clerk Sanders stated that it would come out of their checking account. Inaudible. *Motion to pay league fee of \$1,000.00 to Aiken Football League by Councilwoman Maddox, second by Councilman Braswell. 4 in favor. Approved with Councilman Williams abstaining due to possible conflict of interest.* Mayor Dunbar asked how many games are played for 13-14 year old baseball. Mr. Perry replied that there was a meeting scheduled in two weeks to finalize schedules, but that he thought teams had to play 12 games to qualify for Dixie tournaments. Mr. Perry added that teams from Jackson, Gregg Park, Edgefield and Midland Valley would be participating. Mr. Keenan asked if Youth Sports transports the children with all of that travel. Mr. Perry replied that the parents and coaches do. Mayor Dunbar called for a motion. *Motion to pay \$475.00 Pony League fee to Gregg Park by Councilman Braswell, second by Councilman Williams. All in favor. Approved.* Mayor Dunbar asked if there was anything else. Mr. Perry stated that on the 28th of the month, the last Saturday, starting at 10:00, Recreation would be having Unity in the Community where sponsors, teams, and coaches are introduced to parents. Mr. Perry continued that this year sponsors would be recognized on odd years and individuals on even years. Mr. Perry stated that three businesses would be recognized this year: All-American, Supply Services and Bush's Automotive, for their dedication to Recreation in the City of New Ellenton. Mr. Perry stated that there would be free food and drinks, Silver Bluff Color Guard, New Ellenton Middle School Band, guest speaker Al Young, coach of North Augusta Yellow Jackets and former Pittsburgh Steeler defensive back and local ministers. Mr. Perry invited everyone to come. Mayor Dunbar asked about the time. Mr. Perry and several others replied that it started at 10:00. Mr. Perry stated that he hoped to play games that day. Councilwoman Maddox asked if games would be played. Mr. Perry affirmed. Councilwoman Maddox asked if a work day was scheduled. Mr. Keenan stated that it was the same day as the Aiken Farm Fest. Mr. Perry stated that was all ha had.

Reports from Special Committees

Administration – Councilman Williams stated that he received an email from Mrs. Elisa Sanders-Pee, principal of New Ellenton Middle School (NEMS), requesting the public be informed about what is going on with the school board. Councilman Williams stated that there was a community input meeting about proposed budget cuts scheduled at Silver Bluff High School on March 17th at 5:30 until 6:30 in the Media Center. Councilman Williams stated that one topic being discussed was eliminating attendance areas within the district and that closing small schools may come up. Councilman Williams continued that other topics that may be discussed included hiring retirees, eliminating programs, and increasing class size. Councilman Williams stated that NEMS is one of the schools in the area that has low attendance within the school district. Councilman Williams stated that it came up a few years ago and the discussion is to close NEMS and transport children to Jackson. Councilman Williams stated that the public was being asked to come out and voice their opinion about how valuable this school is to our community. Councilman Williams stated that as far as math and science, NEMS is one of the highest rated in the state and the district is only looking at numbers and not the achievements. Councilman Williams stated that the public needs to let the school district know that it wants NEMS to stay open. Councilman Williams urged everyone to come out. Mayor Dunbar added that City-wide elections were upcoming to fill two vacant City Council seats on March 31, 2009 at the Civic Center. Mayor Dunbar stated that using the City Park and stage had been discussed and an agreement would be drafted by Council and approved. City Clerk Sanders asked what response should be given to the person asking. Inaudible. Councilman Williams stated that the person should be told that there will be a fee to use it, because there is a liability issue with the stage just like with the Civic Center. City Clerk Sanders asked about a water slide. Mayor Dunbar stated that he thought it was permissible. City Clerk Sanders asked about the water slide if the person did not use the stage. Councilman Williams stated that the person would have to use the stage unless they brought a generator. Inaudible. Councilwoman Maddox stated that the person would be renting the stage, not the park. City Clerk Sanders asked what she should tell the person. Councilman Braswell stated that she should tell the person that something will be drafted within a month. City Clerk Sanders stated that she thought the person wanted to rent the stage at the end of this month. Inaudible. Mayor Dunbar stated that it was in June. City Clerk Sanders stated that she thought there were two dates. Councilman Braswell stated that the dates are in June and August and added that it gave Council time to come up with something. Mayor Dunbar stated that during the work session, a need for a city-wide cleanup was needed and that he had suggested a date of May 16th. Mayor Dunbar continued that there were complaints of overgrown areas, stating that he was not sure if the City could address them, as it is on private

property. Mayor Dunbar stated that right-of-ways could be addressed. City Clerk Sanders asked how close the date was to Mother's Day. An unidentified person stated that it was the Saturday after. Inaudible. Mayor Dunbar stated that in the past the County has helped with the dumpsters and asked if anyone knew of any areas, to please let the City know. Mayor Dunbar stated that there would be more advertisements about it. Councilman Williams asked to thank Four Mile Church, St. John's Lodge, inaudible, for cleaning up in the area. Councilman Williams stated that he would contact the County to pick up the bags. Councilman Williams thanked Mr. Keenan for the work he was doing around Richmond Circle and stated that there was good feedback on it. Mayor Dunbar stated that the City is in the process of applying for two grants: DOT Sidewalk Enhancement Grant and Resource Officer Grant. City Administrator Greene added a Patroller Grant. Mayor Dunbar asked if it was two or three grants. City Administrator Greene replied that it was three. Inaudible. Mr. Keenan asked if the police department was full. An unidentified person replied that it was not. Mr. Sharp asked if an automatic renewal of the utilization of New Ellenton Police Officers in Cedar Creek had occurred since the passing of Chief Hamilton. Mr. Sharp added that he had spoken about how he feels it is a burden on the City taxpayers of New Ellenton. Mr. Sharp continued that he had lived in Cedar Creek for 9 years and believed that it should fall on the Aiken County Sheriff's Department (ACSD). Mr. Sharp continued that if the City is getting grants, money could be saved by pulling New Ellenton out, because he was sure that city residents would prefer to have officers in the City. Mr. Sharp continued that if one enters Cedar Creek, one can see signs indicating that Cedar Creek is under the jurisdiction of the New Ellenton Police Department and the ACSD. Mr. Sharp stated that there has been a self-perpetuating auto-renewal of no fee agreement. Mayor Dunbar denied this. Mr. Sharp stated that he would bring the copy next month. Mayor Dunbar asked who signed it. Mr. Sharp stated that originally it was signed by Mr. Rich Kelcoe, Andy Olsen and Hugh Ray. Mayor Dunbar stated that it was rescinded as soon as he took office. Mr. Sharp stated that he hopes he does not see any more cars and preferred to see them on the streets of New Ellenton. Mayor Dunbar repeated that it was rescinded. Chief Parks stated that one will see cars in Cedar Creek because New Ellenton has always had jurisdiction over the clubhouse, so it is patrolled. Mayor Dunbar again stated that the agreement that Mr. Sharp was talking about was rescinded in 2006. Mayor Dunbar stated that there are four openings on the Board of Zoning Appeals and one on the Planning Commission. Mayor Dunbar asked each Council member to bring back a recommendation to the next meeting for consideration. Inaudible. Mr. Smith asked if Administration is over the Ordinance book. Mayor Dunbar stated that the last price was about \$18,000.00. Inaudible. Mr. Keenan stated that the City should hire Ms. Simons to fix it. Mr. Smith stated that if there are different ordinance books, one needs to know which book to work off of. Mayor Dunbar stated that it is a big job, having to go back over minutes and tapes. Mr. Keenan asked if all of that had to be done, asking if Council could just vote in ordinances today. Inaudible. Mayor Dunbar stated that every time a City Clerk leaves, things get lost. Ms. Simons asked what \$18,000.00 included. City Administrator Greene stated that including codifying, bringing laws up-to-date and stated that some of the ordinances had been rescinded, but not removed from the ordinance book. Mayor Dunbar stated that he was not sure the last time it had been codified. City Clerk Sanders asked if it ever had been. Ms. Simons stated that the Clerk and Treasurer are responsible for keeping the Code of Ordinances up-to-date according to New Ellenton's own ordinances. Mayor Dunbar agreed. Ms. Simons began a statement about people not doing their job, but was interrupted by City Clerk Sanders stating that the job may not have been done before she got here and that she and the Assistance Clerk had spent much of their time trying to put things in order. City Clerk Sanders continued that all of the minutes Ms. Simons had cited as missing had not occurred under her watch and agreed that someone had not been doing their job, but that she could not do anything about what people were not doing before. City Clerk Sanders stated that she could only deal with what was happening now and believed that she and the Assistant Clerk were not just making a valiant effort, but were doing a good job. Ms. Simons stated that she thought it would be impossible to bring the Code of Ordinances to date without those minutes. City Clerk Sanders stated that she thought they could be found. Mayor Dunbar stated that this was why he had asked for the dates. Ms. Simons stated that City Clerk Sanders had the dates. Mr. Sharp recommended that for \$80.00 a digital voice recorder that will go for eight hours and be downloaded to a hard drive and kept in perpetuity. Mr. Sharp added that the current system was 1970s and if the paperwork is lost, at least the digital file would be retained. Mr. Sharp stated that next month he would bring his and donate it to the City. City Clerk Sanders told him to do it and stated that she appreciated it. Mr. Sharp asked if City Clerk Sanders was being facetious. City Clerk Sanders denied this adding that she appreciated it. Mr. Sharp again stated that he

would donate his. Mayor Dunbar stated that the City would look into the ordinances, and Council was aware that it was an issue.

Fire Department – Councilman Braswell and Councilwoman Rodgers stated that they had nothing. Councilwoman Rodgers stated that Administration had done the parks, so they could do this, too.

Police Department – Councilman Williams praised the chief.

Streets and Roads and Parks – Mayor Dunbar asked if Councilwoman Rodgers had anything. Councilwoman Rodgers declines. Councilman Braswell stated that he did not have anything.

Sewer and Sanitation – Mayor Dunbar asked if Councilwoman Maddox had anything. Mayor Dunbar stated that the debt set-off program was working well. City Clerk Sanders stated that there has been a 50-60% increase in the accounts that were not paying before, and she thought this was good. Mayor Dunbar asked what percentage of the utilities was being collected right now. City Clerk Sanders stated that she could not say right now. Mayor Dunbar stated that he would like to know that. City Clerk Sanders stated that the mayor would get that information. Mayor Dunbar thanked the water department for considering helping the City in their collections, adding that he knew that it was not an easy thing to do. Mayor Dunbar stated that he knew it may not come to fruition as he saw it, but thanked the water department anyway.

Recreation – Councilwoman Maddox stated that Mr. Perry had already talked about Unity in the Community.

Technology Center – Councilman Braswell stated that everything had been said. Mayor Dunbar stated that he was just waiting on a contract for the man to take over the lease. Mayor Dunbar stated that the person already has it and thought that it would be back already. Mr. Keenan asked if the person would be buying all of the computers from the City when he takes over the lease. Mayor Dunbar replied that the computers were not the City's, but rather donations from the government. Inaudible. Mayor Dunbar stated that the computers that were there were unusable and that the computers came through this person. Mayor Dunbar continued that he would get an agreement with someone here to upgrade and sell them and then make enough money to cover the rent. Mayor Dunbar stated that the City's concern was just the life of the lease. An unidentified person asked whose sign advertising computers for sale was on the door. Mayor Dunbar asked for the phone number. The person stated that he did not know. Mayor Dunbar stated that he did not know. Mayor Dunbar asked if anyone else had anything.

Mayor Dunbar asked if anyone else had anything. Mr. Smith asked, regarding Ms. Simon's question about refunding business licenses to contractors in Three Runs, if Three Runs plantation never existed according to the court order. Mayor Dunbar asked if Mr. Smith was speaking for the contractors. Mr. Smith asked if the annexation never existed if the court order was void *ab initio*, or from the beginning. Mr. Smith continued that if the annexation was void from the beginning, the City never had the authority to collect fees for business licenses. Mr. Smith stated that he thought the appropriate thing to do was to refund the fees. Mayor Dunbar asked if the contractors would go to the county and get them refunded as well. Mr. Smith stated that if the City made them get business licenses. Mayor Dunbar stated that at the time, the contractors were doing business in the City. Mr. Smith stated that the court order did not read this way. Mayor Dunbar stated that it was the same as Mr. Smith being elected while in the City. Mr. Smith stated that it was void. Mayor Dunbar agreed. Mr. Smith stated that the contractor never existed in the City. Inaudible. Mayor Dunbar stated that the contractors could bring it up themselves. Mr. Keenan asked if Mr. Smith should repay his paychecks from the City. Inaudible. Mayor Dunbar stated that at the time, they were doing business, they were in the City. Councilwoman Maddox asked if there were anymore questions on the floor.

Adjournment

Motion to adjourn by Councilman Braswell, second by Councilwoman Maddox. All in favor. Approved.

Mayor's Signature

Date

City Clerk's Signature

Date