

Council Meeting Minutes
For
December 4, 2006
Branchville Town Hall
7:00 P.M.

PRESENT

Mayor Tim Cooner
Councilman Glenn Miller
Mayor Pro Tem Charles Dukes
Councilwoman Amy Bryant
Councilman Chris Ott
Councilwoman Georgianna Harmon
Councilwoman Benita Gibbs

OTHERS PRESENT

Rhonda Thompson Town Clerk

GUESTS

Carolyn Campbell	Bill Silverthorne	Beatrice Miller	Luther Folk
Beverly Berry	Lisa Treadaway	Virginia Peele	Donald Valentine
Atty Scott Palmer			

Mayor Cooner asked that all stand for the Pledge of Allegiance followed by a moment of silence to remember our troops fighting overseas for our freedom.

Mayor Cooner said it was the holiday season and said if anyone knows a family in need to let him know. Mr. Bill Silverthorne said the Christian Church has a list of 35 children in our school that are in need. Mayor Cooner said he wanted a copy of that list.

Mayor Cooner said it was the holiday season and to look out for your neighbors and if anything suspicious to call us.

Mayor Cooner welcomed everyone out tonight and mentioned that maybe because of the weather and Tour of Homes the crowd was not so large.

APPROVAL OF MINUTES

Mayor Cooner asked the pleasure of Council on the approval of the minutes from the November 6, 2006, Councilman Glenn Miller said he did not have November he had October. Then it was decided Councilman Miller was talking about the financial statement not the minutes, and Mayor Cooner said he asked for approval of the minutes. Mayor Pro Tem Charles Dukes motioned and Councilman Chris Ott seconded.

PUBLIC COMMENTS – AGENDA ITEMS/NON AGENDA ITEMS

Mayor Cooner asked for public comments on items of agenda, hearing none.

Next to public comments of other matters.

Mayor Cooner then called on Donald Valentine and he introduced his attorney Scott Palmer and said they were here to discuss lease on the old school building. Attorney Palmer thanked the Mayor and Council for recognizing them and he had faxed a letter to be put on the agenda, Mayor Cooner said we have copy of the letter. Attorney Palmer said he understood the time was limited. Attorney Palmer stated he was here informally on behalf of Donald who has come to Attorney Palmer on several different times on this situation. Mr. Valentine has told him he has a lease agreement with the town on the old school building. Attorney Palmer has been by the school and is familiar with the lease document. Attorney Palmer said Mr. Valentine wants to sub-lease a small portion of the old school building and the Mayor and Council met in executive session and have voted against that. Attorney Palmer said he was here to simply ask why? Basically wanting an explanation of why? Provision of lease is quite simple that he can't sub-lease without written consent. Attorney Palmer's reading of that is he is allowed to sublease, but needs to get consent, the town put that statement in there presumably so they would have a way to object a subtenant. Mr. Palmer then went on the state what Mr. Valentine does not understand is because of the business of the subtenant would be beneficial to the town, why the town turned in down? We're simply here to get some information to try and clear that up. Mayor Cooner than asked if anyone wanted to respond but would say that the matter was taken into executive session because it was a contractual matter but the vote was taken out of executive session. Councilwoman Harmon then spoke that Mr. Valentine's original intent was to open the Cobbler Shoppe and Variety Store, and when he came to Council those were the only two issues he brought up, subleasing was not mentioned. Councilwoman Harmon than stated that in her eyes if subleasing had been mentioned then his contract would have been written totally different. Attorney Palmer then stated his only response to that is there is a provision in the contract that appears to allow him to sublease that requires written consent. Councilwoman Harmon said the original intent was to rent, not sublease. Then Mr. Valentine stated that the building had been vacant for quite some time. Attorney Palmer said so the explanation is that the lease does not prohibit subleasing but his original intent was to have the Cobbler Shoppe and Variety Store and the Town intends to limit him to those activities. Attorney Palmer again stated that he was here informally, but if the Town has no intention of allowing him to sublease that provision would not have been in there. The Mayor then stated that provision is in most contracts as a generic statement. Councilwoman Harmon then said her statements were merely how she interpreted the agreement, but again if he had brought to the Council his intentions were to sublease the contract would have been totally different. Councilwoman Harmon said she has told Mr. Valentine to bring back to the Council and we would renegotiate his contract. Attorney Palmer then stated if he wanted the Mayor and Council to reconsider this issue it would also involve the renegotiation of the overall lease. Attorney Palmer then commented that Mr. Valentine wanted detail on Council's position on this, and he did not understand and if that was the Council's vote that is the Council's position. Councilman Miller said unfortunately he did not have a contract in front of him but the original request had to be in writing and Mr. Valentine did not write a letter concerning the sublease. Verbal is one thing and in writing is another thing. Mr. Valentine said he was exactly right in saying that no formal

written request was given. Mr. Valentine then introduced Ms. Peele to the Attorney and said this is the lady who

wants to open the Christian bookstore. Mr. Valentine then stated in November it was discussed with the Town's Attorney, the Mayor, and all Councilpersons were present it was stated Mr. Valentine's contract was mirrored as the former renter, who was subleasing the building. Mr. Valentine said as long as he did not open up a Beer Joint or Pool Hall in the school next to the church, that it was open for discussion for something that would benefit the community. Mr. Valentine then stated that is why he is here with Attorney Palmer and that the Council would not agree to a Christian Book Store for \$75.00 a month. Mr. Valentine then stated he does not see why the Council would have such animosity for a minority business to move into the Town, and then said the Cobbler Shoppe was owned by a woman also Ms. Frances Bailey. Mr. Valentine said he had never tried to harm the Town. Mr. Valentine then brought up that if he were not mistaken the Town only had one business owned by a black person. Mr. Valentine said it was not going to be a money making operation for him he was trying to do a favor for Ms. Peele. Councilman Miller said the issue here was not about being a minority it was concerning the original lease agreement. Councilman Miller also stated that several individuals in the community said that he was being discriminatory. Mr. Valentine said that the business license was issued and why would we issue a license if we had no intention of letting her sub-lease a room at the school. Ms. Virginia Peele said she believes that it has nothing to do with color, but she does believe that it would be a good thing to have some female run businesses in Town. Councilwoman Gibbs asked if Ms. Peele had looked elsewhere to obtain a place to open a bookstore. Ms. Peele said she had looked elsewhere but has not been able to find available space. Ms. Peele also stated that she could not afford to travel to Orangeburg to open the bookstore. Councilwoman Gibbs then stated that she did not answer the question, but she wanted her to know that the Council was not against her having a bookstore. Mayor Cooner stated that this issue regarding the Cobbler Shoppe and sub-leasing has been on the agenda since January of 2006 and wondered if this would ever end. Mayor Cooner said the Town of Branchville should not have to give an explanation, if the Town owns the property and the elected officials of the Town made a decision, using their best judgement then that should be final decision. Mayor Cooner said we have a water project in the works worth over one million dollars and have never spent this much time discussing it. Attorney Palmer then stated one of the reasons he was here was to find a direct and efficient way to get this issue off of the agenda. Attorney Palmer then stated he believed Mr. Valentine was owed an explanation for two reasons, first he was a citizen of the Town and a local business man, and Attorney Palmer said that anyone in that category should be owed an explanation by an elected body and their actions. Attorney Palmer continued to say that with any contract in SC as well as other states, whether it is stated or not there is a duty of good faith and fair dealing that goes with the conduct with the performance with the contract, so if you are going to say no, tell us why. If there is a problem that is offensive to the Town or detrimental to the Town let us know so we can fix it. Councilwoman Harmon then said do you understand now that it does not have anything to do with the tenant? Attorney Palmer then stated there is a clause in the contract regarding sub-leasing and if the Town had no intention of letting a person sub-lease that clause should

not be in there. Mr. Valentine then pointed out that Mayor Cooner, Mayor Pro Tem Charles Dukes, Councilman Chris Ott, and Councilwoman Amy Bryant were all business

people in the Town, and if the business people do not vote for other business people he did not know what else to say. Councilwoman Bryant said that she did not believe we needed to turn this into a racial decision because that could hurt the business she was in. Mr. Valentine then stated that he tried to support all the businesses in Town. Mr. Valentine then stated there are so many repairs that need to be done on that building and he had four windows knocked out the prior Friday. Why would the Town not want all the businesses it could possibly have for tax and business license purposes. Mr. Bill Silverthorne then spoke and said as of tomorrow there might not be any business over there when DHEC comes with a full blown investigation. Attorney Palmer asked what type of contamination, Mr. Silverthorne replied asbestos and Attorney Palmer then mentioned his wife was an asbestos Attorney. Attorney Palmer then withdrew from the meeting.

APPROVAL OF FINANCIAL REPORT

Mayor Cooner asked pleasure of approving the financial report and Councilman Miller asked why the financial report was showing October. Mayor Cooner asked the Town Clerk was the date correct or incorrect. There was general conversation amongst the Councilpersons whether or not the financial report was a month behind or not. One of the guests Mrs. Beverly Berry spoke up to say that she remembered when the Council voted on having the statements run a month behind because it was so late in the month when the bank statements arrived to have the financial statements done in a timely manner before the next Council meeting. Councilwoman Gibbs questioned the Town Clerk as to how long she had been here and she replied she started the day after Labor Day, which she believed, was September 5th. Councilwoman Gibbs then stated the Town Clerk had been here long enough to know how do the financial statements and wanted to know why would still need the former Town Clerk Ami Cooner. Then Councilwoman Gibbs asked the Town Clerk if she could handle doing the financial statements and the Town Clerk replied that she had never been shown how to do the financial reports. Mayor Cooner said it is a very time consuming and tedious job. You have to do the bank reconciliation on one form then transfer to another form to show actuals compared to the amounts budgeted. Mayor Cooner then said that we could hire C. C. McGregor to do the financial statements. Councilwoman Benita then questioned the Town Clerk once more whether or not she could handle doing the financial statements. Councilman Ott stated it is not a question of whether or not the Town Clerk could handle doing the financial statements it was when the bank statements come out during the month. Councilman Miller then stated that the financial statements do not run two months behind and Councilman Ott said they have been like that for quite some time. Councilman Miller said he had one more question on page 1 or 3 rent, regarding the rent and the Town Clerk said a mistake was made where the Cobbler Shoppe rent was deposited into General Fund instead of Former School Properties and since then has been transferred into the correct account. Mayor Cooner again stated to let C. C. McGregor at the tune of about \$15,000 a year. Councilwoman Harmon then asked if the Town Clerk's job duties go down quite a

bit. Mayor Cooner then stated no one realizes what it takes to make the ball bounce. Councilman Miller stated he realizes it is quite a job and would not want the job. Mayor Cooner told the Council to get quotes for an accountant to start doing the financial statements. Mayor Cooner said just in handling the water bills was a full time job and the Town Clerk agreed. Councilwoman Harmon made motion to vote on this at the next meeting and Councilman Miller seconded. Mayor Pro Tem Dukes spoke to say he was ready to vote on it right now.

COMMITTEE AND STAFF REPORTS

Police Department

-Mayor Cooner stated that the Police Department was doing a good job and anytime they do a good job you will have complaints, but they need to go in one ear and out the other.

Administrative Office

-Councilman Miller stated he had no other issues to bring up at this time. Mayor Cooner then compliment the Town Clerk as to doing an outstanding job and adapted very quickly, Councilwoman Bryant agreed with the Mayor.

Public Works

Mayor Cooner stated everything seems to be running pretty good.

Mayors Report

Mayor Cooner said not a lot to report on Christmas Party and Christmas Parade and he trusted everyone would be there.

Beautification Committee

Mr. Bill Silverthorne said nothing else than what was previously mentioned and Mayor Cooner thanked him for his time and efforts.

OLD BUSINESS

Mayor Cooner asked if we had any old business, hearing none.

NEW BUSINESS

New business was discussed later on in the session

PROGRESS ON CAPITAL PROJECTS

Mayor Cooner stated we are still working on the water surveys trying to get all that turned in to go to bid, Mayor Cooner said he would wind up his loose ends and turn it over to the engineers in January.

ITEMS OF INFORMATION

Mayor Cooner reminded the Council of the Christmas Party, Councilwoman Bryant asked what attire and the Mayor responded casual. Mayor Cooner said we only have a few employees and every year we give a bonus, and wanted to continue doing this again

this year. Councilwoman Harmon asked if even the part-time employees were to get a Christmas bonus. Councilman Ott motioned and Councilwoman Bryant seconded.

NEW BUSINESS

Mayor Cooner went over the estimated budget for the 2007 calendar year. The Mayor read each line item by detail. Mayor Cooner then asked if he had a motion on the 1st reading of the 2007 budget, Mayor Pro Tem Dukes motioned and Councilman Miller seconded. Mayor Cooner then went over the Franchise Authority for the Techcore Consultants to serve in this area. Mayor Cooner asked for a motion for executive session. Mayor Pro Tem Dukes motioned and Councilwoman Bryant seconded. Mayor Cooner asked for motion after executive session on the Franchise agreement and Mayor Pro Tem Dukes motioned and Councilman Miller seconded. Mayor Cooner said no action necessary for executive session, a contractual matter discussed in Council chambers. Councilman Miller said that we needed to let the T&D know that the Town of Branchville received the award for Water System of the year. Mayor Cooner asked if there was anything else to discuss, besides deciding what day to have the next Council meeting for the 2nd reading. It was then decided to have the meeting on Tuesday December 12, 2006 at 6:00. Mayor Cooner then said before the Christmas Party we would have the final reading and to be at the Council room at 6:45. Mayor Cooner said this would probably be his last year and he had invited his mother to the Christmas Party.

Mayor Cooner said if no further business could he have a motion to adjourn. Mayor Pro Tem Dukes motioned and Councilman Ott seconded.

Meeting Adjourned.

Respectfully Submitted,

Rhonda Thompson
Town Clerk