

**MINUTES OF THE
FOREST ACRES CITY COUNCIL MEETING**

October 8, 2019

Mayor Frank Brunson, Council members Beau Powell, Shell Suber, and Thomas Andrews were present, along with City Administrator Shaun Greenwood, Assistant City Administrator/Finance Director Andy Smith, Police Chief Gene Sealy and City Attorney Lee Holloway. Council member John Barnes was absent.

Mayor Frank Brunson called the meeting to order at 5:15 p.m.

1. Invocation and Pledge of Allegiance

Mayor Frank Brunson led the invocation and led the Pledge of Allegiance.

Public Hearing

AN ORDINANCE ("FRANCHISE ORDINANCE" OR "AGREEMENT") TO GRANT TO DOMINION ENERGY SOUTH CAROLINA, INC., ITS SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE RIGHT, POWER AND AUTHORITY TO ERECT AND TO INSTALL, MAINTAIN, AND OPERATE ON, ALONG, ACROSS, IN, OVER, ABOVE, UPON AND UNDER THE STREETS, ALLEYS AND OTHER PUBLIC PLACES OF THE CITY: (1) ELECTRIC LINES, POLES, WIRES, GUYS, PUSH BRACES, TRANSFORMERS AND APPURTENANT FACILITIES; (2) GAS MAINS, PIPES AND SERVICES AND OTHER APPURTENANT FACILITIES; AND (3) COMMUNICATION LINES AND FACILITIES, TOGETHER WITH ANY NECESSARY RIGHT OF ACCESS THERETO, FOR SUCH PERIOD AS THE SAME IS NEEDED BY THE COMPANY TO RENDER ELECTRIC AND/OR GAS SERVICE TO ITS CUSTOMERS IN THE CITY OF FOREST ACRES, SOUTH CAROLINA FROM THOSE FACILITIES; TO SET THE AMOUNT OF FRANCHISE FEE TO BE PAID BY DOMINION ENERGY SOUTH CAROLINA, INC. TO THE CITY; IF SO REQUIRED, TO LEVY FRANCHISE FEES ON THIRD PARTIES SELLING ELECTRICITY OR GAS USING THE COMPANY'S ELECTRIC OR GAS SYSTEMS; TO ALLOW FOR THE ESTABLISHMENT OF A FUND AND UNDERGROUND UTILITY DISTRICTS FOR ELECTRIC NONSTANDARD SERVICE

Attorney Holloway opened the public hearing at 5:15 p.m. He stated the purpose of the public hearing was for consideration of a franchise agreement between the City of Forest Acres and Dominion Energy of South Carolina. The agreement runs for a period of twenty (20) years and would replace a current agreement. Dominion wants to add certain provisions in the agreement and the city agrees with some of the changes. Dominion would pay 5% of gross sales to the city. The difference between this agreement and the one currently in existence is it has a provision to adopt a franchise agreement with Fairfield Electric Cooperative in order to prohibit any type of conflict in the two areas where each company has the rights to provide service. The other difference relates to how the Non-Standard Service fund (which requires Dominion to put in one-half of a percent of their entire sales into a fund for a period of five years) works. That fund can be utilized by the city if the city matches that figure to have certain utilities put underground. The city convinced Dominion that we have the right to use that money to also move existing aboveground to other above ground locations, rather than underground only. Council member Suber asked if the city would be able to end the agreement at any time. Attorney Holloway responded that the city would not be able to break the agreement if it is approved by Council. With no questions or comments either in favor of adopting the budget or in opposition Mr. Holloway closed the public hearing at 5:21 p.m.

AN ORDINANCE FOR THE CITY OF FOREST ACRES, STATE OF SOUTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF FOREST ACRES, BE AMENDED BY ADDING A SECTION OF SAID CODE; PROVIDING FOR THE ANNEXATION OF 1457 BELLA VISTA DRIVE, TMS 14214, BLOCK 05, LOT 03 (PORTION)

Attorney Holloway opened the public hearing at 5:22 p.m. He stated the purpose of the public hearing was for a proposed annexation of 1457 Bella Vista Drive. The property is used for a commercial purpose and if it annexed it will be zoned a C-3 General Commercial District property. Attorney Holloway stated that the

Planning Commission has recommended against annexation because it would be the only property on Bella Vista Drive in the city. A discussion with Chief Sealy, Council, and Attorney Holloway regarding the history of the area ensued. With no questions or comments either in favor of annexing the property or in opposition Mr. Holloway closed the public hearing at 5:30 p.m.

2. Approval of Minutes

City Council meeting held September 10, 2019

On a motion by Mr. Powell seconded by Mr. Suber, Council unanimously approved the minutes.

3. Mayor's Issues & City Projects

a. TPAC report – Jack Oliver
No report given.

b. Responses to Community Forum items – Property conditions at 6644 Satchelford Road
Mr. Greenwood reported that Code Enforcement has taken pictures of the property, however, deferred a report due to a lack of rain making the stormwater runoff impossible to determine. Code Enforcement will continue to be monitor the property and will talk with the owner once the stormwater problem can be observed.

4. New Business:

a. Resolution recognizing and honoring the service of Carol Griffith
Mayor Brunson recognized the unexpected death of a long-term exceptional employee who was planning on retiring on September 30, 2019.

b. Corporate resolution to name City Administrator, Assistant City Administrator, Mayor, and Mayor Pro-Tem as authorized signers for various City accounts
On a motion by Mr. Andrews seconded by Mr. Powell, Council unanimously approved the Corporate Resolution.

c. First Reading: A FRANCHISE TO GRANT TO FAIRFIELD ELECTRIC COOPERATIVE, INC., THE NON-EXCLUSIVE RIGHT, POWER, AND AUTHORITY TO ERECT AND TO INSTALL, MAINTAIN, AND OPERATE IN, OVER, UNDER, AND UPON THE STREETS, ALLEYS, AND PUBLIC PLACES OF THE CITY OF FOREST ACRES, ITS ELECTRIC LINES, POLES, WIRES, GUYS, PUSH BRACES, AND APPURTENANT ELECTRIC DISTRIBUTION FACILITIES, WHETHER USED TO RENDER SERVICE TO THE CITY OR NOT, TOGETHER WITH ANY NECESSARY RIGHT OF ACCESS THERETO, FOR SUCH PERIOD AS THE SAME ARE NEEDED BY THE COOPERATIVE TO RENDER ELECTRIC SERVICE TO ITS CUSTOMERS IN THE CITY OF FOREST ACRES, SOUTH CAROLINA; ALSO, TO SET THE AMOUNT OF FRANCHISE FEE TO BE PAID BY FAIRFIELD ELECTRIC COOPERATIVE, INC., TO THE CITY OF FOREST ACRES, SOUTH CAROLINA
Mr. Greenwood reiterated that this agreement is statewide with all entities essentially defining the service areas. Mr. Greenwood added that he had spoken with Attorney Holloway regarding Council member Andrews's question from September's council meeting. The question was why the city would sign the agreement. Attorney Holloway said that Dominion had a contingency in their new agreement that the NSSF funds would not be accessible to the city to move power lines not just bury the lines unless this agreement was signed. Dominion has since removed the contingency clause.
On a motion by Mr. Andrews seconded by Mr. Suber, Council unanimously agreed to decline the ordinance.

d. Discussion and approval of an agreement concerning electric service rights between Fairfield Electric Cooperative, Inc. and Dominion Energy South Carolina, Inc.
On a motion by Mr. Andrews seconded by Mr. Powell, Council unanimously to decline the agreement.

e. Discussion and approval of a staff request for \$10,000 in hospitality tax for advertising and promotional materials.

Mr. Greenwood said he is trying to keep a supply of promotional items for festivals, events, and conferences.
On a motion by Mr. Powell seconded by Mr. Suber, Council unanimously approved the staff request.

a. Old Business:

- a. Second Reading: ORDINANCE ("FRANCHISE ORDINANCE" OR "AGREEMENT") TO GRANT TO DOMINION ENERGY SOUTH CAROLINA, INC., ITS SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE RIGHT, POWER AND AUTHORITY TO ERECT AND TO INSTALL, MAINTAIN, AND OPERATE ON, ALONG, ACROSS, IN, OVER, ABOVE, UPON AND UNDER THE STREETS, ALLEYS AND OTHER PUBLIC PLACES OF THE CITY: (1) ELECTRIC LINES, POLES, WIRES, GUYS, PUSH BRACES, TRANSFORMERS AND APPURTENANT FACILITIES; (2) GAS MAINS, PIPES AND SERVICES AND OTHER APPURTENANT FACILITIES; AND (3) COMMUNICATION LINES AND FACILITIES, TOGETHER WITH ANY NECESSARY RIGHT OF ACCESS THERETO, FOR SUCH PERIOD AS THE SAME IS NEEDED BY THE COMPANY TO RENDER ELECTRIC AND/OR GAS SERVICE TO ITS CUSTOMERS IN THE CITY OF FOREST ACRES, SOUTH CAROLINA FROM THOSE FACILITIES; TO SET THE AMOUNT OF FRANCHISE FEE TO BE PAID BY DOMINION ENERGY SOUTH CAROLINA, INC. TO THE CITY; IF SO REQUIRED, TO LEVY FRANCHISE FEES ON THIRD PARTIES SELLING ELECTRICITY OR GAS USING THE COMPANY'S ELECTRIC OR GAS SYSTEMS; TO ALLOW FOR THE ESTABLISHMENT OF A FUND AND UNDERGROUND UTILITY DISTRICTS FOR ELECTRIC NON-STANDARD SERVICE

On a motion by Mr. Andrews seconded by Mr. Powell, Council unanimously approved the red-lined ordinance.

- b. Second Reading: AN ORDINANCE FOR THE CITY OF FOREST ACRES, STATE OF SOUTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF FOREST ACRES BE AMENDED BY REVISING SECTION 2-92 OF SAID CODE, PROVIDING FOR THE TIME OF MEETINGS OF COUNCIL; AND FURTHER AMENDED BY REVISING SECTION 2-98 OF SAID CODE, PROVIDING FOR THE AGENDA AND CHANGES TO THE AGENDA

On a motion by Mr. Andrews seconded by Mr. Suber, Council unanimously approved the ordinance effective January 2020.

- c. Second Reading: AN ORDINANCE FOR THE CITY OF FOREST ACRES, STATE OF SOUTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF FOREST ACRES, BE AMENDED BY DELETING ARTICLE VIII, SECTIONS 2-130 THROUGH 2-133 OF SAID CODE; PROVIDING FOR DISSOLVING THE APPEARANCE COMMISSION

On a motion by Mr. Powell seconded by Mr. Suber, Council unanimously approved the ordinance.

- d. Discussion of AN ORDINANCE FOR THE CITY OF FOREST ACRES, STATE OF SOUTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF FOREST ACRES, BE AMENDED BY ADDING ARTICLE VIII, TO BE NUMBERED SECTIONS 2-130 THROUGH 2-133 OF SAID CODE; PROVIDING FOR A HOSPITALITY TAX COMMITTEE

Following a brief discussion, Council deferred the item to the November 2019 meeting.

d. City Administrator's Report:

- a. November City Council meeting

Mr. Greenwood reminded Council of the decision to move the November meeting to November 5th at 5:15 pm to accommodate scheduling conflicts.

- b. Citadel Park Slide Update
Mr. Greenwood stated that the slides have been ordered and the manufacturer is saying they are still on target to have the repairs completed by the end of October 2019.
- c. PDD Ordinance Revision
Mr. Greenwood said that city staff has been working with the Planning Commission to revise the PDD ordinance. A recommendation should be ready for Council by the New Year.
- d. Annual NPDES Report
Mr. Greenwood said that this report has been completed and sent to Richland County. The report is the city stating that we comply with all the storm water regulations and attend the training provided by MASC.
- e. 3507 Linbrook Update
Mr. Greenwood reported the property has been posted and the owner has been given additional notice that, due to the deadline not being met, a company will begin cleaning up the property on the week of November 14th.
- f. New HVAC install in FAPD evidence storage
Mr. Greenwood said an emergency decision had to be made to replace the HVAC unit. The work has been completed.
- g. Fort Jackson Centennial Park update
A representative from Fort Jackson updated Mr. Greenwood that the project is moving forward with donations and construction. He thanked Council for the donation the city made.

e. Finance Director's Report:

Assistant City Administrator/Finance Director Smith stated that we are 25% (one quarter) through the fiscal year. As are usually the case revenues being much lower than 25%, but typically catch up as the year progresses. Expenses are higher than revenues but still below the 25% target for this point in the year. We have seen a couple of large one-time expenses this year, which is causing a few departments to be over 25%.

f. Police Chief's Report:

Chief Sealy reported FAPD has received \$16,000 grant money from the state for a technology update that is necessary. He applied for \$44,000. The current equipment will soon be out of security/encryption compliance with SLED.

The DARE Scream event held on October 3rd had a lower turn out. However, the event was successful.

The Knight of Honor event on September 27th had the largest crowd attend to date.

North Trenholm Baptist Church through their Love Cola program came to FAPD and painted the doors and railings on the front and back of the building as a service project.

Shandon Baptist Sunday School class served a BBQ lunch to FAPD and city employees on September 27th.

FAPD officer Kory Mayo presented Council with information on a full-service K-9. Officer Mayo reported to Council that the city would benefit greatly with a K-9 for vehicle searches for narcotics, assistance in locating elderly residents who have wandered off, and many other necessary police matters. Initial start-up cost is approximately \$25,000; however, the yearly maintenance is less than \$10,000. The benefits of having a K-9 officer is far outweigh not having one on staff. He explained that there are many instances when the community donates money to a "K-9 Unit." Chief added that he has had to turn down money for a K-9 due to the city not having one on staff. After a few questions from Council member Suber the discussion ended.

g. Community Forum:

Dr. Matthew Scandrol introduced himself as new principal at Satchelford Elementary School. He is from the Lake City area. Dr. Scandrol thanked FAPD for all of their support and assistance with re-routing their carpool line.

Resident William Brantley complained to Council concerning the corner of Satchelford and Valleybrook constantly having trash problems and overgrown yards in the area. He asked for clarification on the duties of the newly dissolved Appearance Committee. Mr. Greenwood said that the committee had been in existence for some time and their goal was to try to figure out programs to enhance the attractiveness of the city. The addition of the Beautification Foundation replacing the former committee is larger, will continue the work of the former committee, and also have a fund-raising arm to obtain donations from businesses and the community to fund beautification projects in the city. The foundation has met twice and are in the process of identifying their first project. Council member Andrews asked for Mr. Brantley's contact information.

Resident Brian Thomas representing FANA reported that they polled their members who attended a recent meeting; 48 were residents and 4 were non-residents. They will be adding the resident/non-resident question to their application for membership.

Resident Jack Oliver expressed his support for a K-9 unit. He asked if the city decides to proceed to bury lines on Forest Drive, if Dominion's would raise rates. He added that he would like to see an Economic Impact Study to be informed on how long the construction would take and how the businesses will be affected. Mr. Greenwood said that rates cannot be raised without the city's permission, and project costs would be paid for by the city and matched from the NSSF fund.

Resident Ms. Alexander said that Dominion's goal is gas lines throughout the state. She warned Council to follow Dominion's goals in Forest Acres carefully. She also reported that the traffic light at Forest and Atascadero seems to be short and asked if the timing could be increased. Council member Powell agreed. She also asked if the lines on Forest and Sunnyside are light and worn. Mr. Greenwood stated he would reach out and that SCDOT would probably be able to handle both situations.

h. Council Item(s):

Council member Andrews said that Mr. Greenwood had spoken at the Planning Association meeting this past week and thanked him for representing Forest Acres. Mr. Greenwood added that he will be out of town October 9th-11th at a Municipal Association conference; October 18th-23rd along with Andy Smith at the ICMA conference; and October 24th-25th he will be at an Arborist Conference.

11. Executive Session:

- a. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by Attorney-Client Privilege
- b. Discussion of contract negotiations related to the City's Franchise Agreement with Dominion Energy
- c. Discussion of contract negotiations related to the removal of debris from Gills Creek

On a motion made by Mayor Brunson seconded by Mr. Powell, Council agreed to come out of Executive Session and reconvene General Session.

NOTE: Items discussed in Executive Session may result in action by City Council upon its return to general session

12. Adjourn

On a motion by Mr. Barnes seconded by Mr. Suber, Council adjourned at 7:05 p.m.

Respectfully submitted,

Maria Queen
Administrative Coordinator
City of Forest Acres