

**PENDLETON TOWN COUNCIL  
PUBLIC HEARING & REGULAR SESSION  
JUNE 6, 2011  
7:00 PM**

**MINUTES:**

After due notice to the press, Mayor and Council met in the Council Chambers of Town Hall. Mayor and all Council were present.

**1) PLEDGE OF ALLEGIANCE:**

Mayor Hayes led everyone in the Pledge of Allegiance.

**2) PUBLIC HEARING TO RECEIVE CITIZEN INPUT ON THE FOLLOWING:**

**a. TOWN OF PENDLETON BUDGET FY 2011/2012.**

*Lou Robinson* stated she hopes there has been money appropriated with advertising and filling the position of Administrator instead of operating with an Interim like the town has for the past year. She stated she felt a year was long enough for someone to serve as an Interim.

*Jim Vogel* stated the revenue in the property tax line item has increased, which means to him is another property tax increase. Interim Administrator, Amber Barnes, stated Villages at Town Creek is now fully developed and on the tax books at full value. Jim Vogel also stated it looked like the Hospitality Tax is going down and asked why. Interim Administrator, Amber Barnes stated this figure is based on what was received at the end of last Fiscal Year.

*Karry Walker* stated she saw where a clerk position was available at Town Hall and asked if this was a new position. Mayor Hayes stated it was not, a vacancy was being filled.

*Beth Connor* asked how long the Anderson County Sheriff's Office contract was for. The Mayor stated the contract is renewed annually. She asked if the Council has looked at going back to Pendleton having its own Police Department. Mayor Hayes stated Council has looked very closely at negotiations with the Anderson County Sheriff's Department.

*Tom Minor* stated he noticed Demolition in the budget was budgeted at \$20,000 and asked what the town was planning on demolishing. Mayor Hayes stated the town has many dilapidated houses throughout the entire town. In the past two years, the town has not been able to budget for this. Mayor Hayes further stated that the \$20,000 would most likely not go very far with respects to demolishing property. Tom Minor also stated that Code Enforcement has been increased from \$500 to \$1000 does this mean that some of the Ordinances the town has in place will start being enforced by everybody? Mayor Hayes stated the town is trying to be uniform with

everyone and not just a select few. This fee is mostly dedicated to postage due to more code violation notices being mailed.

**b. REGULATING SMOKING IN THE TOWN OF PENDLETON.**

Mayor Hayes stated the Town was at fault and did not get the notification of this Public Hearing in the paper in the correct amount of time. Therefore, the meeting has been re-noticed. Mayor Hayes further stated that the Ordinance for this is only a DRAFT ordinance for Council to consider or not consider.

*Theresa Hopkins* stated she is against this Ordinance. She stated this is a small town and feels this Ordinance is very discriminatory, especially to a certain number of businesses in the town. She is not in favor of having an Ordinance of this kind, but if the town does have this Ordinance, she would like to work with the writers of the draft. Limiting the distance you can be from a door and not allowing smoking during organized outdoor events has her concerned as well. She suggested a "meeting of the minds" to make this Ordinance work for everyone and not seem so discriminatory.

*Denny Sherrod*, stated he was a smoker, the right to limit smoking falls under an OSHA Regulation. If smoking is restricted, then businesses would have to build a shelter for their customers, which could put a burden on the business owner. He stated he felt that the town could not stand to lose any businesses between the Hospitality Tax and Business License fees the town receives in revenue. His other concern is who is going to enforce the ban? He stated it is not the Sheriff's Office place to enforce these bands; they enforce criminal laws and should not have time to stop people for smoking where they should not be. He further stated, the least amount of government the citizens have in their lives on a day to day basis, they are better off. He stated let's vote this thing down and if you don't want to be around anyone smoking, then don't come around him. He hopes the citizens and Council can find a meeting ground to make everyone happy.

*Allen Thompson*, stated he thinks we have the next generation to look out for. He stated it is difficult for children to see people smoking cigarettes, especially the people the children look up to. He stated he would support an Ordinance as long as it is reasonably assembled.

*Kathy Woodard* stated she keeps reading the Town's slogan: History, Hospitality & Happenings. She stated she really worries about the children. She further stated that what does Hospitality mean in the slogan and what does the town want it to mean.

*Jim Vogel* stated he hears what a hot button this is, he hears health concerns, stating this may be a little too much control for him. But another health concern; we have a lot of fat people here in town and what are we going to do about them. Further stating if this is going to be controlled, let's think about that also. If health is truly a concern, let's start controlling everything. He stated the restaurants in town bring in the Hospitality tax, so if this Ordinance

is passed, saying the town is bringing in less than \$3800 from the previous year in Hospitality Tax revenue is a little too conservative.

*Terrence Hassan* stated he supports the Ordinance. He stated he does have feelings for people that do smoke; he knows what it is like to be a minority. He further stated that there are hazards all around us, but some hazards don't affect us personally. Although obesity is a hazard, it is not a direct affect to him personally while smoke is. He stated there were over 41 local Ordinance in SC, so Pendleton would not be the first, but let's not be the last. He stated people are not coming here because of the smoke and let's protect all people.

*Nate Lester* stated that people have a choice of a place to eat. There are nonsmoking restaurants everywhere. Let's not destroy a business in town because a select few do not like smoking.

*Tom Minor* stated he is a smoker and he is also a Mechanical Contractor, putting in heating/air and ventilation systems for a living. He stated instead of putting an Ordinance in place, telling him he can't do something, let's change the code on ventilation requirements in the restaurants making it a financial decision on the owner.

*Joan Kopell* asked if there was data that showed the financial impact on towns under a similar ordinance.

Mayor Hayes stated the town has had financial information presented to them and the information can be made available to citizens as well.

*Powell Hickman* stated he concurs with Joan. He continues to hear if Pendleton had more options of nonsmoking restaurants more people would come here. He believes the data supports the fact that places that enact these Ordinances see an increase in their Hospitality Taxes or no decrease. He further stated that we all need to be role models for our children.

*Scott Ward* stated he hoped the minutes from the meeting last month will be put with these minutes since the people speaking last month thought they were speaking during a Public Hearing. He further stated an expert from DHEC is present tonight in the audience if anyone wants clarification on economic impact as well as ventilation; she has the latest data available.

*Frances Esaw* stated she does not like smoking but feels something should be done for ventilation to allow smoking in businesses so they don't lose business and she does not lose her health.

*Davie Kirkley* stated that most people know how she feels about this. She stated she would like to speak about the economics. She was in Greenville and someone found out she was from Pendleton and they told her they could not stand to eat at the Islander due to the smoke being so bad. She stated she does believe the data shows that businesses will still be there if an

Ordinance passes regulating smoking. She also stated that this needs done for our children; stating let's not be the last ones to do this, let's set an example.

*Janet Huntzman* stated she was working at a law office in Greenville when the smoking Ordinance went into effect. She stated she noticed while on her lunch break the businesses around the Court House had no one in them, so it does affect business. She stated she wants to be able to go where she wants to go and eat & drink where she wants and smoke where she wants to smoke and not worry about getting a \$50 ticket because she lit a cigarette on the bar side of the Islander. She further stated that you need to think about what you're doing to your community.

*Jim Vogel* stated he understands the concept of wanting to set a good example of children and personally feels that children should not be in bars. He thinks smoking and drinking go together. He further stated he challenges Town Council to outlaw the sale of cigarettes in the Town of Pendleton.

*Theresa Hopkins* stated they do not go up to children and blow smoke in their faces, they don't go up to them and put cigarettes on their arms. She stated as a follow up to what Mr. Vogel stated, most of the smokers at the Islander are there later at night when there is karaoke or a DJ and drinking. Why would a child be there in the first place? She further asked if this item was open for discussion, then why the receptacles downtown were removed. She also stated as far as Hospitality, it is a slap in a smokers face to say Pendleton is not Hospitable because it has smokers in the town. Mayor Hayes stated the Town of Pendleton owns two cigarette receptacles, one outside of Town Hall and one outside of the Waste Treatment Facility. None have been purchased, placed or removed from around the Village Green by the town to his knowledge.

*Denny Sherrod* stated he would like to point out that he appreciates people who don't smoke. He does not believe it's a government function to tell you that you cannot smoke. Don't lose sight of the fact that the three restaurants and bars in town also have a nonsmoking section. You are putting your business people in town, who support the town with revenue, in a power curve.

Mayor Hayes stated the Public Hearing section of the meeting is hereby closed and the regulating smoking Ordinance is an issue Council will continue to look at.

### **3) COUNCIL UPDATES:**

Mayor Hayes gave the following updates:

~ May 6<sup>th</sup>, he attended the Relay for Life event at Pendleton High School.

~ May 11<sup>th</sup>, the Mayor, Councilman Crenshaw, Planner Kris Kurjiaka, and Citizen Scott Ward of the Beautification Committee, traveled to Abbeville to view and discuss the enhancement of their downtown area.

~May 13<sup>th</sup>, approximately 50 Pendleton Elementary School K-5 students visited Town Hall.

~May 16<sup>th</sup>, the Mayor attended the Public Safety Awards Dinner at Dyars Diner. This event is held to honor the Police, Fire and EMS individuals who go above and beyond the call of duty in Anderson, Pickens and Oconee Counties.

~ May 24<sup>th</sup>, the Mayor and Mrs. Barnes met with Bill Staley with Northland Cable TV to discuss the town's franchise agreement as well as to resolve an issue with a developer in town.

~May 25<sup>th</sup>, the Mayor and Mrs. Barnes met with John Lummus and Rebecca Eidson with Tri-County Technical College to exchange ideas on enhancing the partnership between Tri-County and the Town.

~ May 25<sup>th</sup>, the Town Finance Committee met to review RFP's as well as the monthly financial statements.

~ May 30<sup>th</sup>, American Legion Post 113 held a Memorial Day remembrance ceremony on the Village Green.

~The Mayor would like to express his gratitude to the Public Works Department for their quick actions during the June Boil Water Advisory from the Anderson Regional Joint Water System.

**4) REVIEW OF AGENDA ITEMS:**

Mayor Hayes gave a brief overview of Agenda items.

**5) APPROVAL OF MINUTES:**

Bruce Kalley made a motion to accept the minutes from the May 2, and May 24, 2011, Town Council meetings. Frank Crenshaw seconded. Unanimous.

**6) PROCLAMATION – DENNY SHERROD:**

Mayor Hayes presented Denny Sherrod with a proclamation proclaiming June 6, 2011, as Denny Sherrod Day in the Town of Pendleton for his efforts in volunteering his time and personal equipment by mowing and keeping the North Mechanic Street gateway at Brown Road litter free.

**7) PUBLIC COMMENTS & QUESTIONS:**

N/A

**8) UPDATE FROM PENDLETON RECREATION ASSOCIATION AND FRIENDS OF THE PARK:**

No one was present from the Pendleton Recreation Association or Friends of the Park.

**9) ANDERSON COUNTY SHERIFF'S OFFICE REPORT:**

Capt. Roland updated Mayor, Council and citizens for the month of May. Bruce Kalley stated out of the 3 assault & battery and 1 CDV, no arrests were made. Capt. Roland stated he would get back with him regarding this. Mayor Hayes stated he is receiving the daily reports and is grateful for them. The Mayor stated, just as a matter of information, if an officer goes out on a call and the person does not want to press charges, is this normal? Capt. Roland stated it was. Mayor Hayes also asked what types of calls fall under

the description of “all others”? Capt. Roland stated he was not sure and would get back with him and let him know next month.

**10) ADMINISTRATOR’S UPDATE AND BUDGET REPORT:**

Amber Barnes, Interim Administrator, updated Mayor, Council and citizens for the month of May.

**11) AWARD OF AUDIT PROPOSALS:**

Sandra Gantt made a motion to award the audit proposal to McGregor & Co., in the amount of \$8,500. Denise Jackson seconded. Unanimous.

**12) APPOINTMENT TO THE PLANNING COMMISSION – TERM ENDING  
DECEMBER 31, 2012:**

Sandra Gantt made a motion to appoint Carl Heltzel to fill this vacancy. Denise Jackson seconded. Unanimous.

**13) FIRST READING OF “AN ORDINANCE TO ADOPT THE OFFICIAL BUDGET  
FOR FY JULY 1, 2011 – JUNE 30, 2012:**

Denise Jackson made a motion to accept Ordinance 11-08 for first reading. Bruce Kalley seconded. Unanimous.

**14) DISCUSSION TO SET DATE FOR SECOND AND FINAL READING OF THE  
TOWN OF PENDLETON’S BUDGET FY 2011/2012:**

This item is scheduled for June 21, 6 pm.

**15) EXECUTIVE SESSION – PERSONNEL MATTER AND CONTRACTUAL MATTER:**

Bruce Kalley made a motion to enter into Executive Session to discuss a personnel and contractual matter. Denise Jackson seconded. Unanimous.

Bruce Kalley made a motion to come out of Executive Session and back into the Regular Session Meeting.

**16) ADDITION TO THE AGENDA REGARDING RECOMMENDATION FROM THE  
GRIEVANCE COMMITTEE:**

Bruce Kalley made a motion to add Recommendation from the Grievance Committee to the agenda. Denise Jackson seconded. Unanimous.

**17) RECOMMENDATION FROM THE GRIEVANCE COMMITTEE:**

Frank Crenshaw made a motion to accept the recommendation from the Grievance Committee. Denise Jackson seconded. Unanimous.

**18) ADJOURNMENT:**

There being no further business, Bruce Kalley made a motion to adjourn. Frank Crenshaw seconded. Unanimous.

Respectfully Submitted: \_\_\_\_\_

MAYOR: \_\_\_\_\_

COUNCIL:

WARD 1: \_\_\_\_\_

WARD 2: \_\_\_\_\_

WARD 3: \_\_\_\_\_

WARD 4: \_\_\_\_\_

