

**SPECIAL MEETING OF CITY COUNCIL
CITY OF GEORGETOWN, SC
NOVEMBER 29, 2007**

Notices of this meeting have been made in accordance with the 1976 Code of Laws of South Carolina Freedom of Information Act.

A Special Meeting of City Council was held this date in the Council Chambers at City Hall with Mayor Lynn Wood Wilson presiding.

MEMBERS PRESENT:

	Mayor Lynn Wood Wilson	
Mayor Pro Tem Brendon M. Barber, Sr.		Councilmember Jack M. Scoville, Jr.
Councilmember Rudolph A. Bradley		Councilmember Peggy P. Wayne
Councilmember Paige B. Sawyer, III		

Councilmember Clarence C. Smalls was absent from the meeting.

ALSO PRESENT:

Mr. Steven E. Thomas, City Administrator
Mrs. Elise Crosby, City Attorney
Ms. Ann U. Mercer, City Clerk

DEPARTMENT HEADS:

Mrs. Katrina Lawrimore, Director of Kaminski House Museum
Mrs. Jessica Miller, Director of Finance

NEWS MEDIA

Georgetown Times - Scott Harper

Mayor Wilson opened the Special Meeting of City Council at 4:00 PM.

Call to Order

Mayor Pro Tem Barber rendered the invocation and Mayor Wilson led the Pledge of Allegiance.

Invocation and Pledge

Mayor Wilson asked that all non-emergency electronic devices and cell phones be turned off during the Council Meeting.

Councilmember Scoville thanked the Wastewater Department for responding to a major crisis at his home and correcting the problem promptly.

Mr. Steve Thomas presented an ordinance for first reading granting consent to Horry Telephone Cooperative, Inc. for a franchise for cable service and setting franchise fee. He stated this is a state-issued certificate of franchise authority. With the state law changes from several years ago regarding cable franchise authority, the state now issues new cable franchises through the SC Secretary of State Office and the cities and counties have little room to object to an application. The Municipal Association has provided a model ordinance for use by cities to address state-issued certificates of franchise authority. He said the City does not have a lot of say-so.

COUNCILMEMBER BRADLEY MOVED TO APPROVE FIRST READING ON AN ORDINANCE GRANTING CONSENT TO HORRY TELEPHONE COOPERATIVE, INC. FOR A FRANCHISE FOR CABLE SERVICE AND SETTING FRANCHISE FEE, SECONDED BY MAYOR PRO TEM BARBER. Mayor Wilson asked for discussion. Councilmember Wayne asked about Council not having a choice. Mr. Thomas said Council can vote to deny consent but there must be a very good reason. Councilmember Wayne asked if having two cable companies in the City doesn't matter. Mr. Thomas said they have nonexclusive franchise rights and are allowed the competition and as long as they request to be approved for a state-issued certificate; he understands the City does not have a lot of say-so in the matter. 'If Council does deny, you must have very good viable reasons for doing so.' Mayor Wilson stated with more cable companies, they would be competitive and offer better services and certainly increase revenue for the City. Mayor Pro Tem Barber stated he sees this as healthy competition. Mayor Wilson called for the question. Mayor Wilson, Mayor Pro Tem Barber and Councilmembers Bradley and Scoville voted in favor. Councilmembers Sawyer and Wayne voted against. **THE**

1st Reading Horry Telephone Cooperative, Inc. Franchise for Cable Service

MOTION CARRIED 4-2.

Ms. Frannie Heizer of the McNair Law Firm presented a prepared set of bylaws for the proposed Winyah Auditorium 501 (c) (3). Ms. Heizer stated the primary purpose today is to discuss the proposal to create a nonprofit corporation at the direction and under the control of City Council for the purpose of participating in the ownership of the Winyah Auditorium. The corporation would be in a position to accept donations and act as any other 501 (c) (3) tax exempt non-profit with respect to the auditorium. She asked Council if they wanted to consider setting up a nonprofit that would be broad enough to act for the City both in terms of the Winyah Auditorium as well as any other development or redevelopment activities. The bylaws were reviewed; interjected by questions and comments. Mayor Pro Tem Barber said he would like to start with smaller steps and that Article II, Section 2.3, items c through g, be worded so that this would be looked at in the future, in order for the City to start with what we have to govern now which is the Winyah Auditorium. Councilmember Scoville said there is substantial money waiting for this corporation to be set up to be paid to us and he would like for the Mayor and Administrator in their executive capacities to direct the attorney to set up the corporation and vote on the bylaws in final form at the next meeting. Mayor Wilson said he wants to be sure that he understands the interplay and interaction between City Council and the corporation. Ms. Heizer said at a minimum, the City would indirectly be supporting the nonprofit with a place to meet, the mechanics of sending meeting notices out and the Finance Director. This is set up to be a community group that any necessary office assistance they get would come from the City and not actually have to hire an employee to work for the corporation. Councilmember Scoville said he does not envision this being a success unless we have a full time employee devoted to promoting the auditorium. Ms. Heizer asked if she could set it up to be a contract employee of the corporation. Council agreed. She said a resolution would be sufficient to approve the bylaws. To convey the interest in the contract of sale would require an ordinance. Mr. Thomas said the Winyah Auditorium Committee has been working diligently, meeting to make sure the renovations are done right the first time. Ms. Heizer said she will incorporate next week and use Mr. Thomas as the sole incorporator.

In regards to the issue with HTC, Mr. Thomas referenced Section 58-12-310 with regard to the denial aspect of the franchise.

**Winyah
Auditorium
Corporation**

COUNCILMEMBER BRADLEY MOVED TO ADJOURN SPECIAL MEETING OF CITY COUNCIL SECONDED, BY MAYOR PRO TEM BARBER. Mayor Wilson called for the question. THE MOTION WAS UNANIMOUSLY CARRIED 6-0.

Adjourn Special Meeting

The Regular Meeting was adjourned at 5:13 PM.

Ann U. Mercer
City Clerk

DATE APPROVED: 01/17/08
VERIFYING INITIALS: _____

