

MINUTES
CHERAW TOWN COUNCIL MEETING
AUGUST 13, 2019
5:30 P.M.

MEMBERS PRESENT: Mayor Andy Ingram, Councilmembers: Robby Bennett, Jim Crawford, Jacqueline Ellerbe-Shannon, Cheryl Melton, Jr., Billy Wallace, Jr., and Richard White.

OTHERS PRESENT: Mike Smith, Town Administrator; Clementine A. Ellis; Clerk-Treasurer, Joan Yates (The Link), Rob Wolfe, Bahaadur Al Bey, Brian Rogers, Melvin Wilkerson, Helen Palmer, Jimmy Thompson, Marty Martin, Delphenia Rollins, Tony Sipe, Brandy Todd, Henley Jones, Chief Keith Thomas, Doris Porter, Laura Greene, Mary Gillespie, Randolph Gillespie, Karen Wilkerson, Margaret Reid, Irene Cole, George Martin, Tim Rogers, Diane Hines, Jean Page Watson, Steevenson Pierre, J.T. Flemming and Connie DeBerry.

1. The invocation was offered by **Rev. Donnie Chapman Pastor of Triumph Holiness Church** and the pledge was made to the American flag.
2. Mayor Ingram introduced for council's consideration the minutes of the **July 9, 2019** council meeting. A motion was made by **Councilwoman Melton** to approve the minutes. The motion was seconded by **Councilman Wallace** and passed by unanimous vote.
3. The July 2019 Financial Report was submitted for council's consideration. A motion was made by **Councilman Crawford** to approve the Financial Report. The motion was seconded by **Councilman Wallace** and passed by unanimous vote.
4. Mayor Ingram called upon **Mr. Henley Jones** concerning fencing for the soccer field at Arrowhead Park. Mr. Henley stated he met with Brian Rogers at Arrowhead Park and wrote specs for the fence for everyone that would be bidding to go by. Mr. Henley stated he is the largest fencing contractor in Cheraw. He also stated he lost the bid by **\$1800.00**. He stated the reason the contractor that installed the fence is doing it so cheap is because he is using residential materials. He noted you get what you pay for. Mr. Henley stated he understands if you lose a job but you need to compare apples to apples. He also brought sample of grades of piping. Mr. Henley stated if he is going to bid for the Town everybody needs to be using the same apples. Mr. Henley feels if the man didn't put it up right, he should be made to go back and take it up and put it up correct using the right materials.

Town Administrator Mike Smith stated he has talked with our folks and Mr. Henley has some legitimacy. Smith stated he will make sure we don't run into this problem again. Smith also stated some things are going to be put in place, so this

doesn't happen again the future. Mayor Ingram stated Council does not see the specs and rely on staff and administration. If there are questions or concerns Council leaves it to the discretion with Staff and Administration. Mayor Ingram also stated Council was unaware of any differences in the bids. Council was presented the bids and the low bidder was awarded the contract. Mayor Ingram encouraged Staff and Administration in the future to make sure that bids turned in are the same that was sent out. Compare apples to apples. Mayor Ingram noted it is unfortunate. Councilman Crawford asked what the difference in schedule 40 is. Mr. Henley stated his is steel and the other will start rusting at the bottom.

5. **Second Reading of Ordinances:**

- 2020-01 Mayor Ingram introduced for council's consideration second and final reading of **Ordinance 2020-01. An Ordinance to Amend the Town of Cheraw's Official Zoning Map to Rezone Properties from M-1(Manufacturing) and CC (Core Commercial to OS (Open Space) to the effective Date of this Ordinance. Councilman White** made a motion to accept second and final reading of **Ordinance 2020-01**. The motion was seconded by **Councilman Wallace** and passed by unanimous vote.
- 2020-02 Mayor Ingram introduced for council's consideration second and final reading of **Ordinance 2020-02. An Ordinance to Amend the Town of Cheraw's Official Zoning Map to Rezone Properties from OC (Office Commercial) to GC (General Commercial) to the Effective Date of this Ordinance. Councilman Crawford** made a motion to accept second and final reading of **Ordinance 2020-02**. The motion was seconded by **Councilman Wallace** and passed by unanimous vote.
- 2020-03 Mayor Ingram introduced for council's consideration second and final reading of **Ordinance 2020-03. An Ordinance to Amend the Town of Cheraw's Official Zoning Map to Assign OC (Office Commercial) Zoning Designation to Property on the Effective Date of this Ordinance. Councilman Crawford** made a motion to accept second and final reading of **Ordinance 2020-03**. The motion was seconded by **Councilman Wallace** and passed by unanimous vote.
- 2020-04 Mayor Ingram introduced for council's consideration second and final reading of **Ordinance 2020-04. An Ordinance to Amend the Town of Cheraw's Official Zoning Map to Assign OS (Office Space) Zoning Designation to properties the effective date of this ordinance. Councilman Crawford** made a motion to accept second and final reading of **Ordinance 2020-04**. The motion was seconded by **Councilman Wallace** and passed by unanimous vote.
- 2020-05 Mayor Ingram introduced for council's consideration second and final reading of **Ordinance 2020-05. An Ordinance to Amend the Town of**

Cheraw's Official Zoning Map to Rezone Property from GC (General Commercial) to R-1A Single-Family to the effective Date of this Ordinance. Councilman White made a motion to accept second and final reading of **Ordinance 2020-05**. The motion was seconded by **Councilman Wallace** and passed by unanimous vote.

2020-06 Mayor Ingram introduced for council's consideration second and final reading of **Ordinance 2020-06. An Ordinance to Amend the Town of Cheraw's Official Zoning Map to Assign R-1 Family Zoning Designation to Properties the Effective Date of this Ordinance. Councilman Crawford** made a motion to accept second and final reading of **Ordinance 2020-06**. The motion was seconded by **Councilman White** and passed by unanimous vote.

2020-07 Mayor Ingram introduced for council's consideration second and final reading of **Ordinance 2020-07. An Ordinance to Amend the Town of Cheraw's Official Zoning Map to Rezone Properties from M-1 (Manufacturing) to OS (Open Space) to the Effective Date of this Ordinance. Councilwoman Melton** made a motion to accept second and final reading of **Ordinance 2020-07**. The motion was seconded by **Councilman Wallace** and passed by unanimous vote.

2020-08 Mayor Ingram introduced for council's consideration second and final reading of **Ordinance 2020-08. An Ordinance to Amend the Town of Cheraw's Official Zoning Map to Rezone Property from C-1 to NC (Neighborhood Commercial) to the effective date of this Ordinance.** Smith stated at the last council meeting there was an ordinance to rezone Martin Pontiac from **Commercial (C1) to Neighborhood Commercial (NC)**. Council decided to turn that down and made a motion to change to **General Commercial (GC)**. Smith stated after talking to legal counsel Town Council only had two options which were to only approve or deny the motion. Smith noted Council does not have the right to change to General Commercial and as a result Smith is asking Council to rescind and send it back to the Planning Commission and have them consider changing to **General Commercial**. A motion to send back to Planning Commission was made by **Councilman Bennett**. The motion was seconded by **Councilman Wallace** and passed by unanimous vote.

2020 - 09 Mayor Ingram introduced for council's consideration second and final reading of **Ordinance 2020-09. An Ordinance to Amend the Town of Cheraw's Official Zoning Map to Conform Properties N (Neighborhood Commercial) to the Effective Date of this Ordinance. Councilwoman Melton** made a motion to accept second reading of **Ordinance 2020-09**. The motion was seconded by **Councilman Wallace** and passed by unanimous vote.

- 2020-10** Mayor Ingram introduced for council's consideration second and final reading of **Ordinance 2020-10. An Ordinance to Amend the Town of Cheraw's Official Zoning Map to Conform Properties GC (General Commercial) Zoning Classification the Effective Date of this Ordinance.** Councilman Crawford made a motion to accept second and final reading of **Ordinance 2020-10.** The motion was seconded by **Councilman Wallace** and passed by unanimous vote.
- 2020-11** Mayor Ingram introduced for council's consideration second and final reading of **Ordinance 2020-11. An Ordinance to Amend the Town of Cheraw's Official Zoning Map to Rezone Properties from R-2 Multi-Family to GC (General Commercial) to the Effective Date of this Ordinance.** Councilman White made a motion to accept second and final reading of **Ordinance 2020-11.** The motion was seconded by **Councilman Wallace** and passed by unanimous vote.
- 2020-12** Mayor Ingram introduced for council's consideration second and final reading of **Ordinance 2020-12. An Ordinance to Deny the Amendment to the Town of Cheraw's Official Zoning Map to Rezone Property from CC (Core Commercial) to GC (General Commercial) to the Effective Date of this Ordinance.** A motion was made by **Councilman Crawford** to accept second and final reading of **Ordinance 2020-12.** The motion was seconded by **Councilman Wallace.** **Councilwoman Ellerbe-Shannon** stated she had a conversation with Mike regarding this property and she noticed in the minutes last time that **Councilman Bennett** said to contact MASC to get further information regarding this property. She also stated she also asked to contact the Attorney General to get an opinion on it because she has done research and there are a lot of opinions about this property and it deals with spot zoning. She also stated she knows also that Mr. Bennett also brought up about Kirby in 2014, but no one brought to Council's attention that this could not take place in 2014. **Councilwoman Ellerbe-Shannon** stated she is suggesting Council get the information from the Attorney General's Office so Council can make sure that the Town is not going to have a liability for any actions that they take on this property at this time. **Councilwoman Ellerbe-Shannon** feels Council need to take time and get all the information so they can make a good informed decision regarding that property. Mayor Ingram asked Mike Smith to bring Council up to date again. Smith stated in talking to legal counsel, spot zoning is not illegal and there are incidences when you can use it. There is not a state statute. He also noted in the MASC Comprehensive Plan it does mention spot zoning and can be on small parcels of property. Mayor Ingram asked Smith did he consult with legal counsel with the MASC. Smith stated he talked with Haynsworth, Sinkler & Boyd whom he has talked with previously. Mayor Ingram stated this is the firm that Attorney Sarah Spruill is affiliated with. **Councilwoman Ellerbe-Shannon** stated with all due respect to Mike, but the legal counsel

provided us with an opinion was very contradictory and she thinks the Town needs to get further legal counsel involved with this decision. The motion passed by vote of 6-1 with **Councilwoman Ellerbe-Shannon voting no.**

6. **First Reading of Ordinances:**

Mayor Ingram introduced for council's consideration first reading of **Ordinance 2020-13. An Ordinance Granting an Easement to Duke-Energy Progress, LLC to Provide Electrical Service to HS Growers in the Carolinas Centre Industrial Park.** Smith stated **HS Growers** needs three phase power and because the Town of Cheraw and Chesterfield own the Industrial Park Property Duke must grant an easement by Ordinance. Mayor Ingram noted they need 30 ft. for overhead and 20 ft. underground. A motion was made by **Councilman Crawford.** The motion was seconded by **Councilman Wallace** and passed by unanimous vote.

7. Mayor Ingram called upon **Councilman Crawford, Chairman of the Finance Committee** for recommendations to make improvements to bathroom at Arrowhead Park and Southside Park. The Finance Committee met on August 7th and discussed bathroom conditions at the Arrowhead Park Picnic Shelter and the women's bathroom at Southside Park. The bathroom at Arrowhead Park is in much need of painting and removal of graffiti and the fixtures including toilets and sinks need replacing. Also, the women's bathroom at Southside Park has stalls but no doors to the stalls. The Finance Committee is recommending to Council that Recreation Director Brian Rogers be authorized to make the necessary improvements and take the funds from the Town's Hospitality Funds account. It is estimated the cost to do these improvements will be approximately **\$5,000** and this comes in the form of a motion. The motion was seconded by **Councilwoman Melton** and passed by unanimous vote.

8. **For Council Information:**

9. **Citizen Comments:**

None

10. Mayor Ingram requested a motion to go into Executive Session. **Councilman Crawford** made a motion to enter Executive Session to discuss personnel matters. The motion was seconded by **Councilwoman Melton** and passed by unanimous vote. After approximately 15 minutes council returned from executive session. **Councilman Crawford** made a motion to return to regular session. The motion was seconded by **Councilman Wallace** and passed by unanimous vote. There were no official votes taken and council was brought up to date on some personnel matters.

11. There being no further business a motion was made by **Councilman White** to adjourn. The motion was seconded by **Councilman Wallace** and passed by unanimous vote. The meeting was adjourned at **6:05 p.m.**

Respectfully submitted,

Clementine A. Ellis

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Clerk-Treasurer