

MINUTES  
LYMANTOWN COUNCIL MEETING  
June 30, 2014

1. CALL TO ORDER:

Mayor Rodney D. Turner announced it was 6:01 PM and he was calling the special unscheduled meeting of Lyman Town Council to order.

2. FOIA:

Dennis P. Drozdak, Clerk/Treasurer responded to Mayor Turner's question if written notice of this meeting with an agenda was publicly posted, published and forwarded to the local newspapers no less than 24 hours prior to adjournment and responded yes.

3. ROLL CALL:

Conducted by Clerk/Treasurer Dennis P. Drozdak

Present: Rodney D. Turner, Mayor  
Tony Wyatt, Mayor Pro-tem  
Daisy Carter  
Larry Chappell  
Rita Owens  
Teresa Shuler  
Donnie Wetzel

Not Present: None

4. EXECUTIVE SESSION:

a. At 6:07 PM the Mayor said he would like to make a motion to go into executive session for the specific purpose to discuss a contractual matter. Mayor Pro-tem Wyatt seconded the motion. Mayor announced that he would like to make a motion to come out of executive session and no votes were made during the meeting, it was seconded by Councilmember Shuler and no further discussion, none opposed and the motion carried with all in favor.

5. OLD BUSINESS:

a. Town Vehicle Ordinance - Mayor informed Council that it has been recommended by the Town Attorney that Council repeal the other vehicle ordinance and start with this one. Mayor asked if anyone else has any recommendations they want to make before any motions are made. Councilmember Chappell said he was working on revision to the previous vehicle ordinance since it seemed to be misinterpreted. Councilmember Chappell further explained that Councilmember Shuler had spoken with the Town Attorney in reference to the vehicle ordinance. Councilmember Shuler explained that she had spoken with the Town Attorney and to the Town Judge who also concurred that it was interpreted the way council had intended; however there seems to be a discrepancy. Mayor Pro-tem Wyatt said it was his understanding that the town attorney didn't suggest repealing the ordinance, only that his contention was there was an opening to

misinterpretation, specifically related to how it applied to Police Vehicles. He further stated that he believes the ordinance we currently have is structurally good and Councilmember Chappell is working on revising language to clarify the Police Department issues. The only other question was if there was a need to have an on call vehicle for the wastewater department and John Duggan suggested that council do their due diligence. Councilmember Shuler added that he further suggested that they contact other municipalities that offer the similar services of Lyman to see what they do and that we further interview our department heads to see what our needs are before making that decision. Mayor Turner stated that he had been with a lady from ethics and talked to her just about all day today and he wants to clarify personal use, he stated that personal use in this industry is not driving a car home, personal use is when you take for personal gain and the utility industry people take cars home all of the time and that is where the problem comes in, and in “her words” personal use is cumbersome, that’s why it needs to be clarified. Mayor Turner further stated that he did not have a problem with taking a car home and he feels that is what we should do; however, making someone an exception to the rule without telling them what those rules are then we are going to have a problem. Councilmember Shuler explained that she understood and council wants to do their due diligence to make sure they are making a wise decision. Mayor Turner stated he agreed.

Councilmember Wetzel stated that every entity has a different need and no two will be the same, they will need different things equipment, personnel, etc and that is why we need to talk to other municipalities to see what others are doing. Mayor Pro-tem Wyatt further interjected that the purpose in Councilmember Chappell writing this ordinance was because there was not a clear set of guidelines and they were needed. The ordinance was the first step and suggestions to improve it have been identified, therefore the time it would take to repeal the ordinance, it would be easier just to make the necessary amendment so the ordinance would be the way it should.

Councilmember Chappell agreed and stated the research he has done made him aware that police officers in most municipalities do take their vehicles home and they are able to stop and get lunch in the vehicle because they could get a call and be required to get up and respond in the middle of their meal. In regards to Waste Treatment the determining factor in reference to take home vehicle’s certain criteria had to be met: if specialized tools were on the vehicle that are necessary for the job, if they were frequently on call, and responded to calls, there is a whole list of things to consider. Councilmember Shuler reiterated council just needs time to do their due diligence. Mayor Turner stated that’s why they had this version of the ordinance so you had something else to look at. He stated there is no vote on the ordinance we just need to clarify that ordinance.

- b. 2<sup>nd</sup> Reading on Ordinance to set referendum on the question of change in the form of Municipal Government to Council form. Mayor Pro-tem Tony Wyatt made the motion and Councilmember Chappell seconded it. Mayor Pro-tem Wyatt asked if the Clerk could read the ordinance into record. Clerk read the ordinance. Mayor Pro-tem Tony Wyatt said it was his “heartfelt belief that in the long-term best interest of the town this particular form would be well served to meet the needs now and into the future, and I think it’s important to get it in front of the voters and let them have their say.

Councilmember Larry Chappell agreed. Mayor Turner stated that a special called election is \$3000 and having it at the general election is \$1200 and he continued "I cannot wrap my head around the fact that you couldn't wait until the general election to have this vote." He said that it could save \$1800 of the taxpayer's money to wait until the November election and he does not understand what the urgency was. He stated "that is what he is here for to be a good steward of the taxpayer's money and wasting \$1800 was senseless." Mayor Turner asked Mayor Pro-tem Wyatt if he would consider tabling the motion until August, which would allow council the opportunity to have the second reading on the ordinance and save \$1800 by having the election in November during the general election. Mayor Pro-tem Wyatt responded, "No, thank you sir, I believe being a good steward of the town is more than just nickels and dimes." He continued by explaining that he wasn't sure that the numbers were accurate he was given a different amount around \$2500, and the point was really that it is more important for the long term best interest of the town, that \$2500 is worth spending and that they had spent much more than that on other things they felt were in the best interest of the town. Therefore he was not interested in entertaining that, he stated he made his motion and second and he would like to call for question. Mayor Turner asked if anyone else had anything. He called for vote and motion carried with no opposition.

- c. 2<sup>nd</sup> Reading of the Ordinance to adopt Budget of Fiscal Year July 1, 2014-June 30, 2015 on June 30, 2014. Mayor Turner asked for Motion. Mayor Pro-tem Wyatt made the motion and Councilmember Carter seconded it. Mayor Pro-tem Wyatt stated the proposal council had put together a month ago would have left them with a deficit and he had some suggestions to reduce that deficit, first reducing payroll increases from 3% to 2%, which was still good in comparison to the private sector; and next capital items requests, specifically, the leaf processor and the truck, which were items that were not immediate items of necessity, but items that would be nice to have for future growth, with those combined items this would bring us to zero. Clerk stated that would leave us with a little to the positive side, after reviewing request from Police Department for tablets, he had been given an incorrect number and instead of \$30,000 it was going to be closer to \$11,500 so we picked up \$18,500 so with that and the other two items I feel confident that will work there. Councilmember Carter stated that she agreed with Councilmember Wyatt and it would be what is best for the budget. Councilmember Larry Chappell stated that he had some other ideas on ways to amend the budget but that if it were necessary the budget could be amended later. Mayor Turner questioned Mayor Pro-tem Wyatt regarding the reducing payroll increases, Mayor Turner stated that he thought council should leave the payroll increase at 3%, Councilmember Chappell stated that he wasn't sure that they all agree on how to reduce the deficit and that he didn't want them to have to go into surplus to cover it. Mayor Pro-tem Wyatt said that he didn't want to go into surplus either and he felt the requests for the Police Department were items that were necessary and long overdue. Councilmember Chappell agreed. Mayor Pro-tem Wyatt stated that if it is possible to stay at a zero balance and put another half percent back into payroll increases he was perfectly happy with that. Councilmember Chappell stated that he felt some of the issues that are happening right now are not being addressed, but that is something for an executive session sometime. Clerk announced that with the correction made to the amount of tablets to proposed budget, the \$79,000

from the cost of the proposed leaf processor and truck and the 1% change to proposed increase of salaries there would be \$13,500. Mayor Turner asked what the cost was for the 1% and Clerk reported \$7313.00. Mayor Pro-tem Wyatt stated that since they would have funds remaining he was fine with increasing salaries to 3%. Mayor Turner stated "Good, that is where we need to be." He confirmed with Clerk that the only change was going to be putting payroll increase back to 3% and postponing the purchase of the leaf extractor and truck. Clerk confirmed. Mayor called for vote. 6 in favor, 1 opposed, Councilman Larry Chappell opposed. Motion carried.

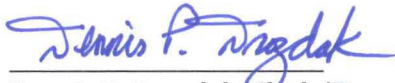
#### 6. NEW BUSINESS

- a. Resolution approving the Mayor to enter into a contract with Palmetto Water Solutions. Mayor Turner requested Clerk read Resolution into record. Mayor Pro-tem Wyatt made a motion and Councilmember Shuler seconded the motion. Mayor Pro-tem Wyatt stated that it was a necessary task competitively priced. Councilmember Wetzell said that he agreed with the insurance as a part of it, it needs to be done. Councilmember Shuler concurred, stated that they are there doing the work and it is what needs to happen. Mayor called for vote, all in favor, no opposition. Motion carried.

#### 7. ANNOUNCEMENTS

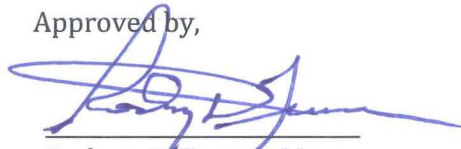
- a. Next meeting July 7, 2014.
- b. Mayor Turner acknowledged Councilmember Shuler's grandson, Alex Ellis from Sylersville, Maryland, was in attendance. He had received special permission to attend a Town Council Meeting as a part of earning his 2<sup>nd</sup> Class Citizenship Badge for the Boy Scouts of America.

Submitted by,



Dennis P. Drozdak, Clerk/Treasurer

Approved by,



Rodney D. Turner, Mayor

Date: 07/07/2014