

**Culture & Heritage
Board of Commissioners Called Meeting
May 13, 2013
6:00 pm
Museum of York County**

Approved 6-24-13

Person Presiding: Chair, David Plexico
Members Present: Jonell Hagner, Dennis Getter, David Duncan,
Called In: Hester Benitez, Ragin Craig
Absent: Rick Lee
Ex-Officio Absent: Pat Veasey
Staff Present: Carey Tilley, Barbara Ardrey, Michael Scoggins, Kimberly Herndon
Other: County Attorney Michael Kendree; Mike Bedenbaugh; Bobby Walker; Louis Roman; Lynn and Philip Faulkner

The meeting was called to order by David Plexico, CHC Chair, at 6:03 PM.

Plexico moved to approve draft of minutes of 4-22-13 meeting; Duncan seconded; no discussion; a vote was taken and the motion passed unanimously.

Tilley introduced Kimberly Herndon, the new CHM Development Director, and asked Kimberly to tell the Commissioners a little bit about herself.

Old Business

[First two items under old business were delayed for arrival of interested parties.]

- Development Committee Charter Discussion
 - Tilley noted that they had decided previously to get the Development Director on board and then look at this Charter together. Not prepared to present anything this first week.
 - Getter commented that he definitely wants this as a topic for next month's meeting.

New Business

- IRS Form 990 Approval
 - Getter pointed out errors found as follows:
 - On page 6, Section B, #13 regarding existence of a whistle blower policy—change “yes” to “no”
 - On page 7, add titles for Dennis Getter, Secretary/Treasurer and Jonell Hagner, Vice Chair
 - On page 9, resolve issue regarding how to report the \$20,000 rental income; and
 - Under Schedule R, change address for Culture and Heritage Foundation to P. O. Box 3647, Rock Hill, SC 29731

Getter moved to accept the draft of the Form 990 as presented with the exceptions discussed, namely, on page 6 #13, changing “yes” to “no”; on page 7, adding titles for Jonell Hagner and myself; on page 9, resolving the \$20,000 rental income and whether it's related or unrelated; and under Schedule R, changing the address for the Foundation; Plexico seconded the motion; no discussion; a vote was taken and the motion passed unanimously.

Revert Back to Old Business

- Rainey House Discussion and Recommendations
 - Tilley introduced Mike Bedenbaugh, Executive Director of Palmetto Trust for Historic Preservation, and asked that he talk about his idea to help with this project. Bedenbaugh explained that the Trust was formed to save historical architecture and historical places and was built on the real estate model of purchasing property and then selling it back into private hands with easements and covenants so that anybody who wants the property will be subject to certain restrictions as to what they can do with the property but it also allows for private investment for maintenance and taking care of it. How the Trust works as a non-profit (501C3) is to look for opportunities all over the State to save these places without being a burden on society. This is an alternative to allow some investment to get property up to par, have a good partnership with the museum system to where it can be utilized in some form or fashion but attract somebody who would come in and use it as an event space or private home but still use it in some way for educational purposes.
 - Bobby Walker noted that he would like the CHC to take this project on but also acknowledged that in this economy he realizes that would be difficult. At this point he wants the house and the property saved and to be a benefit to the entire region. Tilley asked about Walker's discussion with the Broad River Group. Walker said that he did meet with the Board and they were going to discuss it further at their June meeting but his take away from the Board meeting was that they were behind the project and would be willing to form a friends committee but no one appeared willing to supply the financial support necessary.
 - Walker asked Bedenbaugh to explain further the role of Palmetto Trust and how that route might limit the beneficial aspects to the community. If the ultimate issue is sustainability, Bedenbaugh noted it depends on the goals for the use of the property and how it can best be utilized by the public and shared with a private partnership or someone to use it for event space or a business or their home. Bedenbaugh believes it would be best to have someone use it as a business event space bringing people into town and one or two times a year having it as a spot for some sort of community event. He believes that would bring in more people than having it used as Museum space only open a few days a week.
 - Louis Roman, Executive Director of Citizens for Historic Preservation, was asked to speak regarding his organization, also a non-profit, which benefits not just this area but the Carolinas. He explained that his background is in publishing. They are in the process of doing several big national and regional publications. He sees his organization in more of a marketing role to augment whatever decision is made and to get the word out to insure that the chosen path is successful. If other available options do not work out, his organization could step in but its goal is not to just take over. Roman plans to get publicity going soon. They are already working on a specific piece for the Rainey House. If Palmetto Trust takes the lead on this, then Citizens for Historic Preservation will fall behind and help to make it happen. Roman was interested in learning more about the intent of the Will. Philip Faulkner stated that the intent was to use the house as a learning center for 18th/19th century culture.
 - Further discussion ensued regarding the current situation with the Probate Court, background on the project, further information on options and what would be expected of the CHC.

- Separate discussion on quick fix for roof to be repaired on a temporary basis. Could probably be done for less than \$2,000. Tilley will have our Operations Manager, Frank Couch, call Mr. Faulkner to advise on how to proceed.
- Getter asked again for a lead group and then draw on CHC resources as needed. Citizens for Historic Preservation would be willing to do that but if Palmetto Trust is going to take that role, Citizens for Historic Preservation would help them. Getter voiced his concern regarding the use of public money (the \$500,000 from York County Forever) if the intent is to resell the house and noted further that it would probably be more the intent of the Will to go with an organization owning, restoring and maintaining the house and then be a focal point to go to different people in the community as resources are needed. Broad River group discussed as well as original committee organized by Lynn Faulkner.
- Tilley noted that as far as sustainability, Palmetto Trust model probably the best solution so far but legal questions must be answered first. Tilley suggested having Bedenbaugh work on checking further into the legal issues involved and see if this is even an option.

[Note: Commissioner Benitez off line.]

- HR Policy
 - Attorney Kendree handed out rough draft of recommended Ordinance change; the title is the only language that has received first reading so changes can be made.
 - Kendree pointed out that the bolded black language on page 2 essentially involves the Culture and Heritage Commission Ordinance of York County which specifies that the Commission and personnel are subject to the County Personnel Policy; the County Personnel Policy gives a prominent role to the County Manager and does not currently mention the Executive Director of the museums; in order to allow the Executive Director to regulate personnel and make decisions on behalf of the Commission, it was suggested by this body to look at initially changing the personnel side of the County Ordinance to include the Executive Director but upon closer scrutiny, it looks like a better fit to put this change in the Culture and Heritage Commission Ordinance which talks about application of the County Personnel Policy unless otherwise specified as an exception; so the exception is that wherever you see the words 'County Manager', you replace them for interpretation purposes with the words 'Executive Director of the Culture and Heritage Commission.'
 - Kendree pointed out five areas that he feels should remain with the County Manager rather than the Executive Director and those were more countywide areas of administration.
 - Tilley voiced concern over the exception regarding hours of operation because the museums have odd hours that would not apply countywide. Tilley would like to resolve any issue regarding this particular exception and come up with a plan as to how to proceed under certain circumstances and language to use before moving forward.

Duncan moved to approve changes to the Ordinance as presented with direction for Executive Director Tilley, County Attorney Kendree and Acting County Manager Anna Moore to meet to resolve remaining issue (office hours); Getter seconded; no discussion; a vote was taken and the motion passed unanimously.

Completing New Business

- Set Date for Brick House Presentation and Approval of Treatment Option

- Tilley noted that staff has a recommended treatment option but he wants the Commission to meet out at Brattonsville to look at the Brick House and let staff present their findings and recommended treatment option.
- Tilley suggested last week of May for this special meeting – any day but Monday, which is Memorial Day.
- The Tuesday after Memorial Day, May 28, at 6:00 PM was decided for this meeting.
- Election of New Officers, if necessary
 - Kendree noted the ordinance was changed to have the commissioners rotate off at the end of June but it did not account for the mandatory election timeframe. He asked that there be a motion to suspend the applicable rule to carry over the election until the meeting in July.
 - Plexico inquired about the issue of staggering the terms of the commissioners.
 - Kendree noted that staggering the terms should be straightforward but we will need to know the number of commissioners. There would be no way to get staggered terms in place by July 1 of this year.

David Plexico made a motion to suspend the applicable rule to allow the nomination of officers until the first meeting in July; Duncan seconded; discussion followed; a vote was taken and the motion passed unanimously.

Ragin Craig made a motion to direct Attorney Kendree to draft an ordinance staggering the terms of the currently seven voting members and two ex-officio members for presentation to council; Plexico seconded; no discussion; a vote was taken and the motion passed unanimously.

- Recommended Bylaws Change
 - Tilley noted that the change involves using the word “Revised” rather than “Adopted” to show continuation of the organization.

Getter made a motion to change the bylaws of the Commission by changing the word “Adopted” to “Revised” in the second line of the first page; Plexico seconded; no discussion; a vote was taken and the motion passed unanimously.

Plexico moved to adjourn to Executive Session for receipt of legal advice; Duncan seconded; all in favor.

Executive Session

Reconvene to Open Session

Hagner moved to authorize Carey Tilley, our Executive Director, to increase the salary of our new Development Director up to 25% above the base; Duncan seconded; discussion followed; a vote was taken and the motion passed unanimously.

No further action was taken as a result of Executive Session.

There being no further business to come before the Commission, the meeting was adjourned.

Prepared By: Barbara Ardrey

Submitted By: Dennis Getter, CHC Secretary/Treasurer