

MINUTES - Corrected

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, November 11, 2014 at 6:15 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Jimmy Syfrett, Paul Siegel, Bobby Bonds, James Broderick and Judy Bridge. City Manager Jeff Molinari, City Clerk Betty Hudson and City Attorney George Cone, along with Attorney Matthew Gates, were also present. Council Member Tom Lohr was absent. There were 16 persons present in the audience.

There being a quorum present, Mayor Young called the meeting to order and Council Member Syfrett gave the invocation, and Council Member Bonds led the pledge of allegiance to our flag.

The Mayor announced that Mayor Pro-Tem Tom Lohr was ill and unable to attend the meeting tonight.

PUBLIC INPUT ON AGENDA ITEMS:

There were no comments or questions on agenda items.

APPROVAL OF MINUTES:

There were no Minutes before Council for approval.

OLD BUSINESS:

There was no Old Business before Council.

NEW BUSINESS:

1. Consideration of State Issued Certificate of Franchise Authority - Comcast Cable Communications Management, LLC

City Manager Molinari explained to Council that documentation in your packet had been received from the Secretary of State's office. Basically, the City's Franchise Agreement with Comcast Cable expired in June 2014. In 2006, the State Legislature passed a law which basically prohibits municipalities from negotiating their own franchise agreements with cable providers. Mr. Molinari explained that the City's franchise agreement with Comcast which expired in June 2014, was an elaborate, involved document that was done back in 2004 that the City spent considerable time negotiating. Basically, what the new law has done, is to simplify the process. As you see in your packets, it is a very simple form that would have to be sent back to the Secretary of State's office. We are currently charging Comcast a 5% franchise fee, which is the maximum allowable by State law, which is assessed on gross revenues for Comcast. We also are provided by Comcast, one public access channel. That was something negotiated in the previous franchise agreement. Mr. Molinari then asked for City Council's favorable consideration.

Council Member Siegel then asked the City Manager, does this mean that we will be stuck with our 2004 contract forever?

City Manager Molinari responded, actually what it means is yes and no. We will continue to receive the 5% franchise fee and Comcast will continue to provide us with one public access channel, but all the other elements of the franchise agreement that

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were negotiated back in 2004 - those are essentially gone and we are operating under a new set of guidelines - a much more basic and simplified set of guidelines.

A motion was then made by Council Member Bridge, seconded by Council Member Broderick to approve the State Issued Certificate of Franchise Authority for Comcast Cable Communications.

In discussing the motion, Mayor Young said, in the past sometimes when were negotiating franchises, we had the ability to talk to them about which stations would be offered and try to address citizens' requests on those things. We pretty much have no ability to do that anymore. The FCC has taken that away from municipalities.

The motion then passed with all members voting in favor, except Council Member Lohr was absent and did not vote.

2. Consideration of Lease Proposals for a 2015 Freightliner Garbage Truck \$204,957.00

City Manager Molinari told Council that the Finance Office solicited bids from seven (7) local financial institutions and received three (3) as follows:

<u>Financial Institution</u>	<u>Term</u>	<u>Rate</u>	<u>Fees</u>
BB&T	5 years	1.61% APR	None
South State Bank	5 years	2.24% APR	None
Enterprise Bank of SC	5 years	3.00% APR	\$750 (origination)

Mr. Molinari requested Council's favorable consideration of BB&T to finance the purchase of a 2015 Freightliner sanitation vehicle at an APR of 1.61% for a term of 5 years. He pointed out that the 1.61% APR was slightly lower than what is in the budget. We factored in 1.7% for financing this sanitation truck, and this proposal came in a littler lower.

Mayor Young then asked the City Manager if Council needed to address both the Consideration of Lease Proposals and the Resolution approving the Financing Terms for the Garbage Truck as separate items? City Manager Molinari responded that they could be considered together.

A motion was then made by Council Member Siegel, seconded by Council Member Bonds to:

- 1) Approve the low bid of 1.61% by BB&T for purchase of a 2015 Freightliner Garbage Truck in the amount of \$204,957.00 and
- 2) Approve Resolution # 2014-R-10, Approving the Financing Terms for the 2015 Garbage Truck.

The motion passed with a vote of 5/0 with Council Members Syfrett, Siegel, Bonds, Broderick and Bridge voting in favor. Mayor Young recused himself from voting due to the fact that he has a relationship with BB&T. Council Member Lohr was absent and did not vote.

4. Proclamation in Honor of the South Carolina Artisans Center on the 20th Anniversary of its Creation

Mayor Young said, this is a big day for the Artisans Center. It's hard to believe 20 years has passed since its inception.

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Present on behalf of the Artisans Center were Mr. Chris Bickley, Denise Butler and Carole Mullis and Gale Doggette along with members of the local Artisans Center Board. The Mayor then read the proclamation in its entirety into the record. A copy of said proclamation is attached as part of these minutes.

The Mayor also pointed out that the City has been a partner with the Artisans Center from the very beginning in helping to find housing for them and through the years in other ways, and we are very happy to present this proclamation to them.

Mr. Chris Bickley thanked Council and invited everyone to the reception on this Saturday to celebrate the Center's 20th anniversary. He stated that the City of Walterboro has been one of our partners from the very beginning, along with a number of other local and statewide partners, and our board reflects that. We thank you very much. He said, we think that Walterboro is good for the Center and the Center is good for Walterboro.

5. Request to Use the Downtown Waterfall Area on the First Thursday Each Month for DJ with Beach and Oldies Music, by Downtown Merchants, Colleton Museum & Farmers Market, and Artisans Center

A motion was made by Council Member Broderick, seconded by Council Member Bridge, to approve the request to use the Downtown Waterfall on the first Thursday each month for DJ with Beach and Oldies Music as requested by the Downtown Merchants, Colleton Museum & Farmers Market and the Artisans Center.

The Artisans Center Director, Ms. Gale Doggette, announced that this event would give an opportunity for the tourists who are in town to come and have an enjoyable time. It also encourages our locals to come downtown. We kicked this off last Thursday and were actually full downtown, and it was mostly locals. Again, it's fun, it generates some business downtown, and this DJ will just add to the fun down there. It's all wholesome, clean Beach Music and Oldies. Mayor Young added that he felt this was a great idea.

The motion then passed with all members voting in favor, except Council Member Lohr was absent and did not vote.

At this point, the Mayor then asked for a motion to adopt the **Proclamation # 2014-09**, a Proclamation in Honor of the South Carolina Artisans Center on the 20th Anniversary of its Creation. A motion to approve said proclamation as submitted was made by Council Member Bonds, seconded by Council Member Broderick, and passed unanimously, except Council Member Lohr was absent and did not vote.

COMMITTEE REPORTS:

There were no Committee Reports given.

EXECUTIVE SESSION:

A motion to enter into Executive Session was then made by Council Member Bonds, seconded by Council Member Bridge and passed unanimously, except Council Member Lohr was absent and did not vote. The Mayor announced that the meeting will convene into an Executive Session for:

- 1) Receipt of legal advice related to a construction project.
- 2) A Personnel Matter regarding appointment of Associate Judge.
- 3) A Personnel Matter related to the Tourism Director Search.

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The meeting then entered into an Executive Session.

At approximately 7:19 P.M., a motion was made by Council Member Syfrett, seconded by Council Member Bonds, to exit Executive Session and return to Open Session. All in favor, except Council Member Lohr was absent and did not vote. None opposed. Motion carried.

The meeting returned to Open Session and a motion was made (again for clarification) by Council Member Broderick, seconded by Council Member Bridge, to adopt **Resolution # 2014-R-10**, approving the financing terms for a 2015 Freightliner Garbage truck. All in favor, except Council Member Lohr was absent and did not vote. None opposed. Motion carried.

A second motion was made by Council Member Syfrett to newly appoint Mr. J.D. Bryan as Associate Municipal Judge effective immediately. **Council Member Broderick seconded the motion that passed with a vote of 4/0 with Mayor Young, Council Members Syfrett, Broderick and Bridge voting in favor. Council Member Lohr was absent and did not vote, and Council Members Bonds and Siegel recused themselves from voting since they will practice law before municipal court from time to time.**

There being no further business to consider, a motion to adjourn the meeting was made by Council Member Bonds, seconded by Council Member Siegel and passed unanimously. The meeting adjourned at 7:21 P.M. Notice of this meeting was distributed to all local media and posted on the City Hall bulletin board at least twenty-four hours prior to meeting time.

Respectfully,

Betty J. Hudson
City Clerk

APPROVED: November 25, 2014