

MINUTES

A Public Hearing and Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, January 8, 2013 at 6:15 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Paul Siegel, Dwayne Buckner, Charles Lucas, Randy Peters, Tom Lohr and Bobby Bonds. City Manager Jeff Lord, City Clerk Betty Hudson and Attorney Thomas Howard, representing City Attorney George Cone, were also present. There were approximately 20 persons present in the audience.

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

PUBLIC INPUT ON AGENDA ITEMS:

Mr. Horace Simmons, leader of Community Action Line Against Violence, spoke to Council in support of crime prevention. He said any crime prevention in Walterboro will be a great thing. He stated that Walterboro needs all the crime prevention it can get and some more, because of these killings. He said, we as human beings need to go forward 2,000 per cent.

Mr. Mike Katchuk stated that one of the previous Council Meetings, my piece of property was thought of as a possible problem. This property on Carn Street has six apartments that we are building. What we were doing is taking a small portion of our property to add to another piece to update the property, so we have room for a storage house. We are going to make improvements to the property. I don't know if it was fully understood what we're doing, but it sounded a little twisted. So, we are just trying to move out a little bit, and I think it will be a real plus. I spoke with all of my neighbors over there before I even thought about doing that. All of them agreed that was the best thing that could happen over there. The improvements would only improve the area by lighting it and we are keeping it very clean back there. Our other intention is to put two residential homes on the other pieces of property down through there, which would most likely be rental property.

Mayor Young then said, I don't think anybody had a real concern with that, it was just whether or not the signs had been placed where everybody that might be affected would have a chance to see the sign and know that a zoning change was coming. The intent was to make sure the public was informed.

Mr. Bonds responded, there was not a problem with what you wanted to do, from my perspective, none at all. Attorney Cone reminded that a public hearing will be held next on that same matter.

PUBLIC HEARING:

- 1) **ORDINANCE # 2012-18**, to change the Zoning on a Parcel of Land (approx. .33 acres located at 214 Carn Street), Tax Map # 163-11-00-025 from Medium Density Residential (MDR) to Neighborhood Commercial District (NCD).

At this point, Council Member Bonds explained to Mr. Katchuk what his concern was at the last meeting regarding the property zoning change. He said, the only concern I had was not the proposed use or extending the property. I did not have any problem with that, and my understanding is that we posted in accordance with state law, and that was for the sign which was placed on Carn Street and the other was placed on Sanders Street. When I served on the Colleton County Joint Planning Commission, we had a policy of basically sending letters to everybody whose property

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touched where there is to be a proposed change. My concern is that the property on Lucas Street hit basically the back of where you are making the change. My only concern was that a property owner on Lucas Street might not realize that the sign on Carn Street and Sanders might also affect him. That was all, I don't have any concern with what you want to do. I just wanted to make sure that the people realize that where the signs were, it was actually going to affect them, since they are behind the property with the proposed change. However, I think they have been notified and have not raised any objections.

No further comments were made on this agenda item.

2. **ORDINANCE # 2012-19**, to Change Zoning on a Parcel of Land (approx. .15 acres located on Sanders Street), Tax Map # 163-15-00-026, from Industrial District (ID) to General Commercial District (GCD).

No public comments were received on this agenda item.

3. **ORDINANCE 2013-01**, An Ordinance to Amend the Code of Ordinances, Chapter 8, Article II. Business and Professional Licenses, So As to Clarify and Strengthen Portions Thereof and to Provide for an Annual Classification Update.

No public comments were received. The public hearing was closed and the regular meeting began.

PRESENTATION:

1. 2011-2012 Comprehensive Annual Financial Report - Baird & Company, CPAs, LLC - Mr. Rep E. Whiddon.

Mr. Whiddon thanked the City for selecting his firm to do the audit. He informed Council that City staff did a good job in providing information for his report.

Mr. Whiddon then gave a brief overview of the Comprehensive Annual Financial Report to Council. He reported that there were no problems that his firm encountered during the audit. He also said that the City is in a very good financial position, and that Council has been good stewards for the taxpayers. He reported that his firm also made a couple of recommendations in his report related to fixed assets and capital assets.

He said, as I understand it, you have applied for a certificate of achievement from the GFOA, and that is really neat. Hopefully, you'll get it. That would be good if you can get it the first year.

He stated, in our opinion, the financial statements referred to present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the City of Walterboro for the year ending June 30, 2012. He then said, that's the best opinion you can get. That's what you are looking for and you got it.

There were no internal control problems or noncompliance that we encountered.

With regard to page 24, City of Walterboro's Statement of Revenues, Expenditures and Changes in Fund Balances, Council Member Buckner said, I am looking at our revenues, you have taxes, fines, fees, licenses, intergovernmental, solid waste charges and miscellaneous. He asked what is the revenue from the water department? Mr. Whiddon responded, that is in a different statement, it is a

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proprietary fund. This is on page 27. Mr. Buckner then said, so even with the water revenues of \$2,266,766, are we still in the negative, based on what we brought in and spent out? Mr. Whiddon responded that the water revenues are not reflected in the general fund. This is a separate set of records. Where they come together somewhat is on the entity wide statement on page 21.

Council Member Buckner then asked, are we bringing in more than what we are spending out, that's my basic question? Mr. Whiddon responded, you are bringing in more in your proprietary funds, the water and sewer fund, but you did not this past year in your general fund.

Council Member Buckner then said, the reason I am asking this question is because last year we had a lot of budget cuts, and we were trying to balance the budget. So, I am trying to understand where, you say we are in a good financial position, we got all this money with \$3,000,000 and then we can't find enough money. We are cutting all these budgets, nobody can get a raise and things like that. I am just trying to understand.

Mr. Whiddon responded, by a good financial position, it means that your assets exceed your liabilities, really by a fairly substantial sum. You've got cash in the bank. You have enough cash to operate for 200 days. So, you are in a good financial position, however, you do need to take a look at the deficits in the general fund this year and you need to rectify that. The fact that it went down one year, is it a cause for concern? I don't think it is a trend. You know that's a management decision to look at that, if you wanted to look at it in a trend. I think it could be a problem if it does become a trend, because it's going to take your operating cash and your operating fund balance.

Council Member Buckner then asked how much does the City have in assets? Mr. Whiddon responded that the Governmental Activities have \$15,000,000 and your Business Type Activities have \$23,000,000 in total assets, and that's entity-wide. The net assets are \$18,000,000 in your water and sewer. Even assets minus liabilities, you have a lot of money there. Some \$16,000,000 or \$17,000,000 is tied up in your water lines, your equipment and your treatment plant. So, it's there, it's just not cash that you can use.

Mayor Young then asked, did you see anything that we were doing that we shouldn't be doing or anything that we ought to be doing that we are not doing?

Mr. Whiddon responded, I think overall you did a really great job and we found two items that we made recommendations. One was on a \$24,000 automobile and the other thing was a classification problem. It had no effect on assets or income. It was noted that these items had been straightened out.

City Manager Lord thanked Mr. Whiddon and his firm for the good work they put in. He stated that this is our second year having a CAFR. We applied for the award and hopefully we will get it.

Mr. Lord also explained that the Comprehensive Annual Financial Report (CAFR) gives more information than what we use to have. It gives a lot more about the community and environmental situation with the economy. It's more thorough than just the annual financial statement. Mr. Whiddon added, that it (the CAFR) also covers 10 years.

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APPROVAL OF THE MINUTES:

Upon motion of Council Member Peters, seconded by Council Member Lucas, and passed with all members voting in favor, the following minutes were approved:

1. Minutes of the October 23, 2012 Public Hearing and Regular Meeting.
2. Minutes of the October 31, 2012 Special Called Meeting Minutes.
3. Minutes of the November 13, 2012 Public Hearing and Regular Meeting.
4. Minutes of the November 27, 2012 Regular Meeting.
5. Minutes of the December 11, 2012 Regular Meeting.

OLD BUSINESS:

The Mayor then recognized Planning Director David Dodd, who gave brief details on Ordinances No. 2012-18 and No. 2012-19.

Mr. Dodd reported that on first reading of the ordinance, there was a concern for expanding the Neighborhood Commercial designation. It affected the property owners adjacent by not being adequately advertised or notified. Staff went and talked with the adjacent property owners on Lucas and on Carn Streets. They were completely aware of what was being done and why it was being done.

1. **Ordinance # 2012-18**, An Ordinance to Change the Zoning on a Parcel of Land on Carn Street, Tax Map # 163-11-00-025, from Medium Density Residential (MDR) to Neighborhood Commercial District (NCD), Second Reading and Adoption.

A motion was made by Council Member Lucas giving Second Reading and Adoption to Ordinance # 2012-18. Council Member Bonds seconded the motion that passed with a vote 6/0 with all members voting in favor, except Council Member Buckner recused himself from voting due to a potential conflict of interest, since he has property next to the property requesting the rezoning.

2. **Ordinance # 2012-19**, An Ordinance to Change the Zoning on a Parcel of Land on Sanders Street, Tax Map # 163-15-00-026 from Industrial District (ID) to General Commercial District (GCD), Second Reading and Adoption.

A motion was made by Council Member Siegel, seconded by Council Member Buckner, giving Second Reading and Adoption to Ordinance # 2012-19. The motion passed unanimously.

3. **Ordinance # 2013-01**, An Ordinance to Amend the Code of Ordinance, Chapter 8, Article II. Business and Professional Licenses, So As to Clarify and Strengthen Portions Thereof and to Provide for an Annual Classification Update, Second Reading and Adoption.

A motion was made by Council Member Bonds, seconded by Council Member Buckner, giving Second Reading and Adoption to Ordinance # 2013-01 and passed with all members voting in favor.

NEW BUSINESS:

1. **Consideration of a Motion to Hire an Expert on Public Safety and Crime Prevention Who Will Conduct an Independent Study of Our City and the Public Safety Department and to Report His/Her Findings and Recommendations to Council.**

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A motion was made by Council Member Bonds to hire an expert on Public Safety and Crime Prevention who will conduct an independent study of our City and the Public Safety Department and to report his/her findings and recommendations to Council. Council Member Siegel seconded the motion.

In discussing the motion, the following comments were made:

Council Member Peters felt that this agenda item should be discussed at the annual retreat. This is the first I have heard about this. I don't have any idea who is trying to do what, what type person you want to put in there, and what their responsibilities will be. I have to agree with Mr. Simmons, anything we can do helps, but I would like to know what we are getting into, before we vote and vote whether to hire or not to hire.

Council Member Lucas asked the City Manager, what is our general trend for crime over the last couple of years and the current year? Mr. Lord responded, it's gone down. We are working on our year-end report right now. For violent crime and property crime, the trend is to go down. We have not had an increase this year.

Council Member Lucas then said, what about the certification? We approved working on the certification. Are we working on that now? Mr. Lord responded, at the last retreat that was discussed, which is accreditation. There is a training class coming up in March. So we have moved on through with the process. Mr. Lucas then asked if a study would conflict with the accreditation process? Mr. Lord responded, I don't believe it would, but I would recommend that we do one or the other. Mr. Lucas then asked if the person we would hire would be a company or a full time position that will be with the City forever? Mr. Lord stated that he felt this would be a consultant.

Council Member Lohr reported that he had spoken with the City Manager regarding the connection of likeness between the accreditation procedure and the study. Since there are some similarities, Mr. Lohr proposed that this item be discussed at the retreat when we have time and decide what we want to do, because right now it sounds like it would be repetitive. I think we just need to decide which way we want to go. When you go back to the accreditation, it is a very thorough procedure, but it's probably more of a "look at what we accomplished," which is not to be taken lightly. I think if we want to back that up, then maybe we would want to look at the proposal we have tonight. I do share Mr. Peters concern with different perspectives. I don't know where we are in the accreditation process, but if it's not too late to shut that down too and then make a decision on which of these two ways we want to go, I would feel more comfortable.

Council Member Buckner then said, as a point of reference, on July 26, 2011, I put this same item on the agenda, requesting that we hire a consultant to come and do the exact same thing that Councilman Bonds is proposing tonight. It is my understanding that this meeting was cancelled because my father passed away. So, we never discussed it and never voted on it. The next meeting which would have been the August 9 meeting, the Mayor took mayoral privilege and began to express to the community our position as a Council on what we were going to do about crime. He made it clear that we were going to do all that we can to fight crime in the City of Walterboro. When we had the retreat, this issue of the consultant was brought up again. At that retreat, we had decided to look at the accreditation because the accreditation process pretty much was going to do the exact same thing that the consultant would have done. That was a great idea, and so we started moving with that. So, now the issue is back here before us again, and the only question I am trying to determine is why can't we do both and where are we with the accreditation. How far in that process have we gotten because that's going to help me determine whether or not we need to go back and look at doing the consultant. He then asked the City Manager, where are we with the accreditation?

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City Manager Lord responded, we have submitted the application, they have reviewed it and we have to send somebody to a class, who's going to be an accreditation manager to manage the process. The first class to do that locally is in March. So, we are waiting until that March training to send somebody. Once that happens, then we can get into the weeds of it. Again, it's a 3-year process. As far as spending money, none has been spent yet, because we need to do that training.

City Manager Lord then stated, so far as the question of doing both at the same time. The reason I would not recommend both, because the accreditation process is going to look at the different policies that we have in place. It's going to look at how many patrols you have and how you are using them. If you are doing this other study at the same time, then that could change something in the middle of this 3-year process. That would make it more difficult, so I would just recommend one or the other.

Council Member Buckner then said, if it is possible, I would like to hear from the Chief what his thoughts are on this. If that's allowable, I would like to hear from our Public Safety Director on what he thinks.

Chief Otis Rhodes told Council that the City had started the accreditation process. We haven't spent any money yet, because there are certain things we had to do. I have done a whole lot of leg work on the accreditation, visiting other departments, talking back and forth with departments in Virginia. We have filled out a lot of forms and did a lot of research, but we are waiting on the March training date.

Council Member Bonds then stated that he had a fundamental misunderstanding of the accreditation process. He said that my understanding of the accreditation process is that it is a process where we go by and look at policies and procedures, manuals and things of this nature. I am not aware of the accreditation process as being where someone comes in as a consultant to give us specific strategies on how to deal with the problems we've got. Quite frankly, I think we've got some problems in this community as related to crime. I don't feel that we are giving our citizens our best efforts to address it. I have no problems with the Chief, as this is not with him, it's not with Public Safety, it's not with our City Manager. We need a set of independent eyes to come in and evaluate and tell us what recommendations they have for this community. Do we need more cops on the streets, do we need more lighting in certain places in this community, do we need more cameras, I don't know? Do we need a comprehensive strategy on how to get people talking to law enforcement, probable so, but I don't know? We need somebody to come in and tell us what we need to do, and then quite frankly, we need to implement that policy. Mr. Bonds further stated that my conversation in this community, unfortunately centers more around what type of burglary alarm system you've got and the relief you feel when you go home and your house has not been broken into. That's what I am hearing.

Council Member Bonds also informed Council that he was at the church at a community forum on violence at the Rock of Ages Church, and right down the road there were 70 shots fired across the four lane highway, across Hampton Street where everybody is coming in here or going to Charleston. I don't know if people realize it, but there were 70 shots from, I believe, 5 different guns. I think it is irresponsible for us not to hire somebody, who has the specific experience and can help us move forward with a specific plan to combat this. I think we owe it to our citizens and that's why I am making this motion. We need to go and look at the accreditation, but I don't think the accreditation is going to be giving us strategy on how we need to better try to combat crime in our community. That's what we need and that's why I am making this motion.

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Council Member Siegel then said, hesitantly, I really do support Mr. Bond's position. I really think there is a tremendous distinction between someone giving us recognition for what we have done or giving us goals to meet certain standards to receive an accreditation, but in the meantime, we discussed accreditation last year at the retreat, and now we haven't spent a penny. But there has been some leg work done. I was at the Rock of Ages Church that night. I just feel that the public does desire more affirmative action by this Council. Now, if we were to vote to hire a consultant, I really do want the Council to be directly involved in getting this consultant. I don't really know the rules and I know that our City Manager runs the City. There is more than one out there if we could have these consultants to come and speak to us, and tell us what they have done, how they've done it and who we can call to check behind them to see if their actions have been successful and go from there. Mr. Siegel further stated, Mr. Simmons has said he does not feel safe in his neighborhood, and people apparently aren't always safe driving up and down Hampton Street. That's just a fact. I am an old Walterboro person, I don't like to admit it, but there is the appearance of danger. So, the public sees this as a dangerous place. I tend to feel that it's not nearly so dangerous as the newspapers say, but it certainly seems as if our situation is not improving. I give a lot of credit to the Chief, because he solved a lot of crimes and I give credit to the City Manager that he supported the Chief in doing that. We have good police officers and we have recovered merchandise and made arrests and that's really good, but in the area of prevention and suppression, I don't think we are there, and maybe we need an outside advisor to help us. Maybe, it's just a reallocation of resources and if it is, I would certainly support it. I agree with Mr. Bonds.

City Manager Lord pointed out that the accreditation process sends in an assessment team to approve what we do, how we do it and then make recommendations. Having an accreditation is something we have to keep up with, by constant updates and constant refinements of our practices.

Council Member Peters then asked who are the accreditation people supposed to be looking at, the Public Safety and Chief, the Public Safety Department, the Fire Department or what? Mr. Lord responded, it would be looking at the law enforcement. It's not going to look at the Fire Department. It's going to look at the entire law enforcement on what we do.

Mayor Young then asked, how much do you expect a study like this would cost? Mr. Lord responded that the cost for this is around \$40,000.

Council Member Buckner then explained that when he brought up this issue last year, it was the result of reading an article in the Post and Courier about the City of North Charleston, who had a similar problem. They hired a consultant to come in, and that consultant came in, but if you look at North Charleston today, the record speaks for itself in terms of their economic development, economic growth, crime is down, etc. That was not happening in North Charleston prior to them hiring a consultant to come in and do whatever they did. After hearing all the debate and discussion, I don't see why we can't do both. I believe that we need to do both.

Mayor Young then said, I don't personally think we need to do both, and the money issue is something we'll have to talk about. If we decided to do the study, we are going to have to talk about how to fund it, if we are going to amend the budget, if we are going to not do the accreditation. There are a lot of house keeping things that will have to be done before we move forward with this. The retreat is in two weeks and that will give us some time to look at it, and also for Council to discuss exactly what we want the study to say to us, and what answers we want from the study, if we decide to go that way. So, from that standpoint, while I am not saying I am against doing the study, it would suit me better to talk about it at the retreat in two weeks and try to get some of this house keeping cleaned up as to how we are going

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to pay for it, and other things. Mayor Young then asked the City Attorney, if we pass this tonight, what do we do about amending the budget or paying for it, or how do we do that? Attorney Cone then said, the City Manager would be authorized, but he'll do an RFP or RFQ or whatever. Then, he'll have to set a budget for you and you would have to approve an amendment to the budget, but he could start the process. You would have to amend the budget in some way or form, or else find it within a column within the budget and that the funds are available. Mayor Young then asked the City Manager how much money is budgeted for an accreditation. Mr. Lord responded this is around \$3,000, which is \$10,000 to be paid over 3 years. So, it's about \$3,300 a year for 3 years.

Further discussion was held and Mayor Young stated, regardless of whether we vote the study up or down, we've got to know how we are going to pay for it. I don't know if that's going to be worked out here tonight.

Council Member Bonds then suggested we could vote on it now and then find a way to pay for it, and then he (the City Manager) could present us with a way to pay for it at the retreat.

Council Member Peters then asked Council Member Bonds what do you want the consultant to do?

Council Member Bonds responded, I want the consultant to be somebody who will come in here with a fresh set of eyes, who has tremendous experience, having represented his firm, and then have worked with other communities and know that those communities are happy and feel good about what he had done and they've got their money's worth. What I want this man/lady to do is to sit down and look at where we stand, and what we are doing and what will be the best way to spend our dollars to try to combat a general feeling of fear that's permeating our community. The expert is going to come up with plans about what we are going to do to implement a better way to combat our problems. Either, we are doing it right or not enough or maybe we are doing something real wrong, I don't know, but we need somebody to tell us.

Council Member Buckner then said, the two issues for me coming into this year are a strong economy and strong public safety. So, the question for me is whether or not this consultant will help make our department strong and whether or not the accreditation will make our department strong or stronger. I believe, it will. So again, I am voting in favor of it and I am going to urge my colleagues to do the same. We need to have a strong public safety department and a strong economy. The two go hand in hand.

Council Member Siegel then said, as I understand this Council is responsible for policy issues, not the implementation of policy. We need to set the tone of our policy and I think this is a time to really direct our policy in the direction of getting some outside help so that our citizens understand that we are not just sitting here, paying lip service to the problem. I mean that we need to put some money in. I think, we don't have a way to fund it at the moment, I don't know how much money it would cost, but I want to find somebody who's good and I want it presented to Council. We can vote and decide if we can pay for this consultant. If we don't establish this policy, it's never going to happen.

The discussion concluded, and the motion **FAILED** with a vote of 3/4, with Council Members Bonds, Siegel and Buckner voting in favor, and Mayor Young, Council Members Lucas, Lohr and Peters voting against the motion for adoption.

Mayor Young then said, I am not opposed to doing the study, I am just opposed to passing it tonight. I'd like to talk about it at the retreat and bring it back up at the

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first meeting after the retreat, so we can figure out where the funds are going to come from. I think it has some merit, and we just need to know how we are going to pay for it.

Mr. Horace Simmons, along with a group of minority citizens attending the meeting, then walked out the meeting to "protest" the vote on this agenda item.

2. **Consideration of Canceling or Rescheduling the February 12, 2013 and the March 12, 2013 City Council Meetings.**

At this point, the Mayor then suggested that Council only consider the February 12 meeting at this time, and discuss the March 12 Meeting at a later date. No objections were made. The Mayor noted that some Council Members would be taking the training at the MASC Legislative Action Day Meeting on February 12.

After a brief discussion, a motion was made by Council Member Buckner to move the regularly scheduled February 12, 2013 Council Meeting to Monday, February 11, 2013 at 6:15 P.M.. Council Member Peters seconded the motion that passed unanimously.

3. **Notice of 2013 City Council Retreat, Location and Time.**

Next, City Manager Jeff Lord made the following announcement regarding Council's Annual Retreat:

"Walterboro City Council will conduct its 2013 City Council Planning Retreat beginning Friday, January 25, 2013 and running through Saturday, January 26, 2013 to be held at 520 North Jefferies Boulevard, Walterboro (SCB&T). No formal action will be taken on any item at this retreat. Any action items will be brought back to a regular Council meeting for Council's consideration."

The Mayor then recognized that a group of boy scouts were present at the meeting. The Mayor thanked the boy scouts and everyone for attending the meeting.

COMMITTEE REPORTS:

There were no Committee Reports given.

EXECUTIVE SESSION:

A motion to enter an Executive Session was then made by Council Member Lucas, seconded by Council Member Lohr and passed unanimously. The Mayor announced that the meeting will convene into an Executive Session for a discussion of negotiations incident to proposed contractual arrangements.

The meeting then entered into an Executive Session.

The meeting returned to Open Session, and there being no further business to consider, a motion to adjourn the meeting was made by Council Member Lucas, seconded by Council Member Peters and passed unanimously. The meeting adjourned at 7:25 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: February 11, 2013