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City of Walterboro

242 Hampton Street

Walterboro, South Carolina 29488

Mailing Address:

Post Office Box 709

Walterboro, South Carolina 29488-0008

**Walterboro City Council
Public Hearing and Regular Meeting
April 23, 2013
City Hall
6:15 P.M.**

A G E N D A

I. Call to Order:

1. Invocation.
2. Pledge of Allegiance.

II. Public Input on Agenda Items:

III. Public Hearing:

1. Review 2013 Annual Action Plan for the Beaufort County/Lowcountry Regional HOME Consortium, Barbara Johnson, LCOG.
2. **Ordinance # 2013-03**, to Change the Zoning on Two Parcels of Land (629 Padgett Loop and 633 Padgett Loop) from High Density Residential (HDR) to Neighborhood Commercial (NCD) (Copy of Public Notice attached).

IV. Proclamations and Resolutions:

1. **Proclamation No. 2013-01**, to Honor Colleton County High School Student Council Named No. 1 Student Council in South Carolina (Proclamation attached).
2. **Proclamation No. 2013-02**, A Proclamation Designating May 2, 2013 as Special Olympics Day (Proclamation attached).
3. **Resolution # 2013-R-03**, A Resolution Opposing a Reduction or Elimination of the Tax Exemption on Municipal Bond Interest (Resolution attached).

V. Approval of Minutes:

1. Minutes of the March 11, 2013 Rescheduled Regular Meeting (Minutes attached).

VI. Old Business:

1. **Ordinance # 2013-03**, An Ordinance to Change the Zoning on Two Parcels of Land on Padgett Loop, Tax Map # 164-13-00-201 (629 Padgett Loop) and 164-13-00-202 (633 Padgett Loop) from High Density Residential (HDR) to Neighborhood Commercial District (NCD), **Second Reading and Adoption** (Ordinance attached).

VII. New Business:

1. Consideration of Financial Participation Agreement with SCDOT for Mt. Carmel Road Intersection Improvement - (\$19,650) (Agreement attached).
2. Consideration to Cancel or Reschedule the May 28, 2013 City Council Meeting.

VIII. Committee Reports:

IX. Executive Session:

1. Discussion of negotiations incident to proposed contractual arrangements.

X. ADJOURNMENT.

**Public Notice Regarding
Public Hearing and Plan Availability for Review
Beaufort County/Lowcountry Regional HOME Consortium Annual Action Plan**

The Beaufort County/Lowcountry Regional HOME Consortium invites citizens to comment on its draft Annual Action Plan. The draft plan will be available for review from April 1, 2013 through May 1, 2013 at the Lowcountry Council of Governments, 634 Campground Road, Yemassee, SC 29945. Copies of the Plan will be provided upon request. Comments may be submitted in writing to Chris Bickley, Executive Director, Lowcountry COG, POB 98, Yemassee, SC 29945, email cbickley@lowcountrycog.org. Questions concerning the Plan should be directed to Barbara Johnson, Affordable Housing Manager, Beaufort County/Lowcountry Regional HOME Consortium, bjohnson@lowcountrycog.org, (843) 726-5536.

NOTICE IS HERBY GIVEN that on Tuesday, April 23, 2013 at 6:15 p.m. in Council Chambers at Walterboro City Hall, 242 Hampton Street, Walterboro, SC a Public Hearing will be held to review the Plan and receive comments concerning the Plan.

NOTICE IS HERBY GIVEN that on Thursday, April 25, 2013 at 6:00 p.m. in the Lowcountry COG Board Room, located at 634 Campground Road, Yemassee, SC a Public Hearing will be held to review the Plan and receive comments concerning the Plan.

These public hearings and the matters to be discussed are subject to the provision of the Beaufort County Citizen Participation Plan, developed in anticipation of participation in the Federal HUD HOME Program, which provides for the participation of the citizens of Beaufort, Colleton, Hampton and Jasper Counties in the planning and implementation of projects which will receive HUD HOME funds.

Beaufort County and its member local governments do not discriminate on the basis of age, color, religion, sex, national origin, familial status or disability in the admission of, access to, or treatment in the employment in federally assisted programs or activities. Morris Campbell, Director of Community Services, PO Drawer 1228, Beaufort, SC 29901, (843) 255-6050, has been designated to coordinate compliance with the nondiscrimination requirements contained in the US Department of Housing and Urban Development's regulations.

AFFIDAVIT OF PUBLICATION IN

The Press and Standard

PERSONALLY appeared before me, William B. Moore, who being duly sworn, says that he is the publisher of The Press and Standard, published on Tuesday and Friday of each week in Walterboro, County of Colleton, State of South Carolina; that the notice, of which a printed copy is hereby attached, was published in The Press and Standard for **One(1)** issue(s), said publication commencing on **March 29, 2013**, and ending on **March 29, 2013**.

SWORN to before me

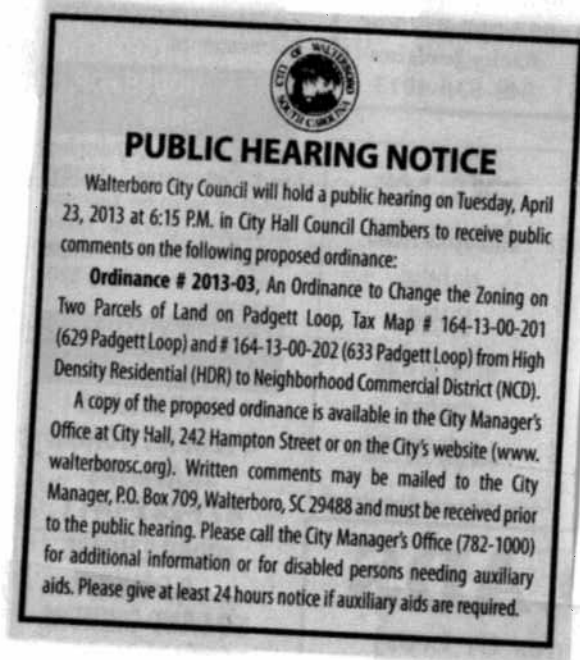
this 2 day of APRIL 20 13
Raymond Moore (L.S.)

Notary Public for South Carolina

Commission expires 10-4-22



William B. Moore



**PROCLAMATION BY
WALTERBORO CITY COUNCIL
TO HONOR
COLLETON COUNTY HIGH SCHOOL
STUDENT COUNCIL**

WHEREAS, the Colleton County Student Council involves students in leadership activities in school and community service; and

WHEREAS, participation in Student Council provides an opportunity to participate in the democratic process; and

WHEREAS, this participation fosters an understanding of government and affords students first hand experience and an understanding of these workings; and

WHEREAS, student leaders are a positive influence on their peers, modeling good character and scholarship in and out of the classroom, and serve as change agents to improve the overall climate and academic performance levels of their schools; and

WHEREAS, the Colleton County High School Student Council received the Gavel Award as the Best Student Council in 4A in the State of South Carolina and also received the Gold Service Award in recognition of the Council's service projects; and

WHEREAS, Hannah Houck was elected South Carolina Association of Student Councils President and was given the privilege to host the 2014 SCASC State Convention at Colleton County High School.

NOW, THEREFORE, BE IT PROCLAIMED, by the Mayor and Council, in Council Assembled, that Walterboro City Council hereby proclaims tomorrow, April 24, 2013, as: "Colleton County High School Student Council Day" in the City of Walterboro, and encourage all citizens to recognize and honor the efforts of these students and to support their training and activities as they prepare themselves for their future stations as leaders of our cities, states and the nation.

FURTHER, we recognize and commend Mrs. Rebecca Goodwin, CCHS Student Council Advisor, for her efforts and outstanding work with the CCHS Student Council.

DONE, this 23rd day of April, 2013.

William T. Young, Jr., Mayor
City of Walterboro, South Carolina

ATTEST:

Betty J. Hudson
Municipal Clerk

Telephone: 843-549-2545

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PROCLAMATION NO. 2013-02

WHEREAS, Special Olympics is a signature event in the lives of students with special needs; and

WHEREAS, Special Olympics is an event recognized nationally, statewide and locally; and

WHEREAS, Special Olympics has grown tremendously since its inaugural event in the early 1960's under the leadership of Eunice Kennedy Shriver.

NOW, THEREFORE, BE IT PROCLAIMED, by the Mayor and Council, in Council Assembled, that Thursday, May 2, 2013 shall be declared

SPECIAL OLYMPICS DAY

in the City of Walterboro in recognition of this event and the many positive things benefitting special needs' students by their participation in this event.

BE IT FURTHER RESOLVED, that the City of Walterboro encourages citizen attendance and support in this celebration of the Special Olympics activities.

DONE, this 23rd day of April, 2013.

William T. Young, Jr.
Mayor

ATTEST:

Betty J. Hudson
Municipal Clerk

**RESOLUTION # 2013-R-03
A RESOLUTION OPPOSING A
REDUCTION OR ELIMINATION OF THE
TAX EXEMPTION ON MUNICIPAL BOND INTEREST**

WHEREAS, Congress is considering many options available to reduce the federal deficit; and

WHEREAS, one option Congress is evaluating would reduce or eliminate the exemption on municipal bond interest; and

WHEREAS, the federal tax exemption on municipal bond interest has been in place since the first federal income tax was enacted in 1913, and as a result, state and local governments save, on average, two percentage points on their borrowing to finance investment in public infrastructure; and

WHEREAS, this exemption has generated trillions of dollars of investment in public infrastructure and has saved taxpayers hundreds of billions in interest costs; and

WHEREAS, investors in municipal bonds are generally exempt from paying federal income tax on the bond interest payments so even a partial income tax on otherwise tax-exempt interest would cause investors to demand higher returns on their municipal bond investments to make up for the tax they would have to pay; and

WHEREAS, one proposal being discussed would apply to interest on bonds already issued by governments and purchased by investors; and

WHEREAS, **this** would represent a violation of the basic assumption of investors that Congress will not change the terms governing the taxability of interest for bonds already outstanding; and

WHEREAS, the outcome of reducing or eliminating the tax exemption on municipal bond interest would be higher borrowing costs for state and local governments, less investment in infrastructure and fewer jobs; and

NOW, THEREFORE, BE IT RESOLVED that the City of Walterboro City Council, in Council Assembled, on this 23rd day of April, 2013, adopts this Resolution urging the members of the South Carolina Congressional delegation to strongly oppose any efforts by Congress or the Administration to reduce or eliminate the tax exemption on municipal bond interest.

ADOPTED, THIS 23rd DAY OF APRIL, 2013.

William T. Young, Jr, Mayor

ATTEST:

Betty J. Hudson
Clerk to Council

DRAFT

Walterboro City Council
Rescheduled Regular Meeting
March 11, 2013

MINUTES

A Rescheduled Regular Meeting of Walterboro City Council was held at City Hall on Monday, March 11, 2013 at 10:00 A.M., with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Paul Siegel, Dwayne Buckner, Charles Lucas, Tom Lohr and Bobby Bonds. City Manager Jeff Lord, City Clerk Betty Hudson and City Attorney George Cone were also present. There were approximately 12 persons present in the audience. Council Member Randy Peters was absent.

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

Next, the Mayor congratulated the USC-Salkehatchie basketball team that won the local basketball tournament and announced that they would be going to the state championship.

PUBLIC INPUT ON AGENDA ITEMS:

No public comments were made on agenda items.

PRESENTATION:

Mr. Leonard Matarese, Director of Research and Product Development of the International City Managers Association (ICMA) addressed Council concerning the possibility of hiring his agency to deal with crime and public safety. He stated that ICMA is a 100-year old business located in Washington, D.C. He stated that his agency comes to the table with not only general expertise in police and fire and emergency management, but we have some really solid experience in management in running a public safety office. It is critical to look at this as a system, not just as a separate fire department or a separate police department, but rather as one system.

He said that his agency works with public administrators and city managers with the mission of providing technical support assistance. His agency provides training to both police and emergency services in order to help make data driven decisions. He also stated that his agency provides data analysis through a team of PHD's to identify workload areas and to also send people into areas they contract with to gather information. When gathering information, his team members need to think three dimensionally when working with municipalities that have integrated police and fire services.

Councilman Lucas stated that it sounds like you will address mostly the management side of everything. Do you address the crime itself? Mr. Matarese responded that his agency will provide a complete analysis of the crime situation. One of the things that we do before we put people on the ground, and that we would ask for a very comprehensive list of documents from the departments that we will review polices, procedures, and operational manuals. So, before we put people on the ground, we will have a good understanding of how the operation runs based upon the policies and procedures in place. Part of our process is to ride along with police officers, or the public safety officers, and do a lot of interviews with the policymakers.

Council Member Buckner asked about ICMA's experience with other municipalities similar to Walterboro. He asked, have you worked with any municipalities in South Carolina?

Mr. Matarese replied that his agency did a project several years ago in Beaufort. We did a police and fire study, and they were looking at the potential for creating a public safety department. They chose not to do that. They had a new fire chief. They

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contracted with a neighboring district, I believe it was Port Royal, and they provide fire services for them, but not re-services. Our forte is working with cities about your size.

Councilman Bonds asked if there were specific problems that smaller communities have as opposed to larger communities? Mr. Matarese stated that one of the challenges facing smaller departments is the inability to specialize. Bigger departments have the funding to do some specialized things, specifically to do some limited very complex tasks. The challenge in the public safety department is being certain that you are being trained to a kind of level to provide those specialized tasks, and also understanding that there are some things you can't just do at the local level, because it is a smaller agency. It means having a plan in place to reach out to the Sheriff's office, state patrol or a federal agency to provide assistance. It is more difficult for a city manager to run smaller cities than larger cities, because much of the work here he has to do. Whereas in bigger organizations, you can goal that out to systems people, and the same thing is true in a public safety department. You need to have more generals in the public safety department and what this means is probably a higher level of training is required for the officers themselves so that they can have a broader range of skills to address the same issues that a community like this would face. We know that even the smallest communities are not immuned from some very serious crimes. So, that really raises the level of demand on members of the department.

Mr. Matarese pointed out that there are about 18,000 police departments in the United States and 49% of them have 9 or fewer police officers. 54% have 24 police officers. So, it really does push demands on the Chief and his/her officers to be able to come to the table at any time with a really broad range of skills.

Council Member Bonds asked if ICMA provided any services that are less data driven and more in terms of perception. Mr. Bonds explained that his experience is that often "perception becomes reality," how people feel. You can say we are down 90% in violent crime, but if people don't feel safer, the reality of it is that people don't feel good about the community. Can you do anything beyond the data when it talks about public perception? Public perception is important. That's part of what goes into making a great community where people feel proud and good about their community.

Mr. Maltese replied, you are absolutely correct, and one of the things that research has shown is that people who feel safer are less victimized by crime. People who feel safe about going out and talking to businesses and walking down the streets tend to have less crime than people who are afraid. One of the things we have been very successful at is working with communities to help refuting where there is a perception of crime by a person who analyzed what's really going on. Maybe there is some serious crime, but we need to talk about that. How do you deal with crime? But if the perception of the public is different from that the reality is, we also have been very helpful in addressing that issue.

Councilman Buckner stated that he is aware that Walterboro is having a problem with crime. We get more than our fair share of crime. Based on what you know about our city and what we are trying to accomplish, where do you see your services being able to best help us? Mr. Matarese answered the first thing is to identifying if you have a problem, identify what the problem is and what the department's response to that problem has been. One of the most critical issues is deployment, making sure that people are working when you need them. We look at departments all over the country that have terrible deployment habits, where the number of officers on duty at any particular moment does not correspond to what the initial workload is. That's where the statistical part, the data driven analysis really come into play. Really understanding what is the workload and do we have the right number of officers on

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duty throughout the day. Part of the process is really identifying what the workload is and what the deployment looks like, and are you matching up the deployment with the demands for service hours. By allocating appropriately, this frees up your resources to be able to allow you to do some really focused oriented policing. Secondly not only are we deploying people appropriately, but are we doing the right thing. Are we doing the kinds of things we know work to prevent serious crimes? The other part of it is, are there policies and procedure in place that encourage a department to be as efficient and effective as possible. In a community of this size, we know that there are a very limited number of people committing crimes, and if you can focus on identifying those people by zeroing in on those areas that are going to produce the greatest amount of possibilities, you can be more successful.

Council Lohr said that through reading the local papers, he has noticed that some of the same people are being arrested over and over again, at least in a year's period being arrested for different things. Shootings have been a problem here. If people are repeaters, what can you help us do to zero in on that type of thing? Mr. Matarese responded that research is very clear about this all over the country that a limited number of people commit the majority of crimes. So, the more aggressive your police department is in identifying who those people are, monitoring their behavior, knowing what they are up to, all within the limits of the constitution, the more successful you are going to be. Are you focusing your attention in the areas where there can be a potential for crime for the more return for the investment? He added that is not a smaller city issue, but it is nationwide. We know about the classic 80-20 rules, where 20% of the people commit 80% of the crimes. So, that is one of the things we will look at, are you doing everything to partner up with the Sheriff's Office, the State Police and Federal agencies.

Council Member Lohr then asked if the agency would make any legal or law recommendations based on what you know from other places that have projects that work to address that issue? Mr. Matarese answered, one of our jobs is the research and we have several criminal justice professionals that are former police commanders, so when we identify things and we have research that worked in other communities, we certainly reference them in our reports. That's one of the things that we bring to the table that we are on top of what's going on. I should mention, we are not a consultant firm, we are a professional association. Because we are an international association, not a private consultant firm, we are on top of interacting with people who are doing this kind of research on a regular basis.

Council Member Buckner asked Mr. Matarese what is the difference between the services provided by PERF and the services to be provided by ICMA. Mr. Matarese said I am a member of PERF, and I have the highest regard for the organization. PERF's membership is focused frankly on larger communities. Being a full member PERF, you would need a 50,000 population or 100 police officers. Much of their work is done internationally. The Board of Directors tends to represent fire driven organizations. We, again, are focused on smaller size communities. To the best of my knowledge, PERF has never done a public safety study. We have personal experience work with public safety departments. This is not a separate police and fire department, but this is a consolidated public safety department.

Council Member Bonds pointed out some of the criticism or feedback that he has received in getting an expert to address crime issues. He asked Mr. Matarese how would you address those concerns I have heard on the streets? Mr. Matarese responded because we are a professional association, not a private consultant, we are not going anywhere. We have been around 100 years. It is not unusual for me to receive telephone calls from City Managers that we worked for 4 years ago on an ongoing basis. We have a full time staff of people that provide these services to our

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members. We are a resource, and we are not just a private firm that finishes a job and walks away. That ongoing resource is a value to communities.

Council Member Siegel pointed out that the press, at least in Charleston, is broadcasting that we have a crime problem. We don't necessarily agree with the fact and that's why we are here today. We can't be the only small community in America that is having this problem.

Mr. Matarese pointed out that a lot of this is not based on reality, but is based on perception, and so one of our jobs would be to separate the perception from the reality and report to you what we actually find.

Mr. Siegel corrected, I am talking about people with similar types of problems. I mean, we are not having shootouts downtown every day. So, we are not interested in communities who are starting up new police problems and deciding on whether they are going to contract out their services. We are looking for people who are dealing with organic problems in their community and looking for constructive solutions and problems through our department, through community involvement, and just the obvious resources that we have, and to move forward. But one big issue is crime prevention and suppression.

Mr. Matarese replied that cities do not call the ICMA to come in and study their police department if everything is going fine. Cities that contact us and ask us to help them, have some issues, whether it be crime issue, public perception, etc. A good example is a project in Henderson we had. There was a series of incidents involving some police conduct. We went in and did a really comprehensive study, and it turned out that they did everything right. They were a first rate police organization doing the right kind of training, with the right internal affairs, and our report said that. So, I think a big part of the role here would be to identify what the reality is. Tell you what the reality is. The report can be public, and if there is a problem, address the alternative issues to address the problem.

Council Member Lohr asked if there were any other places in North Carolina besides the Rocky Mountains, regardless of sizes, that you have worked with? Mr. Matarese answered that his agency has worked with about 150 cities, and worked in 31 states all over the country.

Councilman Bonds asked, do we pay for services contracted with a plan? I am just wondering if we would need to spend more money to get help with implementation.

Mr. Matarese responded that cities have asked us to come back and evaluate their implementation. We will leave you with a plan, and say it right in our guidelines that this is something that you can implement within the confines of your financial capabilities of doing and it is within the confines of the ability of the people on the ground to be able to do it.

Mayor Young then asked Mr. Matarese if his agency's services would include an assessment of how the City's recommendations would be implemented? Is that a separate contract? Mr. Matarese responded, yes, that would be a separate contract.

When Mayor Young asked if this could be included. Mr. Matarese replied, I don't think that is fair and wise for the city, because you really don't know what the challenge is going to be, and anytime you give a proposal, you want to give it as good of a focus as possible, to keep the cost as low as possible. I suggest that we could do the proposal and do the operational aspects for you, give you a list of things to do and if the Council at some point wanted us to come back and take a look at it, we could do that. We want to know what it is that we would be measuring.

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Mayor Young then said, I am sure that there may be times as we go through this that Council may ask you to focus on something specific and you would be willing to do that? Mr. Matarese responded, yes, we have the greatest respect for the Council/Manager form of government. So, the best set of circumstances is to have most of that information flowing through one person, the Manager, Mayor or somebody, so that we are not into responding to individual Council Members.

Mayor Young then asked if the agency would look at how the city is reporting its data and making sure that it is reported accurately. Mr. Matarese replied, yes, not only reporting it accurately, but reporting it in a way that the public can understand.

No further remarks were made and the presentation was closed. There was no action by Council on this agenda item.

At this point, Mayor Young closed the meeting for a 5-minute recess.

OLD BUSINESS:

There was no Old Business before Council.

NEW BUSINESS:

1. Ordinance # 2013-02, An Ordinance to Annex Certain Property to the City of Walterboro, Tax Map # 147-09-00-084 (property located at 110 Grove Street, owned by First Federal of South Carolina, President Arnold Zipperer, III, First Reading

Economic Development Drew Page briefed Council on this proposed ordinance. The annexation petition was signed by Mr. Arnold Zipperer and reviewed along with the ordinance by Council. Mr. Page requested that the property at 110 Grove Street be annexed into the City Limits and zoned Highway Commercial District.

A motion was made by Council Member Buckner, seconded by Council Member Bonds giving First Reading Approval to Ordinance # 2013-02 as submitted. After a question on the location of this property by Council Member Bonds, a brief discussion was held. Mr. Page pointed out that First Federal of SC has taken this vacant property on Groves Street, which is a residential property. The idea is that since it shares 3 common borders with commercial fronting on Bell's Highway, that this property would be annexed into the city and then they would tie all of these four pieces together to make one commercial site, that might be very attractive with say a restaurant or motel, etc. This would be more space to work with.

On a question by Mayor Young, Mr. Page answered that there were about 5 residential properties on Grove Street, and that Grove Street is not a through street, but dead ends. Mayor Young asked if the property should be posted. City Manager Lord replied that posting was not required for annexation. Mr. Page pointed out that this could be done if this was preferred by Council. Council Member Siegel said, I think we should notify the people what our intent is, and at least give them an option to voice an opinion.

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

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A this point, Council Member Lucas asked the City Manager if staff would put up signs to notify people. Mr. Lord asked if this was Council's pleasure or not. A motion was then made by Council Member Buckner that the signs are put up to notify people. Council Member Lucas seconded the motion that passed unanimously, except Council Member Peters was absent and did not vote.

2. Consideration of Bids Received for Doodle Hill Sidewalk Improvements

Public Works Director Charlie Chewning reported that this is a contract that staff took bids on several weeks ago. It includes a low-to-moderate income section. This will be financed by a CDBG Grant, which means there are no local preferences for this particular contract. We actually had two areas to bid. We had 6 of our streets that were within the base proposal and two other city streets which were in an alternate proposal because we did not know how the bids would come in. A total of 6 bids came in as follows:

Contractor	Amount of Base Proposal	Order of Base Proposal	Base Bid + Alternate Add 1 & 2	Order of Base Bid + Alternate Add 1 & 2
Cherokee, Inc. Columbia, SC	\$135,053.02	1	\$174,273.78	1
BES Construction, LLC Walterboro, SC	\$138,259.80	2	\$183,167.95	2
L-J, Inc. Columbia, SC	\$142,503.80	3	\$189,057.60	5
First Construction Management Hanahan, SC	\$143,335.95	4	\$185,065.55	3
Coastal Asphalt, LLC Conway, SC	\$150,103.84	5	\$186,861.84	4
AOS Speciality Contractors Lexington, SC	\$248,435.00	6	\$304,340.00	6

Mr. Chewning recommended acceptance of the low bid of \$174,273.78 from Cherokee, Inc. for the Doodle Hill Sidewalk Improvements. He pointed out that Cherokee, Inc. submitted the lowest base bid and lowest alternate bid. He told Council that a letter had been received from the City's engineers (B. P. Barber, Inc.), that recommended the acceptance of the low bid from Cherokee, Inc.

Mr. Buckner reminded that Council had given a preference to local bidders, and asked how did the local preference apply to this bid? Mr. Lord responded, as Mr. Chewning has mentioned, this is a federal grant's program, so local preference does not and cannot apply.

A motion was made by Council Member Lucas, seconded by Council Member Lohr to accept the low bid of \$174,373.78 from Cherokee, Inc. for the Doodle Hill Sidewalk Improvements. The motion passed unanimously, except Council Member Peters was absent and did not vote.

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3. **Discussion of Potential Uses of CDBG Funds**

City Manager Jeff Lord introduced this agenda item. He stated that at the last Council Meeting, during the CDBG needs assessment hearing, Michelle Knight of Lowcountry Council of Governments communicated that we need to do prioritization of CDBG needs so that we can apply for grants that are coming up.

Mr. Lord pointed out that Council's current listing of priorities was as follows

1. Public Safety
2. Infrastructure
3. Housing and Village Renaissance.
4. Downtown Revitalization
5. Public Facilities

Mr. Lord then recommended that Council move Public Safety from number one to number four. He said, I do understand that Public Safety is the City's number one priority, but for CDBG eligible activities under what they call "public safety" is very restrictive, as substations and fire trucks are the kind of equipment that are dedicated to only the areas that qualify for CDBG funding and LMI. We are simply not large enough for our organization geographically to be able to have such a designation. However, when we do an infrastructure, village renaissance or a revitalization project, there are public safety elements, especially with the renaissance project. Public Safety is in every aspect of it. So, public safety permeates every grant application we do.

Mr. Lord then recommended the following new CDBG priority needs:

1. Infrastructure.
2. Housing and Village Renaissance.
3. Downtown Revitalization.
4. Public Safety.
5. Public Facilities.

A motion was then made by Council Member Lohr, seconded by Council Member Lucas, to approve the CDBG priority needs as recommended by the City Manager as follows:

1. Infrastructure.
2. Housing and Village Renaissance.
3. Downtown Revitalization.
4. Public Safety.
5. Public Facilities.

In discussing the motion, Council Member Buckner expressed concern that he was not sure that he would agree with Infrastructure being moved to number one. He said, I would rather see Housing and Village Renaissance to be number one, because we do have a housing problem in Walterboro. I would be more in favor of moving the housing and village Renaissance up to number one.

Mr. Lord said the way that the funding hit, is in two different rounds. You have April which is coming up, which is infrastructure and then in the fall, this is when you will do revitalization and Village Renaissance. Right now, we have two village Renaissance projects going on, the North Lemacks St. Project and the Doodle Hill Project. You are only really allowed one. You are supposed to have one, but because Public Safety is an issue, the City got two. So, once we close out the Doodle Hill Project, we'll loose one going on at that time. We will have the North Lemacks St. Project going on probably for the next two years. That's not going to be impacted at all. We will not be able to do any more than that, because we are maxed out on one

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capable project unless we do it on Doodle Hill. So, by moving it up, does not mean we will be able to do more, but in the meantime there are infrastructure projects that we want to apply for. We are interested in applying for a waterline project for Hampton Street to help bring in the water lines for Robertson Boulevard to take care of the inefficiency in downtown, because we took the water tower out. That is something that's coming up and we want to make that application this month. So, having it number one is better for us than having the Housing and Village Renaissance.

The motion then passed with a vote of 5/1 with Mayor Young, Council Members Siegel, Lucas, Lohr and Bonds voting in favor. Council Member Buckner voted against the motion for adoption. Council Member Peters was absent and did not vote.

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 Bonds 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 Bonds. The meeting adjourned at 12:15 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

ORDINANCE # 2013-03

AN ORDINANCE TO CHANGE THE ZONING ON TWO PARCELS OF LAND ON PADGETT LOOP.

WHEREAS, the Walterboro Municipal Planning Commission has made its recommendation to rezone said property and a public hearing has been properly advertised and conducted.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Walterboro, in Council Assembled, that the Official Zoning Map is hereby amended to change the zoning on Tax Map Parcels # 164-13-00-201 and 164-13-00-202 from High Density Residential (HDR) to Neighborhood Commercial District (NCD) as shown on the attached map.

DONE, this 23rd day of April, 2013.

William T. Young, Jr.
Mayor

ATTEST:

Betty J. Hudson
City Clerk

First Reading: March 26, 2013
Second Reading: , 2013
Public Hearing: April 23, 2013

ST

GERIDEAU ST

HOWELL

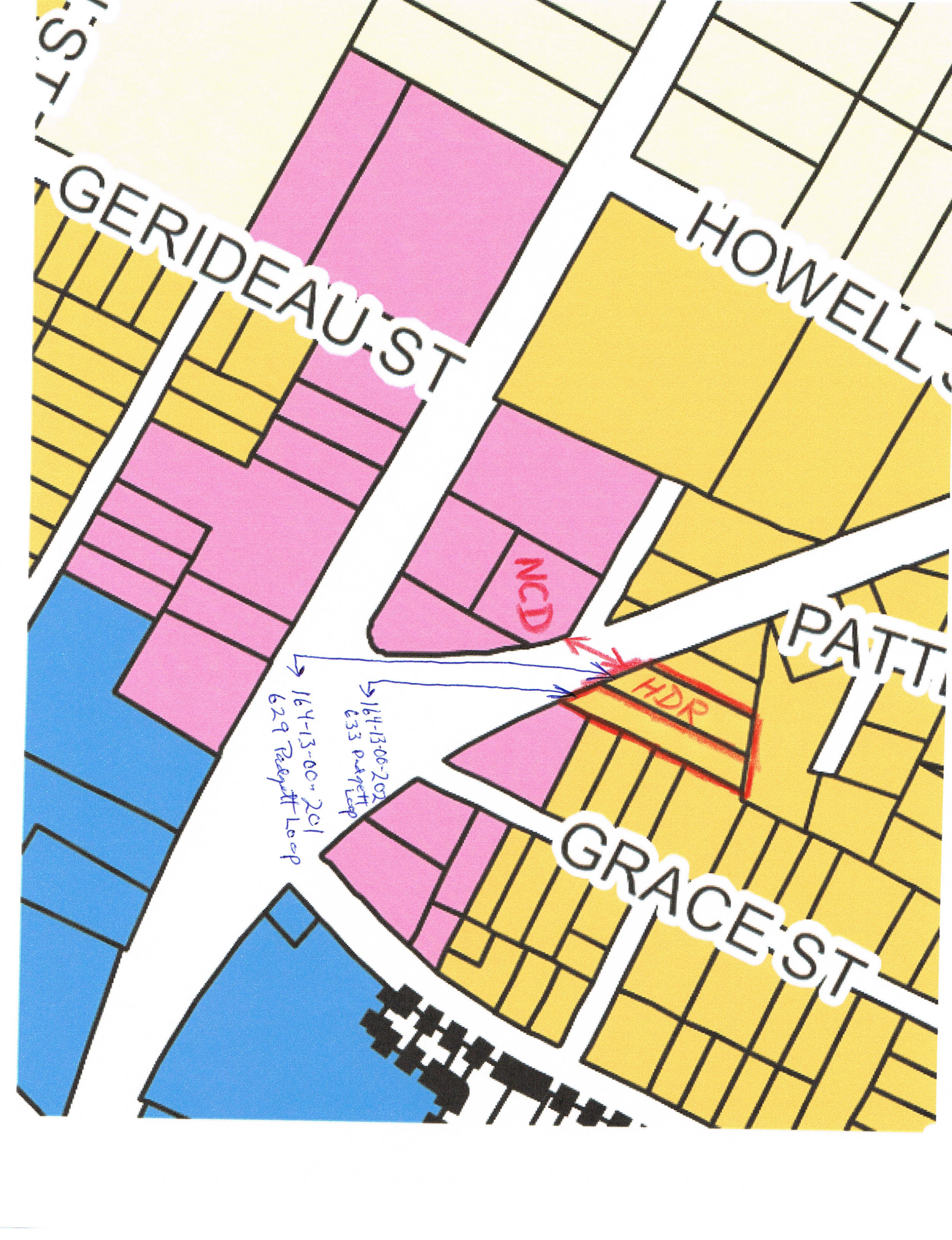
PATT

NCD

HDR

GRACE ST

↳ 164-13-00-201
 629 Redgiff Loop
 ↳ 164-13-06-202
 633 Parkett Loop



629 Padgett Loop



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Telephone: 843-549-2545

Fax: 843-549-9795

TDD Relay: 1-800-735-2905

City of Walterboro

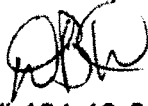
242 Hampton Street

Walterboro, South Carolina 29488

Mailing Address:

Post Office Box 709

Walterboro, South Carolina 29488-0008

To: Mayor and Council
From: David B. Dodd, Planning Director 
Subject: Recommendation to rezone TMS# 164-13-00-201 and 164-13-00-202, on Padgett Loop
Date: March, 05, 2013

The Municipal Planning Commission recommends an amendment to rezone the above referenced properties on Padgett Loop, from High-Density Residential (HDR) to Neighborhood Commercial District (NCD).

With, Wesley and Mary L. Pinckney's permission, the property owner's of 164-13-00-201 located at 629 Padgett Loop, the applicant, Takeshia L Pinckney, made a request to the Planning Commission to have the property rezoned with the intent of opening a beauty salon business. This zoning classification will not allow any uses that are measurably different or incompatible with the existing land uses of the adjacent property or other properties in the vicinity and the property is contiguous with the Neighborhood Commercial District (NCD) therefore eliminating any spot zoning concerns.

Public notice of the Planning Commission meeting was adequately advertised and conspicuous notice was posted on the property as is required. There was no opposition to the rezoning request and after discussion of the matter, the commission voted to recommend the rezoning to Neighborhood Commercial District (NCD). The Commission also recommends rezoning parcel number 164-13-00-202 located at 633 Padgett Loop to NCD as well due to compatibility with its adjoining NCD properties. The adjoining property owners have been notified of this rezoning recommendation.

CFDA No. 20.205
Highway Planning & Construction

Project No. SU15(003)
General Ledger: 2220
Activity Code: 671
Objective Code: 0703
PIN: 41626

**Financial Participation Agreement & Contract
Between
South Carolina Department of Transportation
And
City of Walterboro**

This Agreement executed on this _____ day of _____, 20__, covers the financial responsibilities of the South Carolina Department of Transportation (hereinafter "SCDOT"), and City of Walterboro, (hereinafter "PARTICIPANT") for the below described Project:

WITNESSETH THAT:

WHEREAS, the SCDOT is an agency of the State of South Carolina with the authority to enter into contracts necessary for the proper discharge of its functions and duties; and

WHEREAS, the PARTICIPANT is a body politic with all the rights and privileges of such including the power to contract as a necessary and incidental power to carry out the PARTICIPANT's functions covered under this Agreement;

NOW THEREFORE, in consideration of the several promises to be faithfully performed by the parties hereto as set forth herein, the SCDOT and PARTICIPANT do hereby agree as follows:

I. PROJECT DESCRIPTION:

The City of Walterboro Intersection Improvement Project/Systems Upgrade which is the subject of this Agreement and is generally described as follows: The project includes the installation of mast arms signal in lieu of standard SCDOT equipment at the following intersection: SC Route 64 (Bells Highway) and Road S-24 (Mount Carmel Road), Colleton County, South Carolina.

Exhibit A (attached hereto and specifically made a part of this Agreement) represents additional project details and a map depicting the project area.

The project as described above shall be referred hereinafter as "the Project."

II. SCDOT RESPONSIBILITIES:

The SCDOT will install signal within intersection improvement project.

The SCDOT will provide inspection services for the construction, including signal installation.

The SCDOT will pay eligible signal installation costs.

III. PARTICIPANTS RESPONSIBILITIES:

The PARTICIPANT will provide special provisions detailing type and color of pole, and any luminaire arm information and drawings.

The PARTICIPANT will be responsible for the required matching funds for costs associated with the “Design, Furnish, and Install Mast Arm” pay item and any and all costs associated with installing mast arms rather than steel strain poles, including additional conduits, boring or trenching costs, and one additional pedestrian pole. The PARTICIPANT will be responsible for any payments for open cuts required for installation of conduit.

IV. FUNDING:

- a. The estimated total costs of installing a Mast Arm signal in lieu of standard SCDOT equipment is \$98,250.00. The total cost shall include all allowable and allocable costs for the Project. The total cost shall also include costs for oversight and administration, including but not limited to, attending public hearing(s), project location, design, other engineering services, and inspection and testing performed by SCDOT in accordance with state and federal requirements.
- b. The SCDOT’s maximum share of the total cost of the Project is 80%, not to exceed the maximum amount of \$78,600.00 as authorized by the SCDOT Commission on December 1, 2011, from STIP Lowcountry COG Funds.
- c. The PARTICIPANT is responsible for the required matching funds (20% of the total costs for Mast Arm upgrade) under the SCDOT’s System Upgrade Guideshare Match and Use Program. SCDOT estimates the matching funds to be \$19,650.00.

Funding Sources	Amount	File#	PIN #	Project #
SCDOT/Federal	\$78,600.00	15.041626	41626_RD01	SU15(003)
PARTICIPANT	\$19,650.00			
TOTAL	\$98,250.00			

V. INVOICING/PAYMENT SCHEDULE:

- a. The PARTICIPANT's share of funding for the Project is estimated at \$19,650.00. SCDOT will invoice the PARTICIPANT based on this Agreement and an executed Charge Memorandum Document (3025A) prepared at the direction of the SCDOT Project manager. The charge memorandum will have the name and address of the party to be invoiced and the amount.
- b. An invoice in the amount of \$19,650.00 will be submitted by the SCDOT Accounting/Finance Office to the PARTICIPANT approximately 30 days after execution of this Agreement. No work on the Project shall begin until payment is received.

VI. GENERAL TERMS:

- a. PERIODIC REPORTS. The SCDOT Project Manager will periodically update the PARTICIPANT of the status of the Project and funds.
- b. COST UNDERRUN. In the event that total cost of the Project is less than originally estimated, SCDOT will refund any excess amount paid by the PARTICIPANT within thirty (30) days of the final completion and closure of the Project within SCDOT's accounting office. Refunds will not be unreasonably withheld, denied or delayed.
- c. COST OVERRUN. If it becomes apparent that the cost of the Project will exceed the funding available, the PARTICIPANT will be responsible for the 20% match cost of any overruns and SCDOT will be responsible for the remaining 80% overrun costs to complete the project. SCDOT will provide the PARTICIPANT notice prior to total expenditure of funding available and provide the estimate of funds needed to complete the Project. The PARTICIPANT shall remit to SCDOT within thirty (30) days of receipt of the notice the additional funds needed to complete the Project. No work will be completed beyond that covered by the available funds. If the PARTICIPANT does not have the additional funding needed to complete the Project, standard SCDOT signals and equipment will be installed.
- d. MAINTENANCE RESPONSIBILITY.

The PARTICIPANT shall be responsible for maintenance, repairs, and replacement of mast arms, all associated hardware in or on the mast arm, all conduit maintenance and replacements throughout the use of the mast arms at the signal location. SCDOT will operate and maintain the signal system (ie signal heads, pedestrian signals and all associated hardware) and repair and replace standard equipment as needed. Maintenance will follow the SCDOT's "Engineering Directive Memorandum (EDM) Number 33", SCDOT's "Mast Arm Specifications" and any modifications or amendments there to. Copies of the above requirements may be obtained from the SCDOT's Director of Traffic Engineering at SCDOT Headquarters, Columbia, South

Carolina. Once the Mast Arms are designed and installed, the PARTICIPANT shall complete the mast arm information form found on page 3 of EDM 33 and submit this form to the District Six SCDOT office.

- e. CONFORMITY LAWS. The parties hereto agree to conform to all SCDOT, State, Federal and local laws, rules, regulations and ordinances governing agreements or contracts relative to the acquisition, design, construction, maintenance and repair of roads and bridges, and other services covered under this Agreement.
- f. AMENDMENTS. The PARTICIPANT, or its authorized agent, shall agree to hold consultations with SCDOT as may be necessary with regard to the execution of supplements to this Agreement during the course of this Project for the purpose of resolving any items that may have been unintentionally omitted from this Agreement. Such supplemental agreements shall be subject to the approval and proper execution of the parties hereto. No amendment to this Agreement shall be effective or binding on any party hereto unless such amendment has been agreed to in writing by all parties hereto.
- g. REVIEWS/APPROVALS. Any and all reviews and approvals required of the parties herein shall not be unreasonably denied or withheld.
- h. TERMINATION. This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform, through no fault of the terminating party in accordance with the terms herein. The party so notified shall immediately stop work on the Project. This Agreement may also be terminated for convenience. If the services covered under this Agreement are not performed, this Agreement is then terminated. In the event of termination for convenience or for any reason each party to this Agreement is obligated on a quantum meruit basis. If the termination results in the Project not being eligible for federal participation, the PARTICIPANT will be totally responsible for all Project cost incurred prior to the termination on a quantum meruit basis.
- i. DISPUTES. All claims or disputes shall be filed with the Project manager and the parties will meet to attempt to resolve the dispute or claim. If unable to resolve the dispute with the project manager, the PARTICIPANT may appeal the claim or dispute to SCDOT's Division Deputy Director for Construction, Engineering and Planning. The decision of the SCDOT's Division Deputy Director for Construction, Engineering and Planning in the matter shall be final and conclusive for both Parties.
- j. FUTURE CONSTRUCTION PROJECTS. The PARTICIPANT acknowledges the SCDOT's resurfacing program and other construction programs do not account for the cost of protecting and/or replacement of enhancements. This cost is the sole responsibility of the PARTICIPANT. The SCDOT will notify the PARTICIPANT prior to resurfacing or construction and provide a time period for the PARTICIPANT to provide the additional funding for one of the following:
 - 1. The additional cost to protect the enhancement; or
 - 2. The cost for SCDOT to replace the enhancement.

Failure of the PARTICIPANT to provide the additional funding within the time period specified by the SCDOT will result in the SCDOT's milling and resurfacing the enhancement. The PARTICIPANT may replace the enhancement at the PARTICIPANT's expense after resurfacing by encroachment permit.

VII. CONSENT OF MUNICIPALITY:

Pursuant to the South Carolina Code of Laws Section 57-5-820, if applicable, the PARTICIPANT does hereby consent to the construction of the Project within its corporate limits. The forgoing consent shall be the sole approval necessary for SCDOT to complete the Project as described in this agreement, and constitutes a waiver of any and all other requirements with regard to the construction within the PARTICIPANT's corporate limits. If the PARTICIPANT is not a municipality and the Project is within the corporate limits of a municipality, the PARTICIPANT will obtain the required consent of the municipality.

VIII. SUCCESSORS AND ASSIGNS:

SCDOT and PARTICIPANT each binds itself, its successors, executors, administrators, and assigns to the other Party with respect to these requirements, and also agrees that neither party shall assign, sublet, or transfer its interest in the Agreement without the written consent of the other.

IX. ENTIRE AGREEMENT:

This Agreement with attached Exhibits and Certification constitutes the entire Agreement between the parties. The Agreement is to be interpreted under the laws of the State of South Carolina.

Intentionally Left Blank

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on their behalf

Signed, sealed and executed for the PARTICIPANT

CITY OF WALTERBORO

WITNESS:

By: _____
(Signature)

Title: _____

Fed. ID#: _____

Signed, sealed and executed for SCDOT

SOUTH CAROLINA DEPARTMENT OF
TRANSPORTATION

WITNESS:

By: _____
Deputy Secretary for Engineering or Designee

REVIEWED BY:

Deputy Secretary for Finance & Administration or
Designee

RECOMMENDED:

Title: _____

**EXHIBIT A
PROJECT DETAILS AND
PROJECT AREA MAP**

EXHIBIT A

Project Details

SIGNAL UPGRADE to include the Installation of Mast Arm Signalization in lieu of SCDOT Standard Signal facilities. In addition to the installation of mast arm poles, signal cabinet, controller, traffic signal heads, pedestrian signalization poles, and fiber-optic utilities will also be coordinated and installed.

This facility upgrade is part of the following intersection improvement / system upgrade project:

SC File: 15.041626

PIN: 41626_RD01

INTERSECTION IMPROVEMENT along SC Route 64 (Bells Highway) @ S-24 (Mount Carmel Road), to include a dedicated right-turn lane on S-24 for safety and movement improvements within the City limits of Walterboro, Colleton County.

Intersection Improvements (System Upgrade)

SC Route 64 (Bells Highway) / S-24 (Mount Carmel Road)

within the City limits of Walterboro

Colleton County

July, 2012

SC FILE: 15.041626 (PIN: 41626_PE01)

