

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, May 14, 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 City Attorney George Cone were also present. There were approximately 30 persons present in the audience.

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

At this point, the Mayor took a moment to thank and congratulate Mr. Bubba Trippe and the Rice Festival Committee for doing an outstanding job with our Rice Festival this year. He further stated that the festival just gets bigger and better every year. That entire committee does a great job and Mr. Trippe has been an outstanding chairman for the Rice Festival Committee. We really appreciate his efforts and all the enjoyment that his efforts provide for our citizens and the people throughout the region. Mayor Young also reminded everyone about the Antiques, History and Arts Festival which will be held this Saturday in Walterboro. It starts with the Jewels and Jeans Barbeque on Friday Night at the museum. We encourage everybody to attend.

The Mayor also reminded if you are an American Idol fan that tonight and tomorrow night the finals are being televised. If you have time, please vote for and support Candis Glover from Beaufort of St. Helena Island. She is outstanding, and Mayor Keyserling of Beaufort would appreciate your support on that.

PUBLIC INPUT ON AGENDA ITEMS:

No public comments were received on agenda items.

PROCLAMATIONS AND RESOLUTIONS:

1. Proclamation No. 2013-03, to Recognize Police Week in the City of Walterboro, designated nationally as the Week of May-12, 2013.

A motion was made by Council Member Peters, seconded by Council Member Lucas, to adopt Proclamation No. 2013-03 as submitted. The motion passed unanimously. The Mayor then read the proclamation in its entirety into the records. A copy of said proclamation is attached as part of these minutes.

2. Proclamation No. 2013-04, to Recognize the Colleton County High School Band of Blue Winter Guard.

Mayor Young then called to the podium to recognize the students present from the Colleton County High School Varsity Winter Guard, the Junior Varsity Winter Guard and the Colleton County Middle School Cadets Winter Guard, along with CCHS Band Director Mr. Tom Finigan and Color Guard Instructor Mr. Stacey Miller.

The Mayor read the proclamation in its entirety into the records and presented it to Colleton County Band Director, Mr. Tom Finigan. This proclamation is to recognize the accomplishments of the Colleton County High School Varsity Winter Guard who won the South Carolina Band Director Association Winter Ensemble State Championship in class 4A, the Colleton County Middle School "Cadet" Winter Guard, in their first time competing, who won the South Carolina Band Directors Association Winter Ensemble State Championship in the "Cadet" class, and the Junior Varsity Ensemble who received a bronze medal for its performance at the competitions.

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A motion to adopt Proclamation No. 2013-04 as submitted was made by Council Member Lucas, seconded by Council Member Buckner, and passed with all members voting in favor. A copy of said proclamation is attached as part of these minutes.

3. Resolution # 2013-R-04, to Support House Bills 3051 and 3052 to Address the Increase in Violent Crimes and to Make our Communities Safer.

A motion to adopt Resolution # 2013-R-04 as submitted was made by Council Member Lucas, and seconded by Council Member Lohr.

In discussing the motion, Council Member Buckner said, in an effort to address the issue of violent crime in the state of South Carolina, I think this Bill is a step in the right direction. I would, however, make a point that I believe that if a person is on a bond and they commit a crime, whether it is violent or not, their bond should be immediately revoked and that person should go back to jail. This Bill addresses that. It gives the Circuit Judge the ability to make that call, but it is not an automatic. So, I am going to support this house Bill, but I would like to see a tougher language in this Bill, wherein if you are out on a bond for a crime, and you commit a crime while you are out on a bond, then your bond is immediately revoked and you go back to jail.

Council Member Bonds stated that as it relates to House Bill 3052, which I believe involves guns, I have no problem with that and for the record as it relates to that particular resolution, I agree with it. As it relates to the House Bill 3051, which I believe deals with the bond issue, I have no problem with the first portion of the proposed Bill. However, as it relates to the second portion, I cannot support this Bill at all with that particular language in it. It provides that "if a person who is on a bond for a violent offense, if that person commits a subsequent general sessions' offense (a general sessions' offense could be anything from night hunting to stealing cable T.V.). It could be the smallest thing. Six months of time makes it a general sessions' offense; that means that once they are tried and convicted of that general sessions' offense, the subsequent, the small one, they would get a mandatory five years in jail, and I just can't support that. Also, the way this Bill is written, if someone who is accused of a crime, commits another crime, but the first crime is dismissed (he is found not guilty, he's innocent), the solicitor drops the charges. If someone goes night hunting, they get five years, and there is no discretion for the judge. I just think that this is a one size fits all, and I cannot support the House Bill 3051 as written.

The Mayor then said, it is probably worth noting that the Senate version of this Bill has already passed, and it passed with the 5-year mandatory sentence taken out. I suspect that in order for this to pass the House that it will also be taken out of this, but it will have to go to a conference committee and be worked out. But the senate version has passed. The Mayor then read the proclamation in its entirety into the records.

Council Member Bonds then asked if there was a way to bifurcate this resolution so that he could vote in favor of H.3052? I am just asking. I would love to vote in favor of H.3052. If it's attached to both H.3051 and H.3052, I am not in a position to vote that way. I was just wondering if we could just bifurcate it?

Mayor Young then asked for further clarification of the terms "violent offences" and "night hunting" as it relates to this resolution. Mr. Bonds answered, if you are asking me what it says, in the first subsection, if you are charged with a violent crime which is 16160, but if you go down to the second part, it says if you are convicted of committing or attempting to commit a subsequent general sessions or court offense, it's by release on bond. So, what they do is they don't restrict it to a violent offense. I don't want to take any more time, other than if we could make a motion to simply bifurcate H.3051 and H.3052.

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Council Member Bonds then amended the motion to vote on H.3051 and H.3052 separately? Council Member Siegel seconded the motion. The motion to approve the amendment to the motion then passed unanimously.

The Mayor then asked the City Attorney if Council would need to change the motion to vote on these separately or since we now have an amendment, do we go ahead and vote on them separately? Attorney Cone responded, you would just vote on them separately. Attorney Cone further stated, I don't know what wording of the amendment of the Resolution you are going to vote on, but as appropriately worded by the City Manager to endorse that act. Council Member Bonds agreed.

Council Member Lucas then asked, could we vote on it with recommended changes to it, saying that it should be "violent crime only?" The Mayor then stated, I think the idea is to support legislation that's going to do this. I think that when it works its way through the State House, I don't believe it's going to pass like it is. They are not going to allow that, I don't believe. But if you are worried about them thinking we support it as is, then that would be something to address.

Councilman Bonds then stated, I am not trying to be difficult, but I am ready to vote in favor of H.3052, but I just can't vote in favor of H.3051 as it exists right now.

Mayor Young then asked the City Manager if he could do two separate resolutions? He then asked for the vote on H.3051. In discussing the motion, Council Member Bonds clarified that the Bill he objects to is H.3051, which deals with the 5-year mandatory minimum, no part of which may be granted probation or suspended. It takes away any discretion from the judge. H.3052 is the bill about guns, which I think is quite appropriate.

The motion to adopt H.3051 failed with a vote of 3/4, with Mayor Young, Council Members Buckner and Lucas voting in favor and Council Members Siegel, Bonds, Peters and Lohr voting against the motion for adoption.

The Mayor then called for the vote on H.3052. The motion to adopt the Resolution in support of H.3052 passed unanimously. A copy of this resolution is attached as part of these minutes.

The Mayor then asked if the City Manager brings back a resolution which deletes the 5-year sentence, could that be brought back before Council? Council Bonds agreed. Council Member Siegel then stated, the issue is not the 5-year sentence, but the characterization of a general session offense, which is too general. Council Member Bonds answered, actually it's both. I think the fact that it is a general session's offense and it talks about violence early on. You see it's general sessions, which could be almost any offense and I am worried about somebody who again is presumed innocent, and let's assume the charges are dropped. The solicitor throws out charges and arrest eleven people, those charges are dropped, somebody ends up going hunting too late at night and if convicted of that, then they have a 5-year sentence hanging over their heads, none of which can be suspended. The fact that the judge has no discretion, and the fact that it's a mandatory minimum for any general session offense is my concern. Council Member Siegel agreed.

Mayor Young then stated, I think the intent was to get violent offenders and the way it's worded may encompass more than just the violent offender. Maybe, we can do a resolution to reword it, or maybe we can wait and see how it works its way through the house.

City Attorney then stated, as I understood it, you voted unanimously to do a resolution endorsing H.3052 and a Resolution to endorse H.3051, which fails with 3 votes in favor. Mayor and Council agreed that this was correct.

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City Manager Lord then said, if Council is interested we could do a Resolution encouraging them to mirror the Senate Bill language which does not have that 5-year language in it. Council Member Bonds agreed and asked if he could look at that. City Manager Lord agreed to provide a copy to Mr. Bonds.

APPROVAL OF THE MINUTES:

The Minutes of the March 25, 2013 Special Called Meeting were approved as submitted on the motion of Council Member Lucas, seconded by Council Member Siegel and passed unanimously.

OLD BUSINESS:

There was no Old Business before Council.

NEW BUSINESS:

1. Consideration of a Name Change to Doodle Hill Park to Shaniyah Burden Memorial Park

Mr. Wayne Bennett of SC Department of Juvenile Justice appeared before Council with a request to rename the Doodle Hill Park to the "Shaniyah Burden Memorial Park." He informed Council that a meeting was held with the Department of Juvenile Justice TASC Job Readiness for Teens on May 14, along with others in the community. He reported that all the members there voted unanimously to approve this name change.

Council Member Lohr commended Mr. Bennett for all the work he did with this name change request. Mr. Lohr agreed that this was a good start in changing images, which sometimes, of course, are extremely important.

A motion was then made by Council Member Lohr to approve the name change of Doodle Hill Park as presented. Council Member Buckner seconded the motion. In discussing the motion, Council Member Buckner also expressed his support of the name change. He said, this is a great opportunity to have a new beginning with a new name, so that we never forget what happened. He thanked Mr. Bennett for taking the leadership in getting this done. The residents of that area will appreciate the renovation of a new park and the new change of the name of the park.

A this point, Mr. Lohr requested that the City Manager send a letter to the youth through Mr. Bennett, because that is where the idea originated.

Council Member Siegel then said, I know we have used grant funding to improve our parks, but did we ever use the name of the Doodle Hill Park in the bond issue for the improvement of these various parks? I just want to make sure that we don't run a foul on any identifying issues. Mr. Lord responded that there was no grant funding in the current approval. If there were funding used beforehand, I will have to research that. Mr. Siegel then stated that he is wholeheartedly in favor of the name change, but that he did not want the City to create some technical confusion regarding the use of those funds, if it were a condition.

The motion to change the name of Doodle Hill Park to the Shaniyah Burden Memorial Park then passed with all members voting in favor.

Mr. Bennett reminded Council that there is a name plaque in front of Pinckney Park. He asked if the City would also place a name plaque in front of the Shaniyah Burden Memorial Park. Mayor Young stated, we will be addressing the ribbon cuttings and dedications of the parks, when we get them completed. That will be something for us to look at during that time.

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2. **Consideration of Parade Request by Mr. Horace Simmons, Action Line Against Violence**

A motion was made by Council Member Peters, seconded by Council Member Buckner to approve the Parade Permit request as submitted by Action Line Against Violence for June 29, 2013. In discussing the motion, Attorney Cone asked how long would the parade last? Mr. Simmons answered that the parade will start about 9:00 A.M. and should be over around 10:00 A.M. The motion passed with all members voting in favor.

COMMITTEE REPORTS:

There was no Committee Reports given.

EXECUTIVE SESSION:

The Mayor then entertained a motion to enter an Executive Session. Council Member Bonds So Moved. Council Member Lohr seconded the motion. The motion passed unanimously. The Mayor then announced that the meeting would convene into an Executive Session for receipt of legal advice.

The meeting then entered into Executive Session.

The Meeting returned to Open Session with no action taken as a result of the Executive Session.

There being no further business to consider, a motion to adjourn was made by Council Member Lucas, seconded by Council Member Lohr and passed unanimously. The Mayor adjourned the meeting at 7:15 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

APPROVED: July 9, 2013