

MINUTES

A Public Hearing and Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, November 13, 2012 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, and Bobby Bonds. City Manager Jeff Lord, City Clerk Betty Hudson and City Attorney George Cone, were also present. Council Member Thomas Lohr was absent. There were 8 persons present in the audience. The Mayor also recognized that Jimmy Syfrett, who serves on one of our committees, was also present at the meeting.

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

PUBLIC INPUT ON AGENDA ITEMS:

No public comments were given on agenda items, however, former Mayor Charlie Sweat invited the public to attend the Annual Christmas Parade on Sunday, December 2, at 6:00 P.M., after the Christmas Tree Lighting Ceremony to be held at 5:00 P.M. The Grand Marshall for this year's parade will be former City Councilman Ted Parker.

Mr. Jimmy Syfrett congratulated City Council on the ordinance to be adopted tonight # 2012-17, regarding providing a preference for local vendors. He said, I think that is a really good idea to show city residents that you do want to keep the "Bucks in the Boro." Thanks for what you are doing for the City in helping it to grow.

PUBLIC HEARING:

The Mayor then opened a public hearing to receive comments on two proposed ordinances, duly advertised:

1. Ordinance # 2012-16, An Ordinance Amending the Business License Ordinance Provisions for Insurance Companies.
2. Ordinance # 2012-17, An Ordinance to Amend the Code of Ordinances of the City of Walterboro, So As to Clarify and Strengthen the Ordinance as Related to Procurement Procedures So As to Provide for a Local Preference in the Evaluation of Bids, Proposals, and Qualifications.

No comments or questions were received from the public, and the public hearing was closed. The regular meeting began.

APPROVAL OF MINUTES:

The Minutes of the September 25, 2012 Regular Meeting were approved as submitted on the motion of Council Member Peters, seconded by Council Member Lucas and passed with all members in favor, except Council Member Lohr was absent and did not vote.

OLD BUSINESS:

There was no Old Business before Council.

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NEW BUSINESS:

- 1. Ordinance # 2012-16, An Ordinance Amending the Business License Ordinance Provisions for Insurance Companies, **Second Reading and Adoption.****

A motion was made by Council Member Peters giving Second Reading and Adoption to Ordinance # 2012-16. Council Member Bonds seconded the motion. In discussing the motion City Manager Lord reminded Council that changes in federal law transferred responsibility for collecting the local percentage 4% of business licenses from insurance companies to the state. This changes our business license ordinance to meet those changes. Last time you heard the first reading and you also approved the contact from the Municipal Association, which now receives the money from the state to do this.

The motion then passed with all members voting in favor, except Council Member Lohr was absent and did not vote. A copy of a contract agreement between the City and the Municipal Association of SC, approved as part of this Ordinance for collection of these taxes, is also attached and made a part of these minutes.

- 2. Ordinance # 2012-17, An Ordinance to Amend the Code of Ordinances of the City of Walterboro, So As to Clarify and Strengthen the Ordinance as Related to Procurement Procedures, So As to Provide for a Local Preference in the Evaluation of Bids, Proposals, and Qualifications, **Second Reading and Adoption.****

A motion was made by Council Member Lucas, seconded by Council Member Siegel giving Second Reading and Adoption to Ordinance # 2012-17.

In discussing the motion, Council Member Buckner reminded Council that on First Reading of this ordinance, he had expressed concern about extending this provision to allow for a preference for women and minority owned businesses. We are here now on second reading, and I am going to support this ordinance, because I do believe we should have a local preference for vendors. However, I do think we have not gone the next step to protect the women and minority owned businesses, which have been historically discriminated against in terms of government contracts. So, I am disappointed that we didn't take it to the next step, but this is a step in the right direction. It is my hope that Council will continue to explore a preference for women and minority owned businesses, so that we can make sure that they too have a level playing field in being awarded government contracts.

Council Member Lucas then asked for clarification. He asked, if a City and a County are both within 5% of the low bid, explain how this would be handled? Does it go to the lowest one?

City Manager Lord confirmed that the bid would go to the lowest one. He also stated, for the 5% example, it would be 5% for the City and 4% for the County. The County has to still beat the City by another percentage point. If there is a tie between local vendors, the award would be determined by a lottery. Council Member Lucas then asked, can't we change that so if there is a tie that the award goes to the City? City Manager Lord said, that would be a rare situation for a tie. It would have to be a to-the-penny tie. So, I would expect that not to ever happen. It has never happened in the past.

Council Member Peters then asked the City Attorney, since I will be participating in the bids as a business owner here, can I vote in this matter or do I have to recuse?

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City Attorney Cone answered, I think you can vote on this particular matter even though you make bids on the contracts with the City, but you could not vote on any particular contract where this system is in force. I believe that you should be able to vote.

The motion to adopt Ordinance # 2012-17 then passed with all members voting in favor, except Council Member Lohr was absent and did not vote.

3. Consideration of Bids Received for the Birch Street Lift Station Improvement Project.

Utilities Director Wayne Crosby told Council that seven bids were received for improvements to be made to the Birch Street Pump Station. The bids received were as follows:

McClam & Associates, Little Mountain, SC	\$85,950.00
Tri County Utilities, Pacolet Mills, SC	\$89,800.00
MJL, Inc., Moncks Corner, SC	\$93,201.00
Green Construction Co., Summerville, SC	\$123,000.00
Anson Construction, Ravenel, SC	\$130,000.00
Wateree Construction, Sumter, SC	\$135,063.00
James F. Pederson, Hollywood, SC	\$147,934.80

Mr. Crosby reported that the low bidder was McClam & Associates, Inc. from Little Mountain, SC. During our investigation of this company, they seem to have a good reputation and they seem to provide everything that they would need in order to accomplish this job. Mr. Crosby recommended acceptance of the low bid at \$85,950.00.

A motion was made by Council Member Lucas to accept the low bid of \$85,950 by McClam & Associates. Council Member Peters seconded the motion. Council Member Peters asked what is the location of the Birch Street Pump Station? Mr. Crosby responded that the pump station is located on the bypass. You can actually see the pump station as you are driving on the new section of the bypass, just before Rivers Street. The motion then passed with all members voting in favor, except Council Member Lohr was absent and did not vote.

4. Consideration for Bids Received for the Doodle Hill Demolition and Cleanup Project

Mr. David Dodd told Council that the City accepted bids for the demolition and cleanup of the Doodle Hill Project Area. The low bid was submitted by Target Contractors for \$154,421.00.

The bids received were as follows:

Abdella Services	\$290,112.00
BES Engineering	\$266,465.00
International Public Works	\$165,677.85
Target Contractors	\$154,421.00

A motion was made by Council Member Bonds, seconded by Council Member Siegel to accept the low bid of \$154,421.00 from Target Contractors for the Doodle Hill Demolition and Cleanup Project. In discussing the motion, Council Member Buckner asked for the names of the other bidders on the list. He asked if the BES Engineering firm was the same firm we are using for the parks? He also asked if they were a local bidder? Mr. Dodd responded that the firm is a local bidder, but their bid is way above

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any 5% to be considered. City Manager Lord also pointed out that since this involves grant money, we would need to accept the low bidder.

Council Member Lucas noted that there is a meat packing plant on Rivers Street which is also included in the demolition project. He stated, I cannot support this because that building is occupied with the owner's property, and he still uses it as a storage building. I won't vote to tear down something someone is still using.

Council Member Peters then asked what is he using the building for? City Manager Lord pointed out if he is actively using it for storage, he is using it illegally. I know he has been trying to work on it, but it's been several years and it (the building) hasn't come to code yet. If between now and the time we can get to it, he can bring it to code or bring somebody in who wants to do something with the building, it won't be demolished. It's still condemned property and will need to come down. Mayor Young added, and we have a deadline on the funding sources we have to accomplish the demolition, so it makes this a time sensitive matter.

The motion to approve the low bid from Target Contractors for the demolition and cleanup project then passed with a vote of 5/1 with Mayor Young and Council Members Siegel, Peters, Buckner and Bonds voting in favor and Council Member Lucas voting against the motion for adoption. Council Member Lohr was absent and did not vote.

5. Certification of November 6, 2012 Municipal Referendum Results (Resolution # 2012-R-07)

City Manager Lord reported on the Municipal Referendum Results held November 6, 2012 on the following question:

"Shall the South Carolina Department of Revenue be authorized to issue temporary permits in the City of Walterboro for a period not to exceed twenty-four hours to allow the possessing, sale and consumption of alcoholic liquors by the drink to bona fide nonprofit organizations and business establishments authorized to be licensed for consumption-on-premises sales and to allow the sale of beer and wine at permitted off-premises locations without regard to the days or hours of sales?"

The voting results were as follows:

	<u>Votes</u>
Yes	1,372
No	686

The referendum was adopted and certified by the County Election Commission and the Municipal Election Commission.

City Attorney Cone reminded Council that the ordinance contained an effective date, which is December 1, 2012, to allow time for the administrative portion of it.

A motion was made by Council Member Peters, seconded by Council Member Bonds to adopt Resolution No. 2012-R-07, certifying and ratifying the November 6, 2012 Municipal Referendum Results.

In discussing the motion, Council Member Buckner asked what would be the fee for restaurants to sell alcoholic beverages. Mayor Young noted that this information was sent out earlier to all Council Members. City Manager Lord said he was not sure, but believed the fee was around \$1,200. Mr. Buckner asked if the City would get any of this revenue? Mr. Lord responded, that the state would set the amount, collect it and then would distribute the revenue to the City. Mr. Buckner asked if the City had

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a projected amount for this revenue? Mr. Lord responded that the City would not know these amounts until after the first of the year.

Council Member Buckner then stated, this was a hard decision to make, but the people of Walterboro have spoken. They have told us they would like to have the option of being able to buy beer, wine and alcohol on Sundays. My hope is that we can continue to utilize this in our economic development efforts in recruiting restaurants that may have not wanted to come to Walterboro because of the prohibition against Sunday sales. Now, since that prohibition is lifted, it is my hope that we will continue to drink responsibly. To those people who voted against it, we heard your voice and your concern, and we will do everything to respect the vote against the alcohol sales as well.

No further discussion was held and the motion to approve Resolution # 2012-R-07 passed unanimously, except Council Member Lohr was absent and did not vote. A copy of said Resolution is attached as part of these minutes.

COMMITTEE REPORTS:

There were no Committee Reports given.

EXECUTIVE SESSION:

A motion to enter an Executive Session was then made by Council Member Buckner, seconded by Council Member Lucas and passed unanimously. The Mayor announced that the meeting will convene into an Executive Session for receipt of legal advice.

The meeting then entered into an Executive Session.

The meeting returned to Open Session, and Council Member Lucas stated, I'd like to bring up something for thought. Someone presented it to me and I feel it's a good idea to come up with a name for the downtown area, other than the Old Main Street or the Old Downtown, whether or not we could use the Washington Street Plaza or Red Rocker, etc. This would be something to use for advertising.

There being no further business to consider, a motion to adjourn the meeting was made by Council Member Bonds, seconded by Council Member Lucas and passed unanimously. The meeting adjourned 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: January 8, 2013