

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, September 27, 2011 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 15 persons present in the audience.

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

The Mayor pointed out that the City of Walterboro has been fortunate to be in the Municipal Association's magazine, entitled "The Uptown." The City has been in this magazine a couple of times lately. A couple of months ago, there was an article called "From Crisis to Opportunity, and this latest article is about "Business Friendly Cities," and it talks about Walterboro and our Economic Development Coordinator Hank Amundson, and particularly about our "Keep your Bucks in the Boro Program." We are glad to have that recognition.

PUBLIC INPUT ON AGENDA ITEMS:

No public comments were given on the agenda items.

PRESENTATION:

1. Public Safety Report on Crime and Police Activity Report, by City Manager Jeff Lord

City Manager Jeff Lord gave the following highlights in his public safety report on crime and police activity report.

- 1) Every year the FBI release crime statistics on every jurisdiction, and it is based on information that is passed up whenever tickets are issued or warrants are signed. The state then reviews them and that gets passed on to the FBI. They crunch those numbers to make sure that what's considered a crime in one jurisdiction is the same kind of crime . . . so it's apples to apples, and 9 months later we get a report. From this report, we can see where we stand in relation to what we had before and where we are going. They break down the report into two categories - violent crime and property crime.
- 2) Within violent crime is murder, rape and aggravated assault. Within property crime is burglary, larceny theft and motor vehicle theft. They also list arson but it is not added to the totals for property crime.
- 3) This report, which is available on our website, is a brief description of the trends we have seen over the past 10 years. It is a discussion about what activities the Safety Department has been doing, and where these trends are headed.
- 4) We talk about in this report what is projected to happen this year. That is based on data through August. So, we are through 75% of the year and so we just did a linear projection for 75% of the year. Let's divide that number by .75, then we'll know generally where we should be.

Violent Crimes

Violent crime was relatively level in the city for the first few years of the decade. It hovered between 68 and 77 incidents a year. That began to climb in 2006 and reached

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its peak in 2007. In 2008, the Public Safety Department of the city charted to do a community policing program. The purpose of the community policing program is to engage the community at multiple levels and build trust and get communication between the community and the police, so that we can help prevent crime and solve crime. There was an immediate decrease in violent crime in 2008, in the first year that this program was implemented. There was a slight 2.06 percent increase in 2009, this was when we had the triple homicide, and we were also dealing with reciprocal gang type violence at that same time period. After 2009 City Council put together several initiatives, which came to be known as the 10-point plan, which built upon the community policing philosophy, engaged other agencies, and partnered with other levels of government. So, violent crime dropped 30% (83 reported incidents) from 2009 to 2010, and it is projected to drop significantly again this year. We are projecting that we have another significant improvement when this report comes out next year.

Property Crime

Property crime has had a similar, but a little lag in its trend. As you can see, it was really high in 2002, which was primarily due to larceny thefts, but it dropped down in 2003 and 2004. It started to rise in 2006 and 2007 and remained stable, but high between 2006 and 2010. In that time it hovered between 603 and 665 incidents. We are however, seeing a really large improvement this year from 2010 to 2011 because of the number of incidents we've had reported thus far. If this holds, we would see probably the lowest property crime rate since 2004. So, obviously that's a trend in the right direction.

Aggravated Assaults

In 2009, 94 assaults were reported. This was during the time when the triple homicide occurred and we were dealing with reciprocal violence. Sixty (60) assaults occurred. There was a 36% reduction of Aggravated Assaults in 2010 primarily due to aggressive enforcement, community involvement and several key arrests. In 2011, 21 aggravated assaults have incurred to date (8/30/11), which indicates better than a 50% reduction possible for 2011.

Some things that have been done to address this are:

- 1) Repairing street lights.
- 2) Police Department has been working with SLED. They have a gang.net program.
- 3) Performing club checks and standing by until the clubs are closed and everyone has left the property.
- 4) We have met with property owners and businesses to stop allowing loitering.
- 5) Effective communication with the Colleton County Sheriff's Office, as well as assisting when they are dealing with investigative support issues; meeting with the judge during bond hearings to insure that the bonds for suspects are set appropriately; meetings with the Solicitors Office to insure that cases are complete and ready to be prosecuted in a timely manner.
- 6) We have been following up with victims and suspects to diffuse any situations that may lead to revenge by identifying and monitoring known criminal suspects and the areas which they frequent through patrols and other investigative techniques.

Burglary

In 2009, 113 burglaries occurred. In 2010, there were 189 burglaries. In 2011 (January through August) 81 burglaries have occurred to date, a trend which may lead to a 40% reduction.

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The primary reason that 2010 burglaries increased was because there was a rash of these in the downtown area. A juvenile was arrested and is currently serving time for this. He was actually caught in the action by the officers. This has gone down significantly this year. We are anticipating that we will be below the 2009 level. Even with this significant reduction, the rate of burglaries remains above seven over the last 9 years.

We have been doing things like setting up neighborhood watch groups. We created a Street Crimes Unit where patterns are recognized and the unit has the flexibility to react appropriately in a certain area, but they are also there to handle special investigatory needs. If we see a trend, they can go there, help patrol and they can investigate the trend as well. Another thing we have been doing is really trying to communicate with the community, advising homeowners if they are away, we do property checks. We communicate with businesses that we do business checks as well. In addition, we have been doing field interviews, which helps deter someone from breaking into a home or business because they have been identified.

Robberies

In 2009, 15 robberies occurred. In 2010, there was a slight increase to 18 robberies. In 2011, to date, we have had 8 robberies, which may lead to the lowest level in more than 10 years.

Drugs

In 2009, there were 91 drug cases made. In 2010, there were 135 drug cases made; which is an increase of 44 cases. This increase is primarily due to the focus on drug crimes as, unlike other crimes, drug cases tend to be initiated by the agency due to proactive investigations. In 2011, 77 drug cases have been made to date, an apparent decrease which may be due to successful interdiction in the prior year.

Larcenies

In 2009, there were 500 thefts. In 2010, it dropped by 10% to 448 thefts. To date in 2011, there have been 251 thefts. At this rate we may see another 20% or better decrease.

In conclusion, Mr. Lord discussed briefly the programs that Walterboro Public Safety is using to help fight crime.

Council Member Dwayne Buckner then commented to the City Manager and Chief of Police. He stated, this is an excellent job. I know a lot of hard work went into getting these numbers turned in the opposite direction, and I want to commend the staff on what you have done to make Walterboro safer in initiating the 10-point plan that we passed and also just being persistent at it. The numbers speak for themselves, and I just want to personally say thank you to the City Manager and to the Chief for a job well done. I am very pleased with these results and the report you have put together.

APPROVAL OF THE MINUTES:

Upon motion by Council Member Buckner, seconded by Council Member Lucas, the Minutes of the September 13, 2011 Regular Meeting were approved as submitted with all members voting in favor.

OLD BUSINESS:

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There was no Old Business before Council.

NEW BUSINESS:

1. Appointment of City Judge, Associate City Judges and City Attorney

A motion was made by Council Member Randy Peters, seconded by Council Member Lucas, to reappoint Ray Woodard as City Judge, Pete Constantine and Morrison Payne as Associate City Judges.

Council Member Bobby Bonds then stated, I am going to recuse myself as it relates to voting for the Municipal Judge, Associate Judge and the City Attorney based on the fact that my law partner may from time to time appear in front of them. I don't know if there is a conflict, but to avoid any appearance of impropriety, I will recuse myself from voting on this.

In discussing the motion, Council Member Peters stated that he wanted it to be publicly known that these were the only people who applied for these positions. City Manager Lord corrected that he did not advertise for the judge, we never do. We did advertise for the City Attorney. Council Member Peters then stated, I just wanted to be clear because we have been accused in the past of just passing it on year to year without consideration of any other law firm, but that is not the case here.

Council Member Siegel then stated, I would probably join Mr. Bonds in recusing myself on the issue of the judges, but not the City Attorney. I have no conflict in voting on that. I do practice in the city court from time to time.

Mayor Young then asked, do we need to have a motion to address these appointments one at a time? Councilman Bonds stated, I personally would appreciate that. That will allow me to vote as it relates to the City Attorney.

Council Member Peters then amended his motion to reappoint Ray Woodard as the Municipal Judge, Pete Constantine and Morrison Payne as Associate Judges. Council Member Lucas seconded the motion. In discussing the amended motion, Council Member Buckner then recused himself as well on this vote for the same reasons as his colleagues have stated.

The motion to appoint Ray Woodard as Municipal Judge and Pete Constantine and Morrison Payne as Associate Judges passed with a vote of 4/0, with Mayor Young, Council Member Lucas, Peters and Lohr voting in favor. Council Members Buckner, Siegel and Bonds recused themselves from voting due to a potential conflict of interest.

A motion was made by Council Member Lucas, seconded by Council Member Siegel to appoint George Cone as City Attorney. The motion passed with all members voting in favor.

2. Request by USC-Salkehatchie and Western Carolina Higher Education Commission to Install Decorative Lighting Poles on Strickland and Charles Street

City Manager Lord explained that USC Salkehatchie would like to install decorative poles along Charles and Strickland Streets. These are the two streets that bound them on either side, perpendicular to Hampton Street. They talked to SCE&G about the poles and during that conversation they wanted to bring the City in on this to help pay for it. SCE&G has, what is called a non-standard fund. It's one-half of one percent of the franchise fee that they have to owe for projects like this. It holds for

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five years and on the fifth year it rolls off it is not used. Right now, it's generating about \$20,000 - \$22,000. We have no current plan for use of this money this year. We are planning on using the balance of it in the future for the lighting of the loop project. So, what this would do, it would authorize us to apply to SCE&G to use it. Salkehatchie would provide the required 50% match, because it is a 50/50 match fund. Then, once it is done, the poles would belong to the city, and Salkehatchie would pay the power bill, but if the lights go out, we would have to have them repaired. They would belong to us.

A motion was made by Council Member Siegel, seconded by Council Member Bonds, to approve the installation of decorative lighting poles on Strickland and Charles Street. In discussing the motion, Council Member Buckner asked the City Manager to clarify the responsibility of the City. City Manager Lord explained that the polls would belong to the city, so if a bulb goes out or need to be replaced, we will have to replace the bulb. If they are damaged in any way, then we would be the one to replace them. Of course, our insurance would cover that. It's just like our poles downtown. Actually for the poles downtown, we are responsible for them and we pay the power bills.

Councilman Buckner then asked a question in regard to the style of the poles. He asked, is this the kind of pole we already have throughout the city? City Manager Lord responded, what we have here downtown is a very, very expensive model. I believe they chose their specific type pole because it matches the ones they already have at their Allendale Campus.

Mayor Young then clarified, when they said that the city would own and maintain the lights, they don't mean that we will pay the electric bill. It is my understanding, too, that about \$20,000 of our funds in that SCE&G fund money would expire, and we would not be able to use it, if we don't use it.

Council Member Siegel then asked if the city would lose funds for lack of use in this fiscal year as it relates to this particular account. City Manager Lord responded, I think they are asking for \$20,000 and I think there is about \$22,000 that we are getting to use. Remember, there is a 50% match, so we have come up with something. Mainly this is going to be for decorative lighting and underground wiring. As part of the I-95 loop project, it was anticipated that this fund would be used to help pay for the decorative lighting for the loop. So, there will be some loss here, but less would be lost.

The motion then passed unanimously.

3. Recommendation to Award Engineering Services Contract for Jackson Street Pump Station Upgrade Project

Utilities Director Wayne Crosby told Council that in April the City applied through SC Department of Commerce, and received a grant for \$340,900. Council accepted that grant on August 28th. This grant is intended for the rehabilitation of the Jackson Street Pump Station. This pump station was built in 1977. We are required according to the terms of the contract to send out an RFP for engineering services, and to utilize our program income funds to pay for our 10% match.

We received proposals from 6 firms which were evaluated by the City Manager, Public Works Director Charlie Chewing and me, according to six criteria which reflect the requirements of the grant and our procurement code.

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The results of the Project Proposal Summary Sheet showed the ranking of the firms as follows:

	<u>Totals</u>	<u>Ranking</u>
URS/BP Barber	286	1
Thomas & Hutton	248	2
Dunn & Associates Eng. Inc.	240	3
Carter and Slope, Inc.	214	4
Weston & Sampson	212	5
Samuel Bethay, PERLS	207	6

Mr. Crosby recommended that Council accept the proposal of URS/BP Barber as it was determined that they were the most qualified firm. URS/BP Barber submitted a proposal to perform the engineering design services for a sum not to exceed \$23,150 and the observation of construction services not to exceed \$14,000. Mr. Crosby recommended that Council approve URS/BP Barber as the most qualified firm and authorize the execution of a Task Order from their proposal.

A motion was made by Council Member Lucas, seconded by Council Member Bonds, to award the engineering services contract as recommended for the Jackson Street Pump Station Upgrade Project to URS/BP Barber.

Council Member Buckner then stated that since he has been on this Council, I think we have used BP Barber probably 99.9% of every engineering type contract. I understand we have a relationship and it's good working with the same folks. My concern is that we keep using this one particular engineering firm just about for everything. I know they are doing a good job, but it just seems to suggest to me that maybe we need to look at some other firms. My concern is that we are using the same firm over and over and over again. What was the dollar amounts in the proposals submitted by the other five engineering firms that submitted bids?

City Manager Lord responded that URS/BP Barber was the third least expensive firm. The other ones which were less expensive were listed on the sheet as we ranked them. We evaluated their experience and their knowledge of the system. So, given the knowledge that BP Barber has is the reason we use them, because they are good and do a very good job. They do know what they are doing and have demonstrated that in the past, not just with us, but with projects all over South Carolina. We ranked them higher for that reason.

Council Member Peters then stated that Sam Bethay is a local firm. He asked what consideration was given to this local firm and what was his price? City Manager Lord responded that this firm had the lowest price. He stated, as you can see from the ranking, there were other considerations which are more important. This scale comes from the grant program. You cannot consider money as the primary indicator, it has to be secondary only. You must consider the other factors such as demonstrated experience.

Utilities Director Wayne Crosby pointed out that even though the firm of Sam Bethay was experienced, he did not have the qualifications that BP Barber and the others have. However, he has been in contact with BP Barber and has offered his services to do the observation, and I think that they will negotiate something in the future. We did talk extensively with Sam Bethay. He does not have the resources because he works individually, out of his home. While we would have loved to have dealt with him, he does not have the contacts and was admittedly less qualified. He is eager to have something to do, and again we referred him to BP Barber, who may be able to negotiate something out of this.

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Council Member Peters then stated, Mr. Mayor I want you to know that I was not criticizing our staff for the job they do, but we are significantly pushing the Bucks in the Boro and trying to keep money local, and I know that Sam Bethay is a local firm and that is the reason why I asked the question. Mr. Wayne Crosby told Council that Sam Bethay is working on some local projects now and is a great engineer, and we have had great success with him. But on this particular kind of project, again he admits he's not as qualified as some of the others are.

The motion then passed with a vote of 6/1, with Mayor Young, Council Members Siegel, Lucas, Peters, Lohr and Bonds voting in favor and Council Member Buckner voting against the motion for adoption.

4. Recommendation to Award Bid for Construction of a Fire Training Tower for Public Safety Department

City Manager Lord pointed out that this is a budgeted item. It's one of those things we are planning to accomplish to address ISO, because we are looking for ISO re-certification in the near future. One of the things we need is a fire training facility, which is a fire tower. It has to be four stories and it has to have different features. We received six bids as follows:

Southside Containers	\$ 59,971.60
Peterson Murphy	\$249,840.00
Fire Facilities	\$271,244.00
American Fire Training Systems	\$204,775.00
WHP Training Towers	\$278,885.00
FireBlast 451	\$465,000,00

Mr. Lord pointed out that the significant difference between the low bid and the others is primarily due to two things - 1) The low bid is a local contractor; and I believe he saw it as almost a donation, trying to do something for the city. The second reason is that they take old shipping containers and turn them into structures, mainly for the military, and he would be doing the same thing for us. The other ones would be basically building from the ground up, which is stick- built construction, which is why it is much more expensive. So, we are recommending Southside Containers to build the fire tower.

A motion was made by Council Member Peters to award the bid for construction of a fire tower as recommended to Southside Containers. Council Member Lucas seconded the motion. In discussing the motion, Council Member Buckner stated, looking at this differential between the quote from Southside Containers for \$59,000 and then the next closest bid of \$200,000. That's way over a \$100,000 difference, and I understand that the City Manager has explained that, but I just have some concerns. Something doesn't seem right about this, so I am going to ask if you could allow the City Manager to do a little more explaining. So, I can feel a lot better about the differences in prices, because I don't want for us not to get what we need. I mean, did he put everything in his quote to build to our specifications, and could he come back afterwards and say I mis-quoted and now I want to charge more money?

Mr. Lord responded, that's always a factor you would have to consider with any of the bids we get. However, there are two factors there as I have indicated. It is a different kind of construction. When we started this conversation even before we started looking at a fire tower, I believe that the former owner approached the city and said he'd like to do something for the city. So, I think it is a combination of those two factors.

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Police Chief Otis Rhodes added, this is a training facility. This is not something we would occupy. We just need the basics to do training out of, which meets ISO standards. This building would be built to ISO standards. It's nothing elaborate, it's just what we need to do as far as training, and we require this.

Council Member Lucas then asked if the county has a similar training facility. If not, are they going to be using this one?

Police Chief Rhodes responded, they do not have one at this time and we do have to join in training with them. So, they will have some use for our training together. City Manager Lord added, we do a lot of joint training with them. They have a lot of good certified trainers that we use. So, it's just one of those good relationships that we have. Chief Rhodes added, they teach us the classes because that's what they primarily do, but in order for our public safety officers to get certified, they have to complete training. They (the county) come in and train our officers also. It's a working relationship because we do the same type job.

The motion to award the bid for construction of the fire training tower to Southside Containers then passed with all members voting in favor.

5. Request to Place Temporary Signs for 3rd Annual Palmetto Classic Stride 5K Run and Walk on November 19, 2011 by Band of Blue Booster Club

A motion was made by Council Member Buckner to approve this request as submitted. Council Member Peters seconded the motion that passed unanimously. In discussing the motion, Mayor Young told the City Manager that this request was for three weeks. He asked, do we normally do it that long? Mr. Lord explained that this is why this is before you. If they had asked for two weeks, we could have okayed it without coming to Council.

The motion then passed unanimously.

6. Request to Use Downtown Waterfall Plaza for Salkehatchie Stew on Friday, October 28, 2011

A motion was made by Council Member Bonds to grant the request for use of the Downtown Waterfall Plaza for the Salkehatchie Stew on October 28, 2011 as submitted. Council Member Buckner seconded the motion that passed unanimously. No discussion was held.

COMMITTEE REPORTS:

1. There were no committee reports.

There being no further business, a motion to adjourn was made by Council Member Peters, seconded by Council Member Lucas and passed unanimously. The Mayor adjourned the meeting at 6:56 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: October 11, 2011